

**Amalgamated Clothing Workers of America, and its Baltimore Regional Joint Board, and its Local Union 424, AFL-CIO (Mt. Union Manufacturing Company, L. Grief & Bros., Division of Genesco, Inc.) and Elda C. Myers.** Case 6-CB-2037

September 28, 1971

## DECISION AND ORDER

BY CHAIRMAN MILLER AND MEMBERS  
FANNING AND JENKINS

On June 4, 1971, Trial Examiner Henry L. Jalette issued his Decision in the above-entitled proceeding, finding that Respondents had engaged in certain unfair labor practices within the meaning of the National Labor Relations Act, as amended, and recommending that they cease and desist therefrom and take certain affirmative action, as set forth in the attached Trial Examiner's Decision. Thereafter, Respondents filed exceptions to the Trial Examiner's Decision and a supporting brief, and the General Counsel filed an answering brief.

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 proceeding 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 exceptions and briefs, and the entire record in this proceeding, 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 National Labor Relations Board adopts as its Order the recommended Order of the Trial Examiner and hereby orders that Respondents, Amalgamated Clothing Workers of America, and its Baltimore Regional Joint Board, and its Local Union 424, AFL-CIO, their officers, agents, and representatives shall take the action set forth in the Trial Examiner's recommended Order.

## TRIAL EXAMINER'S DECISION

### STATEMENT OF THE CASE

HENRY L. JALETTE, Trial Examiner: This proceeding was initiated by a charge filed by Elda C. Myers, an individual,

<sup>1</sup> General Counsel's motion to correct transcript, which is unopposed, is hereby granted and the motion is hereby received in evidence as TX Exh

against Amalgamated Clothing Workers of America, AFL-CIO, on November 20, 1970. The charge was amended on February 16, 1971, to include as Respondents Baltimore Regional Joint Board and Local Union 424, affiliates of Amalgamated Clothing Workers of America, AFL-CIO. On February 23, 1971, a complaint was issued against all the aforementioned Unions, alleging that they had violated Section 8(b)(1)(A) of the Act by refusing to permit Myers to be a candidate for union steward at her place of employment, Mt. Union Manufacturing Company, L. Grief & Bros., Division of Genesco, Inc. (hereinafter referred to as the Employer), because she informed them that she intended to seek the assistance of and have recourse to the National Labor Relations Board.

On April 15, 1971, a hearing was held at Huntingdon, Pennsylvania, at which time Respondent Amalgamated Clothing Workers of America was removed from the complaint pursuant to motion to amend by the General Counsel made without objection by the Charging Party and which I granted.

Upon the entire record,<sup>1</sup> including my observation of the witnesses, and after consideration of the briefs filed by the General Counsel and Respondents, I make the following findings of fact, conclusions of law and recommendations:

## FINDINGS OF FACT

### I. JURISDICTION

The Employer, a manufacturer of men's suit coats, annually sells and ships goods valued in excess of \$50,000 from its facility at Mt. Union, Pennsylvania, directly to points outside the Commonwealth of Pennsylvania.

### II. THE ALLEGED UNFAIR LABOR PRACTICES

#### A. *The Facts*

The Employer employs about 750 employees at its Mt. Union plant. Regional Joint Board is the exclusive bargaining representative of employees in a production and maintenance unit and is party to a collective-bargaining agreement with the Employer. Local 424 is a shop local covering only the Mt. Union plant of the Employer. It is affiliated with and under the supervision of the Regional Joint Board, which is operated by Manager Sam Nocella, and Assistant Manager Romeo Esposito, who are assisted by business agents, including Business Agent Richard Shockey who is assigned to the Mt. Union plant.

The plant is divided into several sections each of which elects its own steward or stewards to represent employees of the section respecting grievances.

On April 14, 1970, a meeting was held at the plant among employees of section 2, which numbers about 200 employees, to nominate a steward to fill a vacancy created by a retirement. Several employees were nominated, but only two, Elda Myers, the Charging Party, and Helen Getz, agreed to serve, if elected. Richard Shockey was present at the meeting and accepted the nominations.

Elda Myers has been employed since 1955. She is a lining

1.

baster and a member of Local 424. She has served in various positions with Local 424, including member of the executive board, a position from which she resigned in February 1968.

On November 11, 1969, Myers had filed a written grievance over the rates of pay of lining basters. Dissatisfied with the progress of the grievance, on April 13, 1970, she mailed the following letter to Regional Joint Board Manager Nocella, copy to an official of the employer.

Mt. Union, Pa.  
April 2, 1970<sup>2</sup>

Dear Sir:

I bast linings at the plant here in Mt. Union and we have had a problem for several years that neither management nor union has corrected so far. I am not making a threat, but simply a statement of facts when I say the following:

The cost of everything has gone up and our wages, basting linings, has steadily decreased.

I have had the information, with documented evidence (not just figures, I have those also) ready to present to the Labor Board after April 24, 1970.

I have had two suspensions (both were unfair) and the situation went to the Board of Review in Harrisburg as you all should be aware of now. I have seen my averages dropped several times and we on this job have been exceptionally patient.

I will present facts to the Labor Board to show Violation of Article III, Section C of the current agreement, also facts to show discrimination of employees covered by the agreement between company and union.

I am sure the material I furnish to the Labor Board will merit attention and show them that the situation is several years old and that we need help.

It has been my respect for the steady employment the company has given to local residents and for what the union has done through the years gone by to help labor that kept me from seeking help from the Labor Board before this. Just treat us fair.

Sincerely,

Elda C. Myers<sup>3</sup>

Nocella sent the following reply to Myers.

April 17, 1970

Mrs. Elda C. Myers  
111 W. Halley St.  
Mount Union, Pa. 17066

Dear Mrs. Myers:

I have received your letter dated April 2, 1970 pertaining to the operation of lining basting. My investigation has turned up that the business agent, Dick Shockey, is taking it up and the matter has been brought to the attention of the company and the matter will be processed and you will get an answer.

There is no necessity of making threats or delivering ultimatums of any kind to the representatives of your union. Remember that you are talking to your representatives who have to handle your case and you need the utmost cooperation and solidarity on the part of you and your fellow workers. If there is any dissatisfaction with any decision that is made by a business agent, the union provides channels where these grievances can be heard. You have an executive board and you have a regular monthly meeting and after these channels are exhausted the matter can then be referred to my office.

Please remember when you go to a labor board, the labor board also has to listen to us and there is always two sides to every story and it isn't always your side that wins. I think you can spend more time in presenting your case effectively where it counts rather than making threats in letters to the manager. I hope that in the future you will avail yourself first of all the channels before you run to the writing of letters. I think that this will make for a far better understanding all around.

Fraternally,

Sam Nocella, Manager

On April 21, Business Agent Shockey called a special meeting of the executive board of Local 424 at the plant and invited Myers to attend. Shockey opened the meeting by stating that he had a very unpleasant job to do. He reminded the members of the executive board of Myers' pending grievance and explained that the reason Myers was at this meeting was that while her grievance was "in the process of being handled through channels . . . she wrote a letter to Mr. Nocella threatening to go to the Labor Board."<sup>4</sup> Shockey proceeded to read the letter. After reading it, Shockey asked Myers to verify that it was the one she had sent and she agreed it was. Shockey then read Nocella's reply and asked Myers to acknowledge it was the reply she had received and she did. After the reading of the letters, members of the executive board asked Myers questions relating to the subject matter of her grievance, and Myers' only reply was "no comment." Shockey told her she could leave the meeting and she did.

After Myers left, Shockey asked for a motion to decide whether Myers was fit to run for the position of shop steward.<sup>5</sup> A motion was made and several members voiced opinions that Myers was not fit to be a shop steward. There was no mention of the Labor Board. A vote was taken and 11 members voted to disqualify Myers, and 3 abstained. Helen Getz, the only remaining nominee, and a member of the executive board, then declined to serve under the

accept There was varying versions of his opening remarks, but there is no substantial difference in any of the versions

<sup>5</sup> This finding is based on the testimony of executive board member Rebecca Beatty whom I credit.

<sup>2</sup> Myers testified that the letter was prepared April 2, but not mailed until April 13 I credit her

<sup>3</sup> Six other employees signed an attachment to the letter concurring with Myers' claim for backpay and better rates

<sup>4</sup> The foregoing is Shockey's version of his opening remarks which I

circumstances of Myers' removal. Later that day, Shockey advised Myers of the executive board's action.

No action was taken to nominate a steward until September 30 when another meeting of section 2 was held.<sup>6</sup> At the start of the meeting Shockey told the employees that in view of the decision of the executive board Myers could not run as shop steward and he would not accept her nomination. Nevertheless, Myers was again duly nominated. Shockey refused to accept the nomination. There were other nominations, but only one nominee, Helen Getz, agreed to serve. Accordingly, she became steward without a vote being taken.

### B. Analysis and Conclusions

A preliminary question is presented about the timeliness of the charge against Regional Joint Board and Local 424.<sup>7</sup> As noted in the introduction, Regional Joint Board and Local 424 were not charged with violating the Act until February 16, 1971. Pursuant to this charge, the complaint issued alleging that an unfair labor practice occurred on September 30, 1970, when Shockey rejected the nomination of Myers. If this rejection of Myers' nomination is an unfair labor practice, the February 16 charge is timely. But Respondents contend that if there was an unfair labor practice, it occurred on April 21, 1970, when the executive board declared Myers to be unfit to serve as a steward, or on May 11, 1970, when members of Local 424 approved the minutes of the executive board meeting of April 21 and thereby ratified its action.

According to Respondents, the September 30 incident was merely the effectuation of a pre-10(b) decision. Respondents compare this case to cases of union discipline by fine, where the unfair labor practice is deemed to occur either at the time of the fine, or the expiration of the appeal period without an appeal, or the final decision of the highest tribunal if an appeal is taken, and not when a union sues to collect. E.g., *International Association of Machinists and Aerospace Workers, AFL-CIO (Union Carbide Corporation)*, 180 NLRB No. 135, reaffd. 186 NLRB No. 138; *Communications Workers of America, Local 9511 (Pacific Telephone and Telegraph Company)*, 188 NLRB No. 63. I find the cases distinguishable. In this case, the alleged unfair labor practice is the rejection of Myers' nomination within the 10(b) period; in the cited cases, all that occurred within the 10(b) period were the threats to sue, and/or the filing of suits to collect the fines, acts which were not alleged to be unlawful in and of themselves.

In addition, Respondents assert that an essential element

<sup>6</sup> According to Shockey, the matter was held in abeyance pending resolution of Myers' grievance. The Employer rejected the grievance at a meeting on June 25 which was attended by Myers. At that meeting, an employee asked Nocella if they could not go to the Labor Board and the sense of his reply was that they should use other channels first, including arbitration. In my judgment, this incident neither adds to nor detracts from the issue about Respondents' reason for disqualifying Myers from candidacy on September 30.

<sup>7</sup> Sec 10(b) of the Act reads in pertinent part.

no complaint shall issue based upon any unfair labor practice occurring more than six months prior to the filing of the charge with the Board and the service of a copy thereof upon the person against whom such charge is made.

<sup>8</sup> Respondents sought to adduce testimony that Myers was discharged in 1965 and 1968 because of her attitude and constant complaining and

of the General Counsel's case is missing which can only be supplied by reference to pre-10(b) conduct and that *Bryan Manufacturing Co.*, 362 U.S. 411 (1960) interdicts reliance on an earlier unfair labor practice to establish that conduct within the 10(b) period is unlawful. I do not agree. In *Bryan*, the Supreme Court acknowledged the existence of two situations: one, "where occurrences within the 6-month limitations period in and of themselves may constitute as a substantive matter, unfair labor practices . . . [and] . . . earlier events . . . [are] . . . utilized to shed light on the true character of matters occurring within the limitation period," and another situation in which "conduct occurring within the limitations period can be charged to be an unfair labor practice only through reliance on an earlier unfair labor practice." In my judgment, this case involves the former situation, and the events in April 1970 may be utilized to shed light on Respondent's motive in rejecting Myers' nomination on September 30. As indicated earlier, when Shockey stated that he would not accept a nomination of Myers on September 30, he indicated that the reason was the executive board's decision in April. In the circumstances, it is appropriate to look to the events in April to determine the reason for the executive board's decision. See *Paramount Cap Mfg. Co. v. N.L.R.B.*, 260 F.2d 109 (C.A. 8, 1952).

That is what this case reduces itself to, the reason for the executive board's rejection of Myers' nomination. According to Respondents, the nomination was rejected because Myers was not the kind of person to serve the employees as shop steward because of a history of complaints by her about both management and the Union generally with regard to her rate of pay. The only specific past conduct of Myers litigated was her resignation from the executive board in February 1968, because of the refusal of Local 424 to adopt a resolution she offered for a timestudy for the purpose of adjusting rates of pay.<sup>8</sup> At that time, Myers wrote to the Regional Joint Board stating that:

I am resigning as of this date from both boards of Local 424. I also request my name be omitted from the ballot for the forthcoming election.

I still believe in unions but I don't believe in lies and dishonesty and I never heard such a performance as last night at the union meeting. Terrible lies.

I have all the proof I need regardless of what happens to show I had only the best interest of union members at heart.

that she was reinstated through the intervention of Respondents. This was allegedly part of a history of bickering with management and Respondents which Respondents assert was the reason for refusing to permit her to run as shop steward. I refused to hear testimony described in Respondents' offer of proof for two reasons. part of the proffered testimony related to events remote in time and before Myers was an executive board member and none of Myers' past conduct had been relied on to remove her from office; in any event, the issue was not whether Myers was in fact fit to be a shop steward, but why she was disqualified by the executive board. Determination of this issue depended on what the members of the executive board said at the meeting of April 21 about their reasons for disqualifying her. As will appear below, except for testimony about the discussion of Myers' resignation in 1968, no evidence was adduced of the discussion of any other past conduct. In the circumstances, the proffered testimony was properly rejected.

I put my trust and faith in God.<sup>9</sup>

According to Shockey, Julia Yocum, president of Local 424, Helen Getz, who later became shop steward of section 2 and was secretary-treasurer of Local 424, and executive board member Minnick, Myers' letter of resignation was also read at the April 21 meeting after Myers left the room. Rebecca Beatty, a member of the executive board who testified on behalf of General Counsel and who abstained from voting against Myers, testified the letter of resignation was not read. I credit Beatty, who appeared to me to be very truthful and who had no reason to lie. On the other hand, Respondents' witnesses all displayed a great deal of hostility to Myers. Despite the fact that the reading of Myers' letter of resignation would have been a significant detail in a meeting such as the one in question, executive board member Renninger could not recall its having been read; Copenhaver referred to Myers' letter of resignation but she did not state that Shockey read it; Betty Minnick erroneously asserted that Myers' letter of resignation had stated she didn't want any part of any office in the union ever; and while Helen Getz testified Shockey read the letter of resignation, the minutes of the meeting which she wrote do not support her. Finally, since the meeting was clearly called to pass on Myers' fitness to hold office, and Myers was asked to be present to hear the charges against her, I don't understand why Shockey would wait until Myers left the meeting to read her letter of resignation. For all these reasons, I conclude he did not read the letter of resignation.

In the final analysis, whether or not the letter of resignation was read at the meeting is not dispositive of the issue of the reason for the executive board's vote to disqualify Myers. What is important is the fact that Shockey was present on April 14 when Myers was nominated and nothing was said about either her 1968 resignation or her continual griping about rates of pay.<sup>10</sup> Nothing was said or done until April 21, the day after Shockey received a copy of Myers' letter to Nocella, and when Shockey convened the executive board and expressed his distaste for the task before him he did not start with a reference to Myers' past conduct; rather, he began by referring to her "threatening letter"—these were Shockey's words—and proceeded to read the letter. From every description of the meeting, be it from General Counsel's witnesses or Respondents', it is clear that the predicate for questioning Myers' fitness to hold office was her letter to Nocella. Her letter was the only circumstance intervening between her nomination and the special meeting of the executive board called by Shockey. His testimony that after the nomination he went through records he had inherited from the business agent he had replaced and discovered that Myers had resigned in 1968, and that he discussed this with Assistant Manager Esposito on April 14 and they decided to bring this matter to the attention of the executive board is not credited. Shockey had received the files in question in mid-1969 and admittedly had "glanced" at them then, and I cannot believe that he did not learn until after April 14 about Myers' resignation. Significantly, when

<sup>9</sup> Actually, Myers wrote two letters. The one above was mailed to Regional Joint Board and a copy given to Local 424 with another letter which stated: "This is a notice of resignation from both boards of Local 424 and I request my name be omitted from the ballot. I cannot stand lies and dishonesty."

he convened the April 21 meeting, his opening remarks related to Myers' threatening letter of April 13. In these circumstances, I can credit neither Shockey nor Esposito about the reason for calling a special meeting of the executive board.

After Myers left the meeting, remarks were made about Myers' fitness to hold office, such as, "anyone that couldn't get along with the union or company was not fit to represent 150 to 200 girls" (Copenhaver); "I wouldn't want Mrs. Myers representing me if I had a claims. . . ." (Minnick); and, according to Getz, Yocum remarked that, "we had been having trouble with her for years and that this wasn't the first time something like this happened." Yocum did not, however, say she made any such remarks, and Getz' minutes of the meeting attribute to Yocum the statement that Myers "has condemned Sam [Nocella] and the Union."

Rebecca Beatty did not view the foregoing remarks as a discussion. As she understood the situation, Shockey "read the letters and I thought he meant we were to take from those letters what we were to do, what our decisions would be." Beatty's understanding was not incorrect. It is evident from Respondent's own witnesses why they rejected Myers.

In her letter to Nocella, Myers had threatened to go to the Labor Board. Nocella had replied that the Union provides channels for hearing grievances and in explaining her vote against Myers, Renninger stated that she was opposed to anyone who undermined the Union and Myers had undermined the Union, because,

In the first place, she didn't go through all the channels she should have in our union. When you go through all channels in our union and then you don't get anything, then take it higher but you use all channels first. To me that is undermining our union.

Q. By going to the labor board?

A. That's right.

Betty Minnick explained that "we are supposed to go through channels. You just don't by-pass everything else because someone didn't want to work with you. You follow it step by step." In explaining the procedure she believes should be followed, Minnick pointed out "most people don't just go from the shop steward and if they don't do anything—I've had a claim in for two years and I'm not going to the Labor Board. I'm waiting for my union to settle it."

Helen Copenhaver said she didn't think Myers was eligible to hold office, "because she should have went through the channels. That is what the executive board is there for. That was why we were elected to office.

Q. How did she indicate she [Myers] wasn't going to use channels?

A. Apparently she didn't. She just went to the Labor Board.

From the foregoing, and the record as a whole, whatever opinions the members of the executive board may have had about Myers' fitness to hold office because of her past conduct and temperament, the conclusion is inescapable

<sup>10</sup> It should be noted that the fitness of a nominee for steward had never previously been questioned by any executive board. There is some question whether the executive board even had authority to act as it did; it was not asserted that they acted pursuant to any provisions of the constitution or bylaws of either the Regional Joint Board or Local 424.

that, in declaring her to be unfit to hold office on April 21, they were motivated in substantial part by the fact that she had threatened to go to the Labor Board to seek redress of a grievance over her rate of pay. And, as stated earlier, when Shockey refused to accept Myers' nomination on September 30, he relied on the decision of the executive board on April 21 thereby revitalizing the decision.

There is testimony by Myers that at a union meeting on May 12, 1970, Esposito commended the executive board for its action on April 21 and he described Myers as unfit to be an officer and adverted to her threatening letter to Nocella. There is also testimony by Myers that at the nomination meeting on September 30, Shockey referred not just to her letter of resignation, but also to the letters she had written to Baltimore. Evelyn White testified Shockey said he had letters to prove Myers was unfit for shop steward. I credit this testimony. As with the April 21 meeting, Respondents' witnesses contended that any references to Myers' letters were references to her letter of resignation only. I do not credit this testimony. In any event, as Respondents concede in their brief, such testimony was merely cumulative if it is found that on April 21 the executive board based its decision on her April 13 letter. I have found that it did.

The only remaining question is whether the removal of Myers from candidacy for the office of shop steward because of her threat to go to the Labor Board to redress a grievance about rates of pay constitutes restraint and coercion of employees within the meaning of Section 8(b)(1)(A) of the Act, notwithstanding the terms of the first proviso to 8(b)(1)(A),<sup>11</sup> and the fact that Respondents' conduct herein related to Myers' rights in her relationship to Respondents and did not affect her status as an employee. Respondent does not contend that its conduct was protected by the proviso and the cases clearly indicate that the conduct of Respondents herein was violative of Section 8(b)(1)(A) of the Act because of the public policy considerations which dictate that employees be afforded unimpeded access to the Board. *N.L.R.B. v. Industrial Union of Marine and Shipbuilding Workers of America, AFL-CIO*, 391 U.S. 418; *Amalgamated Meat Cutters and Butcher Workmen of North America, Amalgamated Food Employees Union Local 590, AFL-CIO (National Tea Company)*, 181 NLRB No. 116.

### III. THE EFFECT OF THE UNFAIR LABOR PRACTICES UPON COMMERCE

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

<sup>11</sup> The proviso reads "Provided, That this paragraph shall not impair the right of a labor organization to prescribe its own rules with respect to the acquisition or retention of membership therein, "

<sup>12</sup> In the event no exceptions are filed as provided by Sec 102 46 of the Rules and Regulations of the National Labor Relations Board, the

### IV. THE REMEDY

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

In order to remedy the unfair labor practices herein found it is necessary to restore the situation to its *status quo ante*.

This will require Respondents to rescind the election of Helen Getz as shop steward and to conduct a new election for shop steward in section 2 in which Elda Myers is to be permitted to be a candidate pursuant to the nomination she received on September 30, and, if she is elected, to be permitted to serve.

The record indicates that shop stewards are paid \$6 a month, and General Counsel urges that Respondents be required to reimburse Myers the amount of steward's wages she would have been paid had she been permitted to be elected to office on September 30, if, at the new election to be held pursuant to the recommendations herein, Myers should be elected shop steward. In my judgment, such a remedy is inappropriate. If Myers is elected in a new election, it does not necessarily mean that she would have been elected on September 30 if her nomination had not been rejected, and a finding to that effect could only be based on speculation. Accordingly, I shall not recommend reimbursement as requested.

### CONCLUSIONS OF LAW

1. Mt. Union Manufacturing Company, L. Grief & Bros., Division of Genesco, Inc., is an employer engaged in commerce within the meaning of Section 2(6) and (7) of the Act.

2. Amalgamated Clothing Workers of America, AFL-CIO, and its affiliates Baltimore Regional Joint Board and Local Union 424, and each of them, are labor organizations within the meaning of Section 2(5) of the Act.

3. By refusing to permit Elda Myers to be a nominee for shop steward in section 2 of the Employer's plant because she threatened to go to the Board to obtain redress of her grievance over rates of pay, Respondents Regional Joint Board and Local 424 have engaged in and are engaging in unfair labor practices within the meaning of Section 8(b)(1)(A) and Section 2(6) and (7) of the Act.

Upon the foregoing findings of fact, conclusions of law, and the entire record, and pursuant to Section 10(c) of the Act, I hereby issue the following recommended:<sup>12</sup>

### ORDER

Respondents, Baltimore Regional Joint Board and Local 424, affiliated with Amalgamated Clothing Workers of America, AFL-CIO, their officers, agents, and representatives, shall:

1. Cease and desist from:

findings, conclusions, and recommended Order herein shall, as provided in Sec 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

(a) Rejecting the nomination of any employee for the position of shop steward because the employee threatens to go the Labor Board to seek redress of her grievance with regard to rates of pay.

(b) In any like or related manner restraining or coercing employees in the exercise of the rights guaranteed employees in Section 7 of the Act.

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

(a) Rescind the election of Helen Getz as shop steward as a result of the nomination meeting of September 30, 1970, and hold another election among the employees in section 2 of the Employer's plant for the position of shop steward of section 2, permitting Elda Myers to be a candidate pursuant to her nomination on September 30, and permitting her to serve, if elected.

(b) Post at its business offices, and at all other places where notices to members are customarily posted, including, if applicable, such bulletin boards as the Employer may provide for use by Respondents, copies of the attached notice marked "Appendix."<sup>13</sup> Copies of said notice, on forms provided by the Regional Director for Region 6, after being duly signed by Respondents' authorized representatives, shall be posted by said Respondents immediately upon receipt thereof and be maintained by Respondents for 60 consecutive days thereafter, in conspicuous places, including all places where notices to members are customarily posted. Reasonable steps shall be taken by Respondents to insure that said notices are not altered, defaced, or covered by any other material. In the event that the Employer does not provide bulletin boards at its plants for use by Respondents, Respondents shall sign and mail sufficient copies of the aforesaid notice to the Regional Director for Region 6 for posting by the Employer at its Mt. Union plant, if the Employer is willing, in all places where it customarily posts notices to its employees.

(c) Notify the Regional Director for Region 6, in writing, within 20 days from the receipt of this Decision, what steps have been taken to comply herewith.<sup>14</sup>

<sup>13</sup> In the event that the Board's Order is enforced by a Judgment of the 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"

<sup>14</sup> In the event that this recommended Order is adopted by the Board after exceptions have been filed, this provision shall be modified to read "Notify the Regional Director for Region 6, in writing, within 20 days from the date of this Order, what steps the Respondent has taken to comply herewith"

APPENDIX

NOTICE TO MEMBERS  
POSTED BY ORDER OF THE  
NATIONAL LABOR RELATIONS BOARD  
An Agency of the United States Government

Notice to all members of Baltimore Regional Joint Board and Local Union 424, affiliated with Amalgamated Clothing Workers of America, AFL-CIO.

We hereby notify you that:

WE WILL NOT reject the nomination on any employee for the office of shop steward because such employee threatens to go to the National Labor Relations Board to obtain action on a grievance which she has filed with regard to rates of pay.

WE WILL rescind the election of a shop steward at the nomination meeting held in section 2 on September 30, 1970, and hold another election in section 2 in which Elda Myers shall be permitted to be a candidate and, if she is elected, she shall be permitted to serve.

WE WILL NOT in any like or related manner restrain or coerce employees in the exercise of their rights guaranteed in Section 7 of the National Labor Relations Act.

BALTIMORE REGIONAL JOINT  
BOARD OF THE  
AMALGAMATED CLOTHING  
WORKERS OF AMERICA,  
AFL-CIO  
(Labor Organization)

Dated By (Representative) (Title)

LOCAL UNION 424 OF THE  
AMALGAMATED CLOTHING  
WORKERS OF AMERICA,  
AFL-CIO  
(Labor Organization)

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, 1536 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pennsylvania 15222, Telephone 412-644-2977.