

(d) Notify said Regional Director, in writing, within 20 days from the date of receipt of this Decision, what steps Respondent has taken to comply herewith.⁷

I further recommend that the complaint herein be dismissed insofar as it alleges violations of the Act other than those found in this Decision.

⁷ 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 Recommended Order 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 you that:

WE WILL NOT discourage membership in or activity on behalf of Baltimore Building and Construction Trades Council, or any of its affiliated labor organizations, or any other labor organization, by discharging or refusing to reinstate any of our employees, or in any other manner discriminating against employees in regard to their hire, tenure of employment, or any term or condition of employment.

WE WILL NOT interrogate our employees regarding their union sentiments and activities, or threaten them with reprisals if any labor organization organizes our plant.

WE WILL NOT in any other manner interfere with, restrain, or coerce our employees in the exercise of rights guaranteed to them by Section 7 of the Act, or to refrain from the exercise of any or all of such rights, except to the extent that such rights 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.

WE WILL offer Charles J. Herbert immediate and full reinstatement to his former or substantially equivalent position without prejudice to seniority or other rights and privileges previously enjoyed, and make him whole for any loss of earnings he may have suffered by reason of our discrimination against him.

CAPLAN BROTHERS GLASS CO., INC.,
Employer.

Dated----- By-----
(Representative) (Title)

NOTE.—We will notify Charles J. Herbert if presently serving in the Armed Forces of the United States of his right to full reinstatement upon application in accordance with the Selective Service Act and the Universal Military Training and Service Act of 1948, as amended, 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, Sixth Floor, 707 North Calvert Street, Baltimore, Maryland, Telephone No. 752-8460, Extension 2100, if they have any question concerning this notice or compliance with its provisions.

R.E.D.M. Corporation and Faye Fiduccia. Case No. 22-CA-1743. November 24, 1964

DECISION AND ORDER

On August 26, 1964, Trial Examiner John H. Eadie issued his Decision in the above-entitled proceeding, finding that 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 Trial Examiner's Decision. Thereafter, Respondent filed exceptions to the Decision and a supporting brief.

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 McCulloch and Members Leedom and Jenkins].

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 Decision, the exceptions, the brief, and the entire record in the case, and hereby adopts the findings, conclusions, and recommendations of the Trial Examiner.¹

ORDER

Pursuant to Section 10(c) of the National Labor Relations Act, as amended, the Board hereby adopts as its Order, the Order recommended by the Trial Examiner and orders that Respondent, R.E.D.M. Corporation, shall take the action set forth in the Trial Examiner's Recommended Order.

¹ The Board includes as part of its Order the Armed Forces provision now appearing in the Notice to All Employees attached to the Trial Examiner's Decision.

TRIAL EXAMINER'S DECISION

STATEMENT OF THE CASE

Upon charges filed on October 22 and 23, 1963, the General Counsel of the National Labor Relations Board issued a complaint, dated December 5, 1963, against R.E.D.M. Corporation, herein called the Respondent, alleging that the Respondent had engaged in unfair labor practices affecting commerce within the meaning of Section 8(a)(1) and (3) and Section 2(6) and (7) of the National Labor Relations Act, as amended, herein called the Act. The Respondent filed an answer on December 19, 1963, in which it admitted the jurisdictional allegations of the complaint, but denied the commission of any unfair labor practices.

A hearing was held before Trial Examiner John H. Eadie at Newark, New Jersey, on March 4 and 5, 1964. After the conclusion of the hearing the General Counsel and the Respondent filed briefs with the Trial Examiner.

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

FINDINGS OF FACT

I. THE BUSINESS OF THE RESPONDENT

R.E.D.M. Corporation is a Delaware corporation with its principal office and plant in Wayne, New Jersey. It is engaged at said plant in the manufacture, sale, and distribution of mechanical and electromechanical devices and related products.

During the period of 12 months preceding the date of the complaint herein, the Respondent caused to be manufactured, sold, and distributed at its said Wayne plant products valued in excess of \$50,000, of which products valued in excess of \$50,000 were shipped from said plant in interstate commerce directly to States of the United States other than the State of New Jersey.

The complaint alleges, the Respondent's answer admits, and the Trial Examiner finds that the Respondent is engaged in commerce within the meaning of the Act.

II. THE LABOR ORGANIZATIONS INVOLVED

International Union of Electrical, Radio, and Machine Workers, AFL-CIO, herein called the IUE, and International Union, United Automobile, Aerospace, and Agricultural Implement Workers of America, AFL-CIO, herein called the UAW, are labor organizations which admit to membership employees of the Respondent.

III. THE UNFAIR LABOR PRACTICES

The parties herein stipulated to the following facts:

On December 14, 1962, the UAW petitioned the Board for an election at the R.E.D.M. Corporation;

On the 15th of January, 1963, the election was held in which the vote was 82 for no union and 41 for the UAW;

On the 18th of November, 1963, the UAW filed an RC petition in case No. 22-RC-2299; they also filed an RC petition on the 18th of December, 1963, in 22-RC-2333;

On the 4th of February, 1964, an election was held with respect to the consolidated petitions;

The initial result of that election was 37 for the UAW, 33 for the IUE, who had intervened, 8 for no union, and there were 7 challenges; three 83's were among the challenges;

Four of the 7 challenges were determined so that the results then were 39 for the UAW, 35 for the IUE, with 3 challenges, and still 8 no union.

This necessitated a run-off election, which was held this Monday, on the 2nd of March, 1964.

The tentative results of that are 43 for the UAW, 42 for the IUE, 5 challenges, 3 of whom are the 83's, so that the results of this hearing may be determinative of the results of the election.

During 1960 employee Dolores Del Sordo formed an employees' "shop committee" for the purpose of presenting grievances to the Respondent. Del Sordo, Paul Burke, and John Condatorre were the members of the committee.

During December 1962, Del Sordo, Burke, and Condatorre met in the Respondent's "main office" in the plant with Mike Giordano, the president of the local union of the IUE at the E. B. Company in Philadelphia, Pennsylvania.¹ Giordano told them that he had heard that the Respondent "was having some problems" and that the employees wanted a union. He asked them to choose the IUE and gave them some IUE cards. Del Sordo, Burke, and Condatorre distributed the cards to the employees and were able to obtain signatures on a few cards. For the next 2 days the Respondent permitted Del Sordo, Burke, and Condatorre to "interview" each employee "during working hours" and "on company time" for the purpose of explaining "to them who Mr. Giordano was, and that if they wanted a union would they consider having the IUE represent them, and if not would they rather keep the shop committee." As a result of this activity, Giordano decided "to leave it just UAW and no union" in the forthcoming election. About a week before the election held on January 15, 1963, Masters addressed the employees. He told them that the Respondent was not "doing too well"; that "as the company grows the people would grow with it"; that he did not believe "it was right to have a union come in"; and that "if a union did come in," he would "be forced to put the lock on the door." After this speech, Del Sordo, Burke, and Condatorre, at the invitation of Masters and Giordano, visited the Philadelphia plant. They were shown through the plant, told "what the IUE was doing" for the employees, and were paid by the Respondent for the time they spent in Philadelphia.

Soon after the January 1963 election, Condatorre was promoted to a supervisory position. During March 1963, Faye Fiduccia was selected as a member of the shop committee. Fiduccia had been an observer for the UAW at the election. On or about July 15, 1963, Fiduccia, while at work, received a telephone call from Giordano. He asked her if she would "go along" with him "on getting the IUE in R.E.D.M." She replied that she would have to speak to the other members of the

¹ Del Sordo testified without contradiction that Robert Masters is vice president of the E.B. Company and executive vice president of the Respondent. The IUE is the bargaining representative of the employees at the Philadelphia plant.

shop committee, and explained that she had signed "that statement that the UAW was going to have a right to have an election." He told her, "Well, don't worry about that . . . You go along with us and everything will work out."

About August or September 1963, Condatorre was demoted from his supervisory position. Shortly thereafter, Condatorre, Jack Vorte, a gauge inspector, and Burke, a setup man, during working hours solicited employees at their places of work to sign IUE cards. On or about September 30 Condatorre asked employee Ruth Dutcher to sign an IUE card. After being solicited "three or four times" by Condatorre, she signed the card but returned it to Fiduccia, telling her, "John told me, it's your union . . . Well, I don't trust John. I am giving you the card." Fiduccia then went to her supervisor, Leo Crapco, and said, "Leo, . . . if John is going around getting IUE cards signed . . . on company time, why can't I go around getting UAW cards signed?" Crapco did not reply.²

On October 10 two representatives of the IUE went to the office of Myron Bregman, the Respondent's vice president and general manager. They told him that they had "over 50 percent of the plant signed up" and asked for recognition. After a card check and in order "to avoid any sort of labor problems and labor troubles," the Respondent agreed to recognize the IUE as the employees' collective-bargaining agent. The following notice, signed by Bregman, was posted in the plant on October 11:

On Thursday, October 10, 1963 representatives of the Local #427 of the IUE indicated to us that they had over 51% of the eligible personnel of our shop signed up. We had the cards and signatures verified by the local Chamber of Commerce representative and found them to be correct.

It is with regret that you people have found that an outside bargaining agent was needed. However, since you have shown your preference, management has acceded to your wishes and recognized the IUE as the bargaining agent for this shop. A contract will be negotiated as soon as possible.

I hope that we will still be able to work together in the future and continue to co-operate with each other so that REDM Corporation may grow.

After several employees discussed the notice with Fiduccia, she had a conversation with Crapco. She told him, in substance, that the employees wanted to petition for an election, and that she was going to promote the UAW in the plant. Crapco replied, "Don't let me catch you." Later Crapco told Fiduccia that he knew that Condatorre and Burke "were going around getting IUE cards signed," and that he had "to go along with them" to protect his job. As a result of these conversations, Crapco told Supervisors Eva Homer and Helen Novak "to keep their eyes open . . . to see if there was anybody going around with any petitions or anything . . . representing unions in the place."

Before the start of work on October 14, some of the employees, including Fiduccia, met in the ladies' restroom. They prepared "a petition" protesting the Respondent's recognition of the IUE without an election. The petition was circulated and signed by the employees in the restroom.

On October 14 Crapco instructed Homer to go into the ladies' room during the rest period at 9 a.m. to find out if the employees were talking about the UAW and told her, "Go see what Faye [Fiduccia] is doing."³ Homer reported to Crapco that the employees "were talking about a union in there"; and that when Fiduccia saw her (Homer), the employees "stopped talking."

During lunchtime on October 15 Fiduccia was using the public telephone in the plant to call Tony Marino, a representative of the UAW. Crapco "kiddingly" asked her if he could listen in on the conversation. Fiduccia told him that she was talking to Marino and that Marino was connected with the UAW.

² Fiduccia testified credibly to the above. Crapco denied that Fiduccia made this complaint to him. He testified, "She mentioned [Condatorre and Burke], about walking around, but I don't recall if there was any mention of any unions involved . . . I said that was their job." Crapco's denial is not credited.

³ Crapco testified that he may have told Homer to "sit" in the restroom; and that he directed Homer to go to the restroom after being informed by employees Selvidge and Conrad that Fiduccia had "approached" them to sign either the petition or UAW cards. When confronted with his affidavit, Crapco later admitted that Conrad had informed him of this activity after Fiduccia's discharge.

Selvidge testified that "either September or the beginning of October" during work Fiduccia asked her to sign a union card while at her table. She did not testify that she told Crapco about Fiduccia's alleged activity. Fiduccia denied that she solicited Selvidge to sign a card. Her denial is credited.

During the afternoon rest period⁴ on October 15, Florence Ryerson received the petition and signed it. When the bell rang, she started back to her worktable. As she passed Judith Harriett's table, Ryerson asked her if she wanted to sign the petition. Harriett replied that she did and followed Ryerson to the latter's table which was about 10 feet distant. After signing the petition, Harriett immediately returned to her table. During the entire incident, which took but a few seconds, the other employees were still returning to their places of work and had not yet started to work. On the same day Ryerson took up a collection for another employee who was out on sick leave. Employees came to Ryerson's table during working hours to make a donation and to sign their names to a piece of paper.⁵ After quitting time, Ryerson gave the petition to Fiduccia while they were in the hallway of the plant.⁶

"The first thing in the morning" of October 16 Crapco told Bregman that Fiduccia had told him that she was going to try to get the UAW in the plant,⁷ and that he had seen Ryerson and Harriett "talking together after break time." Fiduccia, Ryerson, and Harriett were called to the office. Bregman, Crapco, Homer, and Ralph Townsend, Respondent's chief inspector, were present. Bregman stated that he was aware of the petition, and that he had enough problems in the plant without labor trouble. Bregman questioned the three employees about the petition. Fiduccia admitted that the petition was being circulated among the employees, but did not admit that she had solicited employees to sign it during working hours. Crapco said that Fiduccia, Ryerson, and Harriett had threatened employee Maria Rodriguez. Fiduccia asked that Rodriguez be brought to the office. When Rodriguez was called to the office, she denied that she had been threatened and stated that she had only been asked to sign the petition. Bregman said, "We have our union in here and I don't want no more of this bickering around and everything else." Fiduccia stated, in substance, that the employees were dissatisfied because they felt they were entitled to an election rather than have the Respondent recognize the IUE. Bregman answered that he had heard that the committee was double-crossing him by attempting to bring the UAW into the plant and that that was why the Respondent "went along . . . getting the IUE." He said, "I am sorry, they [the employees] voted for the IUE, and that's it." Bregman discharged the three employees for passing the petition "on company time."⁸

After her discharge Fiduccia returned to the plant for her pay and had a conversation with Crapco. He told her that he knew that Condatorre and Burke were "going around getting IUE cards," that he knew "the company was in on it," and that Fiduccia could never prove it.

The Respondent contends that Fiduccia, Ryerson, and Harriett were discharged for "solicitation on company property during working hours." This contention is rejected.

Bregman testified that the Respondent did not have "any written rule" prohibiting solicitation on company time, but that "it was an unwritten rule from the fact that various people had asked to conduct solicitations of one form or another on company time, and were refused." In this connection, he was questioned and testified as follows:

Q. And I assume that there was, although you have a loud speaker, nothing was ever said to the employees over the loud speaker with respect to this.

A. That's correct.

⁴The rest period occurs at 2 p.m. The employees take the break in the locker room or in the cafeteria. After 10 minutes has elapsed, a bell rings as a signal for the employees to return to work. Depending upon where the employee is when the bell rings, it takes 3 to 5 minutes to get back to his or her duty station.

⁵Ryerson testified without contradiction that it was customary to make collections for sick employees; that the employees took up a collection for Crapco on one occasion; and that on the day in question Crapco knew she was engaging in this activity. Crapco testified that "after . . . the afternoon break" he saw Harriett talking to Ryerson at the latter's table. Homer testified that "in the morning just before the . . . 9 o'clock break" and "on company time, working hours" she saw Harriett sign a "piece of paper" while at Ryerson's table.

⁶Both Crapco and Homer testified to the effect that they did not see or hear Fiduccia soliciting employees to sign the petition during working hours.

⁷Crapco testified to the effect that he also told Bregman that he had talked to Selvidge and Conrad, and that they had told him that Fiduccia had "approached" them. The contradiction in Crapco's testimony in this connection has been noted above.

⁸The above testimony concerning the discharge is based upon credited portions of the testimony of Fiduccia, Crapco, and Homer. Testimony to the contrary is not credited.

Q. And so then you might say that in general the employees were ignorant of such an unwritten rule? In fact, no rule existed?

A. Well, if you take a job, to do a particular job, you are supposed to be working at that.

* * * * *

Q. There was no rule.

A. There was no rule as far as a written rule.

Q. And there was none communicated to the employees in general?

A. There was none communicated to employees as a general communication.

Crapco testified that the employees were never notified, either by a posted notice or by the loudspeaker, that they were not permitted to engage in union activity on company time.

If the Respondent, in fact, has such an unwritten rule, nevertheless the Respondent discriminated in favor of the IUE in its application. The evidence discloses that the Respondent preferred the IUE to the UAW and practically invited the former to organize its employees. The adherents of the IUE were permitted to solicit employees openly on company time. Although Crapco knew of their activity⁹ and although Fiduccia complained to him about it, there is no evidence that he reprimanded them or took any action such as reporting the activity to Bregman. On the other hand, as soon as he heard of possible activity on behalf of the UAW, he undertook to spy upon the employees while they were in the ladies' room during their rest period.

Insofar as the incident involving Ryerson and Harriett is concerned, the employees were still filing back to their work stations after the break and were not yet at work when Harriett signed the petition. Although Crapco knew that Ryerson was taking up a collection for a sick employee and permitted it, he made no effort to learn what Harriett was doing at Ryerson's table. In his testimony he admitted that Harriett could have been there in connection with her work.

As for Fiduccia's alleged activity on company time, Crapco's testimony is contradictory. He first testified that he told Homer to spy upon the employees after he got reports from Conrad and Selvidge concerning Fiduccia's activity. Later he admitted that Conrad told him of this activity after Fiduccia's discharge. As noted above, Selvidge, called as a witness by the Respondent, did not confirm Crapco's testimony in this respect. Selvidge's testimony is to the effect that on one occasion Fiduccia stopped her while she was working and asked her to sign a union card;¹⁰ that on another occasion during working hours she saw Fiduccia in the restroom "talking about union, and she had cards in her pocket."

Claire Carrigan testified without contradiction that Fiduccia solicited her during working hours in the restroom to sign the petition and a card for the UAW, and that she did not report this to Crapco until after Fiduccia's discharge. However, it is undisputed that the employees were free to go to the restrooms at any time in order to smoke or talk.

Since both Crapco and Selvidge have been discredited heretofore, it is doubtful if the Respondent knew before the discharge that Fiduccia had engaged in the alleged activity on company time. In any event, the discharge was illegal in view of the disparate treatment of the adherents of the two unions.

Accordingly, I find that the Respondent on October 16, 1963, discharged Fiduccia, Ryerson, and Harriett because of their activity or suspected activity on behalf of the UAW or because of their other concerted activities in violation of Section 8(a)(3) and (1) of the Act. I also find that the Respondent violated Section 8(a)(1) of the Act by spying on the union or concerted activities of its employees during their free time.

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 Respondent's operations described in section I, above, have a close,

⁹ Crapco testified, "I have seen [Vorte, Condatorre, and Burke] and heard them talking to people [during work], but I was never around if there was any talk of unions."

¹⁰ As related above, Fiduccia denied this testimony. She testified that Selvidge came to her table and asked her for a union card, telling her that she wanted "to match up the IUE card with the wording of the UAW"; that she (Fiduccia) replied, "What are you trying to do to me? . . . If I had a UAW card with me, I wouldn't give it to you on company time", and that Selvidge "was allowed to roam the plant . . . giving out . . . IUE cards." Selvidge did not impress me as a credible witness. I credit the above testimony of Fiduccia.

intimate, and substantial relationship 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

Having found that the Respondent has engaged in certain unfair labor practices, it will be recommended that it cease and desist therefrom and that it take certain affirmative action designed to effectuate the policies of the Act.

It has been found that the Respondent discharged Faye Fiduccia, Florence Ryerson, and Judith Harriett on October 16, 1963. Accordingly, it will be recommended that the Respondent offer the above employees immediate and full reinstatement to their former or substantially equivalent positions without prejudice to their seniority or other rights or privileges, and make them whole for any loss of pay suffered by reason of the discrimination by payment to each of them of a sum of money equal to that which she would have earned as wages from the date of the discrimination to the date of reinstatement, less her net earnings during such period in accordance with the formula prescribed in *F. W. Woolworth Company*, 90 NLRB 289, together with interest on such sum, such interest to be computed in accordance with the formula prescribed by the Board in *Isis Plumbing & Heating Co*, 138 NLRB 716

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

CONCLUSIONS OF LAW

1. The UAW and the IUE are labor organizations within the meaning of Section 2(5) of the Act.
2. 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 unfair labor practices within the meaning of Section 8(a)(1) of the Act.
3. By discharging Fiduccia, Ryerson, and Harriett because of their membership in and activities on behalf of the UAW, thereby discouraging membership in the UAW, or because of their other concerted activities for the purpose of collective bargaining, or mutual aid or protection, the Respondent has engaged in unfair labor practices within the meaning of Section 8(a)(1) and (3) 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.

RECOMMENDED ORDER

Upon the basis of the foregoing findings of fact and conclusions of law and upon the entire record in the case, I recommend that R.E.D.M. Corporation, Wayne, New Jersey, its officers, agents, successors, and assigns, shall be ordered to:

1. Cease and desist from:
 - (a) Discouraging protected concerted activities of its employees or membership in the UAW, or any other labor organization of its employees, by discharging employees or otherwise discriminating against them in regard to their hire and tenure of employment or any term or condition of employment
 - (b) Engaging in surveillance of the union or protected concerted 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 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, 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, except to the extent that such rights 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, as modified by the Labor-Management-Reporting and Disclosure Act of 1959.
2. Take the following affirmative action which I find will effectuate the policies of the Act:
 - (a) Offer the employees named above immediate and full reinstatement to their former or substantially equivalent positions without prejudice to their seniority or other rights or privileges, and make them whole in the manner set forth in the section of the Decision entitled "The Remedy"
 - (b) Preserve and, upon request, make available to the National Labor Relations Board or its agents, for examination and copying, all payroll records, social security payment records, timecards, personnel records, and all other records necessary for the determination of the amount of backpay due under these recommendations.

(c) Post at its plant in Wayne, New Jersey, copies of the attached notice marked "Appendix."¹¹ Copies of said notice, to be furnished by the Regional Director for Region 22, shall, after being duly signed by the Respondent or its authorized representatives, be posted by Respondent immediately upon receipt thereof, and 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 said notices are not altered, defaced, or covered by any other material

(d) Notify the Regional Director for Region 22, in writing, within 20 days from the date of the receipt of this Decision, what steps it has taken to comply herewith.¹²

¹¹ 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 Recommended Order 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 "a Decree of the United States Court of Appeals, Enforcing an Order" shall be substituted for the words "a Decision and Order"

¹² 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 Recommended Order of a Trial Examiner of the National Labor Relations Board, and in order to effectuate the policies of the National Labor Relations Act, as amended, we hereby notify our employees that:

WE WILL NOT discourage membership in International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, AFL-CIO, or any other labor organization of our employees, by discriminating in regard to their hire or tenure of employment, or any term or condition of employment.

WE WILL NOT discharge employees or otherwise discriminate against them because of their concerted activities for the purpose of collective bargaining or other mutual aid and protection.

WE WILL NOT engage in surveillance of the Union or protected concerted activities of our employees.

WE WILL NOT in any other 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 the above union, or any other labor organization, to bargain collectively through representatives of their own choosing, to engage in concerted activities for the purposes of collective bargaining or mutual aid or protection, or to refrain from any or all such activities, except to the extent that such rights 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, as modified by the Labor-Management Reporting and Disclosure Act of 1959.

WE WILL offer to the employees named below immediate and full reinstatement to their former or substantially equivalent positions, without prejudice to their seniority or other rights and privileges, and make them whole for any loss of pay suffered as a result of the discrimination against them:

Faye Fiduccia
 Florence Ryerson
 Judith Harriett

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

R.E.D.M. CORPORATION,
Employer.

Dated _____ By _____
 (Representative) (Title)

NOTE.—We will notify the above-named employees if presently serving in the Armed Forces of the United States of their right to full reinstatement upon application in accordance with the Selective Service Act and the Universal Military Training and Service Act of 1948, as amended, 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 National Newark Building, 744 Broad Street, Newark, New Jersey, Telephone No. Market 4-6151, if they have any question concerning this notice or compliance with its provisions.

**Los Angeles Building and Construction Trades Council and
Carl Leipzig, General Contractors, Inc.** *Case No. 21-CC-688.*
November 24, 1964

DECISION AND ORDER

Upon charges duly filed by Carl Leipzig, General Contractors, Inc., herein called Leipzig, the General Counsel of the National Labor Relations Board, by the Regional Director for Region 21, issued a complaint dated January 17, 1964, against Los Angeles Building and Construction Trades Council, herein called the Respondent, alleging that the Respondent had engaged in and was engaging in unfair labor practices within the meaning of Section 8(b) (4) (i) and (ii) (B) of the National Labor Relations Act, as amended. Copies of the charge and complaint and notice of hearing before a Trial Examiner were duly served upon the Respondent and Charging Party.

On January 21, 1964, Respondent duly filed its answer admitting certain allegations of the complaint but denying the commission of any unfair labor practices.

On July 24, 1964, all parties to this proceeding moved to transfer the proceeding directly to the Board. The parties agreed that the original charge, amended charge, complaint and notice of hearing, answer, and pages 1 through 59, inclusive, of the transcript and Government Exhibit No. 1 in the civil proceeding entitled: "Ralph E. Kennedy, Regional Director of the Twenty-first Region of the National Labor Relations Board, for and on behalf of the National Labor Relations Board, Petitioner, and Los Angeles Building and Construction Trades Council, Respondent, Civil No. 61-41-S, before the United States District Court, Southern District of California, Central Division," constituted the entire record in the case and that no oral testimony was necessary or desired by any of the parties. The parties further stipulated that they waived a hearing before a Trial Examiner and the issuance of a Trial Examiner's Decision and Recommended Order, and desired to submit this case for findings of fact, conclusions of law, and order, directly to the Board.