

In the Matter of VEGETABLE OIL PRODUCTS COMPANY, INC., A CORPORATION *and* SOAP AND EDIBLE OIL WORKERS UNION, LOCAL NO. 18409

Case No. C-44

Back Pay: home relief payments not to be deducted from.

SUPPLEMENTAL DECISION

AND

AMENDMENT TO ORDER

February 2, 1938

On June 23, 1936, after a hearing, the National Labor Relations Board, herein called the Board, issued a Decision in this case¹ in which it found that the respondent, Vegetable Oil Products Company, Inc., had engaged in unfair labor practices affecting commerce, within the meaning of Section 8 (1) and (3) and Section 2 (6) and (7) of the National Labor Relations Act, 49 Stat. 449. The unfair labor practices so found consisted in discrimination against fourteen of the respondent's employees in regard to hire and tenure of employment, thereby discouraging membership in Soap and Edible Oil Workers Union, Local No. 18409, herein called Local No. 18409. The Board ordered the respondents to cease and desist from such practices; to offer reinstatement to their former positions to James C. Humphrey, Dale Fritts, Marshall Shafer, Harry Shepard, Walter Crostic, H. L. Taylor, William D. Ensor, A. V. Price, F. E. Campbell, Lester Price, Frank L. Lee, Frank Williams, John Williams, and H. L. Livesay; and to make whole these employees for any losses of pay they have suffered by reason of their discharge, by payment to each of them, respectively, of a sum of money equal to that which each would normally have earned as wages during the period from the date of his discharge to the date of such offer of reinstatement, computed at the wage rate each was paid at the time of his discharge, less the amount earned subsequently to his discharge.

A question having arisen as to the interpretation of the Board's order, the Board, on December 2, 1937, issued and duly served upon the parties a notice of hearing for the purpose of oral argument

¹ 1 N. L. R. B. 989.

upon the subject of an amendment to the order of the Board, relating to the question of deducting relief payments from the amounts to be paid the employees under the order. The notice allowed the respondent to file a brief in lieu of appearing at the oral argument. On December 15, 1937, the respondent asked for a postponement of the hearing, which was granted, and submitted a petition to reopen the record. On December 23, 1937, the Board denied the petition to reopen the record. On January 14, 1938, the respondent submitted its brief, in which it argued the matter of back pay, and the denial of the respondent's petition to reopen the record. The Board has carefully considered this brief. On January 17, 1938, the respondent failed to appear at the scheduled oral argument.

AMENDMENT TO ORDER

The Board, having further considered the matter, and finding that its order may be clarified by amendment, acting pursuant to Section 10 (d) of the National Labor Relations Act, 49 Stat. 449, hereby amends subdivision 3 (b) of its order of June 23, 1936, to read as follows:

Make whole said James C. Humphrey, Dale Fritts, Marshall Shafer, Harry Shepard, Walter Crostic, H. L. Taylor, William D. Ensor, A. V. Price, F. E. Campbell, Lester Price, Frank L. Lee, Frank Williams, John Williams, and H. L. Livesay, for any losses of pay they have suffered by reason of their discharge, by payment to each of them respectively, of a sum of money equal to that which each would normally have earned as wages during the period from the date of his discharge to the date of such offer of reinstatement, computed at the wage rate each was paid at the time of his discharge, less the amount earned subsequently to his discharge, but not deducting any amounts said employees may have received during such period as home-relief payments.