In the Matter of De De Johnson, Employer and Petitioner and International Ladies' Garment Workers Union, A. F. L., Union

Case No. 21-RM-29.—Decided May 18, 1948

DECISION

AND

ORDER

Upon a petition duly filed, a hearing was held before a hearing officer of the National Labor Relations Board. 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 organization named below is currently organizing the employees of the Employer.
- 3. No question concerning representation of employees of the Employer exists within the meaning of Section 9 (c) (1) and Section 2 (6) and (7) of the Act, under the following circumstances:

The Employer is a corporation engaged in the manufacture of ladies' garments and sportswear in Los Angeles, California.

On or about February 5, 1948, local organizers of International Ladies' Garment Workers Union interviewed an officer of the Employer in reference to the Union's program to organize the employees of all manufacturers of ladies' garments in Los Angeles. During the course of the conversation, the Union's organizers and the Employer's representative discussed the Union's plan to bring all these employees under closed-shop contracts with the Union. The Union's representative asked the Employer if the Employer was ready to sign a contract with the Union. The Employer's representative refused.

On February 9, 1948, the Employer received a letter dated February 6, 1948, advising the employer of the Union's intense organizing campaign, outlining the clauses contained in the Union's agreements,

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and inviting the Employer to consult the Chairman of the Settlement Committee of the Union at once. The Employer did not reply.

On or about February 17, 1948, the Union began picketing the building in which the Employer and approximately nine other garment manufacturers carry on their operations, for the purpose of persuading the employees working in the building to join the Union and to induce the employers to recognize the Union and to sign closed-shop contracts covering their employees.

On or about February 16, 1948, the Employer filed the petition in this proceeding.

The Union states that it did not at any time claim to represent a majority of the Employer's employees. At the hearing the Union's representative expressly denied that the Union represented a majority of them. We find that the Union has withdrawn any claim to represent a majority of the employees which may have arisen from its prior conduct.¹

ORDER

On the basis of the above findings of fact and conclusions of law, the petition is hereby dismissed.

CHAIRMAN HERZOG and MEMBER MURDOCK took no part in the consideration of the above Decision and Order.

¹ Matter of Bernard Klint, Grace Klint, David K. Nyberg and Emma Nyberg, co-partners, d/b/a Ny-Lint Tool & Manufacturing Co, 77 N L R. B 642, and Matter of Louella Ballerino, 77 N L R B, 738.