

York Manufacturing Co. and International Chemical Workers Union, AFL-CIO. Case 17-CA-3307

May 24, 1968

DECISION AND ORDER

BY CHAIRMAN McCULLOCH AND MEMBERS FANNING AND JENKINS

On January 31, 1968, Trial Examiner David London issued his Decision 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 Trial Examiner's Decision. Thereafter, the Respondent filed a motion to reopen the record, exceptions to the Trial Examiner's Decision, and a brief in support of the exceptions. The General Counsel filed a statement in opposition to Respondent's motion to reopen the record.

Pursuant to the provisions of Section 3(b) of the National Labor Relations 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 made at the hearing and finds that no prejudicial error was committed. The rulings are hereby affirmed. The Board has considered the Trial Examiner's Decision, the motion to reopen the record, the opposition to the motion to reopen, the exceptions, the brief, and the entire record in the case, and hereby adopts the findings,¹ conclusions, and recommendations of the Trial Examiner.²

ORDER

Pursuant to Section 10(c) of the National Labor Relations Act, as amended, the National Labor Relations Board adopts as its Order the Recommended Order of the Trial Examiner, and hereby orders that the Respondent, York Manufacturing Company, Henderson, Nebraska, its officers, agents, successors, and assigns, shall take the action set forth in the Trial Examiner's Recommended Order, as herein modified:

1. Delete paragraph 1(e) of the Trial Examiner's Recommended Order and substitute in lieu thereof the following:

(e) Invoking the services of the county sheriff's office, or other public authority for the purpose of

intimidating or otherwise interfering with the lawful union activities of its employees or union representatives seeking to enlist membership in a union.

2. Delete the fifth indented paragraph of the Appendix attached to the Trial Examiner's Decision and substitute in lieu thereof the following:

WE WILL NOT invoke the services of the county sheriff's office, or other public authority, for the purpose of intimidating or otherwise interfering with the lawful union activities of our employees, or union representatives seeking to enlist membership in a union.

¹ The Respondent excepts, *inter alia*, to the finding of Section 8(a)(1) with regard to the interrogation of Doell. The alleged interrogation was by Lester Epp, Respondent's production supervisor and also the father-in-law of Doell. According to Doell, Epp asked him if he knew anything about the Union and Doell replied that he did not. He further testified that he told Epp he "would give the union 3 months to get in" and that Epp replied he would give it 3 years. Doell, himself, characterized the occasion as "just a couple of sentences and that was it." This exchange took place during the evening at a cafe, both men admitted drinking at the time, and the wives of both were present. Under those circumstances, we find that the incident was noncoercive and not in violation of Section 8(a)(1) *Tomco Studs Co., Inc.*, 170 NLRB No. 48; cf. *General Electric Company*, 143 NLRB 926.

² The Respondent's motion to reopen the record is based on additional evidence which allegedly has become available since the close of the hearing held by the Trial Examiner on November 28 and 29, 1967. The new evidence consists of testimony given before a state tribunal by Eva Perkins on September 29, 1967, which purportedly is inconsistent with her testimony before the Trial Examiner on material issues. While the transcript of the testimony, on its face, indicates it was filed in a Nebraska District Court on December 15, 1967, the Respondent did not move to reopen the record until March 6, 1968, after the Trial Examiner had issued his decision on January 31, 1968. In these circumstances, the Respondent's motion does not comply with Section 102.48(d) of the Board's Rules and Regulations and Statements of Procedure, Series 8, as amended, which requires that "a motion for leave to adduce additional evidence shall be filed promptly on discovery of such evidence." Accordingly, we deny the Respondent's motion to reopen the record, as being untimely filed. *Standard Oil of California*, 91 NLRB 783.

TRIAL EXAMINER'S DECISION

STATEMENT OF THE CASE

DAVID LONDON, Trial Examiner: Upon a charge filed August 8, 1967, by International Chemical Workers Union, AFL-CIO ("the Union"), the General Counsel of the Board, on October 2, 1967, issued the complaint herein alleging that York Manufacturing Company ("Respondent") had engaged in unfair labor practices within the meaning of Section 8(a)(1) and (3) of the National Labor Relations Act, as amended ("the Act"). In substance, the complaint, as amended, alleges that in July 1967, Respondent, by conduct specifically alleged, interfered with, restrained, and coerced its employees in the exercise of rights guaranteed them in Section 7 of the Act. The complaint further alleges that on or about July 17 and July 19, 1967, Respondent discharged and thereafter refused to reinstate its employees Jerold L. Doell and Eva B. Perkins, respectively, because of their activities in

support of the Union or because they engaged in other protected concerted activities. By its answer, Respondent denied the commission of any unfair labor practice.

The hearing herein was held at York, Nebraska, before me on November 28-29, 1967, at which hearing the General Counsel and Respondent appeared by counsel and were afforded full opportunity to examine and cross-examine witnesses and to introduce evidence upon the issues of the case. A brief memorandum subsequently filed by the General Counsel and a brief by Respondent have been fully considered.

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

FINDINGS AND CONCLUSIONS

I. THE BUSINESS OF RESPONDENT

Respondent is a Nebraska corporation with its principal place of business located in Henderson, Nebraska, where it is engaged in the manufacture and sale of grain storage and grain drying bins. Respondent annually purchases materials and supplies valued in excess of \$50,000 directly from outside the State of Nebraska, and annually ships products valued in excess of \$50,000 directly to points outside the State of Nebraska.

Respondent admits, and I find, that at all times material herein it was 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.

THE ALLEGED UNFAIR LABOR PRACTICES

Jerold L. Doell, one of the alleged discriminatees herein, began his employment with Respondent in June 1965 and was discharged on July 17, 1967.¹ While he was on vacation from June 12 to June 15, 1967, Respondent temporarily laid off some of its female employees and hired a number of college students. After returning from his vacation, Doell discussed the aforementioned layoffs with Eva Perkins, the other alleged discriminatee, who was the sister of Dale Perkins, president of Local 492 of the Charging Union herein. Dale and Eva Perkins met with Doell at the latter's home on July 11 where Doell asked that Perkins supply him with union designation cards. According to the testimony of both Perkins and Doell, Doell was not supplied with

these cards until July 18, the day after he was discharged. Though Doell's card designating the Union bears the date of July 11, he admitted that the card was predated and was actually signed after he was discharged.

Doell vaguely testified that about a week before his discharge he talked with a substantial number of other employees about the Union. He further testified that during an evening, 2 or 3 days before his discharge, while at Marty's Cafe with Lester Epp, who was his father-in-law and production supervisor of Respondent, Epp asked him if he knew anything about the Union and Doell replied that he did not. He further testified that he told Epp he "would give the union 3 months to get in" and that Epp replied he would give it 3 years. Doell characterized the occasion as "just a couple of sentences and that was it." It is substantially on the foregoing that the General Counsel relies in support of his contention that Doell was discharged in violation of the Act.

Respondent contends that Doell was discharged because of the attitude he maintained in the performance of his job and because of his poor workmanship, the reasons assigned by Robert Wheeler, the plant superintendent, when he discharged Doell on July 17. In support of its defense, Wheeler testified that Doell "couldn't take criticism, . . . wouldn't change his way when he was criticized for the way he was handling things"; that when an engineer assigned on a certain job instructed him how to do it, he refused to do so. Epp testified, without contradiction, that prior to June 12 when Doell went on vacation, his foreman reported that Doell had refused some assigned work unless he got more money, and that pursuant to instructions from Wheeler he told Doell "that if he didn't shape up he was going to be shipped out."

Doell admitted that he had "difficulty with the engineering department, . . . they were dissatisfied with [his] work"; that he had considered and "talked about quitting." When asked during his testimony whether he felt that Wheeler's decision to terminate his services was unreasonable, he testified: "I have to admit I wasn't cooperating with him too good on some things." Concerning his workmanship, he admitted that a man he "was training had done a better job than [he] did."

On the entire record, and my observation of Doell's demeanor while testifying, I find and conclude that the General Counsel has not established by the necessary preponderance of the evidence that Doell was discharged for the reasons alleged in the complaint. Union membership or activity does not immunize an employee against discharge for cause, and the burden of establishing that he was in fact discharged for the proscribed reason rests on the General Counsel. Here, that burden has not been

¹ Unless otherwise designated, all reference to dates herein are to the year 1967

met. I shall, therefore, recommend that the allegations pertaining to Doell's discharge be dismissed.

Eva Perkins, hereafter referred to as Perkins, was in Respondent's employment from March 15, 1966, until July 19, 1967, when she was discharged. Her first employment was in the production department but in April 1967 she was transferred to the packaging department and remained there until she was discharged.

In June, when a number of female employees were replaced by college students, she went to Wheeler, complained of the discrimination, and told him he "wouldn't be able to do that if [the employees] had the Union." Wheeler denied the charge of discrimination and added that the employees did not need a union.

After Doell was fired on July 17, she talked to about three-fourths of the approximately 60 employees about getting the Union into the plant. On the following day, she told them that by reason of Doell's discharge she "was going to take over" and would pick up the union designation cards which had, in the meantime, been obtained from her brother.

Early in the morning of July 19, Grant Beeler, shipping foreman, told Perkins that she was to report to Epp for work in the production department. She went to Wheeler's office and told him she would like to know whether she "belonged in shipping or in the shop" and he replied that she belonged wherever he wanted to place her. She remonstrated that "any time before when they wanted to transfer anyone they called them up and talked to them." At the conclusion of the conversation she returned to the shop and commenced work as directed. While so engaged, she talked about the Union to seven or eight employees. During this conversation, "when [she] turned around, [Epp was] pretty close behind [her]."

At about 10:30 of the same morning, Epp told her to report to Wheeler's office. There, Wheeler told her "he didn't like her attitude toward him and that he didn't think [they] were ever going to be able to get along; . . . that he had nothing against [her] work [which] was satisfactory, . . . it was just [her] attitude towards him." He then asked her to quit, in which event he would see to it that she would get her sick leave benefits and pay for her vacation. She refused the offer and told him that if he no longer wanted her in the plant he would have to fire her, which he immediately did.

Wheeler testified that it was about 9 a.m. on July 19, when Perkins came to his office to find out where, as she testified, she "belonged." He further testified that during this first interview "she proceeded to tell me that things had been pretty good around here until [he] showed up, that the people in the plant did not trust [him], they didn't understand [him], that [he] didn't go out on the floor and talk to them like [he] should, that there

had been a lot of trouble, that [he] had done a pretty lousy job running the plant; . . . and that at this point she left [his] office, went back down to the shop to work." He further testified that he "sat there and considered what had transpired between [them] and it was [his] decision that [they] couldn't continue [their] relationship on this basis and called her back" to his office where he gave her an opportunity to resign which she rejected, whereupon he discharged her.

In its brief, Respondent asserts that her discharge was occasioned by "her impulsive action and habit of running to the plant superintendent and telling him off [which] is in line with her previous conduct . . . in June when she went up and talked with Wheeler . . . when the Company was forced to lay off an unproductive department force." The June incident referred to involved her protected concerted activity in behalf of the women who were laid off and offers no valid reason for her termination. Nor am I persuaded that the alleged insubordination, "telling him off," was the cause of her discharge. Judging by Wheeler's demeanor while testifying I am convinced that if Perkins' alleged insubordination during his first conversation with her on July 19 was the real cause of her termination, he would have done so *immediately*. Wheeler did not impress me as a supervisor who needed time for reflection in order to determine how to react to what he considered to be intolerable insubordination. What seems more likely is that Epp, having overheard Perkins' conversation with other employees about the Union, reported that fact to Wheeler, following which he ordered her to report to Wheeler. I reject Respondent's contention that Perkins was discharged for the reasons ascribed by Wheeler.

Notwithstanding the rejection of Respondent's defense with respect to Perkins' discharge, it was, as has previously been pointed out, nevertheless incumbent on the General Counsel to establish by a preponderance of the evidence that Respondent had knowledge of Perkins' concerted and union activities and discharged her for either or both of those activities. That Wheeler had knowledge of Perkins' concerted activity with respect to the June layoff was conclusively established by Wheeler's own testimony. Indeed, he was the recipient of her protest in that respect. Though he generally and broadly denied knowledge of "union activity at the plant" until after he discharged Perkins, he did not deny her testimony that in her June protest she had warned him that he would not be able to discriminate against the women if "we had the Union out here," and I credit her testimony that she so warned him.

It should also be recalled that on July 17, the day that Doell was discharged, she talked about the Union to about 40 of the approximately 60 employees in the plant. It would be extremely un-

realistic to conclude that in a small plant such as this, located in a small community,² that news of union activity does not quickly come to the attention of supervisors and other management officials. Indeed, Epp admitted that at the time he questioned Doell whether he knew anything about the Union, he had heard "rumors that they were going to get the Union in." Under all these circumstances, Perkins' activity "gives rise to the inference that the employer had knowledge of her activity." *N.L.R.B. v. Melrose Processing Company*, 351 F.2d 693 (C.A. 8); *A. P. Green Fire Brick Company v. N.L.R.B.*, 326 F.2d 910 (C.A. 8); *N.L.R.B. v. Entwistle Manufacturing Company*, 120 F.2d 532 (C.A. 4).

On the entire record I am convinced and find that Wheeler's displeasure with, and resentment of, Perkins "attitude" and for which she was fired, was engendered by, and pertained to, her activity at the time of the June layoff aforementioned, followed by her later activity in behalf of the Union. By that conduct, Respondent violated Section 8(a)(1) and (3) of the Act.

Mary Perkins testified that on July 19, after her sister Eva was discharged, she was ordered to report to Wheeler's office where Wheeler told her that she had been talking about the Union. When she admitted that she had done so, Wheeler told her that he did not want her "talking union on company premises." On cross-examination, however, she admitted that Wheeler "might have said on company time." She also testified that during their conversation when she told Wheeler that if the Union came into the plant she would be the first to join it, he replied he supposed she would, because every employee would have to do so, but in that event, "the Company would probably close the plant down."

Wheeler testified that what he told her on that occasion was that she could "not talk union business on company time, on company property during working time." He denied making the threat that the plant would be closed if the Union came into the plant but testified that on a date he could not recall, she told him there were rumors that the plant would be shut down.

I conclude that the General Counsel has not established by a preponderance of the evidence that on July 19, Wheeler warned Mary Perkins "not to solicit cards for the union on company property." I find, however, that Wheeler threatened her that, if the Union became the bargaining representative of the employees, the plant would probably be closed. I make this finding on the testimony of Mary Perkins which I credit, and who impressed me as the more forthright witness of the two.

After Eva Perkins was discharged during the morning of July 19, she left the plant but returned

to the area at about the time employees were scheduled to leave. She stationed herself "outside the plant area" and distributed union authorization cards as the employees left Respondent's premises. Wheeler and Epp approached her and told her she had no right to pass out cards because she was backing up traffic in their driveway, a fact which she denied. Wheeler told her that if she came there again, "he would have the sheriff out there after [her]."

Wheeler testified that at least 15 minutes before quitting time on that day, he was notified that Perkins was out in front of the plant and he "went out to see what was happening." When she told him she was passing out cards, he asked for and received one of the cards, thus putting him on notice what her purpose was. According to his own testimony, he remained there until about 5:10 p.m. "after all the employees were out." Perkins returned to the plant vicinity between 7 and 7:30 of the following morning, stationed herself at the same point "outside the plant area" where she was the night before, and picked up the union cards from the employees which she had distributed the night before. While she was so engaged, Epp and Foreman Beeler stationed themselves nearby. Epp asked her if she realized what she was doing. When she replied affirmatively, he told her "it was going to cost [her] sister [Mary] and himself, and everybody else out there, their jobs."³

Several days later, Perkins returned to the highway adjacent to the plant for the purpose of passing out pamphlets advertising a union meeting for the same evening. Shortly after she arrived, Wheeler appeared, asked whether she was going to pass out literature and told her that if that was her purpose he would "call the sheriff." When Perkins told him that the sheriff could not prevent her from passing out literature, Wheeler returned to his office but returned a few minutes later and told her that the sheriff would soon be there. A few minutes later, when Perkins and a union representative who had arrived in the meantime, began passing out their pamphlets, a deputy sheriff appeared and asked her to move her car to the other side of the railroad tracks, approximately two blocks away. She replied that she did not have to move her car because she was not on Respondent's property.

Respondent's exhibit 1, 2, and 3, serial photographs picturing Respondent's plant and the adjoining highway and area, clearly establish that the plant is located in a vast expanse of wide, open farm country with nothing to indicate that a car or cars parked adjacent to the highway would create a hazard. The deputy sheriff, though admitting on cross-examination that plaintiff's car was parked "on the shoulder of the road," nevertheless testified that, in his opinion, plaintiff and her car "was ob-

² Henderson, Nebraska, where Respondent's plant is located, has a population of 536 according to Hammond's World Atlas.

³ Epp did not deny making the threat attributed to him in the text. He

testified that all he could recall of his conversation with Perkins that morning was "How are you doing, Eva," and that she replied "Fine." I do not credit his version of the incident. Beeler was not called as a witness.

structing traffic, creating a hazard." Significantly however, there is no contention that he charged her with that offense.⁴

On the entire record I find that on July 19, when Wheeler, from 15 minutes before quitting time until after all the employees left the plant, remained in the vicinity where Perkins was distributing union cards, he did so for the purpose of surveilling the union activity of Respondent's employees and to intimidate them in the pursuit of that activity. I further find that when he later called the sheriff to come to the plant, he did so for the purpose of stopping the distribution of union cards and literature to Respondent's employees. By that conduct, Respondent violated Section 8(a)(1) of the Act.

Having previously found that Epp questioned Doell if he knew anything about the union and that Wheeler threatened Mary Perkins that if the Union came into the plant it would probably be closed, I further conclude that Respondent thereby also violated Section 8(a)(1) of the Act.

III. THE EFFECT OF THE UNFAIR LABOR PRACTICES UPON COMMERCE

The activities of Respondent set forth in section II, above, occurring in connection with Respondent's operations described in section I, above, have a close, 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.

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

CONCLUSIONS OF LAW

1. By threatening its employees with probable closure of its plant if they should select the union as their collective-bargaining representative, Respondent violated Section 8(a)(1) of the Act.
2. By interrogating its employees concerning their union activities, and by surveilling those activities, Respondent violated Section 8(a)(1) of the Act.
3. By invoking the services of the county sheriff for the purpose of interfering with the union activities of its employees, Respondent violated Section 8(a)(1) of the Act.
4. By discharging Eva B. Perkins because of her activities in support and in behalf of the Union, Respondent violated Section 8(a)(1) and 8(a)(3) of the Act.
5. The aforesaid unfair labor practices are unfair labor practices as defined in Section 2(6) and (7) of the Act.

⁴ Wheeler, in his testimony, complained that "the sheriff was not too effective," indicating that it was his desire that the sheriff take more drastic and effective action to interfere with Perkins' activities.

THE REMEDY

Having found that Respondent has engaged in unfair labor practices, I recommend that it cease and desist therefrom and that it take certain affirmative action which will effectuate the policies of the Act.

Having found that Respondent has unlawfully discriminated in regard to the hire and tenure of employment of Eva B. Perkins, I recommend that Respondent be required to offer her immediate and full reinstatement to her former or substantially equivalent position at its Henderson, Nebraska, plant, without prejudice to her seniority and other rights and privileges, and make her whole for any loss of pay she may have suffered as a result of the discrimination against her by payment to her of a sum of money equal to that which she would have earned as wages from the date of such discrimination to the date of proper offer of reinstatement, less her net earnings during such period, computed in the manner prescribed by the Board in *F. W. Woolworth Company*, 90 NLRB 289. Interest at the rate of 6 percent per annum shall be added to the backpay due, computed in the manner set forth in *Isis Plumbing & Heating Co.*, 138 NLRB 716. I also recommend that Respondent be required to preserve and, upon request, make available to the Board or its agents, all pertinent records which may be necessary to analyze and compute the backpay due.

In view of the nature and variety of unfair labor practices committed, which indicate Respondent's fundamental disregard of the rights of employees protected by the Act, I recommend a broad cease-and-desist order.

RECOMMENDED ORDER

Upon the foregoing findings of fact and conclusions of law, upon the entire record in this case, and pursuant to Section 10(c) of the National Labor Relations Act, as amended, it is hereby ordered that Respondent, York Manufacturing Co., its officers, agents, successors, and assigns, shall:

1. Cease and desist from:
 - (a) Discouraging membership in, or activities on behalf of International Chemical Workers Union, AFL-CIO, or any other labor organization of its employees, by discharging or in any other manner discriminating against them in regard to hire or tenure of employment, or any term or condition of employment;
 - (b) Threatening its employees with closure, or probable closure, of its plant if they should maintain their membership in, engage in activities on behalf of in support of, the above-named Union;

(c) Interrogating its employees concerning their union membership or activities;

(d) Surveilling the union activities of its employees;

(e) Invoking the services of the county sheriff's office, or other public authority for the purpose of intimidating or otherwise interfering with the union activities of its employees or union representatives seeking to enlist membership in a union;

(f) In any other manner interfering with, restraining, or coercing employees in the exercise of their right to self-organization, to form labor organizations, to join or assist International Chemical Workers Union, AFL-CIO, 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 engaging in such activities.

2. Take the following affirmative action to effectuate the policies of the Act:

(a) Offer Eva B. Perkins immediate and full reinstatement to her former or substantially equivalent position, without prejudice to her seniority or other rights and privileges enjoyed, and make her whole for any loss of pay she may have suffered as a result of the discrimination against her in the manner provided in the section of this Decision entitled "The Remedy."

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

(c) Notify Eva B. Perkins if presently serving in the Armed Forces of the United States of her right to full reinstatement upon application in accordance with the Selective Service Act and the Universal Military Training and Service Act, as amended, after discharge from the Armed Forces.

(d) Post at Respondent's plant in Henderson, Nebraska, copies of the attached notice marked "Appendix."⁵ Copies of said notice, on forms provided by the Regional Director for Region 17, after being duly signed by Respondent representative, shall be posted by it immediately upon receipt thereof, and be maintained by Respondent for 60 consecutive days thereafter, in conspicuous places, including all places where notices to employees are customarily posted. Reasonable steps shall be taken by Respondent to insure that said notices are not altered, defaced, or covered by any other material.

(e) Notify the Regional Director for Region 17, in writing, within 20 days from the receipt of this

Decision, what steps have been taken to comply herewith.⁶

⁶ In the event that this Recommended Order is adopted by the Board, this provision shall be modified to read "Notify said Regional Director for Region 17, in writing, within 10 days from the date of this Order, what steps 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, or activities on behalf of, International Chemical Workers Union, AFL-CIO, or any other labor organization, by discharging, or refusing to reinstate, any of our employees, or in any other manner discriminating against them in regard to their hire or tenure of employment, or any term or condition of employment.

WE WILL NOT threaten our employees with closure, or probable closure, of our plant because of their membership in, support, or activities in behalf of the above-named Union.

WE WILL NOT interrogate our employees concerning their union membership or activities.

WE WILL NOT surveil the union activities of our employees.

WE WILL NOT invoke the services of the county sheriff's office, or other public authority, for the purpose of intimidating or otherwise interfering with union activities of our employees, or union representatives seeking to enlist membership in a union.

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 International Chemical Workers Union, AFL-CIO, 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, and to refrain from any or all such activities.

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

WE WILL notify Eva B. Perkins if presently serving in the Armed Forces of the United States of her right to full reinstatement upon application in accordance with the Selective Service Act and the Universal Military Train-

⁵ In the event that this Recommended Order is adopted by the Board, the words "a Decision and Order" shall be substituted for the words "the Recommended Order of a Trial Examiner" in the notice. In the further event that the Board's Order is 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"

ing and Service Act, as amended, after discharge from the Armed Forces.

YORK MANUFACTURING
Co.
(Employer)

Dated

By

(Representative) (Title)

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.

If employees have any question concerning this notice or compliance with its provisions, they may communicate directly with the Board's Regional Office, 610 Federal Building, 601 E. 12th Street, Kansas City, Missouri 64106, Telephone 374-5282.