

In view of my conclusion that the General Counsel has not proved that the shutdown was motivated by other than economic considerations, it follows that the allegations of unfair labor practices have not been sustained, and that the complaint should therefore be dismissed in its entirety.

It is therefore unnecessary to consider the question, ably briefed by counsel for the National Automobile Dealers Association, whether the Respondents would have had the right to shut down if motivated by the desire to compel the Union to submit to the Association's terms for settlement of their economic dispute.

Counsel for the Respondents, and counsel for the National Automobile Dealers have submitted proposed or requested findings of facts, along with their briefs. All findings proposed by the National Automobile Dealers Association are accepted. With respect to the findings proposed by the Respondents, findings 12 and 13 are rejected. Findings 3 and 4 are accepted with the qualification that the record does not support by substantial evidence the contrary of the facts proposed. All other findings requested by the Respondents are accepted.

Recommendations

It is recommended that the complaint against the Respondents herein be dismissed in its entirety.

· *Betts Cadillac Olds, Inc. et al.* Cases Nos. 18-CA-124-142

Since the within report was written and approved for issuance, the Board, on May 3, 1951, issued its decision in the case of *Davis Furniture Co., et al.*, 94 NLRB 279, apparently disposing of some of the legal issues raised or adverted to in the instant case. Briefly, the Board held in the *Davis* case that a layoff of employees, unaccompanied by adverse effect on employee status, by 11 employer members of an association-wide bargaining unit, because the union representative in that unit had struck one of the members after a bargaining impasse, constituted violations of Section 8 (a) (1) and (3) of the Act. The union there did not threaten to strike any other member of the association. Assuming the validity of my factual findings, the *Davis* decision does not appear to affect the ultimate conclusions reached in the *Betts* Intermediate Report. MAY 4, 1951.

GEORGE B. PECK'S, INC. and AMALGAMATED CLOTHING WORKERS OF AMERICA, C. I. O., PETITIONER. *Case No. 17-RC-1056. September 21, 1951*

Decision and Order

Upon a petition duly filed under Section 9 (c) of the National Labor Relations Act, a hearing was held before Eugene Hoffman, hearing officer. 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 Board has delegated its powers in connection with this case to a three-member panel [Members Houston, Murdock, and Styles].

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

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

2. The labor organization involved claims to represent employees of the Employer.

3. The alleged question concerning representation:

The Petitioner seeks a unit composed of all production employees of the men's and boys' alteration department at the Employer's Kansas City, Missouri, department store. The Employer takes no position with regard to the appropriate unit.

The Employer operates a retail department store with a staff of about 400 employees. The unit sought by the Petitioner consists of two employees¹ engaged in fitting, altering, and pressing men's and boys' garments. The alterations consist of shortening cuffs and sleeves and adjusting shoulders. The Employer also maintains a ladies' alteration department of 7 employees under separate supervision. All alteration employees are hourly paid and work the same weekly schedule of hours as the sales employees. While there has been little actual interchange between the men's alteration department and other departments in the store, it appears that personnel in the 2 alteration departments are interchangeable. Ultimate supervision of all alteration employees is exercised by the personnel director.

We are of the opinion that the skills of the employees involved herein are not such as to warrant separate representation on a craft basis.² Moreover, the Petitioner's unit request fails to embrace employees in the ladies' alteration department who perform similar duties and whose interests with respect to conditions of employment are closely related. We believe, therefore, that the proposed unit is too limited in scope to constitute a separate appropriate unit. The only basis for its establishment that we can perceive is the extent of the Petitioner's organization among the employer's employees. However, the Act, as amended, precludes a finding on this basis alone.³ Accordingly, we find that the unit requested by the Petitioner is inappropriate for the purposes of collective bargaining. No question affecting commerce exists concerning the representation of employees

¹ The Employer would exclude one of the employees, Frank Janacaro, as a supervisor. In view of our decision herein finding the unit requested inappropriate and dismissing the petition, we do not reach the question of Janacaro's alleged supervisory status.

² *Foreman & Clark, Inc.*, 95 NLRB 1504. Although *Member Murdock* dissented from the holding in that case that the alteration employees there involved were not entitled to separate representation, he would agree with dismissal of the petition in the instant case because it does not embrace all alteration employees. *Member Styles*, who did not participate in the *Foreman & Clark* decision, joins in the result here because of the limited scope of the unit, without passing on whether alteration employees may be regarded as craftsmen.

³ *Mandel Brothers, Inc.*, 77 NLRB 512; *Carson Pirie Scott & Company*, 75 NLRB 1244.

of the Employer, within the meaning of Section 9 (c) (1) and Section 2 (6) and (7) of the Act, and we shall therefore dismiss the petition.

Order

Upon the basis of the entire record in this case, the National Labor Relations Board hereby orders that the petition filed in the instant matter be, and it hereby is, dismissed.

INTERNATIONAL PAPER COMPANY (SOUTHERN KRAFT DIVISION) and LODGE 1365, 1036, AND 1106, INTERNATIONAL ASSOCIATION OF MACHINISTS, PETITIONER. *Cases Nos. 15-RC-443, 15-RC-473, and 15-RC-475. September 21, 1951*

Supplemental Decision and Order

On July 12, 1951, the Board issued a Decision and Direction of Elections¹ in the above cases, setting up separate voting groups for certain employees of the Employer at its Camden, Arkansas, Springhill, Louisiana, and Panama City, Florida, plants, respectively. In all these voting groups, lead men, working foremen, and helpers were included; office clerical, technical, and professional employees, guards, and supervisors were excluded. At the Camden, Arkansas, plant, the Board directed separate elections among (a) all millwrights; (b) all welders; (c) all machinists, including blacksmiths; (d) all pipefitters; and (e) all other production and maintenance employees, including oilers, knife grinders, and auto mechanics. At the Springhill, Louisiana, plant, the Board directed separate elections among (f) all millwrights; (g) all welders; (h) all boilermakers; (i) all steelworkers; (j) all toolroom employees, including machinists and blacksmiths; (k) all sheet metal workers; (l) all pipefitters; and (m) all other production and maintenance employees, including auto and Diesel mechanics, crane operators, knife grinders, roll grinders, well-men, and oilers. At the Panama City, Florida, plant, the Board directed separate elections among (n) all millwrights; (o) all steelworkers; (p) all toolroom men, including machinists and blacksmiths; (q) all sheet metal workers; (r) all welders; (s) all carpenters; (t) all pipefitters; and (u) all other production and maintenance employees, including metermen, auto mechanics, crane operators, mechanics, paper mill turbine operators, the molder, and firemen.

¹ 95 NLRB No. 15.

96 NLRB No. 36.