

lished by the Board in *F. W. Woolworth Company*, 90 NLRB 289, and approved in *N. L. R. B. v. Seven-Up Bottling Co.*, 344 U. S. 344.

John W. Camp, who was discriminatorily discharged on June 8, 1954, was restored to his job sometime in August 1954, so that no order of reinstatement is necessary as to him.

Under the established interpretation of Board orders, Lee Alexander is not entitled to back pay for the period during which he was unable to work because of being in jail.<sup>38</sup>

It is also recommended that the Company make available to the Board or its agents, upon request, payroll and other records to facilitate the checking of the amount of back pay due.

Inasmuch as the discharge of employees for reasons of union affiliation or concerted activity has been regarded by the courts as one of the most effective methods of defeating the exercise by employees of their right to self-organization, the Trial Examiner is of the belief that there is danger that the commission of unfair labor practices generally is to be anticipated from Respondents' unlawful conduct in the past.<sup>39</sup> It will be recommended, therefore, that Respondent be required to cease and desist from in any manner interfering with, restraining, or coercing its employees in the exercise of rights guaranteed in Section 7 of the Act.

On the basis of the foregoing findings of fact, and upon the entire record in the case, the Trial Examiner makes the following:

#### CONCLUSIONS OF LAW

1. The operations of Campbell Coal Company occur in commerce as defined in Section 2 (6) and (7) of the Act.

2. Sales Drivers, Helpers and Building Construction Drivers, Local Union No. 859, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, AFL, is a labor organization within the meaning of Section 2 (5) 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 (a) (1) of the Act.

4. By discriminating with regard to the hire and tenure of employment of James Strozier, William A. Woods, James Scott, Willie Adams, John W. Camp, Edgar R. Turk, D. C. Florence, Lee Alexander, and Robert Miller, Respondent discouraged membership in the aforementioned Union and committed an unfair labor practice within the meaning of Section 8 (a) (3) of the Act.

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

[Recommendations omitted from publication.]

<sup>38</sup> *Ames Harris Neville Company*, 67 NLRB 422, 423, footnote 1.

<sup>39</sup> *N. L. R. B. v. Entwistle Mfg. Co.*, 120 F. 2d 532, 536 (C. A. 4).

**United Warehouse and Terminal Corporation and General Drivers, Salesmen and Warehousemen, Local Union 984, affiliated with International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America, AFL, Petitioner. Case No. 32-RC-828. May 26, 1955**

#### DECISION AND DIRECTION OF ELECTION

Upon a petition duly filed, a hearing was held before a hearing officer of the National Labor Relations Board. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

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

Upon the entire record in this case, the Board finds:

1. The Employer is engaged in commerce within the meaning of the National Labor Relations Act.<sup>1</sup>

2. The labor organization named above claims to represent certain employees of the Employer.

3. A question affecting commerce exists concerning the representation of certain employees of the Employer, within the meaning of Section 9 (c) (1) and Section 2 (6) and (7) of the Act.

4. The following employees of the Employer constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act:

All truckdrivers and warehouse employees at the Employer's Memphis, Tennessee, warehouses, including the maid,<sup>2</sup> but excluding all office clerical employees, professional employees, technical employees, watchmen, guards, and supervisors as defined in the Act.

[Text of Direction of Election omitted from publication.]

<sup>1</sup> The Employer is a Tennessee corporation with its principal office and place of business at Memphis, Tennessee, where it owns two warehouses and is engaged in the dry storage of merchandise for various customers. This merchandise is delivered to the docks of its warehouses by interstate trucking firms and railroads. During the 1954 calendar year, the Employer furnished warehouse facilities for which it received \$183,928 06, of which 80 percent was received for storage services on goods which originated outside the State of Tennessee. Upon receiving instructions from its customers, the Employer released about 80 percent of the stored merchandise at its docks for shipment outside the State of Tennessee. As the Employer's warehouse activities constitute a link in the chain of interstate commerce and its annual income received for these storage and shipping services rendered which constitute a part of interstate commerce totals in excess of \$100,000, we find that it would effectuate the purposes of the Act to assert jurisdiction over the Employer. *Breeding Transfer Company*, 110 NLRB 493.

<sup>2</sup> The parties agree generally upon the composition of the requested unit. However, the Petitioner would exclude a maid who performs cleaning duties in the warehouse office and goes on errands for the warehouse employees. The Employer is neutral. We find that she has interests in common with the trucking and warehouse employees and therefore include her in the unit. *United States Gypsum Company*, 109 NLRB 1402.

**Florence Pipe Foundry & Machine Co. and Pattern Makers League of North America, Philadelphia Association, AFL**

**Local 2040, United Steelworkers of America, CIO and Pattern Makers League of North America, Philadelphia Association, AFL. Cases Nos. 4-CA-1038 and 4-CB-219. May 27, 1955**

#### DECISION AND ORDER

On February 2, 1955, Trial Examiner Ralph Winkler issued his Intermediate Report in the above-entitled proceeding, finding that the Respondents had engaged in and were engaging in certain unfair