arguments, and opinions providing the expression contains no threat of reprisal or force or promise of benefit.

The law is clear that an employer may assemble his employees on his own time and tell them his opinion of the labor organization, and, short of threatening them with reprisal or force or promising them a benefit, he does not commit an unfair labor practice. If he can do this to a "captive audience" surely he can do it as an invitee to the home of an employee. He can express his views, arguments, and opinions, subject to the above proviso, in a church, a club, a tavern, or on a street corner. The right of free speech under Section 8(c) of the Act is not limited as to place, but only as to content.

Care must be exercised in not confusing conduct which is sufficient, under Board and court law, to cause an election to be held again and conduct which amounts to an unfair labor practice. For example, the same conduct might cause an election to be rerun but might not be a violation of Section 8(a)(1) of the Act. Section 8(c) specifically applies only to unfair labor practices, as it says the expressing of any views, etc., ". . . *shall not constitute or be evidence of an unfair labor practice . . ., if such expression contains no threat of reprisal or force or promise of benefit.*" [Emphasis added.] Accordingly, home visits to employees with their permission by managerial supervisors and agents during a union organizational campaign, for the purpose of influencing the vote of the employees in a pending election, is not a violation of Section 8(a)(1) of the Act.

CONCLUSIONS OF LAW

1. The Respondent is engaged in commerce within the meaning of the Act.
2. The Union is a labor organization within the meaning of the Act.
3. The Respondent had not engaged in unfair labor practices within the meaning of Section 8(a)(1) of the Act, as alleged.

RECOMMENDED ORDER

Upon the basis of the foregoing findings of fact and conclusions of law, and upon the entire record in the case, it is recommended that the complaint be dismissed in its entirety.

A. J. Sackett and Sons Co. *and* United Steelworkers of America, AFL–CIO. *Case No. 5–CA–2150. November 26, 1962*

DECISION AND ORDER

On August 1, 1962, Trial Examiner Joseph I. Nachman 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 attached Intermediate Report. The Trial Examiner also found that the Respondent had not engaged in certain other unfair labor practices alleged in the complaint. Thereafter, the General Counsel filed exceptions to the Intermediate Report together with a supporting brief.

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 Rodgers, Fanning, and Brown].

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,[1] conclusions,[2] and recommendations of the Trial Examiner, except as herein noted.

ORDER

The Board adopts as its Order the Recommended Order of the Trial Examiner.[3]

[1] No exceptions have been filed to the findings of the Trial Examiner that the Respondent interfered with, restrained, or coerced its employees in violation of Section 8(a)(1) of the Act. In the absence of exceptions, we adopt these findings *pro forma*.

[2] We agree with the Trial Examiner's findings that the Respondent did not discriminatorily discharge employee Luberecki in violation of Section 8(a)(1) and (3) of the Act. In this regard, we rely not only on those reasons advanced by the Trial Examiner in the Intermediate Report, but also on the fact that General Counsel's witness, Antczak, admitted that Supervisor Hart also had instructed him (Antczak) to perform a similar grinding operation in a standing position.

[3] The Appendix attached to the Intermediate Report is hereby modified by deleting the words "60 days from the date hereto" in the next to the last paragraph of the notice and inserting in its place the words "60 consecutive days from the date of posting. . . ."

INTERMEDIATE REPORT AND RECOMMENDED ORDER

STATEMENT OF THE CASE

This proceeding, heard on June 15, 1962, in Baltimore, Maryland, before Trial Examiner Joseph I. Nachman, involves allegations that A. J. Sackett and Sons Co., herein called Respondent, violated Section 8(a)(1) and (3) of the Act.[1] All parties were represented at the hearings and were afforded full opportunity to present evidence, to examine and cross-examine witnesses, and to argue orally on the record. Briefs from Respondent and the General Counsel have been received and considered.

Upon the entire record in the case, and from my observation of the witnesses, I make the following:

FINDINGS OF FACT

I. THE BUSINESS OF RESPONDENT

Respondent, a Maryland corporation, with its principal office and place of business at Baltimore, Maryland, is engaged in the manufacture of chemical processing machinery. In the course and conduct of its business, Respondent annually receives from, and ships to, points and places outside the State of Maryland, goods and materials valued at in excess of $50,000. Respondent admits, and I find, that it is, and at all times material has been, engaged in commerce within the meaning of Section 2(6) and (7) of the Act, and that it will effectuate the policies of the Act to assert jurisdiction herein.

II. THE LABOR ORGANIZATION INVOLVED

The parties stipulated, and I find, that United Steelworkers of America, AFL–CIO, herein called the Union, is a labor organization within the meaning of Section 2(5) of the Act.

III. THE UNFAIR LABOR PRACTICES INVOLVED

A. *The interference, restraint, and coercion*

1. The facts

Early in March 1962 the Union began an organizational campaign among Respondent's employees. On March 14 it filed a petition for an election (5–RC–3772, not published in NLRB volumes) and an election was conducted on April 26, 1962.[2]

[1] The charge was filed and served April 23, 1962; complaint issued June 1, 1962.

[2] Except for a stipulation which was received in evidence as General Counsel's Exhibit No. 2, and oral testimony with respect to the date of the election, the record contains no information concerning the proceedings in the representation case. In its brief Respondent states that the Union won the election and is now certified.

Two days prior to the election the employees were addressed in a group by Vice President Walter Sackett, Jr., at the Company's plant. Employees Davis and Deckleman testified that Sackett told the assembled group, among other things, that if the Union got in and the Company was unable to meet the Union's demands, Respondent would be forced to close the shop, subcontract its production operations, and operate from its uptown office; and that an offer to purchase Respondent's plant had been received a few years back, and the matter could now be given further consideration. Respondent's counsel, Skutch, who was present, verified Sackett's statement, saying that the matter had been looked into and he knew it could be done. Essentially, Sackett's version of this incident is not to the contrary.[3] He admitted that he addressed the assembled employees and that he told them that there was a possibility of changing the Company's operation because he knew that it could operate more economically by subcontracting, or as he put it, by subleasing some of its work. I credit Davis and Deckleman and find that Sackett made the statements they attributed to him.

The day preceding the election Respondent sent its employees in the unit a letter which read as follows: [4]

> Every few years the hungry union organizers force me to discuss your family security with you at home. I dislike bringing our mutual problems to your home but I think that your husband's job security is so important to the whole family that you ought to discuss it together.
>
> On Thursday afternoon the National Labor Relations Board will hold another election at our plant—this time to find out whether you want to be represented by the Steelworkers Union or whether you will continue to enjoy job security and close personal relations you have with us. This is the third time our employees have been asked to make such a decision. Each time they have decided that they have greater benefits and security with us than any union could ever get for them.
>
> You both know that as long as your husband has been with us, he had 52 pay checks each and every year. We made a survey and have not found one shop where this is true—where employees destinies are controlled by the Steelworkers.
>
> You know of the long and costly strikes the Steelworkers have so often. Who benefits, certainly not the employees.
>
> We are proud of what we have done for our people. I think our record of regular wages is unequalled and I know unsurpassed.
>
> During all the 65 years we have been in business, no one has ever paid a penny for the privilege of working here. You owe it to yourselves and your family to keep it so. The dues which the Steelworkers want to extract from your pay will fatten the Steelworkers pockets—but cannot give you any security.
>
> In addition to 52 pay days every year—in many cases when we had no business—you know that we set up a Profit-Sharing Retirement Plan for you in 1960. All of the people who have worked for us for five or more years have a substantial interest in this Plan. No union made us do this—no union could. We did this because, to the extent that we could afford it, we wanted to give you security when you become unable to work.
>
> We have no idea what the Steelworkers promised you. We sincerely hope that you will not be misled by relying on promises they can't fulfill. They cannot increase your pay or give you any benefits you do not have now without our consent and agreement. What can they do for you?
>
> They can force you to walk a picket line—that is the only weapon that they have—a weapon which the Steelworkers use so often, as all of you have seen.
>
> So before you vote on Thursday, ask yourself:
>
> What can I gain for myself and my family by paying dues and assessments to the strangers who run the Steelworkers Union?
>
> Can these strangers provide more benefits for me that A. J. Sackett & Company has and is already giving me?
>
> Do I want to swap 52 pay days a year for the privilege of walking a picket line at the Steelworkers command?
>
> What will happen to my job and my family if I am on a picket line?
>
> We are sincerely convinced that when you have considered these important questions you must vote for your own best interests and vote *NO*, on Thursday.

[3] Skutch did not testify.

[4] The evidence shows only that the letter referred to was received by employee Miller. My finding that it was sent to all employees in the unit is based on an admission of that fact in Respondent's brief.

I think you will agree that these matters are important enough to discuss within your family because the Steelworkers Union cannot only wreck your job security, it can seriously affect your home because your job with us supports your home—and regardless of who wins this election—there will be no prejudice or discrimination against anyone.

Please be sure and vote on Thursday regardless of whether you have signed a card for the Steelworkers—it means nothing—the only thing that counts is your secret ballot.

2. Conclusions with respect to interference, restraint, and coercion

The speech by Vice President Sackett to the assembled employees was in substance and effect a threat to close the steel shop if the employees selected union representation. The Board has uniformly held such to be proscribed by Section 8(a)(1).[5] I so find and conclude. The letter which Respondent admittedly distributed to its employees likewise violated Section 8(a)(1). The first paragraph of the letter, as well as the penultimate paragraph thereof, tells the employee that the advent of the Union is a matter which affects his "job security." The second paragraph states that in the then imminent Board election the employee must make a choice between representation by the Union on one hand, and job security on the other. The clear inference from this statement is that if the Union wins the election their job tenure, or their wages, hours, and working conditions will be impaired. Considered in context, as it must be with the speech made by Vice President Sackett just a day or two before the letter, referred to above, the coercive character of the letter is clear. The statement in the letter that regardless of the outcome of the election "there will be no prejudice or discrimination against anyone," did not neutralize the coercion which I have found inherent in other portions of the letter. In the minds of the employees its coercive character would necessarily have been uppermost. Cf. *The Pulaski Rubber Company,* 131 NLRB 347, 351–352.

B. *The discharge of Anthony Luberecki*

1. Background

Luberecki had been employed by Respondent at various intervals since 1954. His last period of employment was from about August 1959 until his discharge on April 17, 1962. During this period Luberecki worked in the steel shop. He was, from the beginning, very active in the Union's organizational campaign. Along with employee White, Luberecki, as a representative of the Union, attended a hearing at the Board's Regional Office on March 29, and a rescheduled hearing on April 9, in connection with the representation petition filed by the Union. Luberecki testified without contradiction that he obtained permission from Supervisor Hart to be absent from work to attend the aforementioned hearings, but that on the second occasion Hart, although granting the requested leave, told Luberecki that until recently he had considered him a "pretty nice guy," but now he "considered him an. . . ." There is also the undenied testimony which I credit, given by Mrs. Vogtman, the mother of a young man then employed by Respondent, that Hart told her to keep her son out of the union activities, that a lot of things that the employees had been doing had been overlooked "but that the first thing they did wrong now they were going to be fired."[6]

Luberecki himself testified that in late March or early April 1962, he, with two other employees, went to the union hall during the 12 to 12:30 lunch period, returning an hour late about 1:30. Knowing that they would be queried about their absence without leave, they agreed to and did tell Hart that they had gone after hamburgers, and had a flat tire which they had to fix before they could get back to the plant. After some questioning these employees, including Luberecki, admitted that the story about the flat tire was a fabrication, and that they had in fact been to the union hall. Luberecki made this admission in the presence of Hart and Vice President Walter Sackett. Hart thereupon stated, "Don't you think we can fire him for taking off from work and not telling us where he went?" Sackett made no reply, and walked away. However, except for "docking" the three employees for the time lost, Respondent took no disciplinary action against them.

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[5] See, for example, *Brunswick Quick Freezer, Inc.,* 119 NLRB 1495; *Dan River Mills, Incorporated, Alabama Division,* 121 NLRB 645; *Hugh Major, d/b/a Major Truck Service,* 129 NLRB 322; *Watertown Undergarment Corporation,* 137 NLRB 287.

[6] According to Mrs. Vogtman this conversation occurred about 2 months prior to the hearing, which was on June 15, 1962.

2. The events of April 17, 1962

On April 17, Hart assigned Luberecki to grind a bevel edge on both 4-foot sides and one 8-foot side of a steel plate three-eighths of an inch thick. The plate, which weighed about 450 pounds, was by means of a crane placed on trestles, which stood about 3 feet off the ground. This was done by Luberecki with the assistance of a helper. According to Luberecki, who is just over 6 feet tall, he began the work in a standing position using a hand grinder, but a "kink" developed in his back and he decided to work seated on an inverted 5 gallon paint can; when he obtained the paint can both of the 4-foot sides of the plate had been completed, leaving only the 8-foot side to be ground; after obtaining the paint can and resuming work in a seated position, he was approached by Hart who stated that the work had to be done in a standing position; he told Hart that he had no objection to doing the work while standing but wanted to get into a more comfortable position either by sitting on the paint can or by raising the plate to a more comfortable level;[7] that Hart refused to permit him to follow either suggestion, and stated that Luberecki could either follow instructions or he would be fired; Luberecki argued with Hart claiming that other employees, specifically mentioning employee Miller, were permitted to do such work while seated, and he could not see why he should not be permitted to do so; and that the argument was abruptly ended when Hart fired him and directed that he follow Hart to the office to get his pay.[8]

In its essential aspects Hart's testimony does not differ materially from that of Luberecki. In substance, Hart testified that he permits men to sit when grinding steel plate if the job requires more than a half hour. He justifies this position by his conclusion that on a small job a man who is seated loses too much time (in relation to the total time required for the job), in arising from the seat, moving the seat, and resuming work in the new position.[9] Hart further testified that when he first saw Luberecki undertake to do the grinding while seated, only about 15 minutes' work on this job remained (the 8-foot side), and because of the time that would be wasted moving from one position to another (compared to the time required to complete the job), he refused to permit Luberecki to work while seated.[10] According to Hart, when he refused to permit Luberecki to grind the plate while seated, the latter stated that he did not want to do that job and asked to be assigned to another. Hart refused, telling Luberecki that he would do that job in accordance with his instructions, or he could get his pay, and that Luberecki thereupon left the shop saying that he was going to the office to talk to Vice President Sackett. Hart says that he followed Luberecki to the office and that he there discharged him for his insubordination.[11]

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[7] In his testimony Luberecki does not state that he informed Hart of the "kink" in his back.

[8] Employees Miller and Antczak testified that they had ground steel plates while seated. I find this evidence to be of little value and certainly insufficient to establish any rule, custom, or practice of permitting such work to be performed in a seated position whenever an employee might choose to do so. Miller and Antczak were unable to say that Hart or any other responsible official of Respondent saw or otherwise learned that they worked while seated. It also appears that for the most part these employees worked on plates of one-half inch thickness which, the evidence shows, takes approximately twice the time as required for a plate of three-eighths inch thickness. In short, their testimony is not inconsistent with that of Hart, hereafter set forth, that employees are permitted to do grinding while seated if the particular job is of such nature as to justify it.

[9] Hart estimated, and his estimate is not controverted, that on a ⅜-inch plate a man will normally grind a lineal foot in approximately 2 minutes, and that if seated he would have to move about every foot if the job is to be performed efficiently. Hart made no estimate as to the length of time it would take for a man to arise from his seat and resume work in a new position. He did say that this *could* be done in 2 seconds, "but the men don't do it in 2 seconds." Luberecki's estimate that this could be done in one-fifth of a second is rejected as inherently incredible.

[10] Also because of the time necessary to get a crane and higher trestles, Hart refused Luberecki's request that the plate be raised

[11] Hart further testified that "around the first of March," he noticed a change in Luberecki's attitude; that he became sarcastic, did not seem to care whether he got his work done or not, or how long it took him, refused to cooperate with fellow employees, and that he received complaints from his subforemen, who asked that Luberecki not be assigned to him for the purpose of loading cars. For the most part this is denied by Luberecki, but I deem it unnecessary to resolve the conflict. In my view the question whether Luberecki's discharge was discriminatorily motivated can be determined by the events of April 17.

3. Conclusions with respect to the discharge of Luberecki

The crucial question is, of course, Hart's motive at the time he discharged Luberecki. The General Counsel contends that in light of Hart's statement to Mrs. Vogtman, the events surrounding Luberecki's discharge on April 17 were a mere pretext deliberately provoked and seized upon by Hart to get rid of an active union adherent prior to the then scheduled election. Respondent, on the other hand, contends that Luberecki was discharged for insubordination and that his union activity played no part in the decision to discharge him. Notwithstanding the strong statement of union animus made by Hart to Mrs. Vogtman, and the fact that the Respondent may have welcomed the opportunity of ridding itself of Luberecki, I find and conclude, for the reasons hereafter stated, that the latter was not discharged for discriminatory reasons, but solely because of his insubordination.

My observation of Luberecki on the stand convinces me that he is not, to put it mildly, lacking in arrogance, and that his attitude was a major factor in provoking the action which Hart took against him. He gave me the definite impression that he regarded himself immune from disciplinary action because of his membership in and activities on behalf of the Union. Plainly he enjoys no such immunity. *Lloyd A. Fry Roofing Company,* 85 NLRB 1222; *Chance Vought Aircraft Division of United Aircraft Corporation,* 85 NLRB 183. Hart's explanation for refusing to permit Luberecki to grind the plate while seated or to raise its level, seems to me to be reasonable exercise of his authority to operate the shop in what he deemed to be an efficient and economical manner. I find no basis in the evidence for rejecting it. I can appreciate that to Hart, Luberecki's conduct on April 17 presented a challenge to his authority as a supervisor, and when Luberecki attempted to go over his head by appealing directly to higher authority, that Hart regarded it as a final act of insubordination which he could not tolerate. In short, I am impressed by Hart's frank and forthright statement, which I fully credit, that when he discharged Luberecki, "I was mad enough, I didn't even think about the Union."

Accordingly, I shall recommend that the complaint herein be dismissed insofar as it alleges that Respondent discriminatorily discharged Luberecki and thereby violated Section 8(a)(3) and (1) of the Act.

IV. THE EFFECT OF THE UNFAIR LABOR PRACTICES FOUND UPON COMMERCE

The activities of Respondent set forth in section III, above, occurring in connection with the operations of 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 thereof.

V. THE REMEDY

Having found that Respondent has engaged in certain unfair labor practices, I shall recommend that it cease and desist therefrom and that it take certain affirmative action which I find necessary to dissipate the effect thereof and to effectuate the policies of the Act.

Upon the basis of the foregoing findings of fact, and upon the entire record in this case, I make the following:

CONCLUSIONS OF LAW

1. Respondent is engaged in commerce within the meaning of Section 2(6) and (7) of the Act.
2. The Union is a labor organization within the meaning of Section 2(5) of the Act.
3. By the conduct referred to in section III, above, Respondent interfered with, restrained, and coerced its employees in the exercise of rights guaranteed to them by Section 7 of the Act, and thereby has engaged in and is engaging in unfair labor practices within the meaning of Section 8(a)(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.
5 It has not been established by the preponderance of the evidence that by discharging Luberecki, Respondent violated Section 8(a)(3) and (1) of the Act, as alleged in the complaint herein.

RECOMMENDED ORDER

Upon the basis of the foregoing findings of fact and conclusions of law, and pursuant to Section 10(c) of the National Labor Relations Act, as amended, it is recommended that the Respondent, A. J. Sackett and Sons Co., its officers, agents, successors and assigns, shall:

1. Cease and desist from:

(a) Threatening to shut down its plant, to subcontract its operations, or to visit other acts of reprisal upon its employees if they select union representation

(b) In any like or related manner interfering with, restraining, or coercing employees in the exercise of their right to self-organization, to form, join, or assist labor organizations, 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 and all such activities, 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 by Section 8(a)(3) of the National Labor Relations Act, as amended.

2. Take the following affirmative action which it is found will effectuate the policies of the Act:

(a) Post at its plant in Baltimore, Maryland, copies of the attached notice marked "Appendix."[12] Copies of said notice, to be furnished by the Regional Director for the Fifth Region (Baltimore, Maryland), shall, after being duly signed by a representative of the Respondent, be posted by the Respondent 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 to insure that such notices are not altered, defaced, or covered by any other material.

(b) Notify the said Regional Director, in writing, within 20 days from the date of the receipt of this Intermediate Report and Recommended Order, what steps the Respondent has taken to comply herewith.[13]

It is further recommended that so much of the complaint herein as alleges that by discharging Anthony Luberecki Respondent violated Section 8(a)(3) and (1) of the Act, be dismissed.

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[12] In the event that this Recommended Order be 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"

[13] 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 National Labor Relations Act, we hereby notify our employees that:

WE WILL NOT threaten to shut down our plant, to subcontract our operations, or to visit other acts of reprisal upon our employees if they select union representation.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce our employees in the exercise of their rights to self-organization, to form, join, or assist any labor organization, to bargain collectively through representatives of their own choosing, to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, or to refrain from any and all such activities, 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 by Section 8(a)(3) of the National Labor Relations Act, as amended.

All our employees are free to become, remain, or refrain from becoming or remaining members of any labor organization.

A. J. SACKETT AND SONS CO.,
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, 707 North Calvert Street, Sixth Floor, Baltimore, Maryland, Telephone Number, Plaza 2-8460, Extension 2100, if they have any question concerning this notice or compliance with its provisions.

United Furniture Workers of America, AFL-CIO, and J. Howard Proudman, Representative *and* Jamestown Sterling Corporation. *Case No. 3-CB-564. November 26, 1962*

DECISION AND ORDER

On August 7, 1962, Trial Examiner John F. Funke issued his Intermediate Report in the above-entitled proceeding, finding that the Respondents had engaged in and were engaging in certain unfair labor practices and recommending that they cease and desist therefrom and take certain affirmative action, as set forth in the attached Intermediate Report. The Trial Examiner also found that the Respondents had not engaged in certain other unfair labor practices and recommended that the complaint be dismissed with respect to such allegations. Thereafter, the General Counsel and the Respondents filed exceptions to the Intermediate Report and supporting briefs.

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its powers in connection with this case to a three-member panel [Chairman McCulloch and Members Rodgers and Fanning].

The Board has reviewed the rulings of the Trial Examiner made at the hearing and finds that no prejudicial error was committed. The rulings are hereby affirmed. The Board has considered the Intermediate Report and the entire record in the case, including the exceptions and briefs, and hereby adopts the findings, conclusions, and recommendations of the Trial Examiner as modified herein.[1]

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[1] In the absence of exceptions to the failure to find violations based upon the incidents concerning the throwing of a snowball at employee Anderson, the threatening gesture with a knife toward the tires of the truck Anderson was driving, and the stone throwing by Proudman in the lumberyard, we adopt these findings *pro forma.*

Inasmuch as the Intermediate Report contains ample testimony in support of the violations found, we do not find it necessary to pass upon the cumulative testimony which was stricken by the Trial Examiner upon motion of the Respondents. We specifically affirm the rulings of the Trial Examiner concerning the production of documents under our Rules and Regulations, Series 8, Section 102.118. See *Harvey Aluminum (Incorporated) et al.,* 139 NLRB 151.

We add to Conclusion of Law No. 4 the words: "in violation of Section 8(b)(1)(A) of the Act."

The notice to be posted is hereby amended by striking the words "we hereby notify our employees that" and substituting the words "we hereby notify you that."