

In the Matter of DICKSON-JENKINS MANUFACTURING COMPANY, INC.  
and UNITED GARMENT WORKERS OF AMERICA, LOCAL UNION No.  
181

*Case No. C-192.—Decided July 16, 1937*

*Men's Clothing and Ladies' Wearing Apparel Industries—Settlement:* agreement to comply with Act—*Order:* entered on stipulation.

*Mr. Karl H. Mueller* for the Board.

*Mr. Sidney Samuels* and *Mr. A. M. Herman*, of Fort Worth, Tex., for the respondent.

*Mr. Sproesser Wynn*, of Fort Worth, Tex., for Independent Garment Workers of America.

*Mr. Allan R. Rosenberg*, of counsel to the Board.

## DECISION

### STATEMENT OF CASE

Upon charges duly filed by the United Garment Workers of America, the National Labor Relations Board, herein called the Board, by Edwin A. Elliott, Regional Director for the Sixteenth Region (Fort Worth, Texas), issued and duly served its complaint, dated June 12, 1937, against Dickson-Jenkins Manufacturing Company, Inc., Fort Worth, Texas, the respondent herein, alleging that the respondent had engaged in and was engaging in unfair labor practices affecting commerce, within the meaning of Section 8, subdivisions (1) and (2), and Section 2, subdivisions (6) and (7), of the National Labor Relations Act, 49 Stat. 449, herein called the Act.

In respect to the unfair labor practices, the complaint in substance alleged that in May 1937, the respondent sponsored and enlisted membership in the Independent Garment Workers of America, a company union, incorporated under the laws of Texas; that the Independent Garment Workers of America is a labor organization within the meaning of Section 2, subdivision (5) of the Act; that the respondent has dominated and interfered with the formation and administration of this organization; that it has contributed and still does contribute financial and other support to it; that during the period from May 1937, to the date of the filing of the complaint, the respondent by enumerated acts and published statements has interfered with, restrained, and coerced, and is interfering with,

restraining, and coercing its employees in the exercise of their rights guaranteed in Section 7 of the Act.

On June 18, 1937, the Independent Garment Workers of America, by P. D. McGaha, its president, filed an application for intervention, denying that its formation or administration had been interfered with by the respondent and alleging that it was a voluntary association of a majority of the respondent's employees, and that in pursuance of its right to bargain collectively, it had entered into a contract with the respondent for improved wages, hours, and working conditions. On June 21, 1937, the application for intervention was allowed by the Trial Examiner.

On June 21, 1937, the respondent filed its answer, in which it failed to deny the allegation of the complaint that it was engaged in interstate commerce, but specifically denied that it had committed any of the unfair labor practices therein alleged.

Pursuant to notice, Henry J. Kent, duly designated by the Board as Trial Examiner, conducted a hearing at Fort Worth, Texas, commencing on June 21, 1937. On June 24, 1937, during the hearing, the following stipulations were agreed upon by all parties to the proceedings and offered in evidence and made a part of the record without objection:

It is hereby stipulated by and between counsel for the respective parties herein that the Board may enter an order in this case to the following effect:

I. The respondent shall:

1. Cease and desist from in any manner interfering with, restraining or coercing its employees in the exercise of their rights to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in concerted activities for the purposes of collective bargaining or other mutual aid or protection, as guaranteed under Section 7 of the Act;
2. Cease and desist from discouraging by any means membership in the United Garment Workers of America or any local union thereof or any other labor organization of its employees' choosing;
3. Cease and desist from in any manner dominating or interfering with the administration of any labor organization of its employees; from contributing financial aid or support to said organizations; from recognizing or dealing in any manner with the Independent Garment Workers of America or any group or committee purporting to represent the said organization; or from forming or maintaining any groups or designating

any individuals to act as the representatives of the employees for the purpose of collective bargaining respecting any of the terms or conditions of employment.

II. The intervenor shall:

1. Cease and desist from in any way acting or attempting to act as a labor organization, corporation, or association for or on behalf of the employees of respondent, or any of them.

III. The respondent and intervenor shall take the following affirmative action to effectuate the policies and purposes of the National Labor Relations Act:

1. The respondent will withdraw all recognition from the Independent Garment Workers of America as the representative of its employees or any of them for the purpose of dealing with the respondent concerning grievances, labor disputes, wages, rates of pay, hours of employment or other conditions of employment;

2. The intervenor Independent Garment Workers of America shall immediately initiate and diligently prosecute to conclusion all proceedings legal and otherwise necessary or incident to the complete and final dissolution of said Independent Garment Workers of America as a corporation and as a labor organization;

3. The respondent and said intervenor shall immediately cancel and rescind that certain contract made and entered into by and between them dated June 10, 1937, and concerning terms and conditions of employment in respondent's plant and that said contract shall be of no force or effect;

4. The respondent will post notices in conspicuous places about its plant stating that the Independent Garment Workers of America are disestablished as the representative of its employees or any of them for the purposes of collective bargaining and that the respondent will not extend any recognition to such organization and that the contract entered into by it with said Independent Garment Workers of America dated June 10, 1937, has been cancelled and rescinded and is of no force or effect;

5. The respondent will inform all of its officials and agents, including superintendents, foremen and other supervisory employees that they shall not in any manner approach employees concerning, or discuss with the employees, the question of their labor affiliation or threaten employees in any manner because of their membership in any labor organization;

IV. It is further stipulated that upon compliance with the order of the Board as aforesaid and upon notification to the

Board of compliance with the terms of the order, the United Garment Workers of America, Local Union No. 181, will withdraw the charge which it filed against the respondent herein and will request the Board to dismiss the complaint herein.

### ORDER

On the basis of the above stipulation, and pursuant to Section 10, subdivision (c) of the National Labor Relations Act, the National Labor Relations Board hereby orders that:

I. The respondent, the Dickson-Jenkins Manufacturing Company, Inc., its officers, agents, successors and assigns shall:

1. Cease and desist from in any manner interfering with, restraining or coercing its employees in the exercise of their rights to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in concerted activities for the purposes of collective bargaining or other mutual aid or protection, as guaranteed under Section 7 of the Act;

2. Cease and desist from discouraging by any means membership in the United Garment Workers of America or any local union thereof or any other labor organization of its employees' choosing;

3. Cease and desist from in any manner dominating or interfering with the administration of any labor organization of its employees; from contributing financial aid or support to said organizations; from recognizing or dealing in any manner with the Independent Garment Workers of America or any group or committee purporting to represent the said organization; or from forming or maintaining any groups or designating any individuals to act as the representatives of the employees for the purpose of collective bargaining respecting any of the terms or conditions of employment.

II. The intervenor, the Independent Garment Workers of America, shall:

1. Cease and desist from in any way acting or attempting to act as a labor organization, corporation, or association for or on behalf of the employees of respondent, or any of them.

III. The respondent and the intervenor shall take the following affirmative action which the Board finds will effectuate the policies of the Act:

1. The respondent will withdraw all recognition from the Independent Garment Workers of America as the representative of its employees or any of them for the purpose of dealing with the respondent concerning grievances, labor disputes, wages, rates of pay, hours of employment or other conditions of employment;

2. The intervenor Independent Garment Workers of America shall immediately initiate and diligently prosecute to conclusion all proceedings legal and otherwise necessary or incident to the complete and final dissolution of said Independent Garment Workers of America as a corporation and as a labor organization;

3. The respondent and said intervenor shall immediately cancel and rescind that certain contract made and entered into by and between them dated June 10, 1937, and concerning terms and conditions of employment in respondent's plant and that said contract shall be of no force or effect;

4. The respondent will post notices in conspicuous places about its plant stating that the Independent Garment Workers of America is disestablished as the representative of its employees or any of them for the purposes of collective bargaining and that the respondent will not extend any recognition to such organization and that the contract entered into by it with said Independent Garment Workers of America dated June 10, 1937, has been cancelled and rescinded and is of no force or effect;

5. The respondent will inform all of its officials and agents, including superintendents, foremen and other supervisory employees that they shall not in any manner approach employees concerning, or discuss with the employees, the question of their labor affiliation or threaten employees in any manner because of their membership in any labor organization.