

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

CREATIVE HAIRDRESSERS, INC., d/b/a HAIR CUTTERY<sup>1/</sup>

Employer

and

UNITED FOOD AND COMMERCIAL WORKERS OF  
AMERICA, LOCAL 27, AFL-CIO

Petitioner

**Case 5-RC-14942**

**DECISION AND DIRECTION OF ELECTION**

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, a hearing was held before a hearing officer of the National Labor Relations Board; hereinafter referred to as the Board.

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its authority in this proceeding to the undersigned.

Upon the entire record in this proceeding, the undersigned finds:

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.
2. 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.
3. The Petitioner involved claims to represent certain employees of the Employer.
4. 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.
5. The following employees of the Employer constitute a unit appropriate for the purpose of collective bargaining within the meaning of Section 9(b) of the Act:<sup>2/</sup>

All full-time and regular part-time assistant salon leaders, hairstylists, keyholders/hairstylists, shampoo persons and receptionists, employed at the Employer's Ocean City, Maryland salon, but excluding all other employees, regional leaders, district leaders, salon leaders, guards and supervisors as defined by the Act.

**DIRECTION OF ELECTION**

An Election by secret ballot shall be conducted by the undersigned among the employees in the unit(s) found appropriate at the time and place set forth in the notice of election to be issued subsequently, subject to the Board's Rules and Regulations. Eligible to vote are those in the unit(s) who were employed during the payroll period ending immediately preceding the date of this Decision, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. Also eligible are employees engaged in an economic strike that commenced less than 12 months before the election date and who retained their status as such during the eligibility period and their replacements. Those in the military services of the United States may vote if they appear in person at the polls. Ineligible to vote are employees who have quit or been discharged for cause since the designated payroll period, striking employees who have been discharged for cause since the

**OVER**

strike began and who have not been rehired or reinstated before the election date, and employees engaged in an economic strike that began more than 12 months before the election date and who have been permanently replaced. Those eligible shall vote whether or not they desire to be represented for collective-bargaining purposes by

**UNITED FOOD AND COMMERCIAL WORKERS OF AMERICA, LOCAL 27, AFL-CIO**

**LIST OF VOTERS**

To insure that all eligible voters have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties to the election should have access to a list of voters and their addresses that may be used to communicate with them. *Excelsior Underwear, Inc.*, 156 NLRB 1236 (1966); *N.L.R.B. v. Wyman-Gordon Co.*, 394 U.S. 759 (1969). Accordingly, it is directed that an eligibility list containing the *full* names and addresses of all the eligible voters must be filed by the Employer with the Regional Director within 7 days from the date of this Decision. *North Macon Health Care Facility*, 315 NLRB 359 (1994). The Regional Director shall make the list available to all parties to the election. No extension of time to file the list shall be granted by the Regional Director except in extraordinary circumstances. Failure to comply with this requirement shall be grounds for setting aside the election whenever proper objections are filed.

Your attention is directed to Section 103.20 of the Board's Rules and Regulations, a copy of which is enclosed. Section 103.20 provides that the Employer must post the Board's official Notice of Election at least three full working days before the election, excluding Saturdays and Sundays, and that its failure to do so shall be grounds for setting aside the election whenever proper and timely objections are filed.

**RIGHT TO REQUEST REVIEW**

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 14th Street, NW, Washington, D.C. 20570-0001. The request must be received by the Board in Washington by **February 10, 2000**.

Dated January 27, 2000

at Baltimore, Maryland

/S/ LOUIS J. D'AMICO  
Regional Director, Region 5



1/ The name of the Employer appears as amended at the hearing.

2/ Creative Hairdressers, Inc., d/b/a/ Hair Cuttery (herein “the Employer” or “the Company”) is a Virginia Corporation engaged in the business of hairstyling at its hair salons located throughout the United States. The Employer operates about 850 salons in nine to ten states, including 104 salons in the State of Maryland. United Food and Commercial Workers of America, Local 27, AFL-CIO (herein “the Petitioner” or “the Union”) filed a petition seeking to represent a unit of all full-time and regular part-time hairstylists at the Employer’s salon located at 9701-10 Coastal Highway, Ocean City, Maryland (herein “the Ocean Plaza salon”). At the hearing, the parties stipulated to include in the bargaining unit all full-time and regular part-time assistant salon leaders, hairstylists, keyholders/hairstylists, shampoo persons and receptionists, and to exclude regional leaders, district leaders, salon leaders, guards and supervisors as defined by the Act, and all other employees. There are approximately 14 employees in the proposed bargaining unit, all of whom are under the authority of a single salon leader.

The Employer contends that a single-salon unit is inappropriate and that an appropriate unit is a statewide unit consisting of the 104 salons located in the State of Maryland, also referred to as “Region 100”. Alternatively, the Employer contends that an appropriate unit consists of 11 salons which comprise “District 6” (herein sometimes “the district”). The Employer’s proposed statewide unit consists of approximately 1,650 employees while the proposed district-wide unit consists of about 200 employees. There is no history of collective bargaining for any of these employees.

At the hearing, the Employer also asserted that if an election was directed in the petitioned-for unit such election should be delayed until the summer so as to include temporary/seasonal employees. However, in its post-hearing brief, the Employer withdrew this issue stating that it no longer contends that the election should be delayed or that temporary seasonal transferees should be included in the unit.

### **THE EMPLOYER’S OPERATIONS**

The Employer privately owns all of its 850 salons. The company headquarters is located in Falls Church, Virginia. The salons are grouped into eight regions each of which is overseen by a regional leader. The State of Maryland is designated as “Region 100” and its regional leader is Gail Logue. The parties stipulated to make Logue’s testimony in Case 5-RC-14896 part of the instant record. There are 104 salons located throughout the State of Maryland. A region is broken up into districts each of which is comprised of salons located in a certain geographic area. Each district is overseen by a district leader. There are eleven districts located in Maryland. The number of salons located within a district varies between ten and fifteen. The Ocean Plaza salon is located in District 6, which is overseen by district leader Tammy LeBow. The salon leaders in District 6 report to district leader LeBow, who reports to regional leader Logue. Logue reports directly to vice-president of operations Mary Wilson, who reports to the Employer’s president, Dennis Ratner.

The Ocean Plaza salon employs a salon leader, an assistant salon leader, a keyholder, ten stylists, a receptionist and a shampoo person. At the time of the hearing, the receptionist and shampoo person positions were vacant.

All Region 100 salons operate about 77 hours per week. However, some salons, including the Ocean Plaza salon, have different operating times based on client flow and the season. All salons use a uniform pricing list for basic services. However, for special services, customers are charged higher prices which are listed on a supplemental pricing list. This supplemental pricing list is also used by all salons. Besides providing hair services, the salons also sell retail products. The same products are sold in all Region 100 salons and the products come from a centralized distribution system.

Each salon has a computer that is located in the reception area. The computer is used for many purposes including signing in customers, recording employee work hours, tracking stylists' sales and schedules and keeping inventory of supplies and equipment in the salon. The information gathered by the computers in the salons goes directly to headquarters.

Regional leader Logue testified that she visits about nine to twelve salons in her region per week. Logue also said that about seven or eight vice-presidents and directors from company headquarters visit salons in Region 100 three times a year to help out in the salons. She said the president also visits salons to help out. In addition, Logue testified that the employee relations representative visits the salons to investigate any EEO issues. The record is silent as to how often the president and employee relations representative visit salons. Ocean Plaza stylist Celia DeSantana-Bailey testified that in the last twelve months she has seen the president and regional leader in the salon twice.

Logue further testified that district leaders visit about two to three salons per day, four days per week. However, district leader LeBow testified that she visits salons in her district (11 total) every 6-8 weeks and calls the salons about three times per week and sometimes more if there are any immediate problems. She also testified that she receives calls from Ocean Plaza employees about once per month. LeBow said she gives out her pager and home numbers and that she has voice mail for work. When she calls the salons LeBow said she mostly talks to the salon leader or assistant salon leader and sometimes with an employee who may have a problem. She said phone calls normally do not last more than a half-hour. LeBow stated that she may talk to employees about sales, problems with co-workers or the salon leader and workers compensation issues. She said she normally talks to a salon leader about staffing needs and banking issues. LeBow further testified that in 1999 she visited the Ocean Plaza salon ten times prior to the month of October. She said the length of the visits varied from about two hours to the majority of the day. However, LeBow said that if she was accompanied by the regional leader their stay would be less than a half-hour.

About two years ago, the Employer initiated a new employee orientation program where all new employees receive a "fair treatment" policy, which is the Employer's

discipline policy discussed below, a stylist handbook, insurance information, loss prevention standards and an orientation checklist. These documents are produced by the Employer and given to the employee by the salon leader. The salon leader also administers the orientation checklist to the new employee. This program is implemented in all Region 100 salons. However, stylist DeSantana-Bailey, who has worked at the Ocean Plaza salon for 11 years, testified that she has never seen the orientation checklist and had not seen the stylist handbook until about a week prior to the hearing.

The salons, as well as headquarters, maintain personnel files. The salon personnel files contain documents such as employee resolution issues, corrective action notices, doctor's slips and customer complaints. Documents retained at headquarters and not at the salon include employee applications, tax withholding forms and life insurance information.

In addition, for the first time in 1999, the Employer held multi-salon picnics. The record is silent as to whether the Ocean Plaza salon participated in these picnics. Also, for the first time in December 1999, the Employer held a holiday party for all District 6 salons, which was attended by two employees from Ocean Plaza. The Employer also has "focus group" meetings which are comprised of employees from various Region 100 salons who provide feedback regarding potential organizational programs. Also, from about April to June 1999, the Employer experimented with a "retail leader auction" involving four districts, including District 6, which was intended to help retail sales. The record is silent as to whether any employees from the Ocean Plaza salon participated in the focus group meetings or retail leader auction.

### **THE COMPANY'S EMPLOYEES**

A regional leader oversees the salons in a region, works with the district leaders and handles certain personnel matters. The regional leader handles all terminable offenses of employees with less than ten years seniority along with the employee relations representative.

A district leader oversees the salons in a district. A district leader's duties include overseeing labor relations, daily operations and banking, and assisting in recruiting and hiring.

The Employer employs the following classifications in a salon: salon leader (previously called salon manager), assistant salon leader (previously called assistant salon manager), hairstylist (herein sometimes "stylist"), keyholder and receptionist. Some salons also employ a shampoo person.

The salon leader is responsible for the day-to-day operation of the salon. The record indicates that salon leaders have the authority to interview potential hires, provide training, provide feedback to employees, and administer disciplinary actions. In addition, the job description of a salon leader reveals that salon leaders hold salon meetings,

document daily financials, maintain inventory, payroll and deposits, and manage all banking and cash control policies. Salon leaders set employee work hours and holiday schedule and approve vacation. If an employee calls in sick or absent, he or she must call the salon leader. Salon leaders also have the authority to send an employee home, grant time off and extend an employee's hours without further approval from upper management. They can also recommend to the district leader that employee personal leave requests be approved. Salon leaders initially handle customer complaints and may consult with the district leader regarding complaints. However, the salon leader, assistant salon leader and stylist each can independently issue a refund to an unsatisfied customer. Salon leaders work about 35 hours per week. Salon leaders who are on commission spend most of their time doing customers' hair while salaried salon leaders spend about fifty to sixty percent of their time doing hair.

The assistant salon leader assists the salon leader in operating the salon and oversees the salon during the salon leader's absence. Assistant salon leaders work about 35 hours per week and spend about 90 to 95% of their time doing hair. Regional leader Logue stated that the other 5% is spent opening or closing the salon and counting cash and inventory.

A stylist's job duties include shampooing, cutting and styling hair, performing chemical services, cleaning the salon and performing reception work. All stylists in Region 100 must be licensed by the State of Maryland. This license is not valid outside of Maryland. Stylists work about 25 hours a week. Stylists are responsible for providing their own equipment, e.g. dryer, curling irons, combs, brushes, perm rods, clippers, etc. Further, stylists are expected to generate their own clients although the Employer advertises its services as well.

A keyholder is a stylist who has a key to the salon and has the extra responsibility of opening and closing the salon. A keyholder receives \$10 dollars extra per week for this additional duty. LeBow testified that the district leader determines which employee will be a keyholder. However, about a week prior to the hearing, approximately nine employees at the Ocean Plaza salon had keys to the salon. LeBow said that the number of employees who hold keys to the salon was changed to four in accordance with the Employer's policy.

A shampoo person washes hair and towels and cleans the salon. If a salon has no shampoo person, a stylist will wash the customer's hair. About seventy percent of shampoo persons become stylists.

A receptionist works at the front desk of the salon, greets clients, signs clients into the salon computer and rings up sales. About sixty percent of the salons in Region 100 have a shampoo person or receptionist.

### **HIRING/STAFFING PROCESS**

The district and salon leaders are responsible for staffing the salon although stylists also recruit. District leaders recruit and screen applicants. About thirty percent of staffing needs are filled by the recruitment efforts of district leaders. LeBow testified that as a district leader she is responsible for hiring enough stylists to meet sales goals. She said she communicates with salon leaders about staffing changes and tracks staffing needs by the computers in the salons, which connect to headquarters and her home office. Salon leaders conduct interviews, sign-off on applications and review licensing. Before an applicant is hired, the salon leader must contact headquarters to get an employee number. Also, the salon leader must contact headquarters if the applicant formerly worked for the Employer to verify that the applicant is eligible for rehire. If headquarters denies an applicant, regional leader Logue testified that it is up to the district leader to determine whether to hire the individual. However, ninety-nine percent of applicants who have a license are hired within one to two days of an interview.

A salon leader also can recommend that a stylist be promoted to the position of assistant salon leader but the district leader makes the final determination. The salon leader interviews candidates and narrows the pool to a final candidate. The district leader as well as another district leader then interviews the final candidate before a decision is made.

The Ocean Plaza salon experiences special staffing needs during the summer season when its customer volume triples due to its ocean and beach location. Due to this increase in customers, the Employer created a "Reach the Beach" program where it solicits employees from all Region 100 salons to work at the Ocean Plaza salon from about Memorial Day to mid-September. Participation in the program is voluntary. The Employer provides optional housing to those who participate in a three-bedroom mobile home. Employees who choose the housing must pay a \$300 dollar deposit and \$170 dollars in rent which is deducted from their pay biweekly. Employees who participate in the program perform the same duties and receive the same wages and benefits that they would normally receive. Employees do not receive bonus, meal or transportation allowances for participating in the program. District leader LeBow testified that she is heavily involved in staffing the salon for the summer. She sets the beginning and ending dates for work for employees in the program. LeBow further said that employees who come on their own to the salon during the summer call her and she refers them to the salon leader. Other district leaders and educators (trainers) also help recruit employees to the Ocean Plaza salon for the summer.

### **WAGES AND BENEFITS**

The Employer sets the compensation for Region 100 employees. Some salon leaders are paid a salary while others receive a fifty-five percent commission. For example, a commissioned salon leader would receive fifty-five percent of his/her total sales including retail products and services. About forty percent of salon leaders in

Region 100 are paid by commission. A salon leader also receives a monthly bonus based on the sales performance of the salon. This amount could be as much as several hundred dollars per month. Assistant salon leaders are paid a fifty-two percent commission and also receive a monthly bonus based on the sales performance of the salon. The record is unclear as to how much this bonus is but Logue testified that it could be thirty to fifty dollars per month. Stylists in Region 100 are paid minimum wage or fifty percent commission, whichever is greater. New stylists receive forty-five percent commission for ninety days. Stylists do not receive a monthly bonus.

All employees in Region 100 receive the same fringe benefits which are set by the Employer. Stylists receive a vacation bonus (monetary) twice a year based on their length of service with the Employer and their service sales. The Employer also offers health insurance, life insurance, short-term disability and a 401(k) plan to all employees in Region 100. The record is silent as to whether salon leaders and assistant salon leaders also receive these benefits.

### **DISCIPLINE POLICY**

The Employer has a progressive discipline policy called the “fair treatment policy” which applies to all employees. In general, the first step discipline is a verbal warning which is documented in writing; the second step is a written warning and counseling session; and, finally, termination. A verbal warning which is documented in writing (step 1) is the only type of discipline that a salon leader can issue independent of the district leader. Normally, the salon leader will issue the warning and tell the district leader afterwards. No written warnings and counseling sessions (step 2) can be administered without consulting the district leader. Either the salon or district leader will conduct the counseling session. LeBow testified that she has been involved in the counseling of four employees at the Ocean Plaza salon. One session involved a salon leader over two years ago while another occurred in November 1999 with an assistant salon leader. She also issued a written warning to the assistant salon leader. The other two incidents occurred in the summer of 1999 involving two temporary employees one of whom she issued a written warning. Further, all terminations must be approved by the regional leader and an employee relations representative except for employees with ten or more years seniority whose terminations must be approved by president Ratner.

### **GRIEVANCES**

The record is unclear whether the Employer has a formal grievance procedure. However, regional leader Logue testified that if employees have a grievance, they go to their salon leader first and if they are unsatisfied with the resolution they can go to the district leader, on up to the regional leader, vice president of operations and ultimately to the president. Logue also stated an employee could go to human resources at any time.

The Employer also introduced evidence regarding “Dear Dennis” cards which are cards that can be used by employees to address complaints directly to the president. These cards are then reviewed by the president or a department head and a response is sent back to the employee.

### **TRAINING**

The Employer also provides various training opportunities that are open to all Region 100 employees. Attendance at these training events is mostly voluntary. The Employer holds educational events three times per year at various locations that are open to all Region 100 employees. Not long ago, the Employer held a training event at Baltimore, Maryland that was attended by 80 to 90 percent of Region 100 stylists. Also, the Employer held a training event in the summer of 1998 at a location at Towson, Maryland where about fifty percent of Ocean Plaza salon employees attended. There are also five regional training centers in Region 100 where training classes are provided three times a week. About 10 to 15 percent of Region 100 stylists attend these classes annually. In addition, there are in-salon training sessions that are open to all employees. In 1999, the Employer held about 560 of these sessions throughout Region 100 which are publicized throughout the salons in a training calendar.

### **TRANSFERS**

The Employer presented extensive documentation regarding numerous transfers within Region 100. There was evidence of several transfers involving Ocean Plaza salon employees. The Employer mainly transfers employees on a voluntary basis. There is no evidence in the record which indicates that any of the transfers were involuntary. Since 1993, there have been 7 permanent transfers between the Ocean Plaza salon and other salons in District 6. There were no permanent transfers in or out of the Ocean Plaza salon in 1999. Since 1997, there have been 4 permanent transfers between District 6 salons other than the Ocean Plaza salon. There have been approximately 12 temporary transfers between the Ocean Plaza salon and other District 6 salons since 1993. From January 1997 to October 1999, 25 employees worked in more than one District 6 salon at various times.

Last summer (1999), 8 employees from other Employer salons temporarily worked at the Ocean Plaza salon. All of the transfers were voluntary. Among the eight employees, all came from other Region 100 salons except for one. Three of the employees worked at the Ocean Plaza salon the entire summer, one worked a month, two worked a weekend, and two worked a “couple of days”. Three of the employees came to the Ocean Plaza salon through the Employer’s Reach the Beach program described above and the others came on their own.

District leader LeBow testified that salon leaders are temporarily transferred to provide coverage at other salons in her district. LeBow said that she had other salon leaders cover the Ocean Plaza salon when the salon leader was out for a couple of weeks

last year. LeBow also testified that district leaders provide coverage for each other. She said that another district leader covered for her in 1998 when she was out for five months because of her pregnancy. Regional leader Logue testified that district leaders also cover other districts due to vacations and leave of absences and sometimes they switch coverage of salons if a particular salon is having problems. Logue said that this occurs frequently but provided no examples.

### **GEOGRAPHIC PROXIMITY OF SALONS**

The closest salon to the Ocean Plaza salon is located about 30 miles away. The furthest District 6 salon from the Ocean Plaza salon is located about 90 miles away. The furthest Region 100 salon from the Ocean Plaza salon is located over 150 miles away.

### **EMPLOYER'S POSITION**

The Employer argues that a single-store unit is inappropriate here where the salon leader's authority is so severely circumscribed regarding personnel and operational matters that the salon's separate identity has merged into the larger unit of Region 100, or alternatively at the minimum, a district-wide unit. In addition, the Employer contends that the uniform and centrally administered work, pay, benefits, hours and training militate against a single-store unit over a multi-store unit. In addition, in its post-hearing brief, the Employer cites that through May 1999, 192 Region 100 employees temporarily transferred within the region, 118 permanently transferred and 25 simultaneously worked in more than one Region 100 salon. Also, the Employer states that in the last five years (1993-99), 22 employees temporarily transferred either in or out of the Ocean Plaza salon within District 6, 7 permanently transferred between Ocean Plaza and other District 6 salons and 1 employee simultaneously worked in the Ocean Plaza salon and another District 6 salon. In arguing that it has overcome the single-store unit presumption, the Employer relies on cases such as Super X Drugs of Illinois, Inc., 233 NLRB 1114 (1977) and Big Y Foods, Inc., 238 NLRB 860, n. 4 (1978).

### **UNION'S POSITION**

The Union submitted a post-hearing position letter in which it contends that the petitioned-for single salon is an appropriate unit. The Union notes that all transfers involving the Ocean Plaza salon have been voluntary and that the Employer's Reach the Beach program, which encourages employees from other salons to work at Ocean Plaza for the summer, is also voluntary.

Also, in its letter, the Union points out that the same parties previously litigated issues similar to the ones here in Case 5-RC-14896 and requests that I make my Decision and Direction of Election in Case 5-RC-14896 part of the instant record. In response to such request, I note that I take administrative notice of all decisions that may be relevant to a particular case and I do so here.

## **ANALYSIS AND CONCLUSION**

In determining whether to direct an election in a single-facility unit or a broader, multi-site unit, the Board looks at a variety of factors, including bargaining history, centralization of labor relations, and local autonomy and supervision. The Board begins, however, with the presumption that a single location unit is an appropriate unit for collective bargaining. Sentry Security Services, Inc., 230 NLRB 1170 (1977). This is so even where a larger, more comprehensive unit might also be found appropriate. Dixie Belle Mills, Inc., 139 NLRB 629, 631 (1962); Norwest Protective Service, Inc., 124 NLRB 840 (1959). The Board's role is to find "an appropriate unit" and not necessarily "the most appropriate unit." NLRB v. Pinkerton's, Inc., 416 F.2d 627, 628 (7th Cir. 1969).

In this regard, although the Board must take into consideration the organizational structure of the Employer's operation, such structure is not controlling. The Board must balance the needs of employee organizational activities against possibly competing interests of an employer. While an employer is entitled to "reasonably adequate protection from the disruptive effects of piecemeal unionization," NLRB v. Pinkerton's, Inc., 428 F.2d 479, 485 (6th Cir. 1970), the Board must also "assure to employees the fullest freedom in exercising the rights guaranteed by the Act." Kalamazoo Paper Box Corp., 136 NLRB 134, 139 (1962).

Whether a single-location site is an appropriate unit depends on various factors unique to the particular operation. Among the indicia considered by the Board in determining the unit issue are: the degree of centralized control over hiring, wages, benefits and training; the degree of autonomy and day-to-day managerial responsibility vested in local supervision; the frequency of interchange and transfer of employees among multiple sites, Burns International Security Service, Inc., 257 NLRB 387, 389 (1981); the physical separation or proximity of various sites; and prior collective bargaining history. General Mills Restaurants, Inc., d/b/a Red Lobster, 300 NLRB 908, 910 (1990).

Although no single factor is controlling, the Board's primary focus is on the extent to which a single facility has a "distinct" identity, Sentry Security Services, 230 NLRB at 1171, or evidences a "sufficient separate community of interest." The Wackenhut Corp., 224 NLRB 1142, 1143 (1976). Where employees at a single facility are shown to have interests separate and apart from those at other sites a unit limited to that site will be found appropriate.

The record establishes that the Employer's overall operation of its salons is centralized in several ways. The Employer formulates and centrally administers salon services and prices, employee wages, benefits and training. District leaders recruit employees, are involved in all second step warnings and terminations and decides who to promote within the district. Further, regional leaders and the employee relations representative, and the president in circumstances involving senior employees, approve

all terminations. This centralization of administrative functions is a significant factor but, by itself, does not render a single facility "inappropriate" as a unit for collective bargaining. Burns International Security, supra, 257 NLRB at 389.

The Employer's centralized operations must be evaluated in light of other evidence which firmly supports the presumptive appropriateness of a single-store unit. Hit 'n Run Food Stores, 227 NLRB 1186 (1978), citing Gimbels Midwest, Inc., 226 NLRB 891 (1976). The record reveals that the immediate supervision and day-to-day concerns at the Ocean Plaza salon are separate and autonomous from the Employer's other salons. In this regard, the salon leader schedules employee work hours, approves sick leave and vacation, handles employee grievances and customer complaints, can send employees home, grant time off and extend an employee's hours without prior approval from the district leader or anyone else from upper management. Although headquarters must be contacted before an applicant is hired, the salon leader conducts the interview and considering that 99% of licensed applicants are hired within one to two days of the interview, it appears that the headquarters' participation in the hiring process is purely administrative. While harsher disciplines are left for the approval of upper management, salon leaders are able to independently issue verbal warnings which are documented and placed in an employee's personnel file, a copy of which is maintained at the salon. Further, although the district leader must be consulted before an employee is counseled, the actual counseling is normally done by the salon leader. See Bowie Hall Trucking, 290 NLRB 41, 43 (1988); Carter Hawley Hale Stores, 273 NLRB 621 (1984); Renzetti's Market, Inc., 238 NLRB 174 (1978); Buehler's Food Markets, Inc., 232 NLRB 785 (1977).

The transfers involving the petitioned-for salon appear to be minimal and voluntary. Thus, there have been only seven permanent transfers in the past five years and no permanent transfer in the past year between the Ocean Plaza salon and other District 6 salons. Carter Hawley Hale Stores, supra; Renzetti's Market, Inc., supra; Hit 'n Run Food Stores, supra. Further, even though the Ocean Plaza salon experiences a temporary influx of employees in the summertime, this interchange is clearly due to its beach location and the increase in tourists during that season. Moreover, it is clear that the employees who temporarily transfer to the Ocean Plaza salon for the summer do so voluntarily. Thus, I can not find that the transfers and interchange involving the petitioned-for salon are so significant as to render the single-salon unit inappropriate.

Further, based on the Employer's proposed units, the distance between the Ocean Plaza salon to another Region 100 salon would be as far as 150 miles in a statewide unit and 90 miles in a district-wide unit. Indeed, the closest salon to Ocean Plaza is about 30 miles away. These are all significant distances which favor a single-store unit. See Buehler's Food Markets, Inc., supra, 232 NLRB at 785. Finally, there is an absence of any bargaining history on a broader basis or any request for representation on a broader basis. See Carter Hawley Hale Stores, supra, 273 NLRB at 623; Renzetti's Market, supra, 238 NLRB at 176.

The cases cited by the Employer contain facts which are distinguishable from the instant matter. In Super X Drugs of Illinois, supra, 233 NLRB at 1114, the Board determined that the autonomy of the store manager was severely circumscribed by the district manager. However, the store manager, unlike the salon leader here, could not independently reprimand employees and approve leaves of absence without the district manager's approval, the store manager could only interview for unskilled positions, and the district manager spent more time in the individual stores than does the district leader here.

In Big Y Foods, Inc., supra, 238 NLRB at 860, a single-store unit was rejected for a multi-store unit which included three liquor markets. Once again the Board determined that the local managers' authority over their individual stores were severely limited. Similar to the salon leader here, the local manager only had the authority to record oral reprimands. However, the local manager had no involvement in the hiring of employees as does the salon leader here. Also, the division manager visited each market several times a week and sometimes stayed at a particular market an entire day which is significantly more time than what the district leader spends at the salons here.

Therefore, based on the above, I find that the Employer has failed to overcome the presumption that the petitioned for single-store unit is appropriate. In making such determination, I find that the record demonstrates that the petitioned-for salon is run sufficiently autonomous and has a distinct and independent community interest from the Employer's other salons. Accordingly, I will direct an election limited to the petitioned-for salon.