

In the Matter of ALBERT'S INCORPORATED,<sup>1</sup> EMPLOYER and OFFICE  
EMPLOYEES INTERNATIONAL UNION LOCAL No. 243, A. F. OF L.,  
PETITIONER

*Case No. 20-RC-720.—Decided June 6, 1950*

DECISION AND ORDER

Upon a petition duly filed, a hearing was held before Robert V. Magor, hearing officer. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

Upon the entire record in this case, the Board finds:

1. The Employer is engaged in commerce within the meaning of the National Labor Relations Act.

2. The labor organizations involved claim to represent certain employees of the Employer.

3. No question affecting commerce exists concerning the representation of employees of the Employer within the meaning of Section 9 (c) (1) and Section 2 (6) and (7) of the Act, for the following reasons:

The Employer operates a chain of retail department stores in California. Only the store located in Richmond is involved herein.

The Petitioner seeks to sever from an existing over-all unit presently represented by the Intervenor<sup>2</sup> a unit of all office clerical employees, including billers, bookkeepers, cashiers, payroll clerks, invoice clerks, credit interviewers, and secretary clerks with the usual exclusions. The Employer and the Intervenor apparently contend that the only unit appropriate is the existing unit of selling and nonselling employees.

The Richmond store, under the supervision of a store manager, is divided into approximately 25 departments which include selling, office, stockroom, and cleaning. The office work is done on the mezzanine between the first and second floors, which is physically separated from all other departments. There is no interchange between office employees and other store personnel. Office employees, with the exception of the credit personnel, do not ordinarily have contact with store customers. A personnel manager hires and discharges most store

<sup>1</sup> The name of the Employer appears as amended at the hearing.

<sup>2</sup> Local 1179, Retail Clerks, International Association, A. F. L.

employees, but the office manager, who is in charge of the office department, has authority to hire and discharge office employees.

Subordinate to the office manager is a credit manager who is responsible for two charge authorizers; a head cashier, responsible for three cashiers; and the supervisor of the accounts payable department, responsible for only one person. In addition there are two window cashiers, one sales ledger employee, two sales auditors, one telephone operator, two billers, one payroll employee, and one secretary, all of whom work directly under the supervision of the office manager.

All store employees are paid bimonthly by check, work the same number of hours, punch the same time clock, and enjoy the same employee benefits. Certain selling employees have commission arrangements, and, as a compensatory arrangement, bonuses, which depend on net profits, are paid to the office employees.

Since 1938 the Company has had collective bargaining agreements with the Intervenor covering all selling and nonselling employees including the office clericals.

This proceeding raises for the first time the appropriateness of severing the clerical employees of a department store from an existing over-all unit. In units in industrial plants we have usually provided for the separation of office clerical workers from production and maintenance employees. In department stores we have found units of office employees appropriate, absent a bargaining history on a broader basis,<sup>3</sup> but because of the similarity of functions of all department store employees, and the closely integrated character of a retail establishment, we have also included office employees in a single unit with selling employees.<sup>4</sup>

Where there has been a history of bargaining on an over-all basis we have been reluctant to disturb the pattern established by such bargaining and have generally permitted the severance of smaller units in department stores only when the employees involved were craftsmen<sup>5</sup> or constituted units similar in nature to other departmental units, which we have traditionally permitted to be severed despite a broader bargaining history.<sup>6</sup> However, the unit sought here is not a craft group, nor is it similar to units which have in the past been severed. As noted, there has been a 12-year history of bargaining on a broader basis, and there is no evidence that the office employees have

<sup>3</sup> *Maas Brothers, Inc.*, 88 NLRB 129.

<sup>4</sup> *Phelps Dodge Mercantile Co.*, 78 NLRB 179; *Montgomery Ward & Co., Inc.*, 70 NLRB 1302.

<sup>5</sup> *Marshall Field and Co.*, 76 NLRB 479 (maintenance machinists); *Bloomington Brothers, Inc.*, 81 NLRB 1252 (electricians).

<sup>6</sup> *Bloomington Brothers, Inc.*, *supra* (engineering department employees which the Board found were similar to the usual powerhouse employees). In that same decision, however, the Board denied the severance of warehouse employees.

not been adequately represented to secure consideration for their particular problems. In addition there is a constant interflow of communication between the selling and office employees, and both groups enjoy the same employees benefits and have similar working conditions.

In view of all the circumstances, we conclude that there is no sufficient basis for severing the office clerical employees from the existing store-wide unit, and we shall, therefore, dismiss the instant petition.

#### ORDER

Upon the basis of the foregoing findings of fact and the entire record in the case, the Board hereby orders that the petition filed in this proceeding by the Office Employees International Union, Local No. 243, A. F. of L., be, and it hereby is, dismissed.

MEMBER REYNOLDS took no part in the consideration of the above Decision and Order.