

In the Matter of KNOXVILLE GLOVE COMPANY and TEXTILE WORKERS
ORGANIZING COMMITTEE

Case No. C-271.—Decided February 21, 1938

Glove Manufacturing Industry—Interference, Restraint, or Coercion: expressed opposition to labor organizations; discrediting union and union leaders; persuading employees to refrain from joining or to withdraw from union; withdrawal forms printed by respondent and distributed among employees; surveillance of union meetings by supervisory employees—*Discrimination:* discharge and lay-offs for union activity—*Reinstatement Ordered—Back Pay:* awarded.

Mr. Walter G. Cooper, for the Board.

Mr. Forrest Andrews, of Knoxville, Tenn., for the respondent.

Mr. Herbert G. B. King, of Chattanooga, Tenn., for the T. W. O. C.

Miss Fannie M. Boyls, of counsel to the Board.

DECISION

AND

ORDER

STATEMENT OF THE CASE

Upon charges and amended charges duly filed by Textile Workers Organizing Committee, herein called the T. W. O. C., the National Labor Relations Board, herein called the Board, by Charles N. Feidelson, Regional Director for the Tenth Region (Atlanta, Georgia), issued its complaint dated July 16, 1937, and its amended complaint dated July 23, 1937, against Knoxville Glove Company, Knoxville, Tennessee, herein called the respondent, alleging that the respondent had engaged in and was engaging 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, herein called the Act.

A copy of the complaint and notice of a hearing to be held at Knoxville, Tennessee, on July 29, 1937, were duly served upon the respondent and the T. W. O. C. Prior to the commencement of the hearing, the respondent filed answers to the complaint and amended complaint, respectively, in which it admitted the allegations relative to the nature of its business and the effect of its business upon com-

merce, but denied that it had engaged in any of the unfair labor practices with which it was charged.¹

Pursuant to the notice served upon the respondent and the T. W. O. C., a hearing was held on July 29, 30, and 31, 1937, at Knoxville, Tennessee, before Charles E. Persons, the Trial Examiner duly designated by the Board. At the hearing, the Board, the respondent, and the T. W. O. C. were represented by counsel. Full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing upon the issues was afforded all parties. During the course of the hearing, objections to the admissibility of evidence were made by the parties and ruled upon by the Trial Examiner. The Board has considered the rulings and finds that no prejudicial errors were committed. The rulings are hereby affirmed.

On October 27, 1937, the Trial Examiner filed with the Regional Director his Intermediate Report, copies of which were duly served upon the respondent and the T. W. O. C. He found that the respondent had engaged in the unfair labor practices with which it was charged in the complaint and recommended that the respondent cease and desist from engaging in such unfair labor practices, that it be required to reinstate two employees alleged in the complaint to have been discriminatorily discharged, and further, that it be required to make whole those two employees and a third employee, who was found to have been discriminatorily laid off, for any loss of pay which they may have suffered by reason of the respondent's unfair labor practices. Thereafter, on November 4, 1937, the respondent filed its exceptions to the Intermediate Report, and on November 11, 1937, the T. W. O. C. filed an answer to the exceptions of the respondent. The Board has considered these exceptions and finds that they are without merit.

Upon the entire record in the case, the Board makes the following:

FINDINGS OF FACT

I. THE BUSINESS OF THE RESPONDENT

Knoxville Glove Company is a corporation organized in 1918 and has its principal office and its place of business in Knoxville, Tennessee. It is engaged in the manufacture of workingmen's gloves and employs approximately 280 persons.

In the production of its gloves, it uses the following raw materials: Flannels, leather, split leather, tubing, jersey cloth, linings, and thread. About 80 per cent of these materials are purchased in States

¹ At the hearing an amendment to the complaint for the purpose of correcting a date erroneously stated in the complaint was allowed and ordered filed by the Trial Examiner. The order also permitted the respondent's answers to relate to all allegations of the complaint as so amended.

other than Tennessee, principally in North Carolina, Georgia, South Carolina, Michigan, Massachusetts, Wisconsin, and Illinois.

The gloves are manufactured on orders for future delivery. Most of these orders are received during the spring of the year for delivery during the fall. However, production is usually continuous and employees of the plant are not generally subject to seasonal lay-offs.

About 90 per cent of the finished products are sold in States other than Tennessee. They are distributed throughout practically all States east of the Mississippi River, except the New England States. A few gloves, however, are sold west of the Mississippi River, in Texas. Sales are effected through traveling salesmen and agents employed by the respondent and also by the respondent's president.

II. THE UNION

Textile Workers Organizing Committee, is a labor organization affiliated with the Committee for Industrial Organization, herein called the C. I. O.

III. THE UNFAIR LABOR PRACTICES

A. *Acts of interference, restraint, intimidation, and coercion*

Prior to April 1937, no labor organization had ever attempted to organize the employees of the respondent. During that month, organizers for the T. W. O. C. commenced soliciting memberships among such employees. This organizational movement was immediately met with opposition by the respondent. During the latter part of April, the employees of the plant, during working hours, were called together and addressed by Albert Peet, the respondent's business manager. He told them that the plant was at that time such a happy family and he hoped it would remain that way. About one week later, he again called the employees together and stated that he had heard "that there was a bunch of Jews and Communists and Reds and foreigners coming in . . . and getting people to go out and sign others up into the Union and . . . that they couldn't do the job themselves, that they had to get some of the people down here (at the plant) to go out and do the job for them." He also told the employees that the organizers were attempting to collect dues and initiation fees and that if the employees had enough money for such purposes, they should put their money "in their socks." In spite of these talks by the respondent's business manager, the employees continued joining the T. W. O. C. Groups of them were organized into committees and these committees visited employees during the evenings, after working hours, for the purpose of enlisting new members.

On May 14, after leaflets were distributed in front of the plant announcing a meeting of the T. W. O. C. members for the following evening at the W. O. W. Hall in Knoxville, the employees were again called together, during working hours, and addressed by Peet and also by Arch Kyle, president of the respondent. Peet again referred to the T. W. O. C. organizers as Communists and stated that they were only attempting to collect money from the employees and then leave them "in the lurch." He told the employees that at another plant in Knoxville a special assessment of five dollars had been levied against each employee who had joined the T. W. O. C. or C. I. O. Kyle told the employees that he knew everyone made mistakes at times, that joining the union was a mistake which had been made by some of the employees at his plant, but that they could rectify their mistake by withdrawing from the union, and that their jobs would then be secure. He advised them that if they were desirous of joining the T. W. O. C., they should first let the larger mills organize so that they, the respondent's employees, would not be compelled to finance the organizing of such larger mills. He also stated that he had heard that some of his employees were desirous of withdrawing, but had been informed that they could not do so; that he had consulted the respondent's attorney, Forrest Andrews, and upon the advice of such attorney had caused withdrawal forms to be printed for the benefit of such employees as might wish to withdraw. After the meeting these forms were distributed by Peet and Kyle among the foremen and foreladies, who gave them to all employees who asked for them and who offered the forms to other employees who they knew had joined the T. W. O. C. Nellie Robertson, one of the T. W. O. C. members, testified that when she was offered a withdrawal form by her forelady, Rena Travis, she was told that "it was now or never."

On the following evening at the hour scheduled for the first meeting of Knoxville Glove Company employees who had joined the T. W. O. C., or who were interested in joining, Elmer Plaster and Bill Crawley, two of the foremen at the respondent's plant, and Russell Parrish, bookkeeper and assistant to Peet, stationed themselves on the sidewalk in front of the entrance to the W. O. W. Hall. They were requested by a T. W. O. C. organizer to leave for the reason that their presence at such a place might intimidate employees interested in attending the meeting. They refused to leave and were then permitted by the organizer to enter the meeting room. After they had listened to a talk made by one of the organizers concerning the purposes of the T. W. O. C., they were again requested to leave and at that time complied with such request. Plaster, who had previously informed Kyle, the respondent's president, of his intention to attend the meeting, met Kyle after the meeting and informed him that only eight or nine employees had attended the meeting.

After this meeting was held, Kyle commenced calling into his office several of the employees who, he had heard, were members of the T. W. O. C., for the purpose of discouraging them in their union activities and persuading them to withdraw from the union. On or about May 17 he sent for Elese Pope, one of the most active T. W. O. C. members. He kept her in his office for more than an hour discussing with her the inadvisability of joining the T. W. O. C. and questioning her about what she could gain by joining. He did not insist that she at that time sign a withdrawal form, but told her that he would give her until the following day to think the matter over. On the following day, she and another employee, Margie Thornberg, who was also an active member of the T. W. O. C., were summoned to Kyle's office. He kept them there for an extended time in an attempt to prejudice them against the T. W. O. C. and cause them to withdraw their membership therein. He asked them whether they were going to make gloves or work for the C. I. O. and told them that if they could not work at the plant peaceably, they ought to quit. Before leaving his office on that date, they both signed withdrawals. Kyle then shook hands with them and asked them to talk to the other girls about withdrawing. Miss Thornberg testified that they signed the withdrawals because "we had been in there so long we wanted to go home." That each of them was coerced into withdrawing her membership in the T. W. O. C. is evidenced by the fact that each continued to serve on membership committees and to solicit memberships among the employees of the respondent.

Nellie Robertson, another active member of the T. W. O. C., who was subpoenaed by the Board as a witness, testified that she was called into Kyle's office and questioned concerning why she had joined the T. W. O. C., whether she was serving on the membership committees, and whether she intended to continue doing so. He advised her against such activity and attempted to persuade her to withdraw from the T. W. O. C.

On May 20, a second meeting of Knoxville Glove Company employees who had joined the T. W. O. C. was called. This meeting was scheduled to occur in the T. W. O. C. office. When no one appeared at the appointed hour, one of the T. W. O. C. organizers looked out the window of the office and saw two of the respondent's foremen stationed across the street in a position where they could see and be seen by anyone attempting to attend the meeting. This gathering of the foremen was dispersed after Eugene Curtis, an investigator for the Board, was notified and talked to them. Later that evening, however, one of the organizers saw Elmer Plaster standing on the corner near the T. W. O. C. office, apparently watching the entrance to the office.

In spite of the failure of any employees to attend the meeting, they continued to join the T. W. O. C. On June 4, Kyle called his employees together for another talk concerning union activities. On this occasion a speech was made by the respondent's attorney, Forrest Andrews. He attempted to explain the provisions of the Wagner Act. He told the employees that they could join the T. W. O. C. if they desired, but that he did not believe it advisable for them to do so; that the respondent "was a hand-to-mouth concern and . . . not able to have a union." He also told them that while they might solicit memberships for the T. W. O. C., they should not use any threats in obtaining members and should not visit in the homes of employees for the purpose of soliciting memberships. Kyle spoke to the employees about reports he had heard concerning threats made by the T. W. O. C. members and about their visits to the homes of other employees in an attempt to obtain new members. He stated that if they continued to do so he would discharge them.

The respondent by its activities above-related has interfered with, restrained, coerced, and intimidated its employees in the exercise of the right 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 purpose of collective bargaining and other mutual aid and protection.

B. *The discharges*

1. Clarence Puckett

Clarence Puckett had been employed by the respondent intermittently for approximately ten years prior to the date of the hearing. During this time he had on several occasions voluntarily quit, or laid off; however, he had never been discharged by the respondent. The last time he quit his employment was in February 1937. He applied for reinstatement a week or two later. There was no job immediately available for him, but after approximately a week following his application for reinstatement he was put to work as a turner.² The turning machine at which he was placed had been operated by John Coppick, a regular turner who was expected to be absent from the plant five or six weeks because of an appendectomy.

On Saturday, May 8, as Puckett started to leave the plant he was called back by Plaster and told that he would be laid off for about two weeks until the printing machine was fixed. Puckett had for six or eight weeks prior to the time he quit in February operated the printing machine. Before that time he had been a turner. On Mon-

² Gloves are made wrong side out. An employee who turns the finished glove right side out is called a turner.

day following the lay-off of Puckett, Coppick returned to his work as a turner.

Puckett was the first employee of the respondent to join the T. W. O. C. when it commenced its organizational activities at the plant. He joined on April 22, 1937, and was very active in soliciting other members for the T. W. O. C. Only one other man employed by the respondent was as active as Puckett. This employee, Dee Buckner, shortly after Puckett was laid off, informed Puckett that the company officials were watching the employees closely at their meetings; that he, Buckner, had a wife and family to support and could not risk losing his job by further participating in the T. W. O. C. activities. He further stated that "Mr. Kyle told him he would not fire him then but he would get rid of him." Dee Buckner consequently took no further part in union activities. Clarence Puckett, however, continued to be active in union affairs. He was one of the eight or nine employees present at the first meeting of the T. W. O. C. on May 15. Before Puckett was laid off, Plaster had evinced an interest in Puckett's union activities, asked him whether he was planning to work with the C. I. O., and informed him that he "was fixing to ruin the company." Plaster knew that Puckett had attended the union meeting of May 15.

Before the expiration of two weeks after Puckett was laid off, he came back to the plant as he had in the past customarily done while waiting for employment. Upon that occasion he was accosted by John McGhee, a subforeman under Plaster, who told Puckett, "Get out there with your friends, you have no business in here, you don't work here any more." The "friends" referred to were T. W. O. C. organizers, who happened to be standing on the sidewalk outside the plant at that time.

When the 2-week period after his lay-off had expired, Puckett interviewed Plaster concerning the printing machine job which he had been promised and was told by Plaster that he would be called in a few days. Thereafter, upon a number of occasions, Puckett again interviewed Plaster and was continuously put off with first one excuse and then another. Within less than a month after Puckett's lay-off, Gaston Yarborough, a boy who had been working as a turner, was put to work on the printing machine and a new employee was hired to work as a turner. Puckett then requested an explanation from Plaster and was told that he would be sent for later. He had not been sent for at the date of the hearing. Kyle, president of the respondent, claimed at the hearing that Puckett was no longer an employee of the respondent after May 8 and that the respondent was therefore under no obligation to reemploy him.

We are impelled to find that the respondent, when it laid Puckett off on May 8, had intended to put him to work at the printing ma-

chine as soon as it was ready for operation and that the respondent did not do so because of his union activities.

Puckett, when he operated the printing machine, earned approximately \$15 a week. While working as a turner he earned an average of about \$11 a week. He remained an employee of the respondent after his lay-off on May 8 and has obtained no other regular and substantially equivalent employment since that date. At the date of the hearing he had earned the sum of \$15 at sundry jobs.

2. The lay-offs of June 5

On Saturday, June 5, Elese Pope, Lillian Blair, Audrey Carpenter, and Nellie Womack, four of the most active members of the T. W. O. C. at the respondent's plant, were called into Kyle's office and told that they had been out threatening other employees and would consequently be suspended for a week or two until they "could get their minds set" as to what they were going to do. Approximately one week later all of these employees, except Elese Pope, were reinstated.

Kyle testified that at the time he laid these four girls off he had in his possession an affidavit³ of Juanita Wayman, one of his employees, to the effect that the four employees who were laid off had called upon her at her home in an attempt to force her to join the T. W. O. C. and that when she refused to join, they had threatened to beat her up and had used abusive and obscene language in making such threat. The four employees were never informed of this affidavit nor of any accusation made by Juanita Wayman against them. They were given no opportunity to deny the charge made against them by Kyle or to offer any explanation. Juanita Wayman was not placed upon the witness stand to testify concerning the matters stated in her affidavit and no evidence was introduced to substantiate such charge. All four of the employees denied, when testifying at the hearing, that they had ever threatened anyone in an attempt to obtain new members for the T. W. O. C., or that all of them had ever at any time together visited an employee.

Lillian Blair, who testified under subpoena,⁴ stated that when she and Audrey Carpenter applied for reinstatement on or about June

³ This affidavit, Respondent's Exhibit No 2, was introduced, not as evidence of the truth of the matters therein stated, but only as evidence of the reason asserted by the respondent for laying the girls off. Part of this affidavit was admittedly written in Kyle's handwriting.

⁴ Bernard Borah, a T. W. O. C. organizer, testified that while waiting in the witness room with Lillian Blair before she was called to the witness stand, he "noticed she was nervous and asked her what the matter was; she said she was afraid to testify, because she was afraid she would lose her job." He "told her to go ahead and tell the truth, that she was protected by the law. She said Mr Kyle would not pay any attention to that." Upon being recalled to the witness stand, Miss Blair admitted that a conversation substantially as related by Mr. Borah had taken place.

10, Kyle "told me we could come back, because he said we were just talking and causing disturbance up at the mill." Kyle further told them, however, that if they came back to work, they "ought not to have anything to do" with a complaint which they had requested the T. W. O. C. to make for them before the Board. On that date they mailed a postal card to the T. W. O. C., requesting that their complaint against the respondent be withdrawn.⁵ After being reinstated, Lillian Blair took no further part in T. W. O. C. activities. She testified:

Well, if I went back to work I didn't think I ought to have anything else to do with the C. I. O.; if I was going to stay with the C. I. O. I didn't think I ought to stay in the mill, so I just quit; that is the way I felt about it.

Audrey Carpenter, upon applying for reinstatement, signed a form given to her by the respondent, withdrawing her membership in the T. W. O. C. She testified that she signed the withdrawal form because she felt that her "job would be more secure" if she signed.

Nellie Womack was one of the employees who signed a withdrawal form, but continued to be active in soliciting memberships for the T. W. O. C. thereafter. Her forelady, Teeler Sims, called for her T. W. O. C. membership card and informed her that she, Miss Sims, was going to "put a red mark on the card and send it back to the C. I. O. office." Miss Womack, however, still considered herself a member of the T. W. O. C. at the date of the hearing. She testified that she had never at any time visited the home of Juanita Wayman.

Else Pope prior to June 5, 1937, had been employed by the respondent for approximately 18 years and during that time had never been discharged, and had never been laid off except when the factory was closed down. She was one of the first of the respondent's employees to join the T. W. O. C. She worked on membership committees and was very active in visiting the homes of employees after working hours and in attempting to persuade them to join the T. W. O. C. When Kyle, president of the respondent, learned that she was one of the active T. W. O. C. workers, he called her into his office and talked to her at length about her union activities. On the following day, May 18, he again summoned her to his office and there accused her and another employee, Margie Thornberg, of using threats to obtain members for the T. W. O. C. These interviews have been more fully described in subdivision A of this section. At the second interview she signed a form, withdrawing her membership in the T. W. O. C., but testified that she would not have signed it "if they hadn't pounded me so much about it." Later,

⁵ Board Exhibit No. 20.

at Plaster's request, she surrendered her membership card to him. During the latter part of May, she was told by Plaster that she "was going to fool around and be out of a job and be out in the cold with nothing to eat" if she continued her T. W. O. C. activities.

The respondent claimed at the hearing that it had failed to reinstate Elese Pope because it discovered that she had upon several occasions appeared at work with the odor of intoxicating liquor upon her breath. Kyle testified that on the morning when he laid the four girls off he noticed that Elese Pope slumped in her chair and appeared to have been drinking, that he thereupon caused an investigation to be made concerning her drinking habits and was informed by her forelady, Vester Clavinger, by Elmer Plaster, and by two employees who worked near her, that they had noticed the odor of an intoxicating liquor upon her breath on the morning of the lay-offs. Plaster testified that upon one or two occasions prior to that time he had reprimanded Elese Pope and another employee, Kate Moore, for drinking. This testimony was substantiated by Kate Moore. However, the last time they had been reprimanded was during the winter preceding the advent of the T. W. O. C. at the respondent's plant.

Vester Clavinger testified that she had noticed the odor of liquor upon Kate Moore's breath during the summer of 1937 and had reported such fact to Plaster. Kate Moore was never laid off or discharged; in fact, she remained upon friendly terms with the respondent's officials. Kyle had upon a number of occasions loaned her money to assist her in paying debts, and shortly prior to the date of the hearing, he loaned her the sum of \$61 with which to institute voluntary bankruptcy proceedings. Kate Moore had, until about a month prior to June 5, been an intimate friend of Elese Pope for several years. Shortly before June 5 she complained to Plaster that Elese Pope and another employee, Margaret Gaddis, were annoying her with their T. W. O. C. activities. She thereafter executed an affidavit, dated June 7, 1937, in which she charged Elese Pope and Margaret Gaddis with poking fun at her while she worked and in which she charged Elese Pope with visiting her on the night of June 6 in a drunken condition.⁶

Miss Pope denied that she had imbibed any alcoholic liquor or that the odor of such liquor was upon her breath on the morning she was laid off. Two other employees, Margie Thornberg and Margaret Gaddis, who worked with her that morning, substantiated this testimony. Miss Pope admitted that she and Kate Moore, as well as Elmer Plaster, had upon several occasions drunk a glass of beer when they were away from the plant for an hour or more be-

⁶ Respondent's Exhibit No. 1.

cause of a scarcity of work to be done; she testified, however, that she had never drunk anything stronger than beer. Elmer Plaster did not deny that he had himself drunk beer upon such occasions. He stated that he was not concerned with the manner in which employees conducted themselves away from the plant. He reported to Kyle on the Monday following the lay-offs that all four of the girls were good workers and that he would be willing to take them back. Vester Clavinger testified that it was a week or two after the lay-offs before she discussed with anyone the charge that Elese Pope came to work on June 5 with the odor of alcohol upon her breath. She further testified that during the 16 or 17 years that she had been employed by the respondent she had never known of anyone being laid off or discharged for drinking, and that she had not recommended that Elese Pope be laid off.

We find that Elese Pope was wrongfully and discriminatorily laid off by the respondent on June 5 because of her membership in and activities in behalf of the T. W. O. C. and for the purpose of discouraging membership in the T. W. O. C. We further find that the respondent has failed and refused to reinstate Elese Pope because of her continued activities in behalf of the T. W. O. C. Since we do not have before us charges that Lillian Blair, Audrey Carpenter, and Nellie Womack were discriminatorily laid off, we make no finding in regard to their lay-offs.

Elese Pope, prior to her lay-off, had been sewing cuffs and earning an average of about \$14 a week. She has not obtained any other regular and substantially equivalent employment since June 5.

3. Margaret Gaddis

Margaret Gaddis had worked for the respondent approximately a year and one-half prior to June 5, 1937. She worked at the same table with Elese Pope and she too was one of the most active of the T. W. O. C. members. She accompanied Elese Pope on membership committee visits to the homes of various employees of the respondent. Elmer Plaster had nicknamed her "C. I. O." On June 5, he told her that she "was C. I. O.ing" herself to death and that he would have to lay her off. She was not laid off, however, until the following Monday, June 7. He at that time gave her no reason for the lay-off. He testified at the hearing that "the main reason for letting her go was to change the attitude of the table and get out some work." The immediate cause of her lay-off was stated by the respondent to be the affidavit made by Kate Moore in which the latter accused her and Elese Pope of molesting her at her work. The relation of Kate Moore to the respondent we have already discussed.

Margaret Gaddis was not reinstated until July 24. During the period of her lay-off she had no other regular and substantially equivalent employment. While working she earned an average of about \$11 a week. We find that the respondent laid her off because of her membership in and activities in behalf of the T. W. O. C. and for the purpose of discouraging membership in that labor organization.

To fully appreciate the effect of the discharges and lay-offs above discussed upon union activities within the respondent's plant, there must be considered the hostile attitude of the respondent toward the T. W. O. C. and the measures taken by it to intimidate and coerce its employees into following its will and thereby crushing the organizational activities of the T. W. O. C. As a result of the speeches made by Peet, Kyle, and Andrews, the withdrawals which were forced from members of the T. W. O. C., the personal interviews of Kyle with individual active T. W. O. C. members, the threats made by foremen to such members, such organizational activities were greatly hampered. However, it was not until after the occurrence of the discharges and lay-offs which we have related that T. W. O. C. activities at the plant were completely crushed. Of approximately 100 employees who had joined the T. W. O. C., 59 had signed withdrawals prior to the date of the hearing. After June 5, when Else Pope, Lillian Blair, Audrey Carpenter, and Nellie Womack were laid off, not a single new member of the T. W. O. C. was obtained at the plant, although T. W. O. C. organizers continued to be as active as before. We find that the respondent by its acts set forth in subdivision B of this section has not only discriminated in regard to hire and tenure of employment in order to discourage membership of its employees in the T. W. O. C., but that it has interfered with, restrained, and coerced its employees in the exercise of the rights guaranteed in Section 7 of the Act.

IV. THE EFFECT OF THE UNFAIR LABOR PRACTICES UPON COMMERCE

The activities of the respondent set forth in Section III above, occurring in connection with the operations of the respondent described in Section I above, have a close, intimate, and substantial relation to trade, traffic, and commerce among the several States, and tend to lead to labor disputes burdening and obstructing commerce and the free flow thereof.

THE REMEDY

The respondent, in order to effectuate the policies of the Act, must offer to Clarence Puckett reinstatement to the position promised him

on the printing machine, or to such other position as may be substantially equivalent. It must also grant him back pay from the date when the printing machine was ready for operation and another employee was placed thereon in Puckett's place to the date when Puckett is offered reinstatement to such position, or its equivalent, less any sum of money which he may have earned between such dates.

The respondent must also offer to reinstate Elese Pope to her former position and must reimburse her for the amount of money which she would normally have earned between June 5, 1937, and the date when she is offered reinstatement, less any sum of money which she may have earned during the interim.

Margaret Gaddis has already been reinstated and we will order that the respondent pay her the sum which she would normally have earned between June 7, 1937, and July 24, 1937, less any sum of money which she may have earned between those dates.

CONCLUSIONS OF LAW

Upon the basis of the foregoing findings of fact and upon the entire record in this proceeding, the Board makes the following conclusions of law:

1. Textile Workers Organizing Committee is a labor organization within the meaning of Section 2 (5) of the Act.

2. By interfering with, restraining, and coercing its employees in the exercise of their right to self-organization, to form, join, or assist a labor organization, to bargain collectively through representatives of their own choosing, and to engage in concerted activities for the purposes of collective bargaining and other mutual aid and protection, as guaranteed in Section 7 of the Act, the respondent has engaged in and is engaging in unfair labor practices, within the meaning of Section 8 (1) of the Act.

3. The respondent by discriminating in regard to the hire and tenure of employment of Clarence Puckett, Elese Pope, and Margaret Gaddis, and thereby discouraging membership in a labor organization, has engaged in and is engaging in unfair labor practices, within the meaning of Section 8 (3) of the Act.

4. The aforesaid unfair labor practices are unfair labor practices affecting commerce, within the meaning of Section 2 (6) and (7) of the Act.

ORDER

Upon the basis of the foregoing findings of fact and conclusions of law, and pursuant to Section 10 (c) of the National Labor Relations Act, the National Labor Relations Board hereby orders that

the respondent, Knoxville Glove Company, and its officers, agents, successors, and assigns, shall:

1. Cease and desist:

(a) From in any manner interfering with, restraining, or coercing its employees in the exercise of their right 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;

(b) From in any manner discriminating in regard to the hire or tenure of employment of any of its employees in order to discourage membership in the Textile Workers Organizing Committee or any other labor organization of its employees.

2. Take the following affirmative action which the Board finds will effectuate the policies of the Act:

(a) Offer to Clarence Puckett reinstatement to the position promised him on the printing machine or to a substantially equivalent position, and offer to Elese Pope reinstatement to the position held by her on June 5, 1937, without prejudice to seniority rights and other rights and privileges of either of them;

(b) Make whole Clarence Puckett, Elese Pope, and Margaret Gaddis for any losses of pay which they have suffered by reason of their discharges, or lay-offs, by the payment to each of them of the sum of money which each would normally have earned as wages between the date of such discharge, or lay-off, and the date each was offered reinstatement, or is offered reinstatement, by the respondent, less the amounts, if any, which each has earned during that period;

(c) Post notices in conspicuous places throughout its plant in Knoxville, Tennessee, stating that it will cease and desist in the manner aforesaid, and keep such notices posted for a period of at least thirty (30) consecutive days from the date of posting;

(d) Notify the Regional Director for the Tenth Region, in writing, within ten (10) days from the date of this order, what steps it has taken to comply herewith.