

In the Matter of MOCK-JUDSON-VOEHRINGER COMPANY OF NORTH CAROLINA, INCORPORATED and AMERICAN FEDERATION OF HOSIERY WORKERS, NORTH CAROLINA DISTRICT

Case No. C-541.—Decided July 7, 1938

Hosiery Manufacturing Industry—Interference, Restraint, and Coercion: antiunion statements; distribution of antiunion magazine to employees; distribution to employees of pamphlet misrepresenting Act; participation in molestation of union organizers; proffered assistance in resigning from union—*Discrimination:* discharge, for union membership; charges of, not sustained as to one person—*Reinstatement Ordered:* discharged employee—*Back Pay:* awarded discharged employee.

Mr. Jacob Blum and *Mr. Herbert O. Eby*, for the Board.

Mr. Frank P. Hobgood and *Mr. Benjamin T. Ward*, for the respondent.

Mr. Lewis M. Gill, of counsel to the Board.

DECISION

AND

ORDER

STATEMENT OF THE CASE

Upon charges duly filed by Henry I. Adams, district manager, American Federation of Hosiery Workers, North Carolina District, herein called the Union, the National Labor Relations Board, herein called the Board, by the Regional Director for the Fifth Region (Baltimore, Maryland), issued its complaint dated November 24, 1937, against the Mock-Judson-Voehringer Company, Greensboro, North Carolina, 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. The complaint alleged in substance that the respondent discharged Cecile Clara White and Howard Cabe McCraw on or about June 25, 1937, and July 15, 1937, respectively, because of membership and activity in the Union, and has since refused to reinstate them, and that during May, June, and July, of 1937, the respondent interfered with, restrained, and coerced its em-

ployees through the distribution of antiunion literature among them and through antiunion statements by supervisory employees. The complaint and notice of hearing thereon were duly served upon the respondent. On November 29, 1937, the respondent filed an answer to the complaint, admitting certain allegations as to the nature of its business but denying the unfair labor practices alleged in the complaint.

Pursuant to the notice, a hearing was held at Greensboro, North Carolina, on December 6, 7, and 8, 1937, before James M. Brown, the Trial Examiner duly designated by the Board. The Board and the respondent were represented by counsel and participated in the hearing. Full opportunity to be heard, to examine and cross-examine witnesses, and to produce evidence bearing upon the issues was afforded all parties.

At the commencement of the hearing and again at the close of the hearing, the respondent made various motions to dismiss the complaint and particular portions thereof. The Trial Examiner denied all such motions. Such rulings are hereby affirmed. During the course of the hearing, the Trial Examiner made a number of rulings on motions and objections to the admission of evidence. The Board has reviewed the rulings of the Trial Examiner, and finds that no prejudicial error was committed. The rulings are hereby affirmed.

On December 19, 1937, the respondent filed a brief setting forth its contentions. Thereafter, on March 23, 1938, the Trial Examiner filed his Intermediate Report, in which he found that the respondent had engaged in and was engaging in unfair labor practices within the meaning of Section 8 (1) and (3) of the Act. Particularly he found that through distribution of antiunion literature to its employees, through antiunion statements by supervisors, and through the discharge of Cecile Clara White because of her union membership and activity, the respondent had violated the Act. He found the discharge of Howard McCraw to have been due to the latter's insubordination, interference with production, and use of profane and abusive language, and dismissed the allegations in the complaint that the respondent had discharged McCraw because of his union membership and activities. Thereafter the respondent filed voluminous exceptions to the record and to the Intermediate Report, and requested oral argument before the Board. Pursuant to this request, oral argument was had before the Board at Washington, D. C., on May 26, 1938. The respondent and the Union participated, and the respondent filed a brief to which we have given consideration.

We have reviewed the exceptions to the Intermediate Report, and save as they are consistent with our findings, conclusions, and order set forth below, we find them to be without merit.

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

FINDINGS OF FACT

I. THE BUSINESS OF THE RESPONDENT

The respondent is a North Carolina corporation, with its plant and principal offices in Greensboro, North Carolina. It manufactures ladies' full-fashioned hosiery, which is shipped in an unfinished state to the plant of another corporation in New York for final preparation for marketing. Raw materials are received from Japan and from various States of the United States; some from within North Carolina. The hosiery is sold primarily to retailers and department stores. Approximately 95 per cent of the hosiery is sold outside the State of North Carolina. In its Greensboro plant, the respondent employs about 1,250 workers. Together with certain other corporations with similar officers and boards of directors, the respondent constitutes a group ranking about tenth in size in the hosiery industry.

II. THE UNION

American Federation of Hosiery Workers is a labor organization formerly affiliated with the American Federation of Labor and, since March 1937, affiliated with the Committee for Industrial Organization. It admits to membership production and maintenance workers in the hosiery industry.

III. THE UNFAIR LABOR PRACTICES

A. Interference, restraint, and coercion

The Union began its organizational efforts at the respondent's plant in the latter part of March 1937. The campaign was impeded by a number of obstacles set up by the respondent.

For a period of about 5 years ending in August 1937, the respondent subscribed to a monthly magazine called "Industry and Labor", having copies mailed directly to its employees at their homes. The respondent denies that the publication is antiunion in nature. However, a copy of the August 1937 issue is in evidence, no claim is made that it is other than a fair sample, and an inspection thereof reveals the respondent's contention to be frivolous. On the inside of the front cover is what appears to be an editorial, violent in tone, the theme of which is that union organizers, designated as "parasites", are exclusively interested in extracting money from the workers. Diatribes against the C. I. O. are inserted throughout the magazine; for example, under the heading "Words of Wisdom" is a statement that "The initials C. I. O. do not represent Committee for Industrial Organization but stand for Communistic International Order." As a

whole, distribution of the publication, apparently published by the William Wallace Cowan Company, Manchester, New Hampshire, was obviously calculated to deter the respondent's employees from affiliating themselves with labor organizations. The respondent terminated the distribution of this magazine to its employees after the August 1937 issue.

A day or two after the constitutionality of the Act was sustained by the Supreme Court of the United States on April 12, 1937, the respondent distributed to its employees copies of a mimeographed document entitled "*A Message to Employees—Facts About the Wagner Act (National Labor Relations Act).*" The document consists of six questions and answers, relating to such matters as whether employees must join unions, whether employers must enter agreements with unions, whether employee representation plans are invalid, and the like. The answers given to such questions are in the negative. We had occasion to comment on an almost identical document in the *Mansfield Mills* case,¹ which the respondent therein had also distributed to employees. Another similar document was also involved in that case. We repeat here what we said in regard to those two documents:

Neither leaflet can be deemed an unbiased explanation of the Act. Both alike neglect to set forth in clear terms the fundamental purpose of the Act to eliminate certain sources of industrial conflict "by encouraging the practice and procedure of collective bargaining and by protecting the exercise by workers of full freedom of association, self-organization, and designation of representatives of their own choosing, for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection." In both alike, the emphasis upon what the provisions of the Act do not purport to do, rather than upon the principles and the rights which the Act establishes, serves to distort its true significance and to mislead readers of the leaflets with respect to employees' rights under the Act, in contradiction of their avowed intent "to prevent misunderstanding." The distribution by an employer of such leaflets among his employees constitutes an attempt to circumvent the Act by interfering with his employees' right, unprejudiced by the employer, to make up their own minds regarding self-organization.

We adopt the above language as applicable in this case. We do not say that an employer is barred from giving out information on

¹ *Matter of Mansfield Mills, Inc. and Textile Workers Organizing Committee*, 3 N. L. R. B. 901.

the Act, but a purported explanation of its effect which omits reference to its fundamental purposes and points only to its negative aspects, must be regarded as an attempt to divert workers from the exercise of their right to self-organization.

Early in April 1937 Charles Drake and Charles Centers, organizers for the Union, stationed themselves on the sidewalk outside the gates of the respondent's plant in Greensboro, and made ready to distribute Union literature to the workers. Shortly thereafter a group of men emerged from the plant and told Drake and Centers to get away from the mill if they "knew what was healthy." Leading the group and directing their activities was Ney Wolfe, a foreman of the respondent. There were about eight men in this first group, but they did not rout the organizers, whereupon Wolfe said, "Well, if they won't chase you away, I will get somebody that will." He reentered the mill, and presently appeared with a larger group of workers, instructing them to take the literature away from the organizers. From the crowd came a suggestion that the organizers "get away from there if they did not want to be torn apart." At about that time (4 p. m.) a change of shift took place, and the crowd around the organizers increased. Superintendent Hunt appeared on the scene at that point, and suggested to the organizers that they leave. An aisle in the crowd was formed through which the organizers could depart. Wolfe added: "If you do not leave now I will not be responsible for what these people do to you." The organizers finally left.

Wolfe did not testify. Hunt did, however, and as to this incident, he merely stated that he came upon the scene when about 150 or 200 employees were gathered around Drake and Centers, that the employees were "in a very excited state," and that he advised Drake that he and Centers should leave before any trouble started. He asserted that he told the workers not to bother the organizers, but admitted that he did not order them to disperse. He further testified that after the incident he spoke to Ney Wolfe: "I told Ney that he did wrong and should not have done it." In a brief filed with the Board, the respondent concedes the "impropriety" of Wolfe's conduct.

A consideration of the above evidence convinces us that the molestation of the Union organizers in their peaceful distribution of literature was instigated by Wolfe and condoned by Hunt. While the respondent denies that Wolfe was authorized to act as he did, his status as a foreman is conceded. He was a representative of the management, and for his acts the respondent is responsible. The respondent asserts that in any event, since the Act only protects employees, and since at the time of this incident none of its employees had yet joined the

Union, it cannot be held to have violated the Act by any part it played in routing the organizers. In fact, in its brief there appears the following contention: "On the occasion complained of, if the Board of Directors of respondent had attacked Drake and Centers with pick axes and shot guns, the Directors would have been accountable to the laws of the State of North Carolina, but under no construction of the Wagner Act would they have been accountable before this Board." We reject as patently spurious the claim that under the Act, employers may bludgeon union representatives with impunity until the particular unions gain a membership foothold in their plants. So open an indication of hostility toward a labor organization on the part of representatives of the management necessarily exercises a coercive influence on the employees.

The testimony of employee John Michael also warrants attention. He joined the Union on April 28, 1937. About a week later, becoming fearful, he telephoned Hunt and asked him how he could get out of the Union. Hunt told him he would rather not discuss it over the phone, but invited Michael to see him at his office at the plant. Michael was working on the night shift at the time. When he arrived at the plant that evening, Hunt sent for him. The testimony as to what happened in Hunt's office is conflicting. Michael testified that he asked Hunt concerning the procedure of quitting the Union, that Hunt advised him to send a registered letter to the Union, and that Hunt further informed him that a number of other employees were similarly resigning, and asked if Michael knew of others interested in doing so. Hunt's testimony corroborates that of Michael concerning the telephone conversation and Hunt's sending for Michael at the plant that evening. However, Hunt averred that "I told him it was absolutely up to him; he got into it and if he wanted to get out of it it was up to him. I made no suggestions to Mr. Michael of any kind, of how he could get out of the union." He also flatly denied saying anything to Michael about the resignation of other workers. Williams, a foreman, was present in Hunt's office at the time, but the respondent did not put him on the stand.

A careful review of the testimony convinces us that Michael's story is the more credible. It seems highly doubtful that Hunt should send for Michael, knowing the nature of Michael's problem from the telephone conversation, merely for the purpose of declining to make any suggestions. We are further convinced in this respect by the finding of the Trial Examiner, who observed the demeanor of the respective witnesses, that Michael rather than Hunt was telling the truth. It so happened that Michael, upon reflection, did not resign from the Union, but Hunt's activity nevertheless was calculated to convey the

impression that he was happy to assist in the depletion of the Union membership.

Hunt did not limit his activity to conversations with individual employees to discuss unionization, but attended meetings of the employees for that purpose. The record does not indicate the precise time of these meetings; according to Hunt's testimony they apparently began in the latter part of April or first part of May 1937. It appears that certain employees sought Hunt out and expressed a desire to hear his views on the unionization question. He agreed to discuss the matter with them, and the first such meeting was held at his home. Another took place in the plant cafeteria. It does not appear where the others occurred. About 50 or 60 workers attended the meeting at Hunt's home; about 100 were in the group gathered in the cafeteria. Hunt testified that he merely answered questions put to him by the employees; employees Michael and Scott testified that at the cafeteria meeting Hunt made an address in addition to answering questions. It is not particularly important which was the case; the significant thing is what Hunt said. Michael recalled Hunt's saying, "If you boys stick along with me, you will get along fine." Scott said that Hunt explained "that labor unions are merely tools of getting you in trouble, that they will do you no good . . ." Hunt recalled telling them that he had joined a union once because he had to, and had been called out on strike eight times in 2 years, had been expelled, and had been subjected to a heavy fine by the union. He testified that he had had both pleasant and unpleasant experiences with unions, but that he did not relate any of his pleasant experiences to the employees. He also testified that he explained to the workers that since a union's objective is to create a scarcity of experienced workers, the advent of a union in the plant would necessitate a reduction in the force. He did not recall making a statement to the effect that unions merely get employees in trouble. He further testified that following an admonition of Jacob Blum, attorney for the Board, he terminated these meetings.

Upon all the evidence, we are convinced that at these meetings Hunt conveyed to the employees his distaste for unions, and that the intended effect of his remarks was to influence his listeners against affiliating themselves with the Union. The Trial Examiner so found.

We find that by the distribution to its employees of the magazine "Industry and Labor" and the pamphlet concerning the Act, by its participation in the molestation of organizers for the Union, and by Hunt's antiunion remarks to employees and his proffered assistance to employee Michael in resigning from the Union, the respondent has interfered with, restrained, and coerced its employees in the exercise of the rights guaranteed by Section 7 of the Act.

B. The discharges

Howard Cabe McCraw began work at the respondent's plant in 1933, starting as an inexperienced helper and working up to a position as knitting machine operator at a rate of \$35 to \$40 a week. He joined the Union in the latter part of April 1937, and was active in soliciting other members. He was discharged on July 15, 1937, under circumstances which we shall now set forth.

A few days prior to July 15, one George Geissinger, an employee of the respondent who worked in the knitting department along with McCraw, was discharged. The circumstances surrounding Geissinger's discharge are not clearly shown, but although he was not a member of the Union, his discharge was deemed unfair by McCraw. On the morning of July 15 McCraw induced a number of the operators in the knitting department to cease work in protest against Geissinger's dismissal. McCraw also stopped work and seated himself on a table next to his machine to await developments. His foreman, Fred Zwicky, presently appeared and, noting McCraw's inactivity, asked why he was not working. McCraw replied that he was "waiting for George Geissinger to come back to work." Zwicky indicated that the matter was one which should be referred to Hunt, the superintendent, and he and McCraw set out for Hunt's office. As they were passing through the department, McCraw called to his fellow workers to come along. His testimony is that he called "Come on, fellows; let's go to the office." Zwicky testified that McCraw, when the other workers did not follow, cursed them vehemently. At any rate, no one followed. When they arrived at Hunt's office, Zwicky told Hunt what had transpired. McCraw testified that Hunt thereupon told him that he was fired. Hunt and Zwicky testified that Hunt first told McCraw that Geissinger would not be taken back, and advised McCraw to go back and resume work; that McCraw then profanely retorted that they had had control long enough, and that from then on the Union was going to tell them "how to run this place"; that after Hunt told him to cease such talk and go back to work, McCraw stated "I am not working for you any more"; and that Hunt *then* told Zwicky to make out a discharge slip for McCraw. The Trial Examiner found Zwicky's story more worthy of belief than that told by McCraw. We uphold his findings and adopt the respondent's theory of the course of events as set forth above.

After being told he was fired McCraw engaged in very compromising conduct. Apparently under the belief that he was not to be paid for the set of 12 pair of hose then on his machine (although Zwicky testified that he assured McCraw that he would be paid for what work he had done on the set), McCraw turned off the machine, deliberately damaging the entire set, although not completely be-

yond repair. The other knitters, who had apparently been idling by their machines while all this was going on, resumed work when Zwicky told them to do so. McCraw finally got his pay and left the plant.

We find that the evidence does not sustain the allegation in the complaint that McCraw was discharged because of his membership and activity in the Union.

Cecile Clara White began work for the respondent on January 13, 1937, and was employed in the closing department, operating a machine which sewed together the elastic at the top of knee-length hosiery. There were 13 girls engaged in this work during the peak season. In the early part of June, the respondent began slackening its production of knee-length hosiery, and from that time until the middle of November 1937, when production of knee-length hosiery was completely terminated, the girls in the closing department were successively dismissed. Elizabeth Ozment, Edna Phillips, Robina Lee, and Lenora Ferguson, none of whom appear to have been members of the Union, were the first four to go, and were all dismissed by June 11. Miss White was the fifth, being discharged on June 25. After June 25 a month elapsed before the sixth dismissal occurred; on November 12 the last of the 13 girls was let out. Besides White, three other girls among the 13 were Union members; they were the 7th, 9th, and 10th to be let off, and there is before us no complaint as to their dismissals.

While it may appear from the above general schedule of dismissals that White was fairly well down the list in time of discharge, a closer inspection reveals that Ozment, the first to go, had been working less than a month and was by far the newest employee; and that Phillips, Lee, and Ferguson were all taken back by the respondent in other departments before White was discharged. Accordingly, in practical effect, White was the first to go with the exception of Ozment, who had barely started work when the reduction in force began.²

White had joined the Union on April 27, 1937. Hodgins, foreman of the closing department as well as of the seaming and looping departments, testified that he had, prior to White's discharge, heard a rumor that White belonged to the Union. White testified

² Aside from the case of Ozment, seniority appears not to have been followed with any consistency in the order of dismissal of the 13 girls. Ozment had been at work only slightly over 3 weeks when the reduction began; her selection for the first dismissal appears logical, since the others had been at work for periods ranging from nearly 4 months to over 2 years. The other 3 girls who were dismissed before White (but rehired before she was let go) had slightly less seniority than White; of the 8 dismissed after White, 3 had a few days more seniority than she, 2 had slightly less, and 3 had considerably more. The respondent's position at the hearing was that seniority is given no consideration whatsoever in regard to lay-offs, dismissals, and rehiring; merit is said to be the sole criterion.

that Hodgins had stopped by her machine one day and remarked that he understood she and three other girls had joined the Union. Hodgins testified that he "wouldn't say either way" as to whether he had questioned White on her Union membership, that although he "would lean towards not saying it," he would not deny it positively. The Trial Examiner, who observed Hodgins on the witness stand, pointed out in his Intermediate Report that he was "anything but impressed with the witness' denial at this point." We find that Hodgins did speak to White concerning her membership in the Union.

Both Hodgins and Mrs. Jordan, supervisor in the department, averred that White turned out a considerable amount of bad work, although she was a fast producer. It appears that the bad work consisted of leaving strings of thread on the hosiery after the ends of the elastic had been sewed together. The following testimony by Hodgins indicates that the girls who leave strings on their work must remedy the deficiencies themselves, thus reducing their production on which pay is based:

Q. (by counsel for the Board). Is an employee paid for bad work?

A. They are paid, but we have to fix it over.

Q. In fixing over bad work, they are not paid twice, are they? They are just paid once?

A. No.

Q. And if they do that it interferes with their regular production work?

A. That is right.

Q. Well, including what bad work Miss White did and had to do over again, do you know how her salary compared with that of other girls in that department?

A. No.

Q. Do you know whether she made more than the other girls, on an average?

A. She made as much.

Q. Including what bad work she did?

A. Well, they had all the time to work on that. You see, that is done in the morning and in the late afternoon.

As indicated by the above testimony, White made at least as much as the other girls despite the alleged bad work and the loss of time involved in doing it over. As a matter of fact, White herself testified that she consistently had the highest pay check of any of the 13 girls in the department. She was positive as to this, and in view of the respondent's failure to contradict it, we see no reason to disbelieve

her. Furthermore, we are inclined to regard as specious the entire claim as to bad work on her part. On her employment card, kept by the respondent in its files, there appears the following explanatory legend concerning her dismissal: "Good producer. Knee-length styles going off." We see nothing there about bad work. And finally, in the respondent's brief there appears this statement: "The Examiner labors the point of Miss White's proficiency. Respondent has never asserted that she was discharged because of inefficiency." Although this latter statement is somewhat at odds with the apparent effort of the respondent at the hearing to show that White's work was unduly poor, upon all the facts we find that bad work was not a factor bearing on her discharge and the subsequent refusal to rehire her.

When White was discharged on June 25, she immediately filed with Wilkins, employment manager, her application for rehire. She followed it up from time to time thereafter, without success. On one occasion when she saw Hodgins he advised her to get another job. Wilkins testified that since White's discharge, he has hired 12 new female applicants with no prior experience in the type of work to which they were assigned. He averred that in his judgment, which is controlling in hiring applicants, all were superior to White; he did not elaborate on this broad assertion. It is true that White was experienced only in the closing department work. However, she had been classified on the respondent's records as a "good producer," her production was the highest of all the girls in the closing department, and it is reasonable to suppose that she normally would be given preference over completely untried applicants.

White's average weekly wage in the closing department was \$17.81. After 12 weeks of unemployment following her discharge, she obtained another position in Greensboro at a rate of \$11 a week.

Upon all the evidence, while White's case is not totally free from doubt, we are of the belief that she was selected for early discharge, and consistently denied reemployment, not because she was less qualified than those accorded preference, but because of her membership in the Union. The Trial Examiner's judgment to this effect is persuasive, as it was to the contrary effect in the case of McCraw, and we sustain his finding. There is evidence in the record that Phillips, another employee in the closing department, was told by Hunt and Wilkins that she would be assured of a job if she would stay away from the Union. This evidence, which we believe, tends to corroborate our conclusion as to White.

By discharging and refusing to reemploy Cecile Clara White, the respondent has discriminated with respect to her hire and tenure of employment, thereby discouraging membership in the Union and interfering with, restraining, and coercing 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

We find that 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 of commerce.

THE REMEDY

The respondent urges that it has already ceased and desisted from any antiunion activities it may have committed in the way of distribution of antiunion literature or influencing its employees against union affiliation; hence that a cease and desist order as to such activities, even if they are found to have been violative of law, is inappropriate. We do not share this view. Without alleging that the respondent's assurances of future conduct are insincere, we deem it necessary and appropriate, on the facts in this case, to issue our usual cease and desist order.

Since we have found the discharge and subsequent refusal to rehire Cecile Clara White to have been based on her union affiliation, we shall follow our usual practice and order that she be reinstated, with back pay, to a position substantially equivalent to her old job. The complaint will be dismissed in so far as concerns the discharge of Howard McCraw.

Upon the basis of the foregoing findings of fact, and upon the entire record in the case, the Board makes the following:

CONCLUSIONS OF LAW

1. American Federation of Hosiery Workers, North Carolina District, is a labor organization within the meaning of Section 2 (5) of the Act.
2. By discriminating in regard to the hire and tenure of employment of Cecile Clara White, and thereby discouraging membership in the Union, the respondent has engaged in and is engaging in unfair labor practices, within the meaning of Section 8 (3) of the Act.
3. By interfering with, restraining, and coercing its employees in the exercise of the rights 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.
4. The aforesaid unfair labor practices are unfair labor practices affecting commerce, within the meaning of Section 2 (6) and (7) of the Act.
5. By discharging Howard Cabe McCraw, the respondent has not engaged in unfair labor practices, within the meaning of Section 8 (3) of the Act.

ORDER

Upon the basis of the above 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; Mock-Judson-Voehringer Company of North Carolina, Incorporated, and its officers, agents, successors, and assigns, shall:

1. Cease and desist from:

(a) Discouraging membership in American Federation of Hosiery Workers, North Carolina District, or any other labor organization of its employees, by discharging or refusing to reemploy any of its employees or in any other manner discriminating in regard to their hire or tenure of employment or any terms or conditions of their employment;

(b) In any other manner interfering with, restraining, or coercing 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 purposes of collective bargaining or other mutual aid and protection, as guaranteed in Section 7 of the National Labor Relations Act.

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

(a) Offer to Cecile Clara White immediate and full reinstatement to a position substantially equivalent to that formerly held by her, without prejudice to her seniority or other rights and privileges;

(b) Make whole Cecile Clara White for any loss of pay she may have suffered by reason of the respondent's discriminatory acts, by payment to her of a sum of money equal to that which she would normally have earned as wages during the period from June 25, 1937, to the date of the respondent's offer of reinstatement, less any amount she has earned during that period;

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

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

And it is further ordered that the complaint, in so far as it alleges that the respondent has discriminated in regard to the hire and tenure of employment of Howard Cabe McCraw, be, and it hereby is, dismissed.