

In the Matter of THOMASTON COTTON MILLS and WARREN E. HALL, JR.

Case No. 10-CA-26.—Decided November 30, 1949

DECISION

AND

ORDER

On September 8, 1949, Trial Examiner C. W. Whittemore issued his Intermediate Report in the above-entitled proceeding, finding that the Respondent had engaged in and was engaging in certain unfair labor practices, and recommending that it cease and desist therefrom and take certain affirmative action, as set forth in the copy of the Intermediate Report attached hereto. Thereafter the Respondent filed exceptions to the Intermediate Report and a supporting brief. The Respondent also requested oral argument. This request is denied as the record and brief, in our opinion, adequately present the issues and positions of the parties.¹

The Board has reviewed the rulings made by the Trial Examiner at the hearing and finds that no prejudicial error was committed. The rulings are hereby affirmed. The Board has considered the Intermediate Report, the Respondent's exceptions and brief, and the entire record in the case, and hereby adopts the findings and conclusions of the Trial Examiner only to the extent consistent with this Decision and Order.

1. The Trial Examiner found that the surveillance activities of employees Buchanan and Loy Wilson, as well as the activities of the four other employees who assaulted Union Organizer Walk, are attributable to the Respondent. We do not agree. These employees were not supervisors. We do not find any convincing evidence that the Respondent instigated, approved, or even knew of their conduct. In fact, when the Respondent learned of the assault on Walk, it wrote two letters to the appropriate public officials urging a thorough investigation of the affair. Moreover, there is no evidence in the record to show that any of those employees were paid by the Respondent for the time they devoted to the allegedly illegal activities. Under these

¹ Pursuant to the provisions of Section 3 (b) of the National Labor Relations Act, the Board has delegated its powers in connection with this case to a three-member panel [Chairman Herzog and Members Reynolds and Gray].

circumstances, we cannot impute liability to the Respondent solely because of the company-village setting.² It was incumbent upon the General Counsel to prove an agency relationship between the Respondent and the above-mentioned employees. This, we find, it has failed to do. The Respondent's failure to disprove the allegations of the complaint does not establish their truth.³

2. The Trial Examiner also found that Hammond was discharged because of his union activity and not, as the Respondent contends, because of his failure to perform his work and his repeated absences from the sewing room. We do not agree. There is no credible evidence of union animus from which a discriminatory motive might be inferred, even assuming that no cause existed for the discharge.⁴ However, the record, in our opinion, supports the Respondent's contention that Hammond was discharged for cause. Overseer Strickland testified without contradiction that he had "a lot of" complaints about Hammond's work.⁵ Eula Brewer, a machine operator in the sewing room for 8 years, likewise testified that she had heard many complaints about Hammond's work because "he wouldn't fix the machines." Furthermore, although it does not appear in the Intermediate Report, Hammond admitted that he had been disciplined by Strickland for not attending to his job approximately 2 months before his discharge; and the evidence shows that he was also warned at that time not to repeat the offense, but that he nevertheless did so on the occasion of his discharge.

As the General Counsel has failed to prove that the Respondent committed any of the alleged unfair labor practices, we shall dismiss the complaint in its entirety.

ORDER

Upon 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 complaint issued herein against the Respondent, Thomaston Cotton Mills, Thomaston, Georgia, be, and it hereby is, dismissed.

INTERMEDIATE REPORT

Mr. Shally O. Wise, for the General Counsel.

Mr. Frank A. Constangy, of Atlanta, Ga., for the Respondent.

Mr. Cleburne E. Gregory, Jr., of Atlanta, Ga., for the Charging Party.

² Cf. *Bibb Manufacturing Co.*, 82 NLRB 338.

³ See *International Longshoremen's and Warehousemen's Union, CIO*, 79 NLRB 1487.

⁴ See *The Texas Company*, 80 NLRB 862.

⁵ The Trial Examiner implies that Strickland admitted on cross-examination that he received complaints about Hammond from only two employees. However, Strickland testified that he received *many* complaints but could recall the *names* of only two employees.

STATEMENT OF THE CASE

Upon a charge filed September 18, 1947, by Warren E. Hall, Jr., an attorney, the General Counsel of the National Labor Relations Board,¹ by the Regional Director for the Tenth Region (Atlanta, Georgia), issued a complaint dated June 17, 1948, against Thomaston Cotton Mills, Thomaston, Georgia; herein called the Respondent, alleging that the Respondent had engaged in and was engaging in unfair labor practices affecting commerce within the meaning of Section 8 (1) and (3) and Section 2 (6) and (7) of the National Labor Relations Act, 49 Stat. 449 (herein called the Act) and Section 8 (a) (1) and (3) and Section 2 (6) and (7) of the Act as amended, 61 Stat. 136 (herein called the amended Act). Copies of the charge, the complaint, and notice of hearing were duly served upon the Respondent and Hall.

With respect to unfair labor practices the complaint alleges in substance that the Respondent: (1) discriminatorily discharged employee Jessie Hammond on November 5, 1946, because of his activities on behalf of United Construction Workers, affiliated with United Mine Workers of America, herein called the Union; (2) by certain named officers and agents since October 1946, has interrogated its employees concerning their union affiliation, has threatened to close the plant if union activities continued, has maintained surveillance of union activities and representatives, and has participated in and condoned a physical assault upon a representative of the Union; and (3) by these acts has interfered with, restrained, and coerced its employees in the exercise of rights guaranteed by Section 7 of the Act and amended Act.

On July 7, 1948, the Respondent filed with the Regional Director a motion to dismiss claiming, among other things: (1) that the complaint had been issued in violation of Section 9 (f), (g), and (h) of the amended Act; and (2) that the alleged unfair labor practices had occurred more than 6 months before the filing of the charge. On July 8 the Regional Director issued an order reserving ruling upon this motion to the Trial Examiner. Thereafter, on July 26, 1948, the Regional Director also referred to the Trial Examiner a motion by the Respondent for a bill of particulars. On August 6, 1948, the Respondent filed its answer, denying that it had engaged in the alleged unfair labor practices.

Pursuant to notice, a hearing was held at Thomaston, Georgia, on August 25, 26, 27, 30, and 31, 1948, before Charles S. Donovan, a Trial Examiner duly designated by the Chief Trial Examiner. All parties were represented by counsel; full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing upon the issues was afforded all parties. On August 20, 1948, before the hearing, Trial Examiner Donovan denied the aforementioned motion to dismiss and motion for a bill of particulars. On August 22 the respondent forwarded to the Board a petition to remove cases² to the Board and for intermediate exception to rulings of the Trial Examiner. On August 23 the Board denied the petition.

At the opening and again at the close of the hearing the Respondent renewed its motion to dismiss, as above described. Ruling was reserved by Trial Examiner Donovan. Ruling was also reserved upon: (1) a motion by the Respondent to strike all testimony relating to certain individuals;³ and (2) a

¹ The General Counsel and his representative at the hearing are herein called General Counsel, and the National Labor Relations Board, the Board.

² This motion also related to similar issues in Cases Nos. 10-CA-20, 21 (*B. F. Goodrich Company*).

³ Oglesbee, Huckaby, and Walker.

motion by General Counsel to amend the complaint to include the allegation that the Respondent had "instigated" the physical assault above referred to. A motion to conform the pleadings to the proof in minor matters was granted by Trial Examiner Donovan.

Oral argument was waived by the parties. Following the hearing briefs were filed by counsel for the Respondent and for Hall.

Before issuing an Intermediate Report, Trial Examiner Donovan died. Thereafter the Chief Trial Examiner ordered the undersigned Trial Examiner, C. W. Whittemore, to prepare and issue an Intermediate Report in this case.

The undersigned Trial Examiner hereby denies the motions above described: (1) by the Respondent to dismiss the complaint and to strike certain testimony; and (2) by General Counsel to amend the complaint.⁴

Upon the entire record in the case, and having considered the briefs, the undersigned Trial Examiner makes the following:

FINDINGS OF FACT

I. THE BUSINESS OF THE RESPONDENT

Thomaston Cotton Mills is a Georgia corporation; it maintains an office and three plants near Thomaston, Georgia, and is engaged in the manufacture, sale, and distribution of textile products.

During the 12-month period just before issuance of the complaint the Respondent had purchased for use at said plants raw materials, consisting of cotton, parts, and supplies valued at more than \$100,000, about 50 percent of which was purchased outside the State of Georgia and shipped in interstate commerce to its plants. During the same period the Respondent manufactured, sold, and distributed textile products valued at more than \$100,000, about 70 percent of which was sold and shipped to points outside the State of Georgia.

The Respondent concedes jurisdiction of the Board.

II. THE LABOR ORGANIZATION INVOLVED

United Construction Workers, affiliated with United Mine Workers of America,⁵ is a labor organization admitting to membership employees of the Respondent.

III. THE UNFAIR LABOR PRACTICES

A. Major events and issues

At the time material to the major issues herein, the boundaries of the Respondent's three plant properties have also largely constituted the boundaries of an incorporated "municipality" known as East Thomaston. The three plants are known as the Thomaston, Peerless, and Bleachery divisions. Within the "municipality" of East Thomaston are two "mill villages"—Peerless and Thomaston. Bleachery employees live in either the Thomaston or Peerless village. East Thomaston has a commission form of local government with three commissioners appointed by a district judge, and with the mayor being selected from among themselves. During the latter part of 1946 the three commissioners

⁴ The Trial Examiner considers the allegations of the original complaint to be sufficiently broad to cover the proposed amendment.

⁵ The complaint, issued in 1948, alleged that the United Mine Workers was affiliated, in turn, with American Federation of Labor. Such affiliation, as is generally known, has been dissolved.

were R. J. Adams, as mayor, H. W. Ormand, and Len Deloach. Adams was superintendent of the Thomaston plant, and Ormand manager of the Bleachery. The commissioners serve in such offices without pay, and thus it follows that Adams and Ormand are economically dependent upon the Respondent. The "city" judge, A. A. Hardy, was purchasing agent of the Thomaston plant. The chief of police, George Wilson, was employed by and works for Mayor Adams. Wilson has no office, but has "headquarters" at a filling station, lives on company-owned property, and spends a good deal of his time at the Thomaston mill office. Wilson's assistant, according to the chief's testimony, stays at the Peerless mill office. The Respondent either owns or purchases for operation at its plants and its mill village properties such utilities as water, gas, electricity, and sewer systems, the mills employing crews for their maintenance.

In September 1946, Robert Walk, a union representative, came to Thomaston for the purpose of organizing employees of the Respondent and of the B. F. Goodrich Company, at a neighboring mill. Soon after his arrival he was joined by two other organizers, Grady Watson and Otis Stewart. Sometimes together and again separately they called on mill employees at their homes. On several occasions between October 16 and November 1 they were followed by persons also in cars. Whether or not this following of union organizers was surveillance and the question of the Respondent's responsibility for it are among the major issues.

On November 1, Walk was physically assaulted while in the company town after visiting an employee. That the assault occurred is not disputed; the Respondent's connection with it is in issue.

On or about November 5 employee Jessie A. Hammond, who had been distributing union application cards in the mills, was discharged. The discharge is in issue.

B. Interference, restraint, and coercion

1. Surveillance

The preponderance of credible, uncontradicted evidence establishes and the undersigned finds that the union organizers, as they made visits to employees at their homes in the mill villages, were followed almost daily and for hours at a time, by at least two of the Respondent's employees, Loy Wilson and R. J. Buchanan, for a period of about 3 weeks, beginning in mid-October. Work records of these two employees show that from October 17 to November 7 both Wilson and Buchanan, the first a plumber and the latter a section man, served no hours at all in the mill, although each of them for 6 weeks before and after this period worked 40 or more hours per week. No explanation was offered by the Respondent for the absence of the two men, nor were they called as witnesses. Circumstances established by unchallenged testimony support the inference and the undersigned finds that Buchanan and Wilson were engaged in surveillance of the organizers in order to discourage them in their union solicitation and to discourage employees whom they visited from joining. In the setting of the company village, so completely controlled by the Respondent as described in Section A above, and because their repeated and continuous acts of surveillance were performed for the benefit of the Employer and with its tacit, if not open, approval, the activities of Wilson and Buchanan are clearly attributable to the Respondent.⁶

⁶ See *Bibb Manufacturing Co.*, S2 NLRB 338.

It is therefore concluded and found that by the above-described surveillance the Respondent has interfered with, restrained, and coerced its employees in the exercise of rights guaranteed by Section 7 of the Act.⁷

2. The assault upon Organizer Walk

Credible and undisputed evidence establishes and the undersigned finds that on November 1, 1946, Union Organizer Robert Walk was severely beaten on the street in the company village by one of four employees of the Respondent: Aliver (Pepper) Martin, Henry Cantrell, A. P. Daniel, and Tom Alsbrook. Company records were introduced to show that none of these four men were at work that day; the Respondent offered no explanation of their absence.

In summary, the assault and surrounding circumstances were as follows. After talking with Cantrell for about an hour at a filling station, Walk drove to the home of Cecil Lee, in the mill village, to pick up some signed union cards. As he came out of Lee's house, a few minutes later, a car approached in which were Cantrell, whom he recognized, and three others whom he apparently did not recognize. One of them, whom he heard called "Pepper," got out of the car, struck him over the head several times with a blackjack, kicked him in the back, and threatened to finish him if he did not leave town. Lee was called to the scene just after the attack, and saw Martin with "something" in his hand, standing beside Walk, and heard him say, "I told you what would happen when you came in here, and if you come back in here you know what's going to happen." Lee also saw Daniel standing by the car, and noted that Tom Alsbrook was driving it. Audrey Montgomery, a mill employee living with her mother near the scene, also saw Martin standing near Walk, the latter covered with blood.

Shortly after the assault, Overseer Dawkins twice drove to the scene, on the latter occasion being accompanied by the mill village Police Chief Wilson.⁸ Dawkins remained in the car each time. Wilson asked questions of neighbors but, according to his testimony, "none of them didn't know nothing."

Walk remained in the vicinity for a few days, long enough to recover, and then left Thomaston.

There is no evidence that the Respondent has ever reprimanded any of the four employees involved in the assault.⁹ Alsbrook was a section man; Cantrell an overhauler; Aliver (Pepper) Martin and Daniels were doffers. All were still employed by the Respondent at the time of the hearing. None was called as a witness.

⁷ The undersigned considers it unnecessary here to discuss undisputed evidence that union organizers were similarly followed by certain employees of the B. F. Goodrich Company, during the same period. Their conduct will be described in an Intermediate Report in Cases Nos. 10-CA-20 and 21, *B. F. Goodrich Company*. Nor does the undersigned find the evidence conclusive that the organizers were followed, in the sense of intended surveillance, by Julian Hightower, the Respondent's vice president, and Overseer F. T. Dawkins.

⁸ Dawkins admitted going once to the scene, with Wilson, but denied the first visit. The undersigned accepts the testimony of employees Lucille Dawson and her daughter, Audrey Montgomery, as the more credible on the disputed point. Dawkins' testimony, in general and where lacking in credible corroboration, falls short of being trustworthy. He denied knowing anything about union organization activity until *after* the assault.

⁹ The record contains a good deal of testimony relating to a purported investigation made thereafter by local authorities. The undersigned considers it immaterial to the issue of the Respondent's responsibility. There is no evidence that the Respondent ever disavowed to its employees generally its responsibility, made known to them its disapproval of such action, or disciplined the actual participants.

Although officials of the Respondent denied knowledge of the assault until after it occurred, the circumstances defy belief of the denial. For more than 2 weeks two of its employees were openly trailing Walk and other organizers. Surveillance continued *after* the assault. The four men were absent on November 1, and no explanation was offered for their absence. Dawkins visited the scene twice, and according to his own testimony merely sat in the car. The subservience of the police chief to the Respondent's interests has already been described.

The undersigned Trial Examiner concludes and finds that the Respondent clearly condoned, and under the circumstances above described by the acts of its employees in effect participated in a physical assault upon Organizer Walk, thereby discouraging union activity and interfering with, restraining, and coercing employees in the exercise of rights guaranteed in Section 7 of the Act.¹⁰

C. The discharge of Jessie A. Hammond

1. Events surrounding the discharge

Hammond was a machine fixer at the time of his discharge on November 5, 1946, a few days after the attack upon Walk in the mill village. He had worked for the Respondent in preceding years; his last period of uninterrupted service began in February 1946, upon his leaving the U. S. Navy.

He became interested in union activity about 3 weeks before being discharged. He was visited at his home by union organizers, who were followed there by Wilson during the surveillance above described. He signed a union application and distributed about 25 such cards for signature among the employees in the mill. The undersigned is convinced and finds that Hammond's interest in and activity on behalf of the Union became known to officials of the Respondent before November 5.

At the end of his shift on November 5 he was discharged by Overseer William Strickland. Hammond asked why. Strickland replied that it was because of complaints, but gave him no further particulars.

2. The Respondent's contentions as to the discharge

Overseer Strickland testified that for a period of 2 months before November 5 Hammond continuously left his job and could not be found, and that "nearly every day" he had complaints from sewers, and was obliged to hunt for Hammond. He testified that he had to search twice for Hammond on November 5, and on the last occasion discharged him.

In apparent support of its contention that Hammond was discharged for cause, the Respondent introduced two documents, claimed by Strickland to be contemporary. One, a "Termination Card" bearing the date of November 5, 1946, states as the "reason for separation":

Work not satisfactory left job on 9/12/46 and went to Five Points when he Returned I could smell Bear (sic) or wine on his breath the same day
It was signed by Strickland.

¹⁰ The record contains flatly contradictory testimony as to certain remarks, clearly coercive if made, which former employee Peaster testified were uttered to him by second-hand Stallings. Not having observed the demeanor of the two witnesses as they testified, the undersigned Trial Examiner considers it unnecessary to attempt resolution of the conflict in testimony. Conduct of the Respondent's agents has already been found coercive.

Another document, bearing the date 11-7-46, was prepared a few days later, according to Strickland, at the request of the personnel office. Its text reads:

After first warned on several occasions sewers complained that it was difficult to get Hammond to work on stopper machines and whin (sic) I looked for him I found him standing around talking or in rest room this caused sewer to be dissatisfied due to loss of production.

On day of Discharge 11-5 sewer complained of machine being broke down and unable to find Hammond I found him in rest room smoking and killing time. Since repeated warnings did not seam to Straighten him out I gave him his time.

I told him when I discharged him that I had talked to him several times about not staying on his job and it did not do any Good I would have to get someone else.

On cross-examination Strickland admitted that he had never had any complaints about Hammond during his previous employment periods, and said he could recall but two persons who had ever complained about him. One of the two had no complaint about his work, but about an entirely different matter, which occurred long before the discharge, and was noted nowhere in the documents as a reason for the discharge.

3. Conclusions as to the discharge

The circumstances surrounding the discharge, including the open violence against a union organizer, the following of an organizer to Hammond's home, and the inadequacy and inconsistency of the evidence offered to support the claim of discharge for cause, persuade the undersigned Trial Examiner, and it is concluded and found, that there is no merit in the reasons advanced by Strickland, but that Hammond was in fact discriminatorily discharged because of his interest in and activity on behalf of the Union, and in order to discourage union activity among the employees, and that by the discharge the Respondent interfered with, restrained, and coerced its employees in the exercise of rights guaranteed by the Act.

IV. THE EFFECT OF THE UNFAIR LABOR PRACTICES

The activities of the Respondent set forth in Section III above, occurring in connection with its operations described in Section I above, have a close, intimate, and substantial relation to trade, traffic, and commerce among the several States, and tend to lead to labor disputes burdening and obstructing commerce and the free flow of commerce.

V. THE REMEDY

Having found that the Respondent has engaged in certain unfair labor practices it will be recommended that it cease and desist therefrom and take certain affirmative action designed to effectuate the policies of the Act.

It has been found that the Respondent discriminated in regard to the hire and tenure of employment of Jessie Hammond. It will, therefore, be recommended that the Respondent offer to Hammond immediate and full reinstatement to his former or substantially equivalent position,¹¹ without prejudice to his

¹¹ In accordance with the Board's consistent interpretation of the term, the expression "former or substantially equivalent position" is intended to mean "former position wherever possible and if such position is no longer in existence then to a substantially equivalent position." See *The Chase National Bank of the City of New York, San Juan, Puerto Rico, Branch*, 65 NLRB 827.

seniority or other rights and privileges, and make him whole for any loss of pay he may have suffered by reason of the Respondent's discrimination against him by payment to him of a sum of money equal to that which he normally would have earned as wages as an employee from the date of his discharge to the date of the offer of reinstatement less his net earnings during such period.

The undersigned is convinced that the unfair labor practices found manifestly indicate a disposition on the part of the Respondent to thwart self-organization of its employees and to deprive them of their rights under the Act. There is a likelihood not only that such acts may be repeated but that other unfair labor practices proscribed by the Act may be resorted to or committed by the Respondent. It will therefore be recommended that the Respondent be ordered to cease and desist from in any manner interfering with, restraining, or coercing its employees in the exercise of their rights as guaranteed by Section 7 of the Act.

Upon the basis of the foregoing findings of fact, and upon the entire record in the case, the undersigned makes the following:

CONCLUSIONS OF LAW

1. United Construction Workers, affiliated with the United Mine Workers of America, is a labor organization within the meaning of Section 2 (5) of the Act and amended Act.

2. By discriminating in regard to the hire and tenure of employment of Jessie Hammond, thereby discouraging membership in United Construction Workers, the Respondent has engaged in and is engaging in unfair labor practices within the meaning of Section 8 (3) of the Act and Section 8 (a) (3) of the amended Act.

3. By interfering with, restraining, and coercing its employees in the exercise of the rights guaranteed in Section 7 of the Act, the Respondent has engaged in and is engaging in unfair labor practices within the meaning of Section 8 (1) of the Act and Section 8 (a) (1) of the amended Act.

4. The aforesaid unfair labor practices are unfair labor practices affecting commerce within the meaning of Section 2 (6) and (7) of the Act and amended Act.

RECOMMENDATIONS

Upon the basis of the above findings of fact and conclusions of law, upon the entire record in the case, and pursuant to Section 10 (c) of the amended Act, the Trial Examiner recommends that Thomaston Cotton Mills, Thomaston, Georgia, its officers, agents, successors, and assigns shall:

1. Cease and desist from:

(a) Discouraging membership in United Construction Workers, affiliated with United Mine Workers of America, or in any other labor organization of its employees, by discriminatorily discharging, refusing to reinstate, or by discriminating in regard to their hire or tenure of employment, or any term or condition of employment;

(b) By surveillance, assault, or in any manner interfering with, restraining, or coercing its employees in the exercise of rights to self-organization, to form labor organizations, to join or assist United Construction Workers, affiliated with United Mine Workers of America, 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 and amended Act.

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

(a) Offer to Jessie Hammond immediate and full reinstatement to his former or substantially equivalent position, without prejudice to his seniority or other rights and privileges, and make him whole in the manner set forth in Section V above, entitled "The remedy";

(b) Post at its plants in East Thomaston, Georgia, copies of the notice attached hereto and marked Appendix A. Copies of said notice, to be furnished by the Regional Director for the Tenth Region, after being signed by representatives of the Respondent, shall be posted by the Respondent immediately upon receipt thereof, and maintained by it for sixty (60) 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;

(c) Notify the Regional Director for the Tenth Region in writing, within twenty (20) days from the date of the receipt of this Intermediate Report, what steps the Respondent has taken to comply herewith.

It is also recommended that unless on or before twenty (20) days from the date of the receipt of this Intermediate Report, the Respondent notifies the said Regional Director in writing that it will comply with the foregoing recommendations, the National Labor Relations Board issue an order requiring the Respondent to take the action aforesaid.

As provided in Section 203.46 of the Rules and Regulations of the National Labor Relations Board, any party may, within twenty (20) days from the date of service of the order transferring the case to the Board, pursuant to Section 203.45 of said Rules and Regulations, file with the Board, Washington 25, D. C., an original and six copies of a statement in writing setting forth such exceptions to the Intermediate Report or to any other part of the record or proceeding (including rulings upon all motions or objections) as he relies upon, together with the original and six copies of a brief in support thereof; and any party may, within the same period, file an original and six copies of a brief in support of the Intermediate Report. Immediately upon the filing of such statement of exceptions and/or briefs, the party filing the same shall serve a copy thereof upon each of the other parties. Statements of exceptions and briefs shall designate by precise citation the portions of the record relied upon and shall be legibly printed or mimeographed, and if mimeographed shall be double spaced. Proof of service on the other parties of all papers filed with the Board shall be promptly made as required by Section 203.85. As further provided in said Section 203.43 should any party desire permission to argue orally before the Board, request therefor must be made in writing to the Board within ten (10) days from the date of service of the order transferring the case to the Board.

In the event no Statement of Exceptions is filed as provided by the aforesaid Rules and Regulations, the findings, conclusions, recommendations, and recommended order herein contained shall, as provided in Section 203.48 of said Rules and Regulations, be adopted by the Board and become its findings, conclusions, and order, and all objections thereto shall be deemed waived for all purposes.

Dated at Washington, D. C., this 5th day of September 1949.

C. W. WHITEMORE,
Trial Examiner.

APPENDIX A

NOTICE TO ALL EMPLOYEES

Pursuant to recommendations of a Trial Examiner 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 UNITED CONSTRUCTION WORKERS, affiliated with UNITED MINE WORKERS OF AMERICA 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 employee named below immediate and full reinstatement to his former or substantially equivalent position without prejudice to any seniority or other rights and privileges previously enjoyed, and make him whole for any loss of pay suffered as a result of the discrimination.

Jessie Hammond

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.

THOMASTON COTTON MILLS,

Employer.

By -----
(Representative) (Title)

Dated -----

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