

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, Ross Building, 112 East Cass Street, Tampa, Florida, Telephone No. 223-4623, Extension 257, if they have any question concerning this notice or compliance with its provisions.

---

**H. P. Wasson & Company and Retail, Wholesale and Department Store Union, AFL-CIO, Petitioner. Case No. 25-RC-2484.**  
*July 19, 1965*

DECISION ON REVIEW AND DIRECTION OF ELECTION

On October 23, 1963, the Acting Regional Director for Region 25 issued a Decision and Order in the above-entitled proceeding in which he dismissed the petition on the ground that the unit requested was not an appropriate bargaining unit. Thereafter, pursuant to Section 102.67 of the National Labor Relations Board's Rules and Regulations, Series 8, as amended, the Petitioner filed with the National Labor Relations Board a timely request for review of the Acting Regional Director's Decision and Order. On December 2, 1963, the Board, by telegraphic order, granted the request for review. Thereafter, the Petitioner filed a brief in support of its request for review and the Employer filed a brief in opposition thereto.

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

The Board has considered the entire record in this case, with respect to the issues under review, including the Acting Regional Director's Decision and Order, the Petitioner's request for review, and the briefs,<sup>1</sup> and makes the following findings:

The Employer operates four retail stores and two warehouses in the Indianapolis, Indiana, area. The Petitioner seeks a unit of employees employed at the two warehouses, including a rug cutter and clerical employees who work in the warehouses, but excluding truckdrivers, carpenters, painters, electricians, and appliance repairmen housed at one of the warehouses. The Employer contends that the only appropriate unit includes all employees in its stores and warehouses in the Indianapolis, Indiana, area.

---

<sup>1</sup> The Employer's request for oral argument is hereby denied as, in our opinion, the record and briefs adequately present the issues and the positions of the parties

The two warehouses, referred to as the 400 and 1302 warehouses, are located approximately three-fourths of a mile to 5 miles from each of the stores. Employed in the warehouses are checkers, markers, stockmen, and loaders who are engaged in receiving, marking, and storing merchandise and transferring merchandise to the stores; clerical employees; and porters.

Wallace H. Wood, vice president and store superintendent, provides overall supervision of warehousing activities in addition to supervising such other activities as alterations, fur storage and repair, purchasing, personnel training, and customer relations. Clyde Whelan supervises the operation at the 400 warehouse and reports directly to Wood. Whelan also indirectly supervises the receiving and marking functions in the stores. Mr. Cramer is the immediate supervisor of the warehousing personnel at the 1302 warehouse;<sup>2</sup> he also reports directly to Wood. Although three of the four stores have storage space away from the selling area, these warehouses contain almost 80 percent of the Employer's storage space of this type. Some receiving work is performed at the main store, and some checking and marking is done at three of the four stores. In the latter three stores there are also employees classified as stockmen who primarily move goods among receiving, storage, and selling areas under separate supervision from those in the warehouses. Although individual warehouse employees occasionally help out in a store and store porters help out in the warehouses, there does not appear to be any substantial regular interchange of employees between the warehouses and the stores.<sup>3</sup>

Although the overall unit alleged to be appropriate by the Employer might be appropriate, it is not the only appropriate unit and therefore does not preclude a finding that the unit here requested is appropriate for purposes of collective bargaining.<sup>4</sup> Nor do we believe that, in the circumstances of this case, the fact there is some overlapping of work skills among some of the employees in the stores and in the warehouses is sufficient to destroy the homogeneity and mutuality of interests of the warehousing employees in the warehouses.<sup>5</sup>

---

<sup>2</sup> The parties stipulated that Whelan is a supervisor. The Petitioner contends that Cramer is a supervisor and the Employer contends he is merely a nonsupervisory leadman. The record shows that Cramer gives orders and directions to the approximately six warehousing employees in the 1302 warehouse; he has some authority to discipline employees, his recommendations are taken into consideration at the time an employee's salary is under review; he is the highest paid warehousing employee in the 1302 warehouse, he reports directly to the same person to whom Whelan, the acknowledged supervisor of the 400 warehouse, reports, and most of the time there is no other supervisor present in the 1302 warehouse. We find therefore that Cramer is a supervisor within the meaning of the Act, and we shall exclude him from the unit.

<sup>3</sup> As to interchange, the record shows that two warehouse employees, during the 3 or 4 weeks prior to the hearing, helped out at the main store for a total of about 3 or 4 days each, janitorial work at one warehouse is done on a part-time basis by a man store porter, a porter from the main store fills in at the other warehouse; and a warehouse employee performs relief work at the main store's switchboard.

<sup>4</sup> See *Sears, Roebuck and Co.*, 152 NLRB 45

<sup>5</sup> *The May Department Stores Company, d/b/a Famous-Barr Company*, 153 NLRB 341

Accordingly, on the entire record, particularly the facts that the requested unit comprises all the Employer's separately located warehousing operations; that there is separate supervision and the lack of substantial interchange between the employees in the warehouses and those at other locations of the Employer; that there is no history of collective bargaining; and that no union requests a broader unit, we find, contrary to the Acting Regional Director, that a unit of employees in the two warehouses is appropriate.<sup>6</sup>

There remains for consideration the unit placement of various employee classifications at the warehouses.

The Petitioner would include in the unit a Mr. Quilter who does rug cutting for the Employer at the 1302 warehouse, and also assists with stockwork and generally helps where he is needed in the warehouse. The Employer's need for rug cutting is seasonal and at times during the year very little rug cutting is done. Quilter, the only employee who cuts rugs, is considered a stockman as well as a rug cutter by the Employer and works under the same direct supervision as the other warehousing employees at the 1302 warehouse. Accordingly, we find that Quilter has a sufficient community of interests with the employees in the warehouse unit to include him in the unit.

The Petitioner would also include clerical employees at both warehouses who maintain perpetual inventory records, perform other clerical jobs needed in running a warehouse, and are under the same supervision as the warehousing employees. We find that these employees are plant clericals engaged in warehousing activities and accordingly include them in the unit.

The Petitioner would exclude from the unit truckdrivers, carpenters, painters, electricians, and appliance repairmen who are located at the 1302 warehouse. These employees do not perform typical warehouse functions, spend most of their time away from the warehouse, have a minimum amount of contact with the warehousing employees,<sup>7</sup> and do not have the same direct supervision. Accordingly, we shall exclude the above-mentioned employees from the warehouse unit.<sup>8</sup>

We therefore find that a question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act, and that the following employees of the Employer constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

<sup>6</sup> Cf. *The May Department Stores Company, d/b/a Famous-Barr Company, supra*; see also *Loveman, Joseph & Loeb, Division of City Stores Company, Inc.*, 152 NLRB 719

<sup>7</sup> Although truckdrivers were told shortly before the petition was filed that they were expected to help out in the warehouse, they had done so not more than once or twice prior to the hearing.

<sup>8</sup> See *The May Department Stores Company, d/b/a Famous-Barr Company, supra*.

All warehouse employees, including checkers and markers, loaders, stockmen, clerical employees, and porters employed at Employer's warehouses located at 400 N. Capital Avenue and 1302 N. Meridian Street, Indianapolis, Indiana, excluding all carpenters, painters, electricians, appliance repairmen, truckdrivers, all other employees, guards, and supervisors as defined in the Act.

[Text of Direction of Election omitted from publication.]

---

**Davison-Paxon Company, a Division of R. H. Macy and Company, Inc. and Retail, Wholesale and Department Store Union, AFL-CIO, Local 315, Petitioner.** *Case No. 10-RC-5634. July 19, 1965*

#### DECISION ON REVIEW AND DIRECTION OF ELECTION

On September 11, 1963, the Regional Director for Region 10 issued a Decision and Order in the above-entitled proceeding dismissing the petition on the ground that the unit sought was inappropriate. Thereafter, pursuant to Section 102.67 of the National Labor Relations Board's Rules and Regulations, Series 8, as amended, the Petitioner filed with the National Labor Relations Board a timely request for review of the Regional Director's Decision and Order and a supporting brief. A statement in opposition to request for review was thereafter filed by the Employer. On October 15, 1963, the Board, by telegraphic order, granted the request for review. Thereafter, the Petitioner filed an additional brief, and the American Retail Federation filed an *amicus curiae* brief in support of the Regional Director's Decision and Order.

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

The Board has considered the entire record in this case, including the Regional Director's Decision and Order, the Petitioner's request for review, and the briefs, and hereby makes the following findings:<sup>1</sup>

The Employer operates two stores and a warehouse in Atlanta, Georgia. The warehouse is located about 7 miles from each of the two stores. The Employer also operates branch stores in other parts of Georgia and South Carolina which are serviced from its Atlanta facilities.

The Petitioner seeks a unit of all employees in the Employer's warehouse, including garage employees, but excluding supply department

<sup>1</sup> The Employer's request for oral argument is hereby denied, as the record, including the request for review and the briefs, adequately presents the issues and the positions of the parties.