

In the Matter of SOUTHERN FRUIT DISTRIBUTORS, INC. and AMERICAN
FEDERATION OF LABOR

Case No. 10-C-2196

AMENDED ORDER

January 24, 1949

On December 16, 1948, the Board issued its Decision and Order in the above-entitled proceeding in which it adopted the findings, conclusions, and recommendations of the Trial Examiner as set forth in his Intermediate Report.¹ The Order, as recommended by the Trial Examiner, provided in paragraph 2 (c) thereof that the Respondent should,

Post at its plant at Orlando, Florida, copies of the notice attached to the Intermediate Report herein marked "Appendix A."⁴ Copies of said notice, to be furnished by the Regional Director for the Tenth Region, shall, after being duly signed by Respondent's representative, be posted by Respondent immediately upon receipt thereof and maintained by it for sixty (60) consecutive days thereafter in conspicuous places, including all places where notices to employees are customarily posted. Reasonable steps shall be taken by Respondent to insure that said notices are not altered, defaced, or covered by any other material;

⁴ This notice, however, shall be and it hereby is amended by striking from the first paragraph thereof the words "The recommendations of a Trial Examiner" and substituting in lieu thereof the words "A Decision and Order." In the event that this Order is enforced by decree of a Court of Appeals, there shall be inserted in the notice, before the words "A Decision and Order," the words "A Decree of the United States Court of Appeals Enforcing. . . ."

Prior to the issuance of the aforesaid Decision and Order, the General Counsel, on June 30, 1948, had duly filed and served upon the parties Exceptions to Intermediate Report and Recommended Order, in which he excepted to paragraph 2 (c) of the Trial Examiner's "Recommendations" insofar as the posting provisions set forth therein failed to take into consideration the seasonal nature of the Respondent's operations and the fact that the plant's sectionizing department, which is particularly involved in this proceeding, operates only for

¹ 80 N L R B 1283

81 N. L. R. B., No. 41.

approximately 5 months during the late fall and early winter of each year. The Board inadvertently failed to consider these Exceptions of the General Counsel.

Having duly reconsidered its Order in the light of these Exceptions the Board finds that the policies of the Act will be best effectuated by requiring that the Respondent post the said notices for a 60-day period when full seasonal operations are in progress at the plant. Accordingly,

IT IS HEREBY ORDERED that the said Order of December 16, 1948, in this proceeding, be, and it hereby is, amended by striking paragraph 2 (c) thereof and substituting the following:

Post at its plant at Orlando, Florida, copies of the notice attached to the Intermediate Report herein marked "Appendix A."⁴ Copies of said notice, to be furnished by the Regional Director for the Tenth Region, shall, after being duly signed by Respondent's representative, be posted by Respondent immediately upon receipt thereof and maintained by it for sixty (60) consecutive days thereafter, *while the plant is in full operation*, in conspicuous places, including all places where notices to employees are customarily posted. Reasonable steps shall be taken by Respondent to insure that said notices are not altered, defaced, or covered by any other material.

⁴This notice, however, shall be, and it hereby is, amended by striking from the first paragraph thereof the words "The recommendations of a Trial Examiner" and substituting in lieu thereof the words "Decision and Order" and it shall be, and hereby is, further amended by striking the final sentence thereof and substituting in lieu thereof the following,

"This notice must remain posted for sixty (60) consecutive days from the date hereof, *while the plant is in full operation*, and must not be altered, defaced, or covered by any other material." In the event that this Order is enforced by decree of a Court of Appeals, there shall be inserted in the notice, before the words "Decision and Order," the words "A Decree of the United States Court of Appeals Enforcing . . ."

CHAIRMAN HERZOG and MEMBER GRAY took no part in the consideration of the above Amended Order.