

IN the Matter of STOWE SPINNING COMPANY, ACME SPINNING COMPANY, PERFECTION SPINNING COMPANY, LINFORD MILLS, INC. and TEXTILE WORKERS UNION OF AMERICA, C. I. O.

Case No. 5-C-1887

ORDER APPROVING STIPULATION AND AMENDING
DECISION AND ORDER

October 21, 1949

On August 26, 1946, the Board issued a Decision and Order in the above-entitled proceeding. Pursuant to the opinion and judgment of the Supreme Court of the United States entered on February 28, 1949, and pursuant to the order entered by the United States Court of Appeals for the Fourth Circuit on April 20, 1949, setting aside the judgment theretofore entered by the Court on December 20, 1947, the proceeding was remanded to the National Labor Relations Board for amendment of its order to conform to the Board's findings and the opinion of the Supreme Court. Thereafter, counsel for the Respondents and the Board entered into a Stipulation, subject to the approval of the Board, and the United States Court of Appeals for the Fourth Circuit, providing for amendment to the said Decision and Order and its Appendices A and B attached thereto, in conformity therewith, and for the entry of a consent decree in that Court, to enforce the Order of the Board, as amended. The Board having duly considered the matter,

IT IS HEREBY ORDERED that the aforesaid Stipulation be, and it hereby is, approved and made a part of the record herein; and

IT IS FURTHER ORDERED that the said Decision and Order and its Appendices A and B attached thereto be, and they hereby are, amended in accordance with the said Stipulation and that the Order and Appendices A and B in the aforesaid Decision and Order shall read as follows:

ORDER

Upon the basis of the foregoing findings of fact and conclusions of law, and pursuant to Section 10 (c) of the National Labor Relations Act, the National Labor Relations Board hereby orders that the Respondent, Stowe Spinning Company, North Belmont, North Carolina, its officers, agents, successors, and assigns, shall:

1. Cease and desist from :

(a) Discouraging membership in Textile Workers Union of America, C. I. O., by discriminatorily discharging any of its employees or by discriminating in any other manner in regard to their hire and tenure of employment or any term or condition of their employment;

(b) Refusing to permit the use, subject to reasonable and non-discriminatory terms and conditions, of the Patriotic Order Sons of America Hall by its employees or employees of Acme Spinning Company, Perfection Spinning Company, or Linford Mills, Inc., or by Textile Workers Union of America, C. I. O., or any other labor organization, as a meeting place for the purpose of self-organization or collective bargaining, at times when the Hall is not being used by the Patriotic Order Sons of America for legitimate activity, so long as the Hall remains the only suitable, available meeting place in the community; provided, that this provision shall in no way preclude respondent from exercising its right lawfully to dispose of its said property or use it for any other lawful purpose; and

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

2. Take the following affirmative action, which the Board finds will effectuate the policies of the Act:

(a) Offer to John R. Hall, George W. Gainey, Mabel Gainey, and Emma Louise Gainey immediate and full reinstatement to their former or substantially equivalent positions, without prejudice to their seniority and other rights and privileges;

(b) Make whole the employees named in paragraph 2 (a), above, for any loss of earnings that they may have suffered by reason of the Respondent's discrimination against them, by payment to each of them of a sum of money equal to the amount which each normally would have earned as wages from the date of the discriminatory discharge to the date of the respondent's offer of reinstatement, less his or her net earnings during said period;

(c) Upon request, and offer to comply with such reasonable and nondiscriminatory terms and conditions as may be prescribed, grant to its employees and employees of Acme Spinning Company, Perfection Spinning Company, Linford Mills, Inc., and to Textile Workers Union of America, C. I. O., or any other labor organization,

the use of the Patriotic Order Sons of America Hall as a meeting place for the purpose of self-organization or collective bargaining, at times when the Hall is not being used by the Patriotic Order Sons of America for legitimate activity, so long as the Hall remains the only suitable, available meeting place in the community; provided, that this provision shall in no way preclude Respondent from exercising its right lawfully to dispose of its said property or use it for any other lawful purpose; and

(d) Post at its mill in North Belmont, North Carolina, copies of the notice attached hereto, marked "Appendix A." Copies of said notice, to be furnished by the Regional Director for the Fifth Region, shall, after being duly signed by the respondent's representative, be posted by the 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 the Respondent to insure that said notices are not altered, defaced, or covered by any other material.

Upon the basis of the above findings of fact and conclusions of law, and pursuant to Section 10 (c) of the National Labor Relations Act, the National Labor Relations Board hereby orders that the Respondents Acme Spinning Company, Perfection Spinning Company, and Linford Mills, Inc., and their officers, agents, successors, and assigns, shall:

1. Cease and desist from refusing to permit the use, subject to reasonable and nondiscriminatory terms and conditions, of the Patriotic Order Sons of America Hall by their employees or employees of Stowe Spinning Company or by Textile Workers Union of America, C. I. O., or any other labor organization, as a meeting place for the purpose of self-organization or collective bargaining, at times when the Hall is not being used by the Patriotic Order Sons of America for legitimate activity, so long as the Hall remains the only suitable, available meeting place in the community; provided, that this provision shall in no way preclude Respondents from exercising their right lawfully to dispose of their said property or use it for any other lawful purpose.

2. Take the following affirmative action, which the Board finds will effectuate the policies of the Act:

- (a) Upon request, and offer to comply with such reasonable and nondiscriminatory terms and conditions as may be prescribed, grant to their employees and employees of Stowe Spinning Company, and to Textile Workers Union of America, C. I. O., or any other labor organization, the use of the Patriotic Order Sons of America Hall as a meet-

ing place for the purpose of self-organization or collective bargaining, at times when the Hall is not being used by the Patriotic Order Sons of America for legitimate activity, so long as the Hall remains the only suitable, available meeting place in the community; provided, that this provision shall in no way preclude Respondents from exercising their right lawfully to dispose of their said property or use it for any other lawful purpose;

(b) Post at each of their mills in North Belmont, North Carolina, copies of the notice attached hereto, marked "Appendix B." Copies of said notice, to be furnished by the Regional Director for the Fifth Region, shall, after being duly signed by the respective representative of each Respondent be posted by the Respondents 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 the Respondents to insure that said notices are not altered, defaced, or covered by any other material; and

(c) Notify the Regional Director for the Fifth Region in writing within ten (10) days from the date of this Order, what steps the Respondents have taken to comply herewith.

IT IS FURTHER ORDERED that the Decision and Order as printed, shall appear as hereby amended.

Dated, Washington, D. C., October 21, 1949.

By direction of the Board:

FRANK M. KLEILER,
Executive Secretary.

APPENDIX A

NOTICE TO ALL EMPLOYEES

Pursuant to a Decision and Order of the National Labor Relations Board, and in order to effectuate the policies of the National Labor Relations Act, we hereby notify our employees that:

WE WILL NOT in any manner interfere with, restrain, or coerce our employees in the exercise of their right to self-organization, to form labor organizations, to join or assist Textile Workers Union of America, C. I. O., or any other labor organization to bargain collectively through representatives of their own choosing, and to engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection.

WE WILL OFFER to the employees named below immediate and full reinstatement to their former or substantially equivalent positions without prejudice to any seniority or other rights and

privileges previously enjoyed, and make them whole for any loss of pay suffered as a result of the discrimination: John R. Hall, George W. Gainey, Mabel Gainey, Emma Louis Gainey.

WE WILL NOT refuse to permit the use, subject to reasonable and nondiscriminatory terms and conditions, of the Patriotic Order Sons of America Hall by our employees or employees of Acme Spinning Company, Perfection Spinning Company, Linford Mills, Inc., or by Textile Workers Union of America, C. I. O., or any other labor organization, as a meeting place for the purpose of self-organization or collective bargaining, at times when the Hall is not being used by the Patriotic Order Sons of America for legitimate activity, so long as the Hall remains the only suitable, available meeting place in the community. Upon request, and offer to comply with such reasonable and nondiscriminatory terms and conditions as may be prescribed, we will grant to our employees and employees of Acme Spinning Company, Perfection Spinning Company and Linford Mills, Inc., and to Textile Workers Union of America, C. I. O., or any other labor organization, the use of the Patriotic Order Sons of America Hall as a meeting place for the purpose of self-organization or collective bargaining, at times when the Hall is not being used by the Patriotic Order Sons of America for legitimate activity, so long as the Hall remains the only suitable, available meeting place in the community; provided, that this provision shall in no way preclude us from exercising our right lawfully to dispose of our said property or use it for any other lawful purpose.

All our employees are free to become or remain members of the above-named union or any other labor organization. We will not discriminate in regard to hire or tenure of employment or any term or condition of employment against any employee because of membership in or activity on behalf of any such labor organization.

STONE SPINNING COMPANY,
Employer.

Dated..... By
(Representative) (Title)

NOTE: Any of the above-named employees presently serving in the armed forces of the United States will be offered full reinstatement upon application in accordance with the Selective Service Act after discharge from the armed forces.

This notice must remain posted for 60 days from the date hereof, and must not be altered, defaced, or covered by any other material.

APPENDIX B

NOTICE TO ALL EMPLOYEES

Pursuant to a Decision and Order of the National Labor Relations Board, and in order to effectuate the policies of the National Labor Relations Act, we hereby notify our employees that:

WE WILL NOT refuse to permit the use, subject to reasonable and nondiscriminatory terms and conditions, by our employees, or by employees of the other North Belmont, North Carolina, mills or by Textile Workers Union of America, C. I. O., or any other labor organization, of the Patriotic Order Sons of America Hall as a meeting place for the purpose of self-organization or collective bargaining, at times when the Hall is not being used by the Patriotic Order Sons of America for legitimate activity, so long as the Hall remains the only suitable, available meeting place in the community; provided, that this provision shall in no way preclude respondents from exercising their right lawfully to dispose of their said property or use it for any other lawful purpose.

Upon request, and offer to comply with such reasonable and nondiscriminatory conditions as may be imposed, we will grant to our employees and to employees of the other North Belmont, North Carolina, mills, and to Textile Workers Union of America, C. I. O., or any other labor organization, the use of the Patriotic Order Sons of America Hall as a meeting place for the purpose of self-organization or collective bargaining, at times when the Hall is not being used by the Patriotic Order Sons of America for legitimate activity, so long as the Hall remains the only suitable, available meeting place in the community; provided, that this provision shall in no way preclude Respondents from exercising their right lawfully to dispose of their said property or use it for any other lawful purpose.

Dated ----- By -----
 (Employer)
 (Representative) (Title)

This notice must remain posted for 60 days from the date hereof, and must not be altered, defaced, or covered by any other material.