

2/23/65

MEMORANDUM CONCERNING CONTRACT

WITH NON-JEW TO INSURE

SABBATH OBSERVANCE

1. The wholesale aspect of the business. If a non-Jewish employee works on a commission basis (either completely or in addition to a salary) then the following should be established in advance: the man must be told that he is to initiate no business on his own on Sabbath or Jewish Holidays. In other words, he should not solicit any business, either personally or by telephone, nor should he arrange, if possible, any business appointments on that day. However, he is completely free to answer any queries that he may receive either personally or through the telephone. In such case, no "shtar mekhirah" is necessary.
2. If a non-Jewish employee is not on a commission basis for the wholesale part of the business, then a "shtar mekhirah" becomes necessary.
3. In order for all the above to become effective, even through the use of a "shtar mekhirah," and allowing, at the same time, for the Jewish name of the firm to be used for this new West-coast venture, it is highly important that the retail business be entirely in the hands of the non-Jew, such that all sales that he makes and all business that he procures will yield him direct benefit. He should not, in other words, be merely an agent for the Jewish firm in the retail aspect of the business. Even, if, for insurance or legal purposes, it is necessary that the retail business be incorporated under the name of the Jewish owners of the wholesale business, as long as it is clearly understood that all work done by the non-Jew is directly to his own benefit or loss in the retail area, which means that it is effectively his own business, then the venture may be entered without fear of the violation of the Sabbath. However, even in this case, it is imperative that every effort be made to supply a different name for the retail outlet. Even if one should be willing to keep, in small letters, the name of the Jewish owners, then at least one should add in bolder letters, both for the sign on the door and on all invoices, a neutral, non-Jewish sounding name, that would be an affiliate or outlet of the wholesale firm.