

In the Matter of WASDEN MOTOR SALES, a CORPORATION and INTERNATIONAL ASSOCIATION OF MACHINISTS, LOCAL LODGE No. 1066, DISTRICT LODGE No. 114

*Case No. 20-CA-165.—Decided March 29, 1949*

DECISION

AND

ORDER

STATEMENT OF THE CASE

On March 2, 1949, Wasden Motor Sales, a Corporation, International Association of Machinists, Local Lodge No. 1066, District Lodge No. 114, and Eugene K. Kennedy, Attorney for the General Counsel on behalf of the National Labor Relations Board, herein called the Respondent, the Union, and the Board respectively, entered into Stipulations in settlement of the case, subject to approval of the Board, providing for the entry of a consent order by the Board, and a consent decree by the appropriate United States Court of Appeals. The parties waived all further and other procedure before the Board to which they may be entitled under the National Labor Relations Act, as amended, and the Rules and Regulations of the Board, and waived any right to contest the entry of a consent decree, or to receive further notice of the application therefor.

The aforesaid Stipulations are hereby approved and made a part of the record herein, and in accordance with Section 203.51 of the National Labor Relations Board Rules and Regulations—Series 5, as amended, the proceeding is hereby transferred to and continued before the Board for the entry of a Decision and Order pursuant to the provisions of the aforesaid Stipulations.

Upon the basis of the aforesaid Stipulations, and the entire record in the case, the Board makes the following :

FINDINGS OF FACT

I. THE BUSINESS OF THE RESPONDENT

Respondent, a Utah corporation, having its principal office and plant at Provo, Utah, is engaged in the sales and service of Cadillacs and Oldsmobiles. The Respondent's annual purchases of automobile

products at Provo is in excess of \$500,000 of which approximately 75 percent was received from points outside the State of Utah. The annual sales of the Respondent exceed \$500,000, all of which are made to points within the State. The Respondent admits, and we find that it is engaged in commerce within the meaning of the Act, as amended.

### ORDER

Upon the basis of the above findings of fact, the Stipulations, and the entire record in the case, and pursuant to Section 10 (c) of the National Labor Relations Act, as amended, the National Labor Relations Board hereby orders that the Respondent, Wasden Motor Sales, a Corporation, Provo, Utah, its officers, agents, successors and assigns, shall:

1. Cease and desist from:

(a) Refusing to bargain collectively with the Union or its representatives as the exclusive representative of its employees as set forth in paragraph VI of the Stipulations;

(b) Discouraging membership in the Union or in any other labor organization of its employees, or in any other manner discriminating in regard to hire or tenure of employment, or any other term or condition of employment, because of membership or activity in any such labor organization;

(c) In any other manner interfering with, restraining or coercing its employees in the exercise of their right to self-organization, to form, join or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in concerted activity for the purpose of collective bargaining or other mutual aid or protection as guaranteed in Section 7 of the National Labor Relations Act.

2. Take the following affirmative action to effectuate the policies of the Act:

(a) Upon request, bargain collectively with the Union as the exclusive representative of all its employees as set forth in paragraph VI of the Stipulations with respect to rates of pay, hours of employment, and other conditions of employment;

(b) Post immediately in conspicuous places throughout its Provo plant, and maintain for a period of at least sixty (60) consecutive days from the date of posting, notices to its employees stating: (1) that Respondent will not engage in the conduct from which it is ordered to cease and desist in paragraph 1, (a), (b), and (c); (2) that the Respondent will take the affirmative action set forth in paragraph 2, (a) and (b) of this Order; and (3) that the Respondent's employees are free to become or remain members of the Union, and that the Re-

spondent will not discriminate against any employee because of membership in, or activity on behalf of that organization;

(c) Notify the Regional Director for the Twentieth Region in writing, within ten (10) days of the date of this Order, the steps taken by Respondent to comply herewith.

CHAIRMAN HERZOG and MEMBER HOUSTON took no part in the consideration of the above Decision and Order.