

In the Matter of WADESBORO FULL-FASHIONED HOSIERY MILLS, INCORPORATED and AMERICAN FEDERATION OF HOSIERY WORKERS, C. I. O.

In the Matter of WADESBORO FULL-FASHIONED HOSIERY MILLS, INCORPORATED and AMERICAN FEDERATION OF HOSIERY WORKERS, C. I. O.

Cases Nos. 5-C-2047 and 5-R-2099, respectively.—Decided March 12, 1947

Mr. Harold M. Weston, for the Board.

Mr. D. E. Hudgins, of Greensboro, N. C., for the respondent.

Mr. Robert D. Beame, of Charlotte, N. C., for the Union.

Mr. Paul Bisgyer, of counsel to the Board.

DECISION

AND

ORDER

Upon a second amended charge duly filed on June 28, 1946, by American Federation of Hosiery Workers, C. I. O., herein called the Union, the National Labor Relations Board, herein called the Board, by its Regional Director for the Fifth Region (Baltimore, Maryland), issued its complaint dated July 2, 1946, against Wadesboro Full-Fashioned Hosiery Mills, Incorporated, herein called the respondent, alleging that the respondent had engaged in and was engaging in certain unfair labor practices affecting commerce, within the meaning of Section 8 (1) and Section 2 (6) and (7) of the National Labor Relations Act, 49 Stat. 449, herein called the Act. Copies of the complaint, the second amended charge, and a notice of the consolidated hearing¹ were duly served upon the respondent and the Union.

With respect to the unfair labor practices, the complaint alleged, in substance, that the respondent (1) since on or about October 1, 1945, interrogated its employees concerning their membership in and activities on behalf of the Union; (2) urged, warned, and persuaded employees not to assist, become members of, or vote for the Union in an

¹ Pursuant to an order of the Board dated June 6, 1946, a hearing on the Union's objections to the election in Case No 5-R-2099 was directed and consolidated with Case No 5-C-2047.

election; and (3) urged and induced employees to deal directly with the respondent rather than through the Union.

In its answer, the respondent admitted certain allegations of the complaint relating to the nature of its business, but denied the allegations respecting the unfair labor practices.

Pursuant to notice, a hearing was held on July 22, 1946, at Wadesboro, North Carolina, before Joseph C. Wells,² the Trial Examiner duly designated by the Chief Trial Examiner. The Board and the respondent were represented by counsel, and the Union by its representative. All parties participated in the hearing. Full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing on the issues was afforded all parties. At the close of the Board's case, the respondent moved to dismiss the complaint. The Trial Examiner denied this motion. At the conclusion of the hearing, the respondent renewed its motion. The Trial Examiner reserved ruling thereon and disposed of it in accordance with his conclusions in the Intermediate Report. The Trial Examiner at the close of the hearing granted, without objection, a motion of counsel for the Board to conform the pleadings to the proof with respect to formal matters. After the introduction of all the evidence, counsel for the Board and for the respondent argued orally before the Trial Examiner. Although afforded an opportunity to do so, none of the parties filed briefs with the Trial Examiner.

The Board has reviewed the rulings of the Trial Examiner at the hearing on motions and on objections to the admission of evidence, and finds that no prejudicial error was committed. The rulings are hereby affirmed.

On September 17, 1946, the Trial Examiner issued his Intermediate Report, copies of which were duly served upon the parties, in which he found that the respondent had engaged in and was engaging in unfair labor practices affecting commerce, within the meaning of Section 8 (1) of the Act. He recommended that the respondent cease and desist therefrom and take certain affirmative action designed to effectuate the policies of the Act, and that the election be set aside. Exceptions to the Intermediate Report and supporting briefs were filed by the respondent and counsel for the Board.

The Board has considered the exceptions filed by the parties and, insofar as they are inconsistent with the findings, conclusions, and order set forth below, finds them to be without merit.

² The official transcript of the record of the hearing in numerous instances incorrectly refers to Trial Examiner Webb as the presiding officer. The record is hereby corrected to show that in all instances the Trial Examiner referred to in the transcript is Trial Examiner Wells.

Upon the entire record in the case, the National Labor Relations Board makes the following:

FINDINGS OF FACT

I. THE BUSINESS OF THE RESPONDENT

Wadesboro Full-Fashioned Hosiery Mills, Incorporated, an affiliate of Burlington Mills, is a North Carolina corporation, engaged in the manufacture and sale of full-fashioned hosiery at its plant in Wadesboro, North Carolina. During the 12 months preceding the hearing herein, the respondent purchased raw materials consisting of rayon and cotton yarn valued in excess of \$150,000, of which approximately 75 percent was shipped to the plant from points outside the State of North Carolina. During the same period, the respondent manufactured and sold full-fashioned hosiery valued in excess of \$500,000, of which approximately 90 percent was shipped to points outside that State.

The respondent admits that it is engaged in commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATION INVOLVED

American Federation of Hosiery Workers, affiliated with the Congress of Industrial Organizations, is a labor organization admitting to membership employees of the respondent.

III. THE UNFAIR LABOR PRACTICES

Interference, restraint, and coercion

A. Sequence of events

Union organization among the respondent's employees began in September 1945. Following the respondent's refusal to recognize the Union as the bargaining representative of its employees, the Union on September 17, 1945, filed a petition for certification with the Board (Case No. 5-R-2099). On January 16, 1946, pursuant to a Decision and Direction of Election issued by the Board,³ an election was held which the Union lost by a vote of 61 for, to 95 against, representation. Thereafter, the Union filed objections to the election, alleging interference with the employees' free choice of a bargaining representative, and the unfair labor practice charge involved herein.

³ *Matter of Wadesboro Full-Fashioned Hosiery Mills, Inc.*, 64 N. L. R. B. 1506.

B. Acts of interference, restraint, and coercion

Eddie Franklin Reynolds, an employee and the president of the Union's local organizational group, credibly testified that in October 1945, C. B. Hussey, then the respondent's assistant plant superintendent, called him into his office during working hours and began a conversation about the Union. He further testified that, after Hussey had stated that he understood Reynolds was the president of the Union and that he "would like to get better acquainted since [Hussey] was new there,"⁴ Hussey asked why he and the employees wanted a union. In reply to Reynolds' assertion that the Union would supply job protection, Hussey stated that he "didn't hardly see" where such protection was needed "as long as a man done his job right." Reynolds also recalled that Hussey remarked that he and Reynolds would "still be friends" whether the Union "won or lost." Hussey testified that Reynolds' version of the conversation was substantially correct, but that he had carefully advised Reynolds that he was free to engage in union activities without fear of discrimination, and that he had also commented that "the boys used good judgment in electing him [Reynolds] president." Reynolds, however, denied that Hussey gave him any assurance against discrimination. We, like the Trial Examiner, credit Reynolds' testimony.⁵

In the latter part of October 1945, Grover C. Furr, general superintendent of the respondent's plants, delivered two similar speeches to the employees on different shifts. According to all the evidence, Furr's speeches contained, in substance, the same statements as were set forth in the following letter which the respondent mailed to each employee on or about January 12, 1946, a few days before the Board-ordered election.⁶

Dear -----,

As has been announced, the National Labor Relations Board has ordered an election to be held for the employees of the Wadesboro Full Fashioned Hosiery Mills to decide whether or not they desire the American Federation of Hosiery Workers to be their bargaining agent with the mill management.

We have been working together for about six years, during which time we have endeavored to be fair with the employees and tried to make them feel a part of the Company. Naturally, there-

⁴ Hussey was assigned to the respondent's Wadesboro plant about September 1, 1945.

⁵ As will hereinafter be discussed, we, like the Trial Examiner, also do not credit Hussey's testimony concerning his conversations with employees Turner, Forster, and Ingold.

⁶ The letter refers to the election directed by the Board on December 21, 1945. Presumably, Furr's speeches were concerned with the Union's organizational efforts, inasmuch as the speeches were made prior to the Direction of Election.

fore, we are interested in any matters or developments which vitally concern our employees.

You have always been free to come to us to discuss matters in which you are interested and we always welcome any suggestions you would like to make and we want to hear from you at any time you have any complaints or questions of any kind. We feel sure you will agree that we have shown ourselves willing and desiring to play fair, pay good wages, and provide regular employment and excellent working conditions. We believe you like these policies and we hope to grow and share our growth and prosperity with our employees.

We feel that in view of the way we have worked together in the past, it would not now be fair to our employees unless we express to you our opinion on the question of how we can best continue to work together.

If the Union wins the election, they will have the right to speak for all of you in the future, in all matters concerning wages, hours and other working conditions. If you would rather have them speak for you, rather than speak for yourself as you have done in the past, then that is your own business, but we want you to realize that you will be changing the way we have always worked together. However you decide this question, it will not affect your job, but we want you to realize how things are done when you are represented by the Union. In other words, in any matters concerning wages, hours and working conditions, the Company will be on one side of the table and the Union on the other, and you won't be there except through the Union committee. If you wish the Union to bargain collectively for you and the other employees, that is for you to decide, but you should know that you will be surrendering to the Union committee, your bargaining rights as an individual. It is your privilege to join the Union or any other organization, and the matter is left entirely to your own intelligence; but if you decide to join the Union, we won't be able to continue that same personal relationship which we have become so accustomed to in the past few years.

Some of the employees have asked us whether you have to join the Union in order to work for us. The answer is positively "No." You are free and always will be to belong to any organization or not to belong, and you can hold your job with us without regard to whether you do or do not belong to any organization. We won't discriminate against you in any way, whatever you decide about the Union, but we think you owe it to yourselves to think seriously about this whole matter before you decide to

vote for a change in the way we have always worked and lived together.

Under the rules of the National Labor Relations Board, the ballot will be secret and the majority of the people actually voting will decide the election. We want to urge each person to be sure and vote. This is an important matter to everyone, and we are sure you will agree with us that it should be decided by a large and representative vote of the employees, and not by the vote of a small group. You have the right to vote either for or against the Union, regardless of whether you have signed a union membership card.

With best wishes,
Yours sincerely

[s] G. C. FURR
General Superintendent.

[s] HOMER HARRIS
Plant Superintendent.

Rudolph Davidson, a yarn man employed by the respondent credibly testified, without contradiction, that in the latter part of October 1945, Foreman Howell told him that "them others out there didn't know what they were getting into, because they had a union once out there and if they got it again they probably would move the mill away."⁷

John A. Wilkinson, a machine operator, credibly testified, without contradiction, that during the Union's organizational drive in the latter part of October 1945, Foreman Howell engaged him in a conversation and said that "the Brotherhood of Railroads was the only union worth a damn and the others only caused trouble."

According to the credible and undisputed testimony of employee Bennett Joe Tarlton, Foreman Albert Lowe asked him on January 14, 1946, 2 days before the election, how he intended to vote in that election. Tarlton answered that he "was going to be on the winning side no matter which way it was, I knowed which was the winning side."⁸

Employee George W. Turner testified that a day or two before the election Assistant Plant Superintendent Hussey asked him what he thought of the respondent's letter of January 12, 1946, and told him to make up his mind because the election was approaching. Robert

⁷ Foreman Howell was not called as a witness and Davidson's credible testimony was not denied. Although Davidson also testified that he and Foreman Howell were "intimate" friends, we find that this did not nullify the necessarily coercive effect of Howell's threat, which we hereinafter find to be violative of Section 8 (1) of the Act. *Matter of Illinois Electric Porcelain Company*, 31 N. L. R. B. 101, 111.

⁸ Foreman Lowe did not testify.

Lee Forster, a machine maintenance worker, testified that on the morning of the election Hussey engaged him in a conversation in the plant, said that "he had been aiming to talk to [Forster] about the Union and never had no chance," questioned Forster as to how he "felt about the Union," asked him whether he would "rather ask for something and get it or have somebody else ask for it and not get it;" and said that it was just as "easy" to vote against the Union as to vote for it. Clarence John Ingold, a janitor in the plant, testified that on the morning of the election Hussey asked him whether he wanted the Union or the respondent as "boss man."

Hussey testified that he did not recall having made the statements attributed to him by Forster and Ingold.⁹ He denied ever having made any effort to persuade, coerce or threaten any employee with respect to his union activities, or ever having given his opinions concerning the Union except when requested by the employees. He further testified that on each occasion when approached by employees who wished to talk of the Union he told them that "it was strictly their affair, whatever they wanted to do, [he] couldn't tell them to join the Union or not to, but if they wanted [his] opinion, [he] could give that to them," that he told them that "sometimes [he] thought plants needed a Union, but [he] didn't think they needed it at the respondent's plant because it could do as much for them as anyone else," and that when he expressed his opinion he emphasized that he was not speaking for the respondent but was merely expressing his personal views.

We find, as did the Trial Examiner, that Turner, Forster, and Ingold were truthful witnesses and, accordingly, we accept their version of the incidents related above.

Clifford Eugene Forte, a knitter, testified, in substance, as follows: On the day before the election, Assistant Foreman Huggins approached him and offered to assist him in performing some work on his machine. While so engaged, Huggins opened a discussion about the Union and asked, "Clifford, how do you think the election is going tomorrow?" to which Forte replied, "Well, I hadn't thought much about it." Huggins then asked him for the reason the employees were organizing, and Forte replied that he did not know. Both men then left the machine area to smoke and, on Huggins' invitation, Forte joined him in the first-aid room, which apparently also contained desks used primarily by the respondent's foremen. In the ensuing discussion, Huggins said:

Cliff, you boys out here trying to organize, how do you all think you are going to get this company to sign a contract after you

⁹ Hussey did not specifically refer to the statements attributed to him by Turner.

win your election? And I said, "Well, our representative said that the Federal Government says that is right, and that it is in the constitution." And he said, "Well, there is but one way to make a company sign a contract, and that is by striking," and he said, "If you boys get it and win it and have to strike probably you will ask for a five cent raise and naturally you will have to strike, and say you do strike then, and say you will probably be out of work three or four months, and maybe you argue around and go back to work, what have you gained?" And I laughed at him and let him talk on, and he said that when you won your election like that you had boys in the mill or women you elect yourself to go in and bargain for you, and said "You don't know what goes on in there, you don't know what is said, you don't get to hear it." And he said he would hate to have some that we had on our Committee to go in and bargain for him, and he specified Robert Howard.

Q. Was he one of the Bargaining Committee?

A. Yes, sir, he was one of our Committee. And he said that we here in the south, that people up north made big wages, but he said they didn't make any more in comparison to what we did, he said they had slower running machines up there and could work seven days a week if they wanted to ten or twelve hours a day, that he worked up there once and belonged to a Union and that he was making \$80.00 a week and that \$22.00 of that went to the Union for dues. By this time my machine I knew was standing and I had to get back to work on it so I went out.

Huggins testified that he had considered himself a personal friend of Forte, had been hunting with him on different occasions, had merely stopped to assist Forte as a friendly gesture, and had asked Forte to the first-aid room to smoke. With respect to the remainder of the discussion, Huggins testified, as follows:

After we got in there he asked my opinion and I started to tell him my personal opinion, as friend to friend, and when that was over we started talking about fishing, and that is where it wound up, and I went on back to work . . . I just told him my opinion of what I had seen.

We credit Forte's version of the above occurrence which, we find, was not substantially contradicted by Huggins. Moreover, in view of the fact that Huggins did not deny having initiated the conversation or having broached the subject of the Union by questioning Forte about his opinion on the outcome of the election and the reason for the employees' organizational interest, but, on the contrary, admitted hav-

ing asked Forte for his opinion concerning the results of the election¹⁰ and having invited him to join him in a smoke in the first-aid room, we find, unlike the Trial Examiner, that Huggins' remarks, recited above, were gratuitous and not solicited by Forte.

C. Concluding findings

From the foregoing, it is clear that the respondent engaged in conduct designed to discourage its employees from affiliating with or selecting the Union as their bargaining representative. We find that, by Assistant Plant Superintendent Hussey's and Assistant Foreman Huggins' interrogation of employees concerning their union views and preferences,¹¹ Foreman Lowe's inquiry of an employee as to how he intended to vote,¹² Foreman Howell's threat that the plant would be removed if it became unionized,¹³ Hussey's blunt declaration contrasting the futility of collective bargaining with the efficacy of personal dealings,¹⁴ Huggins' warning that the respondent would not sign a contract without a protracted strike to the employees' economic detriment, and Huggins' impugning the honesty and reliability of the bargaining committee, specifying a named employee, the respondent interfered with, restrained, and coerced its employees in the exercise of their self-organizational rights, in violation of Section 8 (1) of the Act. Moreover, we find that General Plant Superintendent Furr's pre-election letter and speech, and the remarks of Hussey, Howell, and Huggins deprecating the need of a union, although not *per se* illegal, were inseparable parts of a coercive course of conduct proscribed by the Act. In these circumstances, we are not persuaded, as the respondent argues, that this conduct constituted merely isolated expressions of its supervisors' personal opinion, not imputable to it. Nor is the respondent's contention tenable that, because its supervisors acted contrary to its neutrality instructions, it was thereby relieved of responsibility for their acts. The record discloses, and we find, that these

¹⁰ After Huggins testified that he offered to help Forte start up his machine, the respondent's counsel asked him how the conversation was opened. In reply, Huggins testified, "I don't know how it started but it started and I asked him how did he think the election would go, and I don't remember what was said."

¹¹ *H J Heinz Company v N L R B.*, 311 U. S. 514, 518, 520, aff'g 110 F. (2d) 843 (C. C. A. 6), enf'g 10 N. L. R. B. 963, *N L R B. v Norfolk Southern Bus Corporation*, 159 F. (2d) 516 (C. C. A. 4) December 30, 1946, enf'g 66 N. L. R. B. 1165.

¹² Plainly, such conduct invades the employees' right to exercise a free and unfettered choice through a statutory method designed to insure this freedom. *Matter of Enid Cooperative Creamery Association*, 63 N. L. R. B. 728. To similar effect, see *Matter of Bausch & Lomb Optical Company*, 69 N. L. R. B. 1104, *Matter of Libbey-Owens-Ford-Glass Company*, 63 N. L. R. B. 1.

¹³ *N L R B. v American Furnace Co.*, 158 F. (2d) 376 (C. C. A. 7), December 4, 1946, enf'g 65 N. L. R. B. 247.

¹⁴ *Matter of Comas Manufacturing Company*, 59 N. L. R. B. 208; *Matter of Cameron Can Machinery Company*, 57 N. L. R. B. 1768; *Matter of Tampa Electric Company*, 56 N. L. R. B. 1270.

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instructions were not communicated to the employees as a whole and, hence, could not counteract their reasonable belief that the supervisors were acting in behalf of management.¹⁵

The respondent, relying on the Board's majority opinion in the *Arkansas-Missouri Power* case,¹⁶ also disclaims liability for the anti-union activity of its supervisors on the ground that the preelection speech and letter, which contained assurances against discrimination, adequately brought home to the employees its neutral position, so that the employees had no just cause to believe that the supervisors in their anti-union activities were acting on its behalf. Reliance on *Arkansas-Missouri Power*, however, is misplaced, for the facts in that case are distinguishable from those in the present case. There, the employer publicized to its employees the instructions to its supervisory personnel to refrain from coercing or influencing its employees in the selection of a bargaining representative. In the present case, however, the respondent took neither this precaution nor any other measures to dissipate the coercive effects of its supervisors' conduct. The mere assurance against discrimination, embodied in the preelection speech and letter, was not, in our opinion, sufficient to serve that purpose,¹⁷ particularly as a high-ranking company official also participated in the anti-union conduct.

Accordingly, we find that the respondent, by the acts and statements of its supervisory employees, interfered with, restrained, and coerced its employees in the exercise of the rights guaranteed in Section 7 of the Act, within the meaning of Section 8 (1) of the Act. We find further that, as a consequence of these unfair labor practices, the election held on January 16, 1946, did not fairly reflect the untrammelled wishes of the respondent's employees and, therefore, did not constitute a fair test of their desires for representation.

IV. THE EFFECT OF THE UNFAIR LABOR PRACTICES UPON COMMERCE

The activities of the respondent set forth in Section III, above, occurring in connection with the operations of the respondent described

¹⁵ *H. J. Heinz Co. v. N. L. R. B.*, *supra*, at pp. 519-521; *North Carolina Finishing Co. v. N. L. R. B.*, 133 F. (2d) 714, 716-717 (C. C. A. 4), en'f'g 44 N. L. R. B. 184, cert. denied 320 U. S. 738; *Matter of Pittsburgh Steamship Company*, 69 N. L. R. B. 1395. Although Union President Reynolds testified that, when he complained to Plant Superintendent Harris on the morning of the election about the supervisors' conduct he was informed of the respondent's neutrality instructions, this manifestly was insufficient notice to the employees to dissipate the coercive effects of the supervisors' conduct.

¹⁶ *Matter of Arkansas-Missouri Power Corporation*, 68 N. L. R. B. 805. The majority consisted of Chairman Herzog and former Member Reilly. Member Houston dissented from this phase of the case.

¹⁷ *Matter of Semet-Solvay Company*, 68 N. L. R. B. 352; *Matter of Bird Machine Company*, 65 N. L. R. B. 311; *Matter of Libbey-Owens-Ford Glass Company*, 63 N. L. R. B. 1.

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

We have found that the respondent violated the Act by, among other things: (a) interrogating employees concerning their union views and preferences; (b) inquiring of an employee as to how he intended to vote in the scheduled Board election; (c) threatening an employee that the plant would be removed if it became unionized; (d) pointing out to an employee the futility of collective bargaining as contrasted with the efficacy of personal dealings; (e) warning an employee that the respondent would not sign a contract with the Union without a protracted strike which would result in a loss of earnings to employees; and (f) expressing disapproval of the composition of the bargaining committee, specifying a named employee.

Upon the entire record, we infer and find that the respondent's illegal activities mentioned above disclose an intent to defeat self-organization and its objects, and an attitude of opposition to the purposes of the Act. Because of the respondent's unlawful conduct and the underlying purposes manifested thereby, we are convinced that the unfair labor practices found are persuasively related to the other unfair labor practices proscribed by the Act, and that danger of commission in the future of any or all of the unfair labor practices defined in the Act is to be anticipated from the respondent's conduct in the past. The preventive purpose of the Act will be thwarted unless our order is coextensive with the threat.¹⁸ In order, therefore, to make effective the interdependent guarantees of Section 7, to prevent a recurrence of unfair labor practices, and thereby minimize industrial strife which burdens and obstructs commerce, and thus effectuate the policies of the Act, we shall order the respondent to cease and desist not only from the unfair labor practices herein found, but also from in any other manner interfering with, restraining, or coercing its employees in the exercise of the rights guaranteed in Section 7 of the Act, and to take certain affirmative action designed to effectuate the policies of the Act.

As we have found that the respondent has by its unfair labor practices interfered with its employees' free choice of representatives in the election of January 16, 1946, we shall set the election aside. We shall direct that a new election be conducted when the Regional Director advises us that such election may appropriately be held.

¹⁸ *N L R B v Express Publishing Company*, 312 U. S. 426; *May Department Stores Company v N L R. B.*, 326 U S 376.

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

CONCLUSIONS OF LAW

1. American Federation of Hosiery Workers, affiliated with the Congress of Industrial Organizations, is a labor organization, within the meaning of Section 2 (5) of the Act.

2. 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.

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

ORDER

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 respondent, Wadesboro Full-Fashioned Hosiery Mills, Incorporated, Wadesboro, North Carolina, and its officers, agents, successors, and assigns shall:

1. Cease and desist from:

(a) Interrogating its employees as to their union activities, views, and sympathies, or as to how they intend to vote or voted in a Board election;

(b) Warning employees that it will remove its plant or take other economic reprisal if American Federation of Hosiery Workers, C. I. O., or any other labor organization, succeeds in unionizing its plant;

(c) Advising its employees that employment benefits and consideration of grievances will not be obtained through collective bargaining but will be obtained through continuance of personal dealings;

(d) Threatening not to negotiate, on request, with the duly selected bargaining representative of its employees;

(e) 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 American Federation of Hosiery Workers, 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.

notice attached hereto, marked "Appendix A." Copies of such 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;

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

AND IT IS HEREBY FURTHER ORDERED that the election held among the respondent's employees on January 16, 1946, in Case No. 5-R-2099, be, and it hereby is, vacated and set aside.

MR. JAMES J. REYNOLDS, JR., took no part in the consideration of the above Decision and Order.

"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 interrogate our employees concerning their union activities, views, and sympathies, or as to how they intend to vote or voted in a Board election.

WE WILL NOT warn our employees that we will remove our plant or take other economic reprisal if American Federation of Hosiery Workers, C. I. O., or any other labor organization, succeeds in unionizing our plant.

WE WILL NOT advise our employees that employment benefits and consideration of grievances will not be obtained through collective bargaining but will be obtained through the continuance of personal dealings.

WE WILL NOT threaten to refuse to negotiate on request with the duly selected bargaining representative of our employees.

¹⁰ In the event that this Order is enforced by a decree of a Circuit Court of Appeals, there shall be inserted before the words "A DECISION AND ORDER" the words "A DECREE OF THE UNITED STATES CIRCUIT COURT OF APPEALS ENFORCING."

or coerce our employees in the exercise of their right to self-organization, to form labor organizations, to join or assist American Federation of Hosiery Workers, 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. All our employees are free to become or remain members of this union, or any other labor organization.

WADESBORO FULL-FASHIONED HOSIERY MILLS,
INCORPORATED,

Employer.

Dated _____ By _____

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