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NEW ORLEANS TYPOGRAPHICAL UNION NO. 17, INTERNATIONAL
 TYPOGRAPHICAL UNION, AFL-CIO,

Labor Organization.

Dated _____ By _____
 (Representative) (Title)

This notice must remain posted for 60 consecutive days from the date of posting, and must not be altered, defaced, or covered by any other material.

Employees may communicate directly with the Board's Regional Office, T6024 Federal Building (Loyola), 701 Loyola Avenue, New Orleans, Louisiana, Telephone No. 529-2411, Extension 6396, if they have any question concerning this notice or compliance with its provisions.

The Wm. H. Block Company and Retail, Wholesale and Department Store Union, AFL-CIO, Petitioner. *Case No. 25-RC-2447. May 13, 1965*

DECISION AND ORDER

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, a hearing was held before Hearing Officer Arthur Hailey. The Hearing Officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

Pursuant to the provisions of Section 3(b) of the Act, the National Labor Relations Board has delegated its powers in connection with this case to a three-member panel [Chairman McCulloch and Members Fanning and Jenkins].

Upon the entire record in this case,¹ including briefs filed by the parties,² the Board finds:

1. The Employer is engaged in commerce within the meaning of the Act, and it will effectuate the purposes of the Act to assert jurisdiction herein.

2. The labor organization involved claims 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.

¹The parties' requests for oral argument are hereby denied, as the record, including the briefs, adequately presents the issues and the positions of the parties.

²After the hearing was closed, Local 725, Retail Clerks International Association filed with the Board a motion to intervene and requested that its name be placed on the ballot in the event an election is directed herein. The Petitioner filed its opposition to the motion. The motion is hereby denied in view of our decision herein dismissing the petition.

The Petitioner requests a unit of employees in the receiving-marking-wrapping-packing department in the Employer's Service Building.³ The Employer contends that the only appropriate unit includes all its selling and nonselling employees in the Indianapolis area. There is no bargaining history for the employees involved herein.

The Employer is engaged in retail department store operations in the city of Indianapolis, Indiana. Its operations are conducted in several separate buildings: the Service Building, Madison Avenue Tire Center, and the Main, Southern Plaza, Glendale, Budget, and Meridian Street stores. It employs about 3,500 employees. The hiring of all employees is cleared through a single personnel department located at the Main Store, where all personnel records are kept and all hiring policies are established. All fringe benefits, including retirement, group insurance, overtime, discounts, vacations and holidays, and medical services apply equally to all employees. All employees work a 5-day, 40-hour week.

The Employer is organized into three administrative divisions: (1) the control division, concerned with the financial aspects of the business, headed by Mr. Dwyer; (2) the merchandising division, generally concerned with the buying, promotion, and sale of merchandise, headed by Mr. Block; and (3) the operations division headed by Mr. Hinnefeld and concerned with all personnel functions as well as all store operations such as the receiving of goods, warehousing, delivery, workrooms, cost department, restaurants, beauty salons, maintenance, and fixtures. There are operations managers for the various locations, some of whom are responsible to Hinnefeld and others to the store managers.

In its operations the Employer has warehousing employees at all locations. An incoming shipment from a vendor may be consigned to the Service Building, the Main Store, Glendale, or Southern Plaza. In addition, the Employer's shipping instructions sometimes advise the vendor to distribute a given shipment among these several locations. Goods are then opened, marked, and transported to a storage area at any one of the establishments and thence to a sales area or directly to delivery.

In the Service Building there is a receiving and marking department supervised by Mr. Winniger, which includes the receiving, packing, wrapping, and marking employees requested herein; a workroom section which is chiefly under the supervision of McNeill; a delivery

³ Although the Petitioner indicated at the hearing that it wished to represent a unit of either all warehouse employees or all warehouse employees in the Service Building, it declined to state the composition of such requested units, and in its brief to the Board it requests only the receiving-marking-wrapping-packing department employees in the Service Building. Accordingly, we view the brief as describing the unit being requested by the Petitioner.

department, which consists of building maintenance and delivery employees and is supervised by Cunningham who is also the Main Store operations manager; and an employees' cafeteria and candy workroom, which are supervised by Griffin who is in charge of food operations at all locations.

As supervisor of the receiving and marking department, Winniger is responsible to Service Building Manager Roller who is, in turn, responsible to Operations Manager Hinnefeld. In addition to this department, Winniger supervises indirectly employees performing similar functions at the Main Store and branch stores. He also supervises other employees in the Service Building in the performance of their stock duties, as described below. Employees in the receiving and marking department wholly supervised by Winniger are: 6 dockmen who unload trucks, move merchandise to the receiving and marking area, and are responsible for the paperwork in connection with the receipt of goods; 8 listers who open containers of merchandise and check the contents against the purchasing orders; 24 markers who affix pricetags to merchandise; 2 packers; 1 appliance stock employee; 22 bulk stock employees; 11 reserve stock employees; 2 furniture stock employees who work interchangeably with appliance stock and reserve stock employees; 8 stock clerical employees; and 17 wrapper-packers. Although most of these employees spend all of their time at their regular work stations, the markers at times assist in opening, listing, and transferring merchandise from store to store, and the bulk stock employees often go to the Budget, Glendale, and Southern Plaza stores.

As already indicated, the workroom section in the Service Building is supervised chiefly by McNeill, who is, in turn, responsible to Operations Manager Hinnefeld.⁴ In this section there are: two stock and repair employees; five appliance parts and stock employees who receive, mark, list, and place merchandise in storage and transfer merchandise to other stores; nine drapery stock and repair employees who unpack, measure, list, tag, store, package, and prepare drapery material for display; one furniture stock and repair employee who moves furniture from the warehousing area through the inspection and repair department to the delivery area, and makes minor repairs; and four rug stock employees. Most of these employees are supervised, in their stock duties, by Winniger, and all of them, except appliance parts and stock employees, regularly come into contact with receiving and marking department employees in the course of their duties.

At the Employer's other locations, the following employees are in the same classifications as, and perform duties similar to, employees in the Service Building receiving and marking department: At the Main Store there are 4 dockmen, 5 listers, 23 markers, 2 packers, 26 reserve

⁴ McNeill also supervises stock and repair employees at other locations.

stock employees, and 31 wrapper-packers; at the Glendale store there are 2 dockmen, 2 markers, 7 reserve stock employees, and 9 wrapper-packers; at Southern Plaza there are 1 marker, 3 reserve stock employees, and 12 wrapper-packers.⁵ Several of the reserve stock employees employed at the Main Store work regularly 1 or 2 days a week at the Service Building; a book stock employee at the Main Store spends 3 days a week working at the Service Building; and many other warehousing employees are detailed from other locations to the Service Building on an irregular basis to perform work similar to that of employees in the receiving and marking department.⁶

In *Sears, Roebuck and Co.*⁷ the Board found appropriate a unit of all warehouse employees located in a separate warehouse, who were under separate supervision, seldom left their work stations and rarely were assisted in their duties by other employees, and whose job functions and skills were substantively different from those of other employees. However, the receiving-marking-wrapping-packing employees requested herein, unlike the employees in that case, do not have a degree of functional difference and autonomy demonstrating that they have a community of interest sufficiently different from that of other employees to warrant placing them in a separate unit. They are not geographically separate, as many other activities, both related and unrelated in nature, are carried on in the Service Building. Nor are they separately supervised, as they share common supervision with

⁵ Warehousing employees employed at locations other than the Service Building in classifications different from those in the receiving and marking department include: china stock and packers; corset repair and stock, and stock and dispatch employees; freight elevator operators; and millinery stock and repair, traffic stock, and beauty salon stock employees

⁶ Reserve stock employees and a beauty salon stock employee are detailed from the Main Store to the Service Building when large shipments are delivered to the Service Building which are needed immediately in the Main Store selling areas. From time to time the Main Store drapery, women's shoe, and the book stock employees go to the Service Building because most of the merchandise they deal with is warehoused there; at the Service Building they withdraw merchandise from storage and load it so that it may be carried to the Main and branch stores. The neckwear, housewares, men's furnishings, and shoe stock employees work primarily at the Main Store, but also work at the Service Building and branch stores, as well, where they open cartons and perform handling tasks. The men's sportswear, toy, luggage, and leather goods, lamp, yard goods, and linen stock employees are principally assigned to work at the Main Store but also work at the Service Building, where they unload merchandise from storage so that it can be transferred to the other locations. The downstairs store domestic stock employee works at the Main Store primarily but also goes to the Service Building where he unloads hampers of incoming merchandise, packs merchandise for transfer to branch stores, and places merchandise in storage bins. The work clothing stock employee works principally in the Main Store Annex but also works at the Service Building, where he moves merchandise from storage so that it may be transported to the Main and branch stores. On occasions when departments at the Service Building are being relocated, the supply stock and clerical employee, who works principally at the Main and Meridian Street Stores, performs functions at the Service Building such as maintaining inventory and control records. The Budget Store stock employee works primarily at the Budget Store but also spends part of his time at the Service Building in preparation for warehouse sales, moving stock out of warehouse selling areas and putting tickets on merchandise.

⁷ 151 NLRB 1356

excluded employees in the Service Building and other locations. Moreover, they work in close proximity occasionally with many, and regularly with a substantial number of, other employees who are engaged in similar duties. Therefore, in all the circumstances, particularly the functional integration of the work of the employees in the unit sought with that of other employees, we find that the unit is not appropriate, and we shall dismiss the petition.⁸

[The Board dismissed the petition.]

⁸ *Sears, Roebuck & Co.*, 149 NLRB 1525.

Massachusetts Institute of Technology and Research, Development and Technical Employees Union, Petitioner. *Case No. 1-RC-8166. May 13, 1965*

DECISION AND ORDER

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, a hearing in this case was held before Hearing Officer Orlando Rodio. The Hearing Officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

Pursuant to the provisions of Section 3(b) of the Act, the National Labor Relations Board has delegated its powers in connection with this case to a three-member panel [Chairman McCulloch and Members Brown and Jenkins].

Upon the entire record in this case, including the briefs of the parties, the Board makes the following findings:

The Petitioner seeks to represent a unit consisting of certain employees working at the Computation Center of the Massachusetts Institute of Technology. The Employer, hereinafter also referred to as the Institute, concedes that it is engaged in commerce within the meaning of the Act, but contends that since the activities of the Computation Center are educational rather than commercial in nature, the Board, in the exercise of its discretion, should not assert jurisdiction in this proceeding.

The Employer is an independent, nonprofit, educational institution located at Cambridge, Massachusetts. It is organized into five academic schools; namely, Architecture and Planning, Engineering, Humanities and Social Sciences, Management, and Science. There are about 7,000 students at the Institute, more than 3,500 of whom are studying for undergraduate degrees. There are also about 800 members of the faculty and a supporting teaching staff of 600. The Institute is located on a residential campus of 120 acres fronting the Charles