

Paymaster Oil Mill Co., a Division of Anderson, Clayton & Co., Inc. and International Chemical Workers Union. Case 15-CA-3593

March 2, 1970

DECISION AND ORDER

BY CHAIRMAN McCULLOCH AND MEMBERS
FANNING AND JENKINS

On November 7, 1969, Trial Examiner Charles W. Schneider issued his Decision in the above-entitled proceeding, granting General Counsel's Motion for Summary Judgment, finding no merit in various contentions made by Respondent in its Response to the Trial Examiner's Order to Show Cause why the Motion for Summary Judgment should not be granted, and finding on the pleadings that Respondent had engaged in and was engaging in certain unfair labor practices within the meaning of Section 8(a)(5) and (1) of the National Labor Relations Act, as amended. The Trial Examiner recommended that Respondent cease and desist from such unfair labor practices and take certain affirmative action, as set forth in the attached Trial Examiner's Decision. Thereafter, Respondent filed exceptions to the Trial Examiner's Decision.

Pursuant to the provisions of Section 3(b) of the Act, as amended, the National Labor Relations Board has delegated its powers in connection with this case to a three-member panel.

The Board has reviewed the rulings of the Trial Examiner and finds that no prejudicial error was committed. The rulings are hereby affirmed. The Board has considered the Trial Examiner's Decision, the exceptions, and the entire record in this case, and hereby adopts the findings, conclusions, and recommendations of the Trial Examiner.

ORDER

Pursuant to Section 10(c) of the National Labor Relations Act, as amended, the Board hereby adopts as its Order the Recommended Order of the Trial Examiner, and orders that Respondent, Paymaster Oil Mill Co., a Division of Anderson, Clayton & Co., Inc., Vicksburg, Mississippi, its officers, agents, successors, and assigns, shall take the action set forth in the Trial Examiner's Recommended Order.

TRIAL EXAMINER'S DECISION

STATEMENT OF THE CASE

The Issue

CHARLES W. SCHNEIDER, Trial Examiner: The case arises on a Motion for Summary Judgment filed by Counsel for the General Counsel upon an admitted refusal by the Respondent to bargain with the certified Charging

Union, the Respondent contending that it was improperly denied a hearing on its objections to the election in the related representation case and that the certification of the Union is therefore invalid.

A The Representation Proceeding¹

Upon a petition filed under Section 9(c) of the National Labor Relations Act (29 U.S.C.A. 159(c)) on November 20, 1968, by International Chemical Workers Union, herein called the Union, the Union and Paymaster Oil Mill Co., a Division of Anderson, Clayton & Co., Inc., the Respondent herein, entered into a Stipulation for Certification Upon Consent Election on November 27, 1968, which was approved by the Acting Regional Director of Region 15 of the Board on December 2, 1968.

Pursuant to the stipulation an election in an appropriate bargaining unit, described hereinafter, was held on January 3, 1969, under the direction and supervision of the Acting Regional Director to determine the question of representation. Upon conclusion of the election the parties were furnished a tally of the ballots which showed that of approximately 67 eligible voters, 31 cast ballots for the Union, 23 against, and 7 cast challenged ballots.

On January 7, 1969, the Respondent filed timely objections to the election and to conduct affecting the results of the election, alleging, in substance, the following:

1. Authorization cards were illegally obtained by the Union.
2. The Union illegally promised monetary and other benefits to induce employees to sign cards and to vote for the Union.
3. The Union threatened employees and their families if employees continued to oppose the Union or did not join the Union.
4. The Union illegally induced employees to vote for the Union.
5. The Union thus interfered with, coerced, and deluded the employees in such a manner that a proper election could not be held.
6. By the above and other conduct the Union interfered with, threatened, coerced and intimidated employees and made a free election impossible.

In conclusion the Respondent requested that the election be set aside. No request was made in the objections for a hearing.

On February 26, 1969, the Acting Regional Director issued a Report on Objections. In the report the Acting Regional Director stated that an investigation of the Respondent's objections had been conducted during which all parties were afforded opportunity to submit evidence bearing on the issues. After discussion of the evidence, the Acting Regional Director concluded in his report that the Respondent's objections raised no substantial issues of fact or law with respect to the election or its results. The

¹Administrative or official notice is taken of the record in the representation proceeding, Case 15-RC-4037, as the term "record" is defined in Section 102.68 and 102.69(f) of the Board's rules (Rules and Regulations and Statements of Procedure, National Labor Relations Board, Series 8 as amended) See *LTV Electrosystems, Inc.*, 166 NLRB No. 81, enfd. 388 F.2d 683 (C.A. 4); *Golden Age Beverage Co.*, 167 NLRB No. 24, enfd. 415 F.2d 26 (C.A. 5); *Intertype Co. v. Penello*, 269 F.Supp. 573 (D.C. Va.), *Intertype Co. v. NLRB*, 401 F.2d 41 (C.A. 4), *Follett Corp.*, 164 NLRB No. 47, enfd. 397 F.2d 91 (C.A. 7), Section 9(d) of the National Labor Relations Act

Acting Regional Director consequently recommended to the Board that the Respondent's objections be overruled in their entirety and that the Union be certified as the bargaining representative in the appropriate unit

On March 20, 1969, the Respondent filed with the Board in Washington, D.C. exceptions to the Acting Regional Director's Report, in which the Respondent requested that a hearing be held on its objections

On June 9, 1969, the Board issued a Decision and Certification of Representative in which the Board adopted the Acting Regional Director's findings, conclusions and recommendations, and certified the Union as the bargaining representative.²

B. *The Unfair Labor Practice Case*

On July 22, 1969, the Union filed the instant unfair labor practice charge alleging that since the certification the Respondent had refused and continued to refuse to bargain with the Union.

On August 21, 1969, the Regional Director issued a Complaint and Notice of Hearing alleging that the Respondent had committed unfair labor practices in violation of Section 8(a)(1) and (5) of the Act by refusing to recognize, meet with, or to confer with the Union as bargaining representative, though requested to do so since the certification.

On August 29, 1969, the Respondent filed its Answer to the Complaint in which it admitted most of the material allegations of the Complaint but denied the commission of unfair labor practices. The Answer admitted that since on or about July 18, 1969, the Respondent has refused and continues to refuse to meet with or bargain with the Union, for the reason that the Respondent desires to test the correctness of the Board's Decision and Certification of Representative.

On September 12, 1969, Counsel for the General Counsel filed a Motion for Summary Judgment on the ground that the Respondent's Answer did not raise any triable issue requiring hearing. On September 15, 1969, I issued an Order to Show Cause on the Motion for Summary Judgment returnable September 30, 1969. On September 29, 1969, the Respondent filed a Response to the Order to Show Cause. No responses have been received from the other parties

C. *Ruling on Motion for Summary Judgment*

The Respondent opposes the motion for summary judgment on the ground that the Respondent was invalidly denied a hearing on its objections in the representation case. Subsidiary thereto the Respondent in its response to the order to show cause asserts a number of contentions, considered hereinafter.

It is established Board policy, in absence of newly discovered or previously unavailable evidence not to

²With respect to the Respondent's objections to the election the Board said

The Board has considered the Acting Regional Director's Report and the Employer's exceptions thereto, and hereby adopts the Acting Regional Director's findings, conclusions, and recommendations, as the Employer has raised no material or substantial issue of fact or law which would warrant reversal of the Acting Regional Director or require a hearing.

As we have overruled all of the objections, and as the tally of ballots shows that the Petitioner has received a majority of the valid ballots cast, we shall certify it as the exclusive bargaining representative of the employees in the appropriate unit

permit litigation before a trial examiner in an unfair labor practice case of issues which were or could have been litigated in a prior related representation proceeding.³ This policy is applicable even though no formal hearing on objections has been provided by the Board. Such a hearing is not a matter of right unless substantial and material issues are raised.⁴ Respondent does not claim to present any newly discovered or previously unavailable evidence.

We turn now to the Respondent's contentions.

Some of the Respondent's assertions in its response to the order to show cause are in essence reiterations of contentions advanced by the Respondent, either to the Acting Regional Director or to the Board, in connection with its objections to the election, as, for example, its right to a hearing on those issues. Relitigation of those matters or consideration of them by the Trial Examiner are precluded under existing authority, no representation being made by the Respondent that it possesses new or previously unavailable evidence. Authority cited by the Respondent, such as the case of *Hometown Foods, Inc. v. NLRB*, 379 F.2d 341 (C.A. 5), 1967, turned on the correctness of the Board's determination that the objections to the election raised no substantial or material issue — a matter which the courts may review, but which the Trial Examiner may not

The other contentions stated by the Respondent may be summarized as follows:

1. That the Board's rules make no provision for a motion for summary judgment on the pleadings and that such a procedure is in violation of the Administrative Procedure Act.

2. That the representation case pleadings, reports, decisions and orders are inadequate for the Trial Examiner to make a decision on the General Counsel's motion, and that there is no published decision of the Board of which the Trial Examiner may take official notice, and that consequently the General Counsel seeks a judgment without evidence in support of the allegations of the Complaint.

3. That the Board's procedures deprive employers of due process of law by denying hearings on objections and by requiring employers to present evidence in support of objections to elections. The bases for this contention are that (a) employees are permitted by the Board to refuse to cooperate with employers attempting to adduce evidence of union misconduct (citing *Johnnie's Poultry Co.*, 146 NLRB 770, 775); and (b) the Board refuses to issue investigative subpoenas to an employer requiring compulsory testimony regarding union misconduct.

I find these contentions of the Respondent not to be sustained for the following reasons:

1. Board orders based on summary judgments have

³*Krieger-Ragsdale & Co., Inc.*, 159 NLRB 490, enfd. 379 F.2d 517 (C.A. 7), cert. denied, 389 US 1041, *NLRB v. Macomb Pottery*, 376 F.2d 450 (C.A. 7), *Howard Johnson Company*, 164 NLRB No. 121; *Metropolitan Life Insurance Company*, 163 NLRB 579. See *Pittsburgh Plate Glass Co. v. NLRB*, 313 US 146, 162, NLRB Rules and Regulations, Sections 102.67(f) and 102.69(c).

⁴*O K Van and Storage, Inc.*, 127 NLRB 1537, enfd. 297 F.2d 74 (C.A. 5) See *Air Control Window Products, Inc.*, 335 F.2d 245, 249 (C.A. 5) "If there is nothing to hear, then a hearing is a senseless and useless formality." See also *NLRB v. Bata Shoe Co.*, 377 F.2d 821, 826 (C.A. 4), cert. den. 389 U.S. 917. "there is no requirement, constitutional or otherwise, that there be a hearing in the absence of substantial and material issues crucial to determination of whether NLRB election results are to be accepted for purposes of certification."

been enforced by the large majority of the U.S. Courts of Appeals.⁵

The Board has uniformly rejected contentions that there is no authority for summary judgment in, variously, the National Labor Relations Act, the Administrative Procedure Act, or the Board's procedures or rules.⁶

I am cited to no case in which a court has refused enforcement of a Board order on the ground that the Board may not use summary judgment procedure. On the contrary, whenever the issue has been raised, the Courts have uniformly upheld the Board's authority to utilize such procedure where there were no issues requiring an evidential hearing.⁷

In several other summary judgment cases the courts, while refusing enforcement of Board orders on the merits, specifically upheld or assumed the authority of the Board to issue summary judgments. See, for example, *NLRB v. Chelsea Clock Co.*, 411 F.2d 189 (C.A. 1); *NLRB v. Ortronix Inc.*, 380 F.2d 737 (C.A. 5).

2. Assuming the correctness of the Board's determinations in the representation case, as I must at this stage of the proceeding in the absence of new or previously undiscovered evidence, the official facts of record and the admissions of the Respondent constitute adequate legal basis for concluding that there are no unresolved factual issues requiring hearing before a trial examiner and that the case may therefore be disposed of on the existing record as a matter of law. That there is no published decision of the Board in the sense of one

published in an official volume of Board Decisions is immaterial. The Board's Decision and Certification of Representative constitutes an official decision open to public inspection.

3. We come then to the Respondent's contention to the effect that Board procedures in representation cases deny employers due process of law by denying hearings on objections, and by requiring the submission of evidence in support of objections to elections. As we have seen, hearings on objections are not required in the absence of substantial or material issue. That the Board properly requires parties filing objections to elections to present evidence in support of their objections has been established. *NLRB v. O.K. Van and Storage, Inc.*, *supra*; *NLRB v. Bata Shoe Co.*, 377 F.2d 821 (C.A. 4).⁸

The suggestion of the Respondent that efforts by it to secure testimony from employees in the instant case would have been fruitless and perhaps unlawful is not borne out by the authorities.

In the case of *NLRB v. National Survey Service, Inc.*, 361 F.2d 199 (C.A. 7), the court held that proper attempts by an employer to secure evidence from employees in connection with objections to an election are not unlawful. The court said:

It has been held that, in preparing for an unfair labor practice case, an employer may question employees provided his questions are relevant to the issues and are likely to yield substantial evidence. [Citing cases.]

The court went on to hold that principle applicable to representation cases, saying that the authorities "disclose that employer interrogation is not unlawful *per se*. We see no reason for not extending this rule to representation proceedings."

The *Johnnie's Poultry* case cited by the Respondent is inapplicable on its facts. That case involved interrogation of employees in furtherance of unlawful conduct. The Board there specifically said:

Respondent's interrogations were but part and parcel of its efforts to avoid recognizing and bargaining with a statutory representative. In circumstances such as these we do not believe that Respondent may rely upon privilege to justify an unwarranted intrusion into the protected activity of employees.

Nothing in the *Johnnie's Poultry* decision forecloses a legitimate effort by an employer to secure evidence in a representation case from his employees.

Concerning the Respondent's inability to secure investigative subpoenas, it is quite true that Respondent cannot. The reason is that there is no provision in the National Labor Relations Act, the Administrative Procedure Act, or other law authorizing parties other than

⁵See, for example, the following cases decided within the last 3 years: *Baumritter Corp. v. NLRB*, 386 F.2d 117 (C.A. 1), *NLRB v. Puritan Sportswear Corp.*, 385 F.2d 142 (C.A. 3), *NLRB v. Certified Testing Laboratories, Inc.*, 387 F.2d 285 (C.A. 3); *NLRB v. Carolina Natural Gas Corp.*, 386 F.2d 571 (C.A. 4), *LTV Electrosystems, Inc. v. NLRB*, 388 F.2d 683 (C.A. 4), *NLRB v. Aerovox Corp.*, 390 F.2d 653 (C.A. 4), *NLRB v. Rush Equipment Co.*, 401 F.2d 597 (C.A. 4), *NLRB v. Union Brothers*, 403 F.2d 883 (C.A. 4); *NLRB v. Aerovox Corp.*, 409 F.2d 1004 (C.A. 4), *NLRB v. Hevi-Duty Electric Co.*, 410 F.2d 757 (C.A. 4), *NLRB v. Clement-Blythe Companies*, 415 F.2d 78 (C.A. 4), *Neuhoff Bros. Packers, Inc. v. NLRB*, 362 F.2d 611 (C.A. 5), *Southwestern Portland Cement Co. v. NLRB*, 407 F.2d 131 (C.A. 5); *NLRB v. Capitan Drilling Co.*, 408 F.2d 676 (C.A. 5), *Riverside Press, Inc. v. NLRB*, 415 F.2d 281, (C.A. 5), *NLRB v. Golden Age Beverage Co.*, 415 F.2d 26, (C.A. 5), *NLRB v. Crest Leather Mfg. Corp.*, 414 F.2d 421 (C.A. 5); *NLRB v. Tennessee Packers, Inc.*, 379 F.2d 172 (C.A. 6, 1967), cert. denied 389 US 958; *NLRB v. Brush-Moore Newspapers, Inc.*, 413 F.2d 809 (C.A. 6), *NLRB v. National Survey Service, Inc.*, 361 F.2d 199 (C.A. 7), *Macomb Pottery Co. v. NLRB*, 376 F.2d 450 (C.A. 7), *NLRB v. Krieger-Ragsdale & Company, Inc.*, 379 F.2d 517 (C.A. 7), cert. denied 389 US 1041, *Follett Corp. v. NLRB*, 391 F.2d 91 (C.A. 7); *NLRB v. Hollywood Brands, Inc.*, 398 F.2d 294 (C.A. 7), *NLRB v. Montgomery Ward & Co.*, 399 F.2d 409 (C.A. 7), *NLRB v. Red Bird Foods, Inc.*, 399 F.2d 600 (C.A. 7), *NLRB v. E-Z Davies Chevrolet*, 395 F.2d 191, (C.A. 9), *NLRB v. Continental Nut Company*, 395 F.2d 830 (C.A. 9).

⁶See, for example, *Liquid Carbonic Corporation*, 116 NLRB 795; *Krieger-Ragsdale & Co., Inc.*, 159 NLRB 490; *E-Z Davies Chevrolet*, 161 NLRB 1380; *Union Brothers, Inc.*, 162 NLRB 1505; *Reno's Riverside Hotel, Inc.*, d/b/a *Riverside Hotel*, 163 NLRB 280; *Metropolitan Life Insurance Company*, 163 NLRB 579; *Harry T. Campbell Sons' Corporation*, 164 NLRB No. 36 and cases there cited, *Red-More Corp.*, d/b/a *Disco Fair*, 164 NLRB No. 93, *Ore-Ida Foods*, 164 NLRB No. 64, *Clement-Blythe Companies*, 168 NLRB No. 24, *State Farm Mutual Automobile Insurance Company*, 169 NLRB No. 122, *Chelsea Clock Co.*, 170 NLRB No. 21.

⁷See, for example, the following cases cited in fn. 5 and 6, *supra*: *Baumritter Corp.*, *Certified Testing Laboratories*, *Puritan Sportswear Corp.*, *Carolina Natural Gas Corp.*, *LTV Electrosystems*, *Aerovox Corp.* (both cases), *Union Bros.*, *Clement-Blythe Companies*, *Capitan Drilling Co.*, *Crest Leather Mfg. Corp.*, *Brush-Moore Newspapers, Inc.*, and *E-Z Davies Chevrolet*.

⁸In the *O.K. Van* case the 5th Circuit said the following in part:

The action of the Board was unexceptionable. In order to be entitled to a hearing on its objections to an election, an objecting party must supply the Board with specific evidence which *prima facie* would warrant setting aside the election. [Citing authorities.] The burden is not on the Board to show that the election was fairly conducted, but on Respondent to show that it was not.

The Board makes it a practice * * * * * to hold post-election hearings on objections to elections, but in keeping with the spirit of the Act does so only when it appears that the allegations relied on to overturn the election have a basis in law and that there is evidence to support them. The opportunity for protracted delay of certification of the results of representation elections which would exist in the absence of reasonable conditions to the allowance of a hearing on objections is apparent. An objecting party who fails to satisfy such conditions has no cause for complaint when and if his demand for a hearing is denied.

the Board to use investigative subpoenas in Board proceedings. The Board has such authority, but only has it because it is conferred by Section 11(1) of the NLRA.

That Section 11 authorized the Board to issue subpoenas in aid of its investigation of a charge prior to issuance of a complaint was established early in the history of the Board. *NLRB v. The Barrett Company*, 120 F.2d 583 (C.A. 7) Attempts to revoke such authority in unfair labor practice cases at the time of the Taft-Hartley amendments to the Act in 1947 were rejected by Congress, although Section 11 was amended in other respects.⁹ The Act does not authorize the use of investigative subpoenas by parties other than the Board. *Schrementi Bros v. McCulloch*, 69 LRRM 2253 (D.C. Ill 1968).

The Respondent's contentions advanced in its response to the order to show cause are therefore found not to be supported.

Upon the basis of the record before me I make the following further:

FINDINGS AND CONCLUSIONS

I. THE BUSINESS OF THE RESPONDENT

The Respondent is, and at all times material herein has been, a corporation authorized to do, and doing, business in the State of Mississippi where it operates a soybean and warehouse facility in Vicksburg.

During the preceding 12 months, the period representative of all times material herein, Respondent, in the course and conduct of its business operations, received goods valued in excess of \$1,000,000 from points located directly outside the State of Mississippi.

Respondent is, and at all times material herein has been, an employer engaged in commerce within the meaning of Section 2(6) and (7) of the Act

II. THE LABOR ORGANIZATION INVOLVED

The Union is, and at all times material herein has been, a labor organization within the meaning of Section 2(5) of the Act

III. THE UNFAIR LABOR PRACTICES

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

All production and maintenance employees of the Employer at its Vicksburg, Mississippi plant, including shipping and receiving employees, but excluding all office clerical employees, watchmen, guards, and supervisors as defined in the Act.

On June 9, 1969, the Board certified the Union as the exclusive collective-bargaining representative of the employees in the appropriate unit for the purposes of

⁹The House bill contained a provision deleting such authority in unfair labor practice cases but continuing it in representation cases (H R 3020, Section 11), Legislative History of the Labor-Management Relations Act 1947 p 201, House Committee Report No 245 p 45, Legislative History p 334. However the provision was eliminated in Conference (House Conference Report No. 510 p 58, Legislative History p 562)

The amendments to Section 11 which were adopted deleted the Board's former authority to reject requests for subpoenas, made compliance with such requests mandatory, added a provision for a revocation procedure, and spelled out the grounds for revocation

collective bargaining, and by virtue of Section 9(a) of the Act the Union is the exclusive representative of all the employees in the said unit with respect to rates of pay, wages, hours of employment and other terms and conditions of employment.

Since on or about July 18, 1969, though requested by the Union to bargain, the Respondent has refused and is continuing to refuse to recognize the Union and to meet and to bargain collectively with the Union as such representative.

By thus refusing to bargain collectively Respondent has engaged in unfair labor practices in violation of Section 8(a)(5) of the Act and has interfered with, restrained and coerced its employees in violation of Section 8(a)(1) of the Act.

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

Upon the foregoing findings and conclusions, pursuant to Section 10(c) of the Act, I recommend that the Board issue the following.

ORDER

A. For the purpose of determining the duration of the certification, the initial year of certification shall be deemed to begin on the date the Respondent commences to bargain in good faith with the Union as the recognized exclusive bargaining representative in the appropriate unit ¹⁰

B Paymaster Oil Mill Co., A Division of Anderson, Clayton & Co., Inc., its officers, agents, successors and assigns shall:

1. Cease and desist from:

(a) Refusing to bargain collectively with International Chemical Workers Union as the exclusive collective-bargaining representative of the employees in the following appropriate bargaining unit

All production and maintenance employees of the Employer at its Vicksburg, Mississippi plant, including shipping and receiving employees, but excluding all office clerical employees, watchmen, guards, and supervisors as defined in the Act

(b) Interfering with the efforts of said Union to negotiate for or represent employees as such exclusive collective-bargaining representative.

2. Take the following affirmative action which is necessary to effectuate the policies of the Act.

(a) Upon request bargain collectively with International Chemical Workers Union as the exclusive representative of all employees in the appropriate unit with respect to rates of pay, wages, hours of employment, and other terms and conditions of employment, and embody in a signed agreement any understanding reached

(b) Post at its place of business in Vicksburg, Mississippi, copies of the attached notice marked

¹⁰The purpose of this provision is to insure that the employees in the appropriate unit will be accorded the services of their selected bargaining agent for the period provided by law. See *Mar-Jac Poultry Co.*, 136 NLRB 785, *Commerce Co. d/b/a Lamar Hotel*, 140 NLRB 226, 229, 328 F.2d 600 (C.A. 5), cert. denied 379 U.S. 817, *Burnett Construction Co.*, 149 NLRB 1419, 1421, 350 F.2d 57 (C.A. 10)

DECISIONS OF NATIONAL LABOR RELATIONS BOARD

"Appendix."¹¹ Copies of said notice on forms provided by the Regional Director for Region 15 shall, after being duly signed by an authorized representative of the Respondent, be posted by the Respondent immediately upon receipt thereof and be maintained by the Respondent 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 the Respondent to insure that said notices are not altered, defaced, or covered by any other material.

(c) Notify the Regional Director for Region 15, in writing, within 20 days from receipt of this Recommended Order what steps the Respondent has taken to comply herewith.¹²

¹¹In the event no exceptions are filed as provided by Section 102.46 of the Rules and Regulations of the National Labor Relations Board, the findings, conclusions, recommendations, and recommended Order herein shall, as provided in Section 102.48 of the Rules and Regulations, be adopted by the Board and become its findings, conclusions, and order, and all objections thereto shall be deemed waived for all purposes. In the event that the Board's order is enforced by a judgment of a United States Court of Appeals, the words in the notice reading "Posted by Order of the National Labor Relations Board" shall be changed to read "Posted pursuant to a Judgment of the United States Court of Appeals Enforcing an Order of the National Labor Relations Board."

¹²In the event these recommendations are adopted by the Board, this provision shall be modified to read "Notify the Regional Director for Region 15, in writing, within 10 days from receipt of this Order what steps the Respondent has taken to comply herewith."

APPENDIX

NOTICE TO EMPLOYEES

Posted by Order of the National Labor Relations Board an Agency of the United States Government

WE WILL NOT refuse to bargain collectively with International Chemical Workers Union as the exclusive collective-bargaining representative of all the following employees:

All production and maintenance employees at our Vicksburg, Mississippi plant, including shipping and receiving employees, but excluding all office clerical employees, watchmen, guards, and supervisors as defined in the National Labor Relations Act

WE WILL NOT interfere with the efforts of the Union to negotiate for or represent employees as exclusive collective-bargaining representative

WE WILL bargain collectively with the Union as the exclusive collective-bargaining representative of the employees in the appropriate unit, and if an understanding is reached we will sign a contract with the Union.

PAYMASTER OIL MILL
CO, A DIVISION OF
ANDERSON, CLAYTON &
CO, INC
(Employer)

Dated _____ By _____ (Representative) _____ (Title)

This is an official notice and must not be defaced by anyone.

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.

Any questions concerning this notice or compliance with its provisions, may be directed to the Board's Office, T6024 Federal Building (Loyola), 701 Loyola Avenue, New Orleans, Louisiana 70113, Telephone 504-527-6361