

In the Matter of THE RALEIGH HOTEL COMPANY and HOTEL AND RESTAURANT EMPLOYEES ALLIANCE, LOCAL No. 80

Case No. R-641.—Decided May 21, 1938

Hotel Operating Industry—Investigation of Representatives: controversy concerning representation of employees: majority status disputed by employer; employer's refusal to grant recognition of union—*Unit Appropriate for Collective Bargaining:* service employees; stipulation as to—*Representatives:* proof of choice: stipulation as to majority representation—*Certification of Representatives:* pursuant to stipulation.

Mr. Reeves R. Hilton, for the Board.

Mr. Leo N. McGuire, of Washington, D. C., for the Company.

Mr. James McNamara, of Washington, D. C., for the Union.

Mr. Francis Hoague, of counsel to the Board.

DECISION
AND
CERTIFICATION OF REPRESENTATIVES

STATEMENT OF THE CASE

On January 24, 1938, the Hotel and Restaurant Employees Alliance, Local No. 80, herein called the Union, filed with the Regional Director for the Fifth Region (Baltimore, Maryland) a petition alleging that a question affecting commerce had arisen concerning the representation of employees of The Hotel Raleigh,¹ Washington, D. C., herein called the Company, and requesting an investigation and certification of representatives pursuant to Section 9 (c) of the National Labor Relations Act, 49 Stat. 449, herein called the Act. On March 18, 1938, the National Labor Relations Board, herein called the Board, acting pursuant to Section 9 (c) of the Act and Article III, Section 3, of National Labor Relations Board Rules and Regulations—Series 1, as amended, ordered an investigation and authorized the Regional Director to conduct it and to provide for an appropriate hearing upon due notice. The Board further ordered that pursuant to Article III, Section 10 (c) (2), and Article II,

¹On March 8, 1938, the Union filed an amended petition changing the name of the Company to read "The Raleigh Hotel Company." At the hearing, all parties agreed to the allowance of this amendment.

Section 37 (b), of the Rules and Regulations—Series 1, as amended, this case be consolidated, for the purposes of hearing, with a case involving a charge by the petitioner herein that the Company had engaged in unfair practices within the meaning of Section 8 (1), of the Act.

On March 19, 1938, the Regional Director issued a notice of hearing, copies of which were duly served upon the Company and upon the Union. Pursuant to the notice a hearing in the consolidated case was held beginning on March 24, 1938, and ending April 2, 1938, at Washington, D. C., before Lawrence J. Kusters, the Trial Examiner duly designated by the Board. The Board, the Company and the Union were represented by counsel and participated in the hearing. As a result of conferences held during a recess the following stipulation was agreed upon by all parties to the proceeding and was offered in evidence and made a part of the record in this matter without objection:

STIPULATION

It is hereby stipulated and agreed by and between all the parties hereto that the following stipulation be submitted to the National Labor Relations Board upon which the Board may enter an Order of Certification of Representatives pursuant to the power vested in the Board by Section 9 (c) of the National Labor Relations Act.

I

It is stipulated and agreed that all service employees of The Raleigh Hotel Company, including doormen, bellmen, elevator operators (front and back), lobby porters, housemen, wall washers, vacuum men, cleaners and maids, and excluding foremen and those employed in a supervisory capacity, telephone operators, porters, clerical workers, front office employees, timekeepers, engineers, firemen, valets, linen room clerks, inspectresses, house officers and night watchmen, constitute a unit appropriate for the purpose of collective bargaining within the meaning of Section 9 (b) of the National Labor Relations Act.

II

It is stipulated and agreed that on January 24, 1938, there were 97 employees of The Raleigh Hotel Company in the appropriate unit described above, and that by the aforesaid date, the Hotel and Restaurant Employees Alliance Local 80, had been designated as their representative for the purposes of collective bargaining by 65 of the employees in said unit.

III

Local No. 80 of the Hotel and Restaurant Employees Alliance having been selected for the purposes of collective bargaining by a majority of the employees in a unit appropriate for such purposes is, by virtue of Section 9 (a) of the National Labor Relations Act, the exclusive representative of all of the employees in such unit for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment and other conditions of employment.

IV

It is further stipulated and agreed that a certification may be made and entered by the Board based on the foregoing stipulation and evidence already adduced at the hearing upon the Amended Petition for Investigation and Certification, without prejudicing the right of the National Labor Relations Board to resume said hearing in the event that this stipulation is not approved by the National Labor Relations Board.

Upon the entire record in the case, the Board makes the following:

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

The Raleigh Hotel Company, a corporation organized under the laws of the District of Columbia, is engaged in the operation of a hotel located at 12th St. and Pennsylvania Ave., N. W., in Washington, D. C. During the year 1937, the Company had approximately 60,000 persons as its paying guests. In January 1938, it employed approximately 342 full-time workers.

II. THE ORGANIZATION INVOLVED

Hotel and Restaurant Employees Alliance, Local No. 80, is a labor organization affiliated with the American Federation of Labor, admitting to membership all service employees of the Company exclusive of culinary workers, musicians, engineers, and supervisors.

III. THE QUESTION CONCERNING REPRESENTATION

On January 19 or 20, 1938, representatives of the Union approached the Company requesting recognition of the Union as the collective bargaining representative of employees of the Company. The Union claimed that a majority of such employees were members of the Union, but the Company expressed doubt as to this fact and up to

the date of the hearing had not recognized the Union as the bargaining representative of the employees.

We find that a question has arisen concerning representation of employees of the Company.

IV. THE EFFECT OF THE QUESTION CONCERNING REPRESENTATION UPON COMMERCE

We find that the question concerning representation which has arisen, occurring in connection with the operations of the Company described in Section I above, has a close, intimate, and substantial relation to trade, traffic, and commerce within the District of Columbia and tends to lead to labor disputes burdening and obstructing commerce and the free flow of commerce.

V. THE APPROPRIATE UNIT

The parties stipulate, and we find, that all the service employees of the Company, including doormen, bellmen, elevator operators (front and back), lobby porters, housemen, wall washers, vacuum men, cleaners, and maids, and excluding foremen and those employed in a supervisory capacity, telephone operators, porters, clerical workers, front office employees, timekeepers, engineers, firemen, valets, linen room clerks, inspectresses, house officers, and night watchmen, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act.

VI. THE DETERMINATION OF REPRESENTATIVES

The parties stipulate, and we find, that Hotel and Restaurant Employees Alliance, Local No. 80, has been selected for the purposes of collective bargaining by a majority of the employees in the unit described above and is, by virtue of Section 9 (a) of the Act, the exclusive representative of all of the employees in such unit for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment and other conditions of employment, and we will so certify.

Upon the basis of the above findings of fact and upon the entire record in the case, the Board makes the following:

CONCLUSIONS OF LAW

1. A question affecting commerce has arisen concerning the representation of employees of The Raleigh Hotel Company, Washington, D. C., within the meaning of Section 9 (c), and Section 2 (6) and (7), of the Act.

2. The service employees of the Company including doormen, bellmen, elevator operators (front and back), lobby porters, housemen, wall washers, vacuum men, cleaners, and maids and excluding foremen and those employed in a supervisory capacity, telephone operators, porters, clerical workers, front office employees, timekeepers, engineers, firemen, valets, linen room clerks, inspectresses, house officers, and night watchmen, constitute a unit appropriate for the purpose of collective bargaining within the meaning of Section 9 (b) of the Act.

3. Hotel and Restaurant Employees Alliance, Local No. 80, is the exclusive representative of all the employees in such unit for the purposes of collective bargaining, within the meaning of Section 9 (a) of the Act.

CERTIFICATION OF REPRESENTATIVES

By virtue of and pursuant to the power vested in the National Labor Relations Board by Section 9 (c) of the National Labor Relations Act, and pursuant to Article III, Section 8, of National Labor Relations Board Rules and Regulations—Series 1, as amended,

IT IS HEREBY CERTIFIED that Hotel and Restaurant Employees Alliance, Local No. 80, has been designated and selected by a majority of all service employees of The Raleigh Hotel Company, Washington, D. C., including doormen, bellmen, elevator operators (front and back), lobby porters, housemen, wall washers, vacuum men, cleaners, and maids, and excluding foremen and those employed in a supervisory capacity, telephone operators, porters, clerical workers, front office employees, timekeepers, engineers, firemen, valets, linen room clerks, inspectresses, house officers, and night watchmen, as their representative for the purposes of collective bargaining and that, pursuant to the provisions of Section 9 (a) of the Act, Hotel and Restaurant Employees Alliance, Local No. 80, is the exclusive representative of all such employees for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, and other conditions of employment.