

GASTONIA WEAVING COMPANY and UNITED TEXTILE WORKERS OF AMERICA, AFL, PETITIONER. *Case No. 34-RC-201. December 28, 1951*

### Supplemental Decision and Order

Pursuant to a Decision and Direction of Election issued by the National Labor Relations Board on October 10, 1950,<sup>1</sup> an election by secret ballot was conducted on November 8, 1950, under the direction and supervision of the Regional Director for the Fifth Region, among the production and maintenance employees at the Employer's Gastonia, North Carolina, plant. Thereafter, a tally of ballots was furnished the parties. The tally shows that, of the approximately 190 eligible voters in the unit, 179 cast valid ballots, of which 63 were for, and 116 against, the Petitioner. There were no challenged ballots.

On November 15, 1950, the Petitioner filed objections to the conduct of the election, alleging that the Employer's supervisors had interfered with the election by threats of reprisal, interrogation, and promises of benefit (objections 1 and 2), that Reis, an official of the Employer, had delivered a coercive speech on the eve of the election (objection 6), and that the Employer and the Board agent had engaged in other conduct which warranted setting the election aside (objections 3, 4, 5, and 7). Following investigation, the Regional Director, on June 5, 1951, issued a report on the Petitioner's objections, in which he recommended that the election be set aside, on the ground that Reis' speech contained a threat of economic reprisal against the employees if the Petitioner was successful in the election, and that this speech therefore constituted interference with the free choice of representatives guaranteed by the Act. As to the alleged threats, interrogation, and promises by supervisors (objections 1 and 2), the Regional Director indicated that he was unable to reach any determination because of the paucity of available evidence. He accordingly recommended that the election be set aside because of the Reis speech alone.<sup>2</sup> Exceptions to the Regional Director's report were filed by both the Employer and the Petitioner.

Thereafter, on July 2, 1951, upon consideration of the Regional Director's report and the exceptions thereto, the Board issued an order in which it: (a) remanded this proceeding to the Regional Director; (b) directed that a hearing be held on objections 1 and 2, as numbered in the Regional Director's report on objections, relating to threats and interrogation by the Employer's supervisors, reserving decision on the Regional Director's conclusions and recommendations with respect to objection 6; (c) directed that the hearing officer prepare

<sup>1</sup> 91 NLRB 899.

<sup>2</sup> The Regional Director found no merit in objections 3, 4, 5, and 7.

and serve upon the parties a report containing resolutions of the credibility of witnesses, findings of fact, and recommendations to the Board as to the disposition of the said objections; and (d) granted the parties 10 days after service of the hearing officer's report to file exceptions thereto.

The hearing was held on August 7 and 8, 1951, before Benjamin E. Cook, hearing officer. On October 30, 1950, the hearing officer issued and duly served upon the parties his report on objections to election, recommending that objections 1 and 2 be overruled and, in accordance with the Board's order of July 2, 1951, making no recommendations with respect to objection 6. Thereafter, the Petitioner filed exceptions to the hearing officer's report on objections to election.

The rulings made by the hearing officer at the hearing are free from prejudicial error and are hereby affirmed.<sup>3</sup> Upon consideration of the entire record in this case, the Board<sup>4</sup> finds, in agreement with the hearing officer, that objections 1 and 2 are without merit. With respect to objection 6 (the Reis speech), the Board, upon consideration of the entire record, makes the following findings:

As found by the hearing officer, on November 7, 1950, the day before the election, Reis made substantially the same speech to the employees on each shift. His speech contained the following:

There's a term they (the Union) used called job security. Perhaps they are referring to the times like that during last July when the entire mill could have been closed down in order to save paying out a large payroll when the orders just weren't coming in and there was no backlog to keep us going. From a strict business viewpoint we should have closed the whole plant down, laid everyone off and saved some money; and, in most instances where there are Unions, that is exactly what the Company would do. We did not. We kept the plant running so that those of you who weren't on vacation would still have some work to do and some money to take home at the end of the week.

In our opinion, the foregoing portion of the speech was reasonably calculated to convey to the employees the threat that if the Employer's plant was unionized, the Employer would follow the alleged practice in union plants and lay employees off in slack times, instead of retaining a full complement as it had done in the past. We find, as did the

<sup>3</sup> The hearing officer referred to the Board the Employer's motion, made during the hearing, to dismiss the Petitioner's objections to the conduct of election. In view of our findings herein, this motion is denied.

<sup>4</sup> Pursuant to the provisions of Section 3 (b) of the Act, the Board has delegated its powers in connection with this case to a three-member panel [Chairman Herzog and Members Reynolds and Styles].

Regional Director, that these statements constituted threats of economic reprisals against the employees if the Petitioner won the election, and interfered with the employees' freedom of choice in the election.

In addition, in each of his speeches, after comparing the Employer's policy of four paid holidays and time and one-half for work done on 3 other holidays, with the Petitioner's policy of 7 holidays at straight time pay, Reis stated, "We will be glad to have it whichever way you want it." We find that this statement, made on the eve of the election, was a promise of an economic concession to the employees, designed to convince them that they could achieve the same results without a union as with a union, and therefore interfered with freedom of choice in the election.<sup>5</sup>

Accordingly, we shall set aside the election of November 8, 1950, and shall direct that a new election be held at such time as the Regional Director advises is appropriate.

### Order

IT IS HEREBY ORDERED that the election held on November 8, 1950, among the employees of Gastonia Weaving Company at its Gastonia, North Carolina, plant be, and it hereby is, set aside.

<sup>5</sup> See *Bonwit-Teller, Inc*, 96 NLRB 608.

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INTERNATIONAL SHOE COMPANY *and* UNITED SHOE WORKERS OF AMERICA, CIO, PETITIONER. *Case No. 14-RC-1507. December 28, 1951*

### Supplemental Decision and Order

Pursuant to a Decision and Direction of Election dated September 20, 1951, as amended on October 3, 1951, an election by secret ballot was held on October 17, 1951, under the direction and supervision of the Regional Director for the Fourteenth Region, among the employees of the Employer in the unit found appropriate. At the close of the election the parties were furnished a tally of ballots which showed that of approximately 398 eligible voters, 333 cast valid ballots, of which 166 were cast for the Petitioner, and 167 against the Petitioner; 2 ballots were void, and 1 challenged.

On October 22, 1951, the Petitioner filed objections to the election. In accordance with the Board's Rules and Regulations, the Regional Director conducted an investigation and on November 14, 1951, issued his report on objections, in which he recommended that the objections be sustained. On November 21, 1951, the Employer filed timely exceptions to the report on objections.