

In the Matter of R AND G KNITTING MILLS, INC. and INTERNATIONAL  
LADIES GARMENT WORKERS UNION

*Case No. C-254.—Decided May 23, 1938*

*Ladies' Underwear Manufacturing Industry—Settlement:* stipulation providing for cessation of unfair labor practices and taking of certain affirmative action, including reinstatement of employees on strike—*Order:* entered on stipulation; certain affirmative action not required in view of employer's compliance with provisions of stipulation prior to issuance of order.

*Mr. Samuel G. Zack*, for the Board.

*Mr. Mortimer C. Rhone*, of Williamsport, Pa., for the respondent.

*Mr. Alfred Jackson* and *Mr. Isidor Katz*, of Philadelphia, Pa., for the Union.

*Mr. M. J. Maggio*, of Williamsport, Pa., for the R. and G. Loyal Workers' Council, Intervenor.

*Mr. Eugene R. Thorrens*, of counsel to the Board.

DECISION

AND

ORDER

STATEMENT OF THE CASE

Upon charges duly filed by International Ladies Garment Workers Union, herein called the Union, the National Labor Relations Board, herein called the Board, by Stanley W. Root, Regional Director for the Fourth Region (Philadelphia, Pennsylvania), issued its complaint dated September 17, 1937, against R. and G. Knitting Mills, Inc., Williamsport, Pennsylvania, herein called the respondent. Copies of the complaint and accompanying notice of hearing were duly served upon the respondent, the Union, and R. and G. Loyal Workers' Council, a labor organization alleged to have been dominated by the respondent.

The complaint alleged that the respondent had engaged in and was engaging in unfair labor practices affecting commerce, within the meaning of Section 8 (1) and (2), and Section 2 (6) and (7), of the National Labor Relations Act, 49 Stat. 449, herein called the Act.

On September 24, 1937, the respondent filed its answer to the complaint, in which it denied that it had engaged in or was engaging in the unfair labor practices.

Pursuant to notice a hearing was held at Williamsport, Pennsylvania, on September 30, October 1, 4, 5, 6, 7, and 8, 1937, before Paul Davies, the Trial Examiner duly designated by the Board. The Board, the respondent, the Union and the Council<sup>1</sup> were represented by counsel.

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

### FINDINGS OF FACT

#### I. THE BUSINESS OF THE RESPONDENT

The respondent, R. and G. Knitting Mills, Inc., is a corporation organized under the laws of the State of New York with its principal office in New York City and its sole plant in the city of Williamsport, Pennsylvania. It is engaged in the manufacture, sale, and distribution of ladies' underwear.

Approximately 95 per cent of the raw materials, consisting of taffeta, rayon, rayon silk, and sateen, used in its manufacturing process, originate from points outside the State of Pennsylvania. The total annual value of its output, based upon manufacturers' prices, amounts to approximately \$1,500,000. About 90 per cent of the finished products are sold and shipped outside of the State of Pennsylvania to various parts of the country.

We find that the respondent's operations at its plant constitute a continuous flow of trade, traffic, and commerce among the several States.

#### II. THE ORGANIZATIONS INVOLVED

International Ladies Garment Workers Union is a labor organization, originally chartered by the American Federation of Labor, but now affiliated with the Committee for Industrial Organization, admitting to membership all workers engaged in the women's and children's garment making and accessory trades.

R. and G. Loyal Workers' Council is an unaffiliated labor organization admitting to membership all employees at the respondent's plant.

#### III. THE UNFAIR LABOR PRACTICES

On the last day of the hearing the Board, the respondent, and the Union, by their respective counsel, entered into a stipulation in writ-

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<sup>1</sup>At the hearing the Council filed its petition to intervene in the proceedings. The Trial Examiner granted the request.

ing, dated October 8, 1937, which was read into the record and is incorporated as an exhibit in these proceedings. The stipulation provides:

It is hereby stipulated by and between counsel for the respective parties:

I. The National Labor Relations Board may make Findings on the basis of the record to date that the respondents have engaged in unfair labor practices as alleged in the Complaint issued by the Board that the respondent dominated and interfered with the formation, operation and administration of the said R and G Loyal Workers' Council and financially aided and supported the same and thereby violated the provisions of the National Labor Relations Act relating to such conduct in connection with the subject matter of paragraph one of the charge, and that the respondent interfered with and restrained its employees in the exercise of the rights guaranteed to them as set forth in Section 7 of the said Act.

II. It is further stipulated that the Board may enter a cease and desist order in this case to the following effect:

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 in any manner dominating or interfering with the administration of the R & G Loyal Workers' Council, or any other labor organization of its employees; from contributing financial aid or support to the said organization; from recognizing or dealing in any manner with the R & G Loyal Workers' Council 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 representative of the employees for the purpose of collective bargaining respecting any of the terms or conditions of employment;

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

(a) That the respondent will withdraw all recognition from the R & G Loyal Workers' Council 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;

(b) That the respondent will post notices in conspicuous places about its plant or mills stating that the R & G Loyal Workers' Council 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; the said notices to remain posted for at least thirty (30) consecutive days from the date of posting;

(c) That it will personally inform in writing the officers of the R & G Loyal Workers' Council that the organization has been formed and administered in violation of the National Labor Relations Act and that it will not in any manner deal with or recognize such organization;

(d) That it 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 employees, the question of their labor affiliation or threaten employees in any manner because of their membership in any labor organization in general, or the International Ladies Garment Workers Union in particular;

(e) Offer to all of respondent's employees now on strike re-employment and reinstatement to their work not later than October 18, 1937, without prejudice to any rights and privileges previously enjoyed by them, it being agreed however, that those employees so offered reemployment and reinstatement who do not accept the same on or before November 1, 1937, shall not be entitled to reinstatement after said date.

III. It is further stipulated that the respondent will notify the National Labor Relations Board of compliance with the foregoing provisions within forty (40) days from the date of this stipulation.

Since the Board has been advised by the Regional Director for the Fourth Region that the respondent has complied with the terms of the stipulation, we shall not include Section 3 (a) to (e), inclusive, of the stipulation in our order.

### ORDER

On the basis of the above stipulation and findings of fact, and pursuant to Section 10 (c) of the National Labor Relations Act, the National Labor Relations Board hereby orders that the respondent, R. & G. Knitting Mills, Inc., 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 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;

(b) From in any manner dominating or interfering with the administration of the R. & G. Loyal Workers' Council, or any other labor organization of its employees; from contributing financial aid or support to the said organization; from recognizing or dealing in any manner with the R. & G. Loyal Workers' Council 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 representative of the employees for the purpose of collective bargaining respecting any of the terms or conditions of employment.