

IN the Matter of CANADIAN FUR TRAPPERS CORPORATION, CANADIAN FUR TRAPPERS OF NEW JERSEY, INC., JORDAN'S INC.,¹ MORRIS DORNFIELD, DOING BUSINESS UNDER THE NAME OF WERTHS WEARING APPAREL, and RETAIL SALES CLERKS UNION OF NEW JERSEY²

Case No. C-226.—Decided September 9, 1937

Retail Ladies Wearing Apparel—Settlement: agreement to comply with Act—*Order:* entered on stipulation.

Mr. Will Maslow for the Board.

Mr. Henry Gottfried and *Mr. Morris Dornfeld*, of Newark, N. J., for the respondents.

Mr. Robert Brown, of Newark, N. J., for the Union.

Mr. Abraham L. Kaminstein, of counsel to the Board.

DECISION

STATEMENT OF THE CASE

Upon charges and amended charges duly filed upon behalf of Retail Sales Clerks Union of New Jersey, herein called the Union, by its general manager, Robert Brown, the National Labor Relations Board, herein called the Board, by Elinore Morehouse Herrick, Regional Director for the Second Region (New York City), issued and duly served its complaint dated June 17, 1937, against Canadian Fur Trappers Corporation, New York City, Canadian Fur Trappers of New Jersey, Inc., Paterson, New Jersey, Jordan's Inc., Newark, New Jersey, and Morris Dornfeld, doing business under the name of Werths Wearing Apparel, Newark, New Jersey,³ the respondents herein, alleging that the respondents, in the operations of their four stores in Newark and Paterson, New Jersey, had engaged in and

¹ In accordance with the consent entered into at the time of hearing, the name of the respondent, Jordan's Wearing Apparel, was changed to read Jordan's Inc.

² As noted in the stipulation, the Union has been reorganized and is now known as the United Retail Employees of America, Local No. 108.

³ The record shows that all of the respondents form a unified and integrated enterprise for the purchase and sale of women's apparel, and that the operations of all the respondents, including their labor policies, are jointly determined and administered. Canadian Fur Trappers Corporation and Jordan's Wearing Apparel, Inc., are New York corporations with principal offices in Newark, New Jersey. Canadian Fur Trappers of New Jersey, Inc., is a New Jersey corporation with principal offices in Newark. Morris Dornfeld is treasurer and Jacob Dornfeld is secretary of the three corporate organizations. The stores of the respondents are operated as a unit, with central managerial, warehousing, and buying services.

were engaging in unfair labor practices affecting commerce within the meaning of Section 8, subdivisions (1) and (5) and Section 2, subdivisions (6) and (7) of the National Labor Relations Act, 49 Stat. 449, herein called the Act.

In respect to the unfair labor practices, the complaint in substance alleged that the employees of the respondents employed in all four stores of the respondents in New Jersey, three of which are located in Newark, and the other one in Paterson, exclusive of supervisory employees, constitute a single unit appropriate for the purposes of collective bargaining, within the meaning of Section 9 (b) of the Act; that on or about May 1, 1937, a majority of such unit designated the Union as their representative for purposes of collective bargaining with the respondents; that by virtue of Section 9 (a) of the Act, the Union has since that time been the exclusive representative of all the employees in said unit for purposes of collective bargaining; that the respondents, jointly and severally, have at all times refused to bargain collectively with the Union as the exclusive representative of all the employees in said unit; that by reason of such refusal to bargain collectively, the employees of the respondents went out on strike on May 8, 1937; that on or about May 8, 1937, the respondents, jointly and severally, entered into a closed shop contract with the Retail Clerks International Protective Association, herein called the International Association, although the said International Association did not, on May 8, 1937, represent a majority of the employees of the respondents; that the respondents, jointly and severally, have since May 7, 1937, continuously persuaded, coerced, and intimidated their employees to refrain from becoming or remaining members of the Union, and have persuaded, coerced, and intimidated their employees to join the International Association; and that the aforesaid acts of the respondents constitute unfair labor practices affecting commerce within the meaning of Section 8, subdivisions (1) and (5) and Section 2, subdivisions (6) and (7) of the Act.

On June 24, 1937, the respondents filed their answer denying the allegations of the complaint. During the hearing the respondents admitted and stipulated that they were engaged in interstate commerce.

Pursuant to notice, James G. Ewell, duly designated by the Board as Trial Examiner, conducted hearings at New York, New York, on June 24 and 25, 1937. Pursuant to notice thereof, the hearing was resumed on August 25, 1937. On August 25, 1937, during the hearing, the respondents, although continuing to deny any violation of the Act, signified their consent to the issuance of an order by the Board, in the terms stated below, and this was agreed to by all parties to the proceedings.

ORDER

On the basis of the above consent, and pursuant to Section 10, subdivision (c) of the National Labor Relations Act, the National Labor Relations Board hereby orders that:

A. The Complaint filed and served by the National Labor Relations Board in the above-entitled case be and is hereby amended so that in the caption and in the body thereof, wherever the name Jordan's Wearing Apparel appears, there shall be inserted in its place Jordan's Inc., to the same effect as if the said Complaint had originally so read.

B. The respondents, Canadian Fur Trappers Corporation, Canadian Fur Trappers of New Jersey, Inc., Jordan's Inc., and Morris Dornfeld, doing business under the name of Werths Wearing Apparel, and their officers, agents, successors, and assigns shall:

1. Cease and desist:

a. From in any manner interfering with, restraining or coercing their employees in the exercise of rights guaranteed them by Section 7 of the National Labor Relations Act.

b. From dominating or interfering with or contributing financial or other support to Local 1115-A of the Retail Clerks International Protective Association, affiliated with the American Federation of Labor, Local 108 of the United Retail Employees of America, affiliated with the Committee for Industrial Organization, formerly known as Retail Sales Clerks Union of New Jersey, or any other labor organization.

c. From enforcing the closed shop provision in the contract dated May 8, 1937, between the respondents and Local 1115-A of the Retail Clerks International Protective Association, providing however that nothing in this order shall preclude the employer from hereafter making an agreement with a labor organization (not established, maintained or assisted by any action defined in the National Labor Relations Act as an unfair practice) requiring as a condition of employment, membership therein, if such labor organization is the representative of the employees as provided in Section 9 (a) of said Act.

d. From bargaining collectively with any labor organization unless and until such labor organization has been selected in an election conducted by the National Labor Relations Board as the bargaining agent of the employees of the respondents.

2. Take the following affirmative action which the Board finds will effectuate the policies of the Act:

a. Offer reinstatement with all rights and privileges previously enjoyed, to all of the employees of the respondents who were employed on May 8, 1937, and who struck on that date, and who have

not since received regular and substantially equivalent employment elsewhere.

b. Post notices in conspicuous places in all of the New Jersey stores of the respondents stating that their employees may join or assist a labor organization or organizations of their own choosing and that no employee will suffer unless and until a valid closed shop agreement is entered into hereafter by a labor organization representing a majority of employees in an appropriate bargaining unit, in accordance with Section 8 (3) of the National Labor Relations Act.

c. Notify the Regional Director for the Second Region in writing within ten (10) days from the date of this order what steps the respondents have taken to comply herewith.

CHAIRMAN J. WARREN MADDEN took no part in the consideration of the above Decision and Order.