

In the Matter of CARBOLA CHEMICAL COMPANY, INC. and TALC
WORKERS UNION NO. 20821, AFFILIATED WITH THE AMERICAN FED-
ERATION OF LABOR

Case No. C-264.—Decided October 30, 1937

Mining; Limestone Products Manufacturing; Chemical Industry—Settlement:
agreement to comply with Act—*Order:* entered on stipulation.

Mr. Peter J. Crotty and *Mr. Gerhard Van Arkel*, for the Board.
Mr. Edward J. Welch, of New York City, for the respondent.
Mr. John J. Walsh, of Utica, N. Y., for the Union.
Mr. J. Mark Jacobson, of counsel to the Board.

DECISION

AND

ORDER

STATEMENT OF THE CASE

Upon a charge and an amended charge duly filed upon behalf of Talc Workers Union No. 20821, American Federation of Labor, herein called the Union, by Michael Walsh, organizer for the American Federation of Labor, the National Labor Relations Board, herein called the Board, by its Regional Director for the Third Region (Buffalo, New York), issued and duly served its complaint on September 27, 1937, against Carbola Chemical Company, Inc., Natural Bridge, New York, 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 (1), (3), and (5), and Section 2 (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 the respondent discharged or laid off John Baker and Harold V. Lobdell on or about July 16 and 20, 1937, respectively, and refused to reinstate them, because of their membership and activity in the Union; that since on or about July 13, 1937, the respondent has urged, persuaded, and warned its employees to refrain from becoming or remaining members of the Union; that the employees of the respondent engaged in its mining, milling, and print shop constitute a unit appropriate for the purposes of collective bargaining; that on or about July 13, 1937, a majority of such unit designated the Union

as their representative for purposes of collective bargaining with the respondent; that the respondent has at all times refused to bargain collectively with the Union as the exclusive representative of all the employees in said unit; and that the aforesaid acts of the respondent constitute unfair labor practices affecting commerce within the meaning of Section 8 (1), (3), and (5) and Section 2 (6) and (7) of the Act.

The respondent, in its answer filed in accordance with a stipulation extending its time to answer until October 10, 1937, expressly admitted the allegations of the complaint relative to the business of the respondent and to its "constituting a continuous flow of commerce among the several States", but denied the essential allegations of unfair labor practices. During the hearing the respondent stipulated and admitted facts concerning its business, including among others that about one-third of its raw material is received from points outside the State of New York, that about one-half its products are shipped to points outside the State of New York, that substantially all its raw materials and finished products are carried by railroad, and that it maintains a direct rail-siding to its plant with the New York Central Railroad.

Pursuant to notice, George Bokat, duly designated by the Board as Trial Examiner, conducted hearings at Carthage, New York, on October 14, 1937. On October 14, 1937, during the hearing, the respondent signified its consent to the issuance of an order by the Board, in the terms stated below, and this was agreed to by all parties to the proceeding.

ORDER

On the basis of the above consent, and pursuant to Section 10 (c) of the National Labor Relations Act, the National Labor Relations Board hereby orders that the respondent, Carbola Chemical Company, Inc., and its officers, agents, successors, and assigns, shall:

1. Cease and desist:

a. From interfering with, restraining, or coercing its employees in the exercise of the rights guaranteed in Section 7 of the National Labor Relations Act;

b. From discharging or threatening to discharge any employee because of his membership in or affiliation with the Talc Workers Union, Local 20821, or any other labor organization;

c. From refusing to bargain collectively upon request with the Talc Workers Union, No. 20821, by its authorized representative, concerning wages, hours, and working conditions of its production and maintenance employees at Natural Bridge, New York, plant, engaged in production work, except clerical and supervisory employees.



2. Take the following affirmative action to effectuate the policies and purposes of the National Labor Relations Act:

a. Offer to Harold B. Lobdell immediate reinstatement to his former position, with all rights and privileges, including seniority rights, previously enjoyed by him;

b. Pay to Harold B. Lobdell an amount equal to that which he normally would have earned in the above named employment, minus any amount earned by him in the meantime, it being agreed between the parties that the said sum is equal to \$50;

c. Place John Baker's name upon a preferential list for employment by the Company, said John Baker to be employed by the Company whenever a vacancy occurs or work is available in the department in which he was formerly employed;

d. Post a notice in a conspicuous place in its plant, embodying the terms of the cease and desist order above set out, said notice to remain posted for a period of not less than thirty (30) days from the date of an entry of an order by the Board in the above form;

e. Enter into negotiations in good faith with the Talc Workers Union, Local No. 20821, by its duly authorized representative, as the exclusive representative of its production and maintenance employees, excluding the clerical and supervisory employees, looking toward the making of an agreement covering the wages, hours, and working conditions of its production and maintenance employees, excluding supervisory and clerical employees, within ten days from the date of the entry by the Board of this order;

f. Notify the Regional Director for the Third Region of the National Labor Relations Board that the above order has been complied with, within five days from the date of the compliance with this order.