

In the Matter of BROWN COMPANY and UNITED MINE WORKERS OF
AMERICA, DISTRICT 50

Case No. 1-C-2499.—Decided January 7, 1946

DECISION
AND
ORDER

On June 14, 1945, the Trial Examiner 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 brief in support thereof. On December 6, 1945, the Board heard oral argument at Washington, D. C. The respondent and the Union participated in the argument.

The Board has considered 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, conclusions, and recommendations of the Trial Examiner, with the additions noted below:

1. The respondent contends, in effect, that the principle enunciated in the *Mississippi Valley Structural Steel Company* case,¹ is applicable in the instant case and hence precludes the Board from holding the respondent responsible for the union activities of its supervisory employees. We do not agree. In the above cited case, the record showed that the charging union therein had specifically solicited and accepted for membership certain supervisory employees, and had agreed that they were eligible to participate in a consent election. In these circumstances, the Board concluded that the supervisory employees in question actually were members of the bargaining unit claimed by the charging union, and that therefore their union activities were attributable to the employer only upon a showing that the employer "encouraged, authorized or ratified their activities or acted

¹ 64 N. L. R. B. 78

65 N. L. R. B., No. 43

in such manner as to lead the employees reasonably to believe that the foremen [supervisors] were acting on behalf of management." Such circumstances, however, are not present in the instant case. For example, it does not appear that any of the supervisory employees involved in the instant case were actually solicited to, or did, join the Union. Indeed, the only affirmative evidence discloses that supervisory employees were not sent invitations by the Union to attend its organizing meeting of November 5, 1944.

2. In discussing the formation of the Association, the Trial Examiner inadvertently found that the bank loan obtained by the Association had been endorsed by the respondent's officers and its attorney. However, the record shows and we find that the loan was endorsed by the officers and attorney of the Association and not those of the respondent.

ORDER

Upon 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 respondent, Brown Company, Berlin, New Hampshire, and its officers, agents, successors and assigns, shall:

1. Cease and desist from:

(a) Dominating or interfering with the administration of Brown Company Office Workers' Association, Incorporated, or with the formation or administration of any other labor organization of its employees, and from contributing support to Brown Company Office Workers' Association, Incorporated, or to any other labor organization of its employees;

(b) 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 United Mine Workers of America, District 50, 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) Disestablish and refrain from recognizing Brown Company Office Workers' Association, Incorporated, or any successor thereto, as the representative of any of its employees for the purpose of dealing with the respondent concerning grievances, labor disputes, wages, rates of pay, hours of employment, or other conditions of employment;

(b) Post in all its offices at Berlin, New Hampshire, copies of the notice attached to the Intermediate Report, marked "Appendix

A."² Copies of said notice, to be furnished by the Regional Director for the First Region, shall after being duly signed by the respondent's representative, be posted by the respondent immediately upon receipt thereof, and maintained by the respondent 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 other material;

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

MR. GERARD D. REILLY took no part in the consideration of the above Decision and Order.

INTERMEDIATE REPORT

Robert E. Greene, Esq., for the Board
Stanley and Smoyer, by *Harry E. Smoyer, Esq.*, of Cleveland, Ohio, and *John W. Jordan, Esq.*, of Berlin, N. H., for the respondent.
Grant and Angoff, by *Samuel E. Angoff, Esq.*, of Boston, Mass., for the Union
Arthur O. Dupont, Esq., of Berlin, N. H., for the Association.

STATEMENT OF THE CASE

Upon a charge duly filed January 6, 1945, by United Mine Workers of America, District 50, herein called the Union, the National Labor Relations Board, herein called the Board, by the Regional Director for the First Region (Boston, Mass.), issued its complaint dated March 10, 1945, against Brown Company, Berlin, New Hampshire, herein called the respondent, alleging that the respondent had engaged in and was engaging in unfair labor practices within the meaning of Section 8 (1) and (2) and Section 2 (6) and (7) of the National Labor Relations Act, 49 Stat. 449, herein called the Act.

With respect to the unfair labor practices the complaint alleged in substance, that: (1) the respondent on or about October 3, 1944, warned certain of its employees that working conditions would be "worsened" if the Union won an election then pending among certain of its employees; and on or about January 11, 1945, warned certain of its employees not to vote in an election then pending among certain of its employees; (2) the respondent did on November 5, 1944, initiate, form, sponsor and promote the formation of Brown Company Office Workers' Association, Incorporated, hereinafter called the Association, and thereafter assisted, encouraged, contributed support to, interfered with the administration of, and dominated the Association; (3) by said acts the respondent has interfered with, restrained, and coerced its employees in the exercise of rights guaranteed in Section 7 of the Act.

Copies of the complaint accompanied by notice of hearing were duly served upon the respondent, the Union, and the Association.

² Said notice, however, shall be, and it hereby is, amended by striking from the first paragraph thereof the words "The Recommendations of a Trial Examiner" and substituting in lieu thereof the words "A Decision and Order."

On April 7, 1945, the respondent filed its answer denying that it had engaged in the alleged unfair labor practices.

Pursuant to notice, a hearing was held at Berlin, New Hampshire, from April 24 to 26, 1945, inclusive, before Louis Plost, the undersigned Trial Examiner, duly designated by the Chief Trial Examiner. At the opening of the hearing the Association filed a motion to intervene. The undersigned granted the motion. Counsel for the Board moved to strike certain portions of the respondent's answer. The motion was granted in part and denied in part. Counsel for the respondent moved to strike certain allegations of the complaint. The motion was denied. All parties were represented by counsel and participated in the hearing and were given full opportunity to examine and cross-examine witnesses, and to introduce evidence bearing upon the issues. At the close of the hearing counsel for the respondent moved to dismiss the complaint. The motion was denied. Likewise at the close of the hearing counsel for the Board moved to conform the complaint to the proof with respect to formal matters. The motion was granted without objection. The parties were afforded an opportunity to argue orally. Counsel for the Union argued orally on the record. The parties were granted leave to file briefs with the undersigned. Briefs have been received from counsel for the Board and the respondent.

Upon the entire record in the case, and from his observation of the witnesses, the undersigned makes the following:

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

Brown Company is a Maine corporation with its principal office and plants at Berlin, New Hampshire, where it is engaged in the manufacture and sale of pulp, paper, paper towels, Onco (a material used as a substitute for leather), tubular products, and chemicals. In addition to one pulp and two paper mills, the Onco plant, and the tubular products plant, the respondent owns and operates a research laboratory and experimental paper mill, a hydroelectric and steam-generating plant, and a plant facility railroad. In its manufacturing processes, the respondent uses pulp wood, sulphur, limestone, alum, resin, salt, a substitute for latex, pitch, and other materials. During the period from December 1, 1943 to November 21, 1944, approximately 77 percent of the materials so used was transported to the Berlin plant from points outside the State of New Hampshire. The total value of these raw materials was approximately \$6,000,000. During the same period, the respondent's sales amounted to \$19,000,000, of which approximately 96 percent represented sales of goods transported to points outside the State of New Hampshire.

The respondent concedes that it is engaged in commerce within the meaning of the Act.¹

II. THE ORGANIZATIONS INVOLVED

United Mine Workers of America, District 50, and Brown Company Office Workers' Association, Incorporated, are labor organizations admitting to membership employees of the respondent.

¹ The Board has taken jurisdiction of the respondent. See *Brown Company and United Mine Workers of America, District 50*, 59 N. L. R. B. 216.

III. THE UNFAIR LABOR PRACTICES

A. *Domination and interference with the formation and administration of the Association*²

1. Events preceding the organization of the Association

The Union has been recognized by the respondent and has represented the respondent's production employees (through its affiliate, Pulp Sulphite and Chemical Workers Local Union, No. 12175) under contract with the respondent since 1941, and has represented the respondent's pulpwood truck drivers since 1944. In October 1944, some of the respondent's office employees requested that the Union organize them. The Union held several meetings composed of groups of three or four office employees each for the purpose of discussing organization. In late October, the Union distributed a handbill addressed to the respondent's office workers and on November 2, the Union mailed letters to 50 selected office employees inviting them to attend an organizational meeting on November 5. The letter advised that the recipient, "bring an office worker friend with you —."

Alfred Tourangeau, employed by the respondent as a cost clerk, who had not received one of the afore-mentioned letters, learned of the projected meeting. Thereafter, Tourangeau together with Maurice Oleson, employed as a senior accountant, who also had not received the Union's letter, spoke to fellow employees, urging their attendance at the forthcoming meeting. Tourangeau discussed the advertised union meeting with his immediate supervisor and with other of the respondent's supervisors. He and Oleson not only spoke to the employees in the office in which they worked but left their own places of employment to visit other buildings and offices of the respondent in order to urge employees to attend the meeting. The visits were made during working time.³

The Union's organizational meeting was held as scheduled on November 5. Approximately 175 of the respondent's office employees attended. Among those who attended the meeting were supervisory officials of the respondent, including the head of its accounting department, other department heads, and various assistant department heads. The respondent's department heads exercise such authority that their recommendations regarding employee's status is unquestioned by the respondent. Its assistant department heads' recommendations are given weight. Gloria Lepage,⁴ secretary to the respondent's personnel director, attended the meeting and took written notes during its progress. Lepage addressed the assemblage. The tenor of her remarks was that organization of the respondent's office employees by the Union was not desirable. During the course of the meeting Tourangeau and Oleson asked questions of the chairman. Their questions indicated hostility toward the Union. Oleson offered a motion to the effect that it was the sense of the gathering not to affiliate with the Union. The chair refused to entertain Oleson's motion and the meeting was then adjourned.

2. The organization of the Association

Prior to the above related events no attempt had been made by any group to organize the respondent's office employees.

Immediately following the Union's meeting a small group, headed by Tourangeau and Oleson met at Oleson's home and decided to form an independent labor

² The findings herein are based on uncontroverted and credited testimony. The respondent called no witnesses.

³ Oleson testified that he and Tourangeau were interested in obtaining an expression from a majority of the office employees. Tourangeau and Oleson were not in favor of organization of office workers by the Union.

⁴ The Union mailed Lepage a letter of invitation.

organization. The following day, November 6, Tourangeau and Oleson prepared a letter setting forth their aims. They had this letter printed (the expense being borne by Tourangeau) and later distributed it among the respondent's office employees. Also on the same day Tourangeau and Oleson visited John W. Jordan, the respondent's resident attorney, informed him of their intention to form a labor organization, and sought his advice and guidance. Jordan told them that being the respondent's attorney he could not advise them and suggested they retain a local attorney. Apparently, various local attorneys were named during the discussion.⁵ Jordan suggested "some lawyer like Thayer and Dupont" or "Rich and Dupont" The Association later retained Arthur O. Dupont, a local attorney who is also city solicitor of Berlin.

The next day, November 7, Tourangeau, Maurice Oleson, and Warren Oleson, a brother of Maurice Oleson, prepared a petition calling for the formation of a "local office workers' Protective Association." The petition was drawn by Warren Oleson, in the respondent's office, during working time. Immediately thereafter, Tourangeau and Oleson began to circulate separate copies of the petition for signatures among the office employees. Tourangeau obtained the signature of his immediate supervisor, who asked Tourangeau to take his signature. As the men circulated the petition they also distributed the letter printed the preceding day. Solicitation was open, during working hours, and with full knowledge of supervision. Later in the day, Tourangeau's supervisor, who had signed the petition, told him not to circulate it on the respondent's time. The head of the accounting department, who also signed the petition, gave the same instructions to Oleson, and thereupon Tourangeau and Oleson requested time off. The request was granted. The time off was not deducted from their pay but they were required to make it up.⁶ The respondent's records show that through November 6 to 10 Tourangeau took ½ day off each day. Maurice Oleson took ½ day off each day. Warren Oleson was off ½ day November 6, and ½ day November 9. Tourangeau and Oleson not only circulated the petition in the offices in which they were employed but visited other buildings and offices of the respondent and openly circulated the petition therein. They contacted employees at their work. They obtained the signatures of various department heads and assistant department heads⁷ They were not stopped or reprimanded.

⁵ There are five practicing attorneys in Berlin

⁶ This practice was customary

⁷ Among the supervisory officials who signed the first petition calling for the formation of the Association appear

Leon Dubey
 *Edwin Howe
 *J B Martell
 *A. W. O'Connell

Wm. J. Oleson, Jr.
 (*) Frank Sheridan
 * R. E. Tetley
 A. B. Walker

The above named, exercise such authority over employees that their recommendations are followed by the respondent without question.

Colonel Berwick
 *Gordon Clark
 *A. P. Googans
 *Dorothy Murray

*Eleanor Pettingill
 *H. E. Pettingil
 William Sharp
 Fred Walker

The above named can make recommendations carrying weight.

The first petition was composed of several identically headed sheets, which were separately circulated. The first names to appear on one of these sheets are Wm. J. Oleson, Jr., (not related to Maurice Oleson) and Leon Dubey. It is significant to the undersigned that Dubey requested that his signatures be taken, inasmuch as his name appears directly below that of Oleson. The name of R. E. Tetley appears directly under that of the circulators of the petition. The name of A. B. Walker is third on one of the sheets. All the above named (except the circulator) are department heads. The names marked with an asterisk also appear on the second petition circulated by the Association after its organization as hereinafter discussed. Frank Sheridan signed only the second petition.

Tourangeau and Oleson were aided in circulating the petition by Warren Oleson and Joseph E Fournier. Fournier obtained the signature of his supervisor, and while holding the petition in his hand asked and received permission to leave his work. He then visited another building and obtained signatures.

The respondent's operation is scattered over an area of about 3 miles in length with its offices and buildings within this area. Tourangeau and Oleson visited all these offices. Supervisors readily signed the petition and permitted its circulation among employees at their work. As evidenced by its pay roll of January 28, 1945, the respondent employs approximately 269 office workers. From November 7 to November 9, the circulators of the petition obtained the signatures of 250 employees thereon.

On November 9, a general meeting of those signing the petition and other office employees of the respondent was held for the purpose of perfecting the organization of the Association. Notice was given verbally and over the respondent's inter-office telephone system.⁸

Some of the supervisors who signed the petition were present at the meeting. The petition was used as a roll, the names being read, and a record of attendance made. Tourangeau and Oleson were elected co-chairmen of the organization. Other officers and directors were also elected.

On November 11, the Association asked an appointment with management, for the express purpose of obtaining recognition. At the time it made this request the Association presented the original petition, fully signed, to the respondent as evidence of its majority status among the office employees. On November 18, the respondent met with representatives of the Association. Attorney Dupont was present at this meeting. The respondent raised objection to its supervisory employees being within the Association's membership, and refused to recognize the Association until it had obtained certification by the Board. The respondent has not since recognized or dealt with the Association.

On November 24 the Association circulated a second petition prepared by its attorney. The petition was headed "Articles of Agreement."⁹ It was circulated and signatures were obtained in the same manner as was the first petition. Notwithstanding the respondent's objection to the fact that its supervisory officials' names appeared on the first petition, a majority of those supervisors who signed

⁸ The record contains testimony to the effect that employees were at all times free to use the respondent's telephone system.

⁹ The petition read as follows

Articles of Agreement

BROWN COMPANY OFFICE WORKERS' ASSOCIATION

We, the undersigned, office workers of the Brown Company, of Berlin, in the County of Coos and State of New Hampshire, do hereby associate ourselves as an independent union for the specific purpose of collective bargaining with our employer, the Brown Company, and do hereby adopt the following Articles of Agreement

Article 1 The name of this Association shall be "Brown Company Office Workers' Association."

Article 2 The object for which this association is organized is for the purpose of collective bargaining under the National Labor Relations Act

Article 3 The following listed office workers are hereby authorized to act as a Board of Directors for this Association, until their successors are elected: Alfred Tourangeau, Co-Chairman, Maurice Olesen, Co-Chairman, Joseph Fournier, Joe Markovich, Betty Pilgrim, Joyce Shevlin, Norman Hermanson, Lucille Maisis, Martin Lynch, Roland Lapage, Leandre Cote, and Doris Pinette

Article 4 The Board of Directors is empowered with the authority to incorporate the Association under the corporation laws of the State of New Hampshire, and to elect from its membership the officers of the corporation, and to further do all things necessary for the attainment of the above objectives of this Association, as the same were approved at a special meeting of the office workers of the Brown Company called for said purposes on November 9th, 1944.

the first petition also signed the second.¹⁰ The Association did not inform its members that supervisors were to be denied membership or that the respondent objected to their membership within the Association; nor did any of the supervisors formally withdraw from the Association. The respondent did not inform its office employees of its objection to the presence of supervisors within the Association, other than to state its position to the Association's committee, and the respondent did not disavow the actions of its supervisors in participating in the formation of the Association.

On January 4, 1945, the Association held a formal meeting at which officers were elected. At least one of the respondent's supervisors actively participated in the meeting and moved the election of a director.

Although formally incorporated, the Association has made no provision for the collection of dues. Funds have been obtained through a bank loan endorsed by the respondent's officers and its attorney. Tourangeau has been reimbursed for his previous outlay of money from these funds.

Concluding findings as to the respondent's domination of, and interference with, the Association

The record is clear that the first attempt ever made to organize the respondent's office employees was that of the Union, as above related.

Immediately following the Union's announcement of its proposed organizational meeting, Tourangeau and Oleson, openly, on the respondent's time and property, with full knowledge of the respondent's supervisors, embarked on a campaign designed to frustrate the Union. The respondent's supervisory officials in considerable number, some ranking as department heads, attended a union meeting which was admittedly "packed" with anti-union elements. Following the Union's meeting, Tourangeau, Oleson, and others circulated the petition calling for the formation of the Association. The respondent's supervisors participated by signing his petition. Between November 7 and 9, 250 of the respondent's office employees signed the petition. They were solicited in widely scattered offices, at their desks, while at work. Supervisors made no objection; on the contrary, they too signed the petition. Two days after the petition first appeared, the organization of the Association was perfected, at a well attended meeting at which supervisors were present and the names of supervisors not present were read from the roll of members.

The respondent points out in its brief, and the evidence shows, that at the time the Association requested recognition the respondent objected to the presence of its supervisors among the Association's members. Thereafter, a new petition was circulated. The second petition was not signed by all those supervisors whose names appear on the first, but a majority of the supervisors who signed the first petition also signed the second. The undersigned attaches little significance to any supervisor's alleged withdrawal from the Association by his mere failure to sign the second petition. Having participated originally, any subsequent withdrawal on the part of the supervisor is immaterial¹¹. Moreover, it does not appear that the respondent sought to dissipate the effect of its supervisor's acts by any direct pronouncement to its employees or by disavowing the conduct of its supervisors in lending support to the Association.

The respondent points out that the United Mine Workers of America admits supervisors to membership generally, and implies that therefor the Union is in no position to complain of the presence of supervisors on the Association's roll. The undersigned finds no merit in this contention. There is an obvious difference in a supervisor being accorded membership in a union having a historical back-

¹⁰ See footnote 7, *supra*.

¹¹ See *N. L. R. B. v. Gulf Public Service Company*, 116 F. (2d) 852 (C. C. A. 5).

ground permitting such membership and a supervisor joining a labor organization in the process of formation, participating in such formation, or preceding the employees under his control into its membership.

The respondent argues that it has at all times complied with the Act; consistently followed a policy of non-interference with reference to the organizational efforts of its employees; never attempted to prevent organization of its employees, and cites as proof of its impartial attitude the fact that no prior charges of unfair labor practices have been filed against it. The undersigned is not persuaded by these arguments.¹²

The respondent employs approximately 269 office workers. The undersigned is convinced from the entire record that 250 of these employees would not have signed a petition nor perfected a labor organization all within a period of 2 days had the names of their department heads and assistant department heads not appeared on the petition they were asked to sign and had these supervisory officials not been present at the organizing meeting. Under these circumstances it cannot be said that the respondent's employees exercised that free choice to select their bargaining representatives as guaranteed by the Act.

Upon the entire record in the case the undersigned finds that the respondent has dominated and interfered with the formation and administration of the Brown Company Office Workers' Association, Incorporated, and has contributed support thereto, and that thereby the respondent has interfered with, restrained, and coerced its employees in the exercise of rights guaranteed in Section 7 of the Act.¹³

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 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 REMÉDY

Since it has been 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.

Since it has been found that the respondent dominated and interfered with the formation and administration of Brown Company Office Workers' Association, Incorporated, and contributed support to it, it will be recommended that the respondent disestablish and refrain from recognizing said Association or any successor thereto, as the representative of its employees for the purpose of dealing with the respondent concerning grievances, labor disputes, wages, rates of pay, hours of employment, or other conditions of employment.

¹² Beside the participation of its supervisory employees in the formation of the Association the record also discloses an incident indicating the respondent's antipathy toward the Union. Philip Smyth, the Union's business agent, testified that about 1 week following the Union's meeting of November 5, Alfred Watt, the respondent's personnel director, stated to him that a certain employee who had been transferred from production work to office work, at the employee's own request, was not taking the right attitude toward the company by helping the Union in its effort to organize the office employees. Smyth's testimony was not denied by the respondent and is credited by the undersigned.

¹³ The Board sought to prove that on or about October 3, 1944, the respondent warned certain of its employees that working conditions would be "worsened" if the Union won an election then pending, among certain of the respondent's employees, and that on or about January 11, 1945, the respondent warned certain of its employees that they should not vote for the Union in a then pending election. The record contains no substantial evidence to support those allegations and the undersigned will therefor recommend that the complaint be dismissed in respect thereto.

CONCLUSIONS OF LAW

1. United Mine Workers of America, District 50, and Brown Company Office Workers' Association, Incorporated, are labor organizations, within the meaning of Section 2 (5) of the Act.

2. By dominating and interfering with the formation and administration of Brown Company Office Workers' Association, Incorporated, and by contributing support to it, the respondent has engaged in unfair labor practices, within the meaning of Section 8 (2) of the 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.

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

RECOMMENDATIONS

Upon the basis of the above findings of fact and conclusions of law, the undersigned recommends that the respondent, Brown Company, Berlin, New Hampshire, its officers, agents, successors, and assigns shall:

1. Cease and desist from:

(a) Dominating or interfering with the administration of Brown Company Office Workers' Association, Incorporated, or with the formation of any other labor organization of its employees, and from contributing support to Brown Company Office Workers' Association, Incorporated, or any other labor organization of its employees;

(b) In any other manner interfering with, restraining, or coercing its employees in the exercise of their rights to self-organization, to form labor organizations, to join or assist United Mine Workers of America, District 50, 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 undersigned finds will effectuate the policies of the Act:

(a) Disestablish and refrain from recognizing Brown Company Office Workers' Association, Incorporated, or any successor thereto, as the representative of its employees for the purpose of dealing with the respondent concerning grievances, labor disputes, wages, rates of pay, hours of employment or other conditions of employment.

(b) Post in all its offices at Berlin, New Hampshire, copies of the notice attached hereto, marked "Appendix A." Copies of said notice, to be furnished by the Regional Director of the First 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 other material.

(c) Notify the Regional Director for the First Region, in writing within ten (10) days from the date of the receipt of this Intermediate Report, what steps the respondent has taken to comply herewith.

It is further recommended that unless on or before ten (10) days from the date of the receipt of this Intermediate Report, the respondent notifies 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.

It is further recommended that the allegations of the complaint, to the effect that on or about October 3, 1944, the respondent warned certain of its employees that working conditions would be "worsened" if the Union won an election then pending among certain of the respondent's employees, and that they should not vote for the Union in an election then pending, be dismissed.

As provided in Section 33 of Article II of the Rules and Regulations of the National Labor Relations Board, Series 3, as amended, effective July 12, 1944, any party or counsel for the Board may within fifteen (15) days from the date of the entry of the order transferring the case to the Board, pursuant to Section 32 of Article II of said Rules and Regulations file with the Board, Rochambeau Building, Washington 25, D. C., an original and four 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 four copies of a brief in support thereof. Immediately upon the filing of such statement of exceptions and/or brief, the party or counsel for the Board filing the same shall serve a copy thereof upon each of the other parties and shall file a copy with the Regional Director. As further provided in said Section 33, should any party desire permission to argue orally before the Board, request therefor must be made in writing within ten (10) days from the date of the order transferring the case to the Board.

LOUIS PLOST,
Trial Examiner.

Dated June 14, 1945.

APPENDIX A

NOTICE TO ALL EMPLOYEES

Pursuant to the 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 hereby disestablish Brown Company Office Workers' Association, Incorporated, as the representative of any of our employees for the purpose of dealing with us concerning grievances, labor disputes, wages, rates of pay, hours of employment, or other conditions of employment, and we will not recognize it or any successor thereto for any of the above purposes. We will not dominate or interfere with the formation or administration of any labor organization or contribute financial or other support to it.

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 Mine Workers of America, District 50, 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.

BROWN COMPANY,
Employer.

Dated _____ By _____
(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