(d) Notify the Regional Director for the Fourteenth Region, in writing, within 20 days from the date of the receipt of this Intermediate Report and Recommended Order, what steps it has taken to comply herewith.[48]

I further recommend the dismissal of the complaint insofar as it alleges that the Respondent has engaged in unfair labor practices within the meaning of Section 8(a)(3) of the Act.

[48] In the event that this Recommended Order be adopted by the Board, this provision shall be modified to read: "Notify said Regional Director, in writing, within 10 days from the date of this Order, what steps the Respondent has taken to comply herewith."

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 Labor Management Relations Act, we hereby notify our employees that:

WE WILL NOT discharge or refuse or fail to reinstate, nor will we otherwise discriminate against any employee because he has refused in good faith to work under abnormally dangerous conditions of employment.

WE WILL NOT in any other like or related manner interfere with, restrain, or coerce our employees in the exercise of their right to engage in concerted activities for the purpose of mutual aid or protection, and to refrain from any or all such activities

WE WILL offer to Loren Galey, Jr., Jonathon Bess, Melvin Upchurch, and Abe Lanham, Jr., immediate and full reinstatement to their former or substantially equivalent positions, without prejudice to any seniority or other rights and privileges previously enjoyed, and make them whole for any loss of pay suffered as a result of their discharge and our refusal to reinstate them.

FRUIN-COLNON CONSTRUCTION CO. AND
UTAH CONSTRUCTION AND MINING CO.,
A JOINT VENTURE,
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.

Employees may communicate directly with the Board's Regional Office, 1520 Market Street, St. Louis 3, Missouri, Telephone Number, Main 1-8100, Extension 2142, if they have any questions concerning this notice or compliance with its provisions.

Meyers & Son Manufacturing Co., Inc. *and* Amalgamated Clothing Workers of America, AFL-CIO. *Case No. 25-CA-1563. November 13, 1962*

DECISION AND ORDER

On August 22, 1962, Trial Examiner Horace A. Ruckel issued his Intermediate Report herein, finding that the Respondent had engaged in and is engaging in certain unfair labor practices and recommending that it cease and desist therefrom and take certain affirmative action, as set forth in the attached Intermediate Report. Thereafter the Respondent and General Counsel filed exceptions to the Intermediate Report and briefs in support thereof.

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 [Members Leedom, Fanning, and Brown].

The Board has reviewed the Trial Examiner's rulings made at the hearing and finds no prejudicial error. The rulings are affirmed. The Board has considered the Intermediate Report, the exceptions and briefs, and the entire record in this case, and adopts the findings,[1] conclusions, and recommendations[2] of the Trial Examiner.

ORDER

The Board adopts the Recommended Order of the Trial Examiner in full except for the modification noted below.[3]

[1] We agree with the Trial Examiner's conclusion that Respondent, through the activities of Richardson, a supervisor, engaged in surveillance of the union meeting It is well settled that such supervisory conduct respecting a union meeting does, under the present circumstances interfere with, restrain, and coerce employees in the exercise of rights guaranteed under the Act *Casa Grande Cotton Oil Mill,* 110 NLRB 1834, 1857, *Arkport Dairies, Inc*, 95 NLRB 1342 The record further shows in this connection that the Respondent's plant manager, Davis, gave his tacit approval to Richardson's activity. Thus, the day after the surveillance took place, Richardson told Davis of the incident and reported that the employees had seen her and employee Carol Brown near the meeting place, but Davis had no words of criticism or reprimand for her and took no steps to disavow her coercive conduct See *Salant & Salant, Incorporated,* 92 NLRB 417, at 445–446.

[2] Interest at the rate of 6 percent per annum shall be added to the backpay to be computed in the manner set forth in *Isis Plumbing & Heating Co*, 138 NLRB 716 For the reasons set forth in the dissent in that case, Member Leedom would not grant interest on backpay

[3] As Indiana has a right-to-work law, we hereby delete from paragraph 3 and the final paragraph of the notice the proviso "except to the extent that such right may be affected by an agreement requiring membership in a labor organization as a condition of employment as authorized in Section 8(a)(3) of the Act."

INTERMEDIATE REPORT AND RECOMMENDED ORDER

STATEMENT OF THE CASE

This matter came on to be heard before Trial Examiner Horace A. Ruckel at Madison, Indiana, on June 26 and 27, 1962, upon a charge filed by Amalgamated Clothing Workers of America, AFL–CIO, herein called the Union. The complaint alleges that Meyers & Son Manufacturing Co., Inc., herein called Respondent, committed unfair labor practices within the meaning of Section 8(a)(1) and (3) of the National Labor Relations Act, as amended (29 U.S.C., Sec. 151, *et seq.*), herein called the Act, by interrogating employees concerning their union activities; on or about April 15, 1962, by spying upon a union meeting; and on or about April 20, 1962, by discharging Jean Macomber because of her union and other concerted activities. Respondent's answer denies the commission of unfair labor practices.

The parties were represented at the hearing, participated therein, and have filed briefs. Upon consideration of the entire record in the case, and from my observation of the witnesses, I make the following:

FINDINGS OF FACT

I. RESPONDENT'S BUSINESS

Respondent is an Indiana corporation which maintains its principal office and plant at Madison, Indiana, where it is engaged in the manufacture of men's work clothing. During the calendar year preceding the hearing Respondent manufactured, sold, and shipped from its plant finished products valued in excess of $50,000 to points outside Indiana. At the time of the events hereafter related, it employed about 100 employees. The complaint alleges and Respondent's answer admits that Respondent is engaged in commerce within the meaning of Section 2(6) and (7) of the Act.

II. THE LABOR ORGANIZATION INVOLVED

The complaint alleges and Respondent's answer admits that Amalgamated Clothing Workers of America, AFL–CIO, is a labor organization within the meaning of Section 2(5) of the Act.

III. THE UNFAIR LABOR PRACTICES

A. *Interference, restraint, and coercion*

1. Surveillance

The Union began organizing Respondent's employees during the first part of April 1962. On April 13, Jean Macomber, a machine operator in Respondent's employ, received a number of application cards from the Union, distributed them among the employees at their homes and in front of the plant, and by April 19 had received approximately 42 signatures. The first union meeting was held at her home at 311 Second Street, in Madison, on April 19, attended by 20 to 25 employees as well as by representatives of the Union.

The meeting was scheduled for 7:30 p.m. and got underway shortly before 8 o'clock. Walter Duggins, business agent for the Union, and Virgil Yount, a former employee of Respondent, testified credibly, and I find, that shortly thereafter a car driven by Carol Brown, an employee, several times passed the Macomber home, driving slowly. In the car with Brown was Lehildred Richardson, a forelady employed by Respondent and admitted to be a supervisor within the meaning of the Act. The last time the car passed, Yount walked 100 feet down the street to the corner of Second Street and Broadway, and saw the car pull into a parking place at First and Broadway and lights turned off. Yount notified Duggins, and Duggins and Macomber, at 9:30 o'clock, went around the corner and approached the car. Both Duggins and Macomber testified, Brown did not deny, and I find, that Brown and Richardson upon observing Duggins and Macomber slouched down in their seats. The testimony of Brown and Macomber is in agreement that a conversation followed in which Macomber asked Brown why she did not sit up, to which Brown replied that she did not like to be "fed a line." Macomber rejoined that she did not like "snoopers," and Macomber and Duggins returned to the meeting.

Brown testified that her statement that she did not like to be "fed a line" had reference to a telephone conversation which she had with Macomber on April 18, the evening before the meeting, during which Macomber invited her to attend a union meeting at a restaurant in an adjoining town, and during which Brown said that she had heard that the meeting was to be at Macomber's home, which Macomber denied. During the day of April 18, Brown, according to her testimony, ascertained that the meeting was in fact scheduled for Macomber's home.

Brown further admited that that evening, after she had talked to Macomber on the telephone, she called Harold Davis, Respondent's secretary-treasurer and general manager, told him that there was to be a meeting of the Union the following evening, and asked his advice about attending Davis admitted the substance of this conversation while testifying, adding that he told Brown that he did not like employees being called up "late at night" at their homes and getting involved emoionally in "these things." He suggested that Brown see him in his office the next day. Brown did so. Davis' further testimony is that on that occasion she told him that she had been misled as to the place of the union meeting and she had found out that it was at Macomber's home. Davis repeated that he did not like employees being disturbed at their homes or at the plant as to anything pertaining to their work, and that he would take steps "anytime" to prevent this sort of "harassment."

Later the same day Davis addressed a meeting of employees in the plant and told them that Respondent was opposed to the Union's organizing Respondent's employees but that they could attend meetings without fear or reprisal He added that they would not be spied on. It is not contended that Davis' remarks in themselves were violative of the Act.

2. Respondent's defense to espionage

Brown lived with Richardson The direct testimony of the two of them as to their presence in the neigbhorhod of Macomber's home, in summary, is as follows:

On the night of the meeting they went downtown in Richardson's car, Brown driving, to make a purchase at a drugstore and to drop off Richardson's daughter On the way, and not before, Brown told Richardson that she would like to attend the union meeting at Macomber's home if she could find it So they drove around the

neighborhood where Brown thought Macomber lived and inquired as to where her house was, but without success. Finally Brown "got cold feet," a statement without explanation, and decided that she should tell Richardson about Macomber's call the night before concerning the meeting. Accordingly, they parked on the corner of First Street and Broadway around the corner, as it turned out, from the Macomber home. There Macomber and Duggins found them.

On cross-examination, Brown admitted that she recognized two and possibly three cars parked in front of a house as belonging to fellow employees. She denied that her purpose in parking was to get out of the car and go to the meeting since, she stated, she had not determined where it was.

On cross-examination, Richardson testified that she saw only one car which she recognized as belonging to an employee. She further testified, in contradiction to Brown, that the purpose in parking was to let Brown out to attend the meeting but that since Brown did not know where the meeting was she did not get out.

3. Conclusions

I find the testimony of Brown and Richardson incredible. Accepting Brown's version, I do not understand why it should have been necessary to park and turn off the car lights so that she might relate to Richardson her telephone conversation with Macomber, nor why Brown, as she expressed it, "got cold feet."

Accepting Richardson's version, I cannot understand why the car should be parked to let Brown out to attend the meeting when, assertedly, they did not know where it was and had failed to find it after extensive driving around, nor why Brown and Richardson should not have welcomed Macomber's appearance instead of resenting it and acting in a surreptitious manner, if they were trying to ascertain where she lived.

I accept neither Brown's version nor Richardson's as truthful. The truth, I find, is that Brown and Richardson, the latter an acknowledged supervisory employee whose activities are binding upon Respondent, set forth in Richardson's car with a purpose of spying upon the union meeting, and that any other purpose was incidental. They drove past the Macomber home repeatedly, spotted the cars of the employees in attendance and recognized several of them under the street light and the light on Macomber's front porch, and finally parked and turned off the lights in a place where they could observe such cars as turned south on Broadway when the employees left the meeting.[1] They remained there until they were apprehended at 9:30 p.m. This was 2 hours after the meeting, as Brown testified she knew, was scheduled to begin.

If there were any doubt in my mind that the purpose of the Brown-Richardson expedition was, from its inception, surveillance, it would be dissipated by the testimony of Wanda Laska, an operator whose machine adjoined Brown's. On the day of the meeting Brown asked Laska if she was going to the union meeting that night, stating that she would like to attend if she knew where it was. Laska found out and told Brown later that it was at Macomber's house, and gave her the address. Laska's recollection, though vauge, was that Brown wrote it down. Brown, while testifying, admitted asking Laska where the meeting was but denied that Laska told her. I do not credit her denial. Nor is there any explanation of why Brown did not consult the telephone directory which contained Macomber's address. Brown and Richardson had lived in Madison, a small town, for several years, and should have had no difficulty in finding the house at 311 Second Street

Nor do I credit Richardson's and Brown's testimony that Brown said nothing about the meeting until after the two had left home. They had lived together for 3 years, were on friendly terms, and the Union was a subject of interest and discussion with both of them. Brown, admittedly, had discussed the meeting with Davis, asking him whether she should attend, and telling him it was to be at the Macomber's home. I find that she discussed her intention of observing it with Richardson. Assuming, however, that Richardson had no foreknowledge, she acquired knowledge shortly after leaving the Richardson house. Richardson saw everything that Brown saw, including the cars parked at Macomber's house, knew that a union meeting was in progress, and made no attempt to disassociate herself from Brown's activities. I find Brown's and Richardson's disclaimer of Richardson's prior knowledge and intention to be only an attempt to exculpate Respondent

I conclude and find that Respondent, by reason of Richardson's activities as described above, if not by reason of those of Brown, engaged in surveillance. In doing so it committed an unfair labor practice.

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[1] The record shows that Second Street, where Macomber lived, is a one-way street going west to Broadway.

B. *Macomber's discharge*

1. The events attending it

Shortly after the start of work the following morning, April 20, Richardson told Davis what had happened the night before, including her being apprehended by Macomber and Duggins. She stated, according to Davis, that she knew she was supposed not to do anything which might be considered spying on the Union, and offered to resign. Davis said that spying was against Respondent's policy. He did not accept her resignation. Later in the morning Davis left the plant. Upon his return about noon, William Ricketts, plant superintendent, informed him that Macomber during the morning had complained in a loud voice to Maxine Adams, a floorlady, that Respondent had spied on the union meeting at her house the night before. As Adams related it while testifying, Macomber identified Brown as "that nosey smart aleck sitting over there," and Richardson as "the damn thing upstairs." Her statement to Davis when he called her to his office, however, was simply that Macomber had made her accusation in a loud voice. Davis was incensed. When he had finished lunch he discharged Macomber. He testified:

> Q. What did you do after that? When you got that information, did you act?
> A. I acted.
> Q. All right. What did you do?
> A. It was after 12 o'clock when I got done talking to Mrs. Adams, which was the noon hour. Immediately on returning to work at 1 o'clock, I called Mrs. Macomber in and fired her.

Davis testified that Macomber's complaint to Adams was "the basic reason, the final reason" for discharging her. Later on he elaborated and defined it as "misconduct in connection with her work—attitude, conduct during working hours. Her work in general. Disruptions in the plant and so on."

2. Macomber's work record

Macomber started to work for Respondent on January 8, 1958. Ricketts, plant superintendent, testified that her discharge on April 20, 1962, was the first discharge of an employee during a period of several years. Her work was that of turning the pockets in men's work clothing, already stitched on one side, and stitching them on the other. Ricketts testified that Macomber's work varied in quality and that over a period of 2 or 3 years he criticized it many times. He cited from notes in her personnel file an occasion on July 1, 1960, when she was spoken to for arriving late for work. Two days later she was criticized for the quality of her work and told that it was below company standards. She was criticized to the same effect on April 25, 1961, as well as for saying that management was showing partiality, a statement she denied making at the time. Ricketts admitted that notes similar to these were recorded in the files of other employees. Ricketts testified that there were instances other than the above not included in her file when Macomber was spoken to concerning her work. Davis testified that one of them was sometime in April 1961,[2] when Respondent received a complaint from its New Castle plant concerning careless work on pockets which was traced to Macomber and several other employees, as the result of which Davis called a general meeting of employees.

During the fall of 1961, Respondent retained a firm of efficiency engineers to improve Respondent's operations, to revise piecework rates and standards, and to install new machines. Davis announced this program to the employees, and during its progress Ricketts discussed its probable effect upon rates with employees individually and in groups. Davis gave it as his opinion that Macomber "resisted" the program. On January 23, 1962, a note was made in her personnel file to the effect that the program, as it affected her own work, was explained to her, and that she was given an opportunity to, and did, ask questions and that she seemed satisfied, but later said to a supervisor that she believed that she would not be making as much money as she had in the past, whereupon she was called to Ricketts' office, the matter gone over again, and she said she would give it a try. Apparently she was only half convinced, for Ricketts' memorandum goes on to relate that she was heard to say to others that the operators were being taken advantage of, and that Ricketts told her that he did not want to hear of any more remarks of that nature.

[2] It is not clear whether this is the occasion mentioned in Ricketts' notes for April 25, or another.

Another incident on which Respondent relies in justifying Macomber's discharge is recorded in her personnel file under the date of March 1, 1962. It relates that she had expressed the opinion to other operators during the rest period and, while waiting to begin work, that she could not make enough money under the proposed rates and standards.[3] This, says the memorandum, has a bad effect on the morale of the operators.

On the occasion of March 1, Davis called Macomber to his office, discussed her operation with her again, and told her he thought she could do the work. He also told her that if she was called to his office again he would discharge her.

The last memorandum of Ricketts pertaining to Macomber's discharge, dated March 26, 1962, notes her request to be transferred to another job, which was refused, and Ricketts' injunction not to make comments to other employees about her work, but only to him or Davis.

Macomber was called to the office again on April 20, as related, and discharged. Her protest to Adams against Respondent's spying upon the union meeting at her home the night before, as has been found, was admittedly the immediate cause of the discharge. Davis told her, with respect to it, that she was being discharged because of "misconduct in connection with [her] work" and her "general attitude" and her "talking" and "antagonism." When Macomber asserted that she was discharged because she was working with the Union, Davis, according to Macomber's uncontradicted testimony, became emotional and told her that she had him in such a state that he could not sleep at night or be sociable with his family, and that he knew she was going to file a charge with the Board and offered to take her to Indianapolis. In a change of mood, Davis, according to Macomber, shook his finger in her face, told her that he could "get rough" with her, and ordered her to hurry out of the plant or he would call the police. Davis did not specifically deny making these statements, and I find that he did.

Conclusions

So far as the evidence as to the quality of Macomber's work is concerned, I regard as trivial the instances recorded in the memorandums of Ricketts. They were three or four in number, over an employment span of 4 years. The last took place in April 1961, a year before her discharge. Ricketts admitted that similar memorandums were kept of the work performance of other employees. The instances recorded as of January 23, 1962, and thereafter, pertained not to the quality of Macomber's work but to her questions and criticisms concerning the proposed change in rates and standards as they affected her earnings. All experience shows that employees traditionally view with uneasiness and skepticism any such change, and such was the case here. Respondent was aware of this and took pains to explain the proposed changes to the employees, individually and in groups. It invited questions and discussion. In view of this it is difficult to see why Respondent should have regarded expressions of skepticism by Macomber or other employees as constituting a "poor attitude," "misconduct," "disruption," and "antagonism." In Macomber's case, the note in her personnel file for March 1, 1962, shows that her concern as to how she would be affected was expressed while she was waiting to go to work or during rest periods. There is no evidence whatsoever in the record, and none was offered, that discussion of the new standards and rates by the employees resulted in any falling off in their production, much less in confusion or "disruption" in the plant

After Macomber's paycheck had been drawn up, Davis escorted her to the front door of the plant. There he told her she was discharged for "misconduct in connection with your work, your general attitude, your talking, your antagonism."

The immediate reason for Macomber's discharge, as admitted by Davis, was her protest to Adams that Respondent, by Richardson, had spied upon the union meeting at her home the night before. This, I have found, was the case. Macomber might well have resented it the more since on the day before Davis had volunteered the statement that Respondent would not spy upon union activities. When he discharged Macomber, Davis had just been informed of Richardson's activities by Richardson herself, who professed regret and offered her resignation. Davis refused her resignation and in no way disciplined her. Instead, he discharged Macomber for protesting these activities. A more flagrant case of unlawful discharge would be difficult to imagine.

[3] As the result of a revision in operations, Macomber at this time was working part time on a second job, changing back and forth from her regular job. She contended that this resulted in loss of earnings.

By engaging in surveillance of the union meeting at Macomber's home on April 19, and by discharging Macomber on April 20, 1962, Respondent engaged in unfair labor practices within the meaning of Section 8(a)(1) and (3) of the Act.

IV THE EFFECT OF THE UNFAIR LABOR PRACTICES UPON COMMERCE

The activities of 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 REMEDY

It having been found that Respondent engaged in unfair labor practices in violation of Section 8(a)(1) and (3) of the Act, it will be recommended that Respondent cease and desist therefrom and take certain affirmative action designed to effectuate the policies of the Act.

As it has been found that Respondent discriminated with regard to the hire and tenure of employment of Jean Macomber in violation of Section 8(a)(3) and (1) of the Act, I will recommend that Respondent offer her immediate and full reinstatement to her former or substantially equivalent position, without prejudice to her seniority or other rights and privileges. See, *The Chase National Bank of the City of New York, San Juan, Puerto Rico, Branch*, 65 NLRB 827. It will be further recommended that Respondent make the aforesaid employee whole for any loss of pay suffered by reason of the discrimination against her. Loss of pay shall be based upon earnings which Macomber normally would have earned from the date of the discrimination against her, to the date of her reinstatement, less net earnings, computed on a quarterly basis in the manner established by the Board in *F. W. Woolworth Company*, 90 NLRB 289; *N.L.R.B.* v. *Seven-Up Bottling Company of Miami, Inc.*, 344 U.S. 344 It will also be recommended that Respondent preserve and, upon request, make available to the Board payroll and other records to facilitate the computation of the backpay due.

As the unfair labor practices committed by Respondent involve discrimination and are thereby of a character striking at the root of employee rights safeguarded by the Act, it will be recommended that Respondent cease and desist from infringing in any manner upon the rights guaranteed in Section 7 of the Act.

CONCLUSIONS OF LAW

1. Respondent, Meyers & Son Manufacturing Co., Inc., is engaged in commerce within the meaning of Section 2(6) and (7) of the Act.
2. Amalgamated Clothing Workers of America, AFL–CIO, is a labor organization within the meaning of Section 2(5) of the Act.
3. By discriminating in regard to the hire and tenure of employment of the employee named above in the section entitled "The Remedy," thereby discouraging membership in the Union, Respondent has engaged in unfair labor practices within the meaning of Section 8(a)(3) and (1) of the Act
4. By spying upon a union meeting of its employees, Respondent has engaged in unfair labor practices in violation of Section 8(a)(1) 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.
6. The allegation of the complaint that Respondent committed unfair labor practices by interrogating employees concerning their union activity has not been established by a preponderance of the evidence.

RECOMMENDATIONS

Upon the basis of the above findings of fact and conclusions of law, and upon the entire record in the case, it is recommended that the Respondent, Meyers & Son Manufacturing Co., Inc., its officers, agents, successors, and assigns, shall:

1. Cease and desist from:

(a) Discouraging membership in the above-named labor organization, or any other labor organization of its employees, by discriminating in regard to their hire or tenure of employment or any term or condition of employment.

(b) Spying upon the union activities of its employees.

(c) In any other manner interfering with, restraining, or coercing its employees in the exercise of the right to self-organization, to join, form, or assist labor organizations, including the above-named labor organization, to bargain collectively

through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection or to refrain from any or all such activities.

2. Take the following affirmative action which I find will effectuate the policies of the Act:

(a) Offer the employee named above immediate and full reinstatement to her former or substantially equivalent position, without prejudice to her seniority and other rights and privileges, and make her whole in the manner set forth in the section entitled "The Remedy."

(b) Preserve and, upon request, make available to the Board or its agents, for examination and copying, all payroll records, social security payment records, timecards, personnel records and reports, and all other records necessary to analyze the amount of backpay and other benefits due and the right of reinstatement under the terms of this Recommended Order.

(c) Post at its plant at Madison, Indiana, copies of the attached notice marked "Appendix."[4] Copies of such notice, to be furnished by the Regional Director for the Twenty-fifth Region, shall, after being signed by the authorized representative of Respondent, be posted immediately upon receipt thereof, and be maintained by it for a period of 60 consecutive days thereafter, in conspicuous places, including all places where notices to employees are customarily posted. Reasonable steps shall be taken by Respondent to insure that such notices are not altered, defaced, or covered by any other materials.

(d) Notify the Regional Director, in writing, within 20 days from the date of the receipt of this Intermediate Report, what steps Respondent has taken to comply therewith.[5]

It is further recommended that unless within 20 days from the date of the receipt of this Intermediate Report, Respondent notifies said Regional Director in writing that it will comply with the foregoing recommendations, the Board issue an order requiring Respondent to take the aforesaid action.

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[4] In the event that this Recommended Order is adopted by the Board, the words "A Decision and Order" shall be substituted for the words "The Recommendations of a Trial Examiner" in the notice. In the further event that the Board's Order be enforced by a decree of a United States Court of Appeals, the words "Pursuant to a Decree of the United States Court of Appeals, Enforcing an Order" shall be substituted for the words "Pursuant to a Decision and Order."

[5] In the event that this Recommended Order be adopted by the Board, this provision shall be modified to read: "Notify said Regional Director, in writing, within 10 days from the date of this Order, what steps the Respondent has taken to comply herewith."

APPENDIX

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 Labor Management Relations Act, we hereby notify our employees that:

WE WILL NOT discourage membership in Amalgamated Clothing Workers of America, AFL–CIO, or any other labor organization, by discriminating in regard to the hire or tenure of employment or any term or condition of employment of our employees.

WE WILL NOT spy upon the union activities of our employees.

WE WILL NOT in any manner interfere with, restrain, or coerce our employees in the exercise of the right to self-organization, to form labor organizations, to join or assist the above-named labor organization, or any other labor organization, to bargain collectively through representatives of their own choosing, or to engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection, or to refrain from any or all such activities except to the extent that such right may be affected by an agreement requiring membership in a labor organization as authorized in Section 8(a)(3) of the Act.

WE WILL offer Jean Macomber immediate and full reinstatement to her former or substantially equivalent position, without prejudice to her seniority or other rights and privileges previously enjoyed, and make her whole for any loss of pay suffered as a result of our discrimination against her.

All our employees are free to become, remain, or refrain from becoming or remaining members of any labor organization, except to the extent that such right may be affected by an agreement requiring membership in a labor organization as a condition of employment as authorized in Section 8(a)(3) of the Act.

MEYERS & SON MANUFACTURING CO., INC.,
Employer.

Dated_____ By_____
(Representative) (Title)

NOTE.—We will notify the above-named employee if presently serving in the Armed Forces of the United States of her right to full reinstatement upon application in accordance with the Selective Service Act after discharge from the Armed Forces.

This notice must remain posted for 60 consecutive days from the date of posting, and must not be altered, defaced, or covered by any other material.

Employees may communicate directly with the Board's Regional Office, 614 ISTA Center, 150 West Market Street, Indianapolis 4, Indiana, Telephone Number, Melrose 3-8921, if they have any question concerning this notice or compliance with its provisions.

National Gypsum Company *and* William Neville *and* Local 30, 30A, 30B and 30C, International Union of Operating Engineers, AFL-CIO, Party in Interest. *Case No. 2-CA-7791-4. November 13, 1962*

SUPPLEMENTAL DECISION AND ORDER

On August 1, 1962, Trial Examiner Owsley Vose issued his Intermediate Report in the above-entitled proceeding, finding that Respondent had not engaged in the alleged unfair labor practices and recommending that the amended complaint herein be dismissed in its entirety, as set forth in the attached Intermediate Report. Thereafter, the General Counsel and the Party in Interest filed exceptions to the Intermediate Report. The General Counsel also filed a supporting brief.

The Board has reviewed 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 exceptions and brief, and the entire record in this case, and hereby adopts the findings, conclusions, and recommendations of the Trial Examiner.

[The Board dismissed the complaint.]

INTERMEDIATE REPORT AND RECOMMENDED ORDER

STATEMENT OF THE CASE

On April 1, 1961, William Neville, an individual, filed charges against National Gypsum Company, the Respondent herein, and a number of other employers having collective-bargaining contracts with Local 30, 30A, 30B and 30C, International Union of Operating Engineers, AFL-CIO, herein called the Union, alleging the commission of unfair labor practices within the meaning of Section 8(a)(1) and (2)