

In the Matter of A. J. PIETRUS, N. J. PIETRUS AND J. S. PIETRUS, A CO-PARTNERSHIP, DOING BUSINESS AS A. J. PIETRUS & SONS, AND A. J. PIETRUS & SONS, INC. and AMALGAMATED MEAT CUTTERS & BUTCHER WORKMEN OF NORTH AMERICA, LOCAL UNION 615, A. F. OF L.

Case No. C-2210.—Decided June 9, 1942

Jurisdiction: poultry and dairy products industry.

Settlement: stipulation providing for compliance with the Act.

Remedial Orders: entered on stipulation.

Mr. Russell Packard, for the Board.

Mr. R. F. Mack, for the respondents.

Mr. Nels Sparring, for the Union.

Mr. A. Sumner Lawrence, of counsel to the Board.

DECISION

AND

ORDER

STATEMENT OF THE CASE

Upon charges and amended charges duly filed by Amalgamated Meat Cutters & Butcher Workmen of North America, Local Union 615, A. F. of L., herein called the Union, the National Labor Relations Board, herein called the Board, by the Regional Director for the Eighteenth Region (Minneapolis, Minnesota) issued its complaint dated May 13, 1942, against A. J. Pietrus, N. J. Pietrus and J. S. Pietrus, a co-partnership, doing business as A. J. Pietrus & Sons, and A. J. Pietrus & Sons, Inc., a corporation, Sleepy Eye, Minnesota, herein called the respondents, alleging that the respondents had engaged in and were engaging in 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 were duly served upon the Union and the respondents.

Concerning the unfair labor practices, the complaint alleged in substance that the respondents: (1) on or about October 21, 1941, kept their employees under surveillance during the public distribution of union literature to said employees and interfered with the distribution of said union literature; (2) on or about October 23, 1941, posted

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a notice to all employees at their plant discouraging membership in and attendance at meetings of the Union and suggesting the formation of an independent union; (3) on or about October 25, 1941, granted wage increases to their employees in an effort to discourage membership in the Union; (4) on or about February 13, 1942, attended and kept under surveillance a meeting of their employees called by the Union; (5) from on or about October 1, 1941, to the date of the complaint, by the making of derogatory remarks concerning the union and other labor organizations, indicated to their employees the respondents' disapproval of and opposition to the self-organization of said employees; and (6) by the acts set forth above, interfered with, restrained, and coerced their employees in the exercise of the rights guaranteed in Section 7 of the Act. On May 16, 1942, prior to the date of the scheduled hearing in the case, the respondents, the Union, and counsel for the Board entered into a stipulation in settlement of the case. The stipulation provides as follows:

IT IS HEREBY STIPULATED AND AGREED by and between A. J. Pietrus, N. J. Pietrus and J. S. Pietrus, a co-partnership, doing business as A. J. Pietrus & Sons, and A. J. Pietrus & Sons, Inc., a corporation, hereinafter called the Respondents, by their attorney; Amalgamated Meat Cutters & Butcher Workmen of North America, Local Union 615, A. F. of L., hereinafter called the Union, by its Representative; and Russell Packard, attorney for the National Labor Relations Board:

I

Upon charges and amended charges duly filed by the Union, the National Labor Relations Board, hereinafter called the Board, by the Regional Director for the Eighteenth Region, acting pursuant to authority granted in Section 10 (b) of the National Labor Relations Act and Article IV, Section 1, of the National Labor Relations Board Rules and Regulations—Series 2, as amended, duly issued its Complaint and Notice of Hearing on May 13, 1942, against Respondents, alleging that Respondents had engaged in, and were engaging in, unfair labor practices affecting commerce within the meaning of Section 8 (1), and Section 2 (6) and (7) of the Act.

II

Respondents and the Union acknowledge due and timely service of the Complaint, Notice of Hearing, and Second Amended Charge, and expressly waive further pleadings, hearing, and the making of findings of fact and conclusions of law by the Board.

III

A. J. Pietrus & Sons, Inc. is a corporation organized under and existing by virtue of the laws of the State of Minnesota. A. J. Pietrus, N. J. Pietrus and J. S. Pietrus are a co-partnership, doing business under the name and style of A. J. Pietrus & Sons. The Respondents, jointly and severally, are engaged at their joint office and place of business at Sleepy Eye, Minnesota, in the purchase, sale and distribution of poultry, eggs, feed and dairy products. During each of the calendar years 1940 and 1941, the Respondents purchased materials amounting to \$15,000.00 from sources outside the State of Minnesota and transported such materials in interstate commerce to the Respondents' plants at Sleepy Eye, Minnesota. During each of the calendar years 1940 and 1941, the total sales of products by the Respondents amounted to approximately \$800,000.00, of which sum more than 99 per cent represents products sold and shipped in interstate commerce to points outside the State of Minnesota. Respondents concede that they are engaged in commerce within the meaning of Section 2 (6) and (7) of the Act.

IV

Amalgamated Meat Cutters & Butcher Workmen of North America, Local Union 615, A. F. of L., is a labor organization within the meaning of Section 2 (5) of the Act.

V

It is agreed that this Stipulation and Agreement, and the admissions contained herein, are made only for the purpose of this cause and such proceedings as may relate thereto.

VI

This Stipulation and Agreement, together with the Second Amended Charge, the Complaint, Notice of Hearing, and the proof of service thereof may be filed with the Chief Trial Examiner of the Board at Washington, D. C., and when so filed shall constitute the entire record in the case.

VII

Upon the entire record, as set forth in Paragraph VI above, an order may be forthwith entered by the Board, providing as follows:

A. J. Pietrus, N. J. Pietrus and J. S. Pietrus, a co-partnership, doing business as A. J. Pietrus & Sons, and A. J. Pietrus & Sons,

Inc., a corporation, their officers, agents, successors, and assigns, shall:

1. Cease and desist from:

(a) Discouraging membership in Amalgamated Meat Cutters & Butcher Workmen of North America, Local Union 615, A. F. of L., or any other legitimate labor organization of their employees, by interfering with the public distribution of union literature to their employees; by posting of notices discouraging membership in the Union, or attendance at its meetings, and suggesting and encouraging the formation of a company union; by surveillance of, and interference with Union meetings; and by otherwise indicating to their employees disapproval of or opposition to the self-organization of such employees.

(b) In any other manner interfering with, restraining, or coercing their employees in the exercise of their rights to self-organization, to form, join or assist labor organizations, 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 National Labor Relations Act.

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

(a) Immediately post in conspicuous places throughout their plants, and maintain for a period of sixty (60) consecutive days from the date of posting, notices in the form attached hereto and incorporated herein as Appendix "A" hereof.

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

VIII

The parties hereby consent to the entry to an appropriate United States Circuit Court of Appeals, upon application by the Board thereto, of a decree enforcing the order of the Board in the terms set forth above, and waive their rights to contest the entry of such decree, and further, waive any and all requirements of notice of the filing of such application by the Board, provided that a copy of said decree shall be served upon the Respondents after its entry.

IX

This Stipulation and Agreement is subject to the approval of the Board and shall become effective immediately upon the granting of such approval.

The entire agreement is contained within the terms of this Stipulation, and there is no verbal agreement which varies or alters the terms of this Stipulation.

On June 1, 1942, the Board issued an order approving the above stipulation, making it a part of the record, and pursuant to Article II, Section 36, of National Labor Relations Board Rules and Regulations—Series 2, as amended, transferring the proceeding to the Board for the purpose of entering a decision and order pursuant to the provisions of the stipulation.

On the basis of the above stipulation and upon the entire record in the case, the Board makes the following:

FINDINGS OF FACT

I. THE BUSINESS OF THE RESPONDENTS

A. J. Pietrus, N. J. Pietrus and J. S. Pietrus, a co-partnership doing business as A. J. Pietrus & Sons, and A. J. Pietrus & Sons, Inc., a Minnesota corporation, have their joint office and place of business at Sleepy Eye, Minnesota, where they are jointly and severally engaged in the purchase, sale, and distribution of poultry, eggs, feed, and dairy products. During each of the calendar years 1940 and 1941, the respondents purchased and transported raw materials of the value of \$15,000, from sources outside the State of Minnesota, to the respondents' plants at Sleepy Eye, Minnesota. During each of the calendar years 1940 and 1941, the total sales of respondents' products amounted in value to approximately \$800,000, of which more than 99 percent represents products sold and shipped to points outside the State of Minnesota. The respondents admit that they are engaged in commerce within the meaning of the Act.

We find that the above-described operations of the respondents constitute a continuous flow of trade, traffic, and commerce among the several States.

ORDER

Upon the basis of the above findings of fact, the stipulation, and the entire record in the case, and pursuant to Section 10 (c) of the National Labor Relations Act, the National Labor Relations Board hereby orders that the respondents, A. J. Pietrus, N. J. Pietrus and J. S. Pietrus, a co-partnership, doing business as A. J. Pietrus & Sons, and A. J. Pietrus & Sons, Inc., a corporation, their officers, agents, successors, and assigns, shall:

1. Cease and desist from:

(a) Discouraging membership in Amalgamated Meat Cutters & Butcher Workmen of North America, Local Union 615, A. F. of L.,

or any other legitimate labor organization of their employees, by interfering with the public distribution of union literature to their employees; by posting of notices discouraging membership in the Union, or attendance at its meetings, and suggesting and encouraging the formation of a company union; by surveillance of, and interference with Union meetings; and by otherwise indicating to their employees disapproval of or opposition to the self-organization of such employees.

(b) In any other manner interfering with, restraining, or coercing their employees in the exercise of their rights to self-organization, to form, join, or assist labor organizations, 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 National Labor Relations Act.

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

(a) Immediately post in conspicuous places throughout their plants, and maintain for a period of sixty (60) consecutive days from the date of posting, notices in the form attached hereto and incorporated herein as Appendix "A" hereof.

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

APPENDIX A

NOTICE TO EMPLOYEES

A. J. PIETRUS, N. J. PIETRUS, and J. S. PIETRUS, a co-partnership, doing business as A. J. PIETRUS & SONS, and A. J. PIETRUS & SONS, INC., a corporation, hereby notify all employees that we will not:

1. Discourage membership in Amalgamated Meat Cutters & Butcher Workmen of North America, Local Union 615, A. F. of L., or any other legitimate labor organization of our employees, by interfering with the public distribution of Union literature to the employees; by the posting of notices discouraging membership in the Union, or attendance at its meetings, or encouraging the formation of a company union; by surveillance of, or interference with Union meetings; or by otherwise indicating to our employees any disapproval of or opposition to the self-organization of such employees.

2. In any other manner interfere with, restrain or coerce our employees in the exercise of their rights to self-organization, to form, join, or assist labor organizations, 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 National Labor Relations Act.

3. Each employee is free to become or remain a member of and be active in any legitimate labor organization of his choice, and such membership or activity on the part of any employee will in no way result in any form of discrimination against that employee.

A. J. PIETRUS, N. J. PIETRUS AND J. S. PIETRUS, A CO-
PARTNERSHIP, DOING BUSINESS AS A. J. PIETRUS & SONS,
AND A. J. PIETRUS & SONS, INC.,

By /s/ J. S. PIETRUS.