

**Herman's, Division of W. R. Grace & Co. and Retail Clerks Union, Local 1371 chartered by Retail Clerks International Association, AFL-CIO. Case 22-CA-5797**

June 4, 1975

**SUPPLEMENTAL DECISION AND ORDER**

**BY MEMBERS JENKINS, KENNEDY, AND PENELLO**

On February 21, 1975, the National Labor Relations Board issued a Decision and Order in the above-entitled proceeding,<sup>1</sup> finding, *inter alia*, that Respondent violated Section 8(a)(3), (4), and (1) of the National Labor Relations Act, as amended, by discriminatorily selecting for layoff and by laying off employee Lorraine Newton because of her union activities and because of her subpoenaed presence and her foreseen and actual testimony as a union witness at a National Labor Relations Board representation hearing. The Board ordered Newton reinstated "to her former job or, if that job no longer exists, to a substantially equivalent position, without prejudice to her seniority or other rights and privileges, in the ski department of the Trenton, New Jersey, store during the 1974-1975 ski department season."

<sup>1</sup> 216 NLRB No. 118.

Subsequently, the General Counsel filed a motion for clarification of the Board's Order inasmuch as the 1974-75 ski season was virtually over at the time the Board's Order issued, and it was not clear whether the Board intended, in light of the fact that Newton had worked for the Respondent in previous ski seasons since 1969, to provide for her reinstatement to her former job in succeeding ski seasons as well. The General Counsel's motion is unopposed.

The Board, having determined that clarification of its previous Order is warranted, hereby enters an amended order with respect to the reinstatement of Newton.

**AMENDED ORDER**

It is hereby ordered that the Board's Order in this proceeding be, and it hereby is, amended by substituting the following for paragraph 2(a) of the Order:

"(a) Offer to Lorraine Newton reinstatement to her former job or, if that job no longer exists, to a substantially equivalent position, without prejudice to her seniority or other rights and privileges, in the ski department of the Trenton, New Jersey, store during the 1974-75 ski season, and if that season has passed make such offer at the commencement of the 1975-76 ski season, or at the commencement of the first ski season following compliance with or enforcement of this Order."