

In the Matter of FREED HEATER AND MANUFACTURING COMPANY *and*  
STEEL WORKERS ORGANIZING COMMITTEE

*Case No. C-556.—Decided August 20, 1938*

*Heater and Boiler Manufacturing Industry—Settlement.* stipulation providing for withdrawal of recognition of company-dominated union—*Order.* entered on stipulation.

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

*Mr. Isaac Ash*, of Philadelphia, Pa., for the respondent.

*Mr. M. H. Goldstein*, of Philadelphia, Pa., for the S. W. O. C.

*Mr. Langdon West*, of counsel to the Board.

DECISION

AND

ORDER

STATEMENT OF THE CASE

Upon charges and amended charges duly filed on behalf of Lodge No. 1847 of Amalgamated Association of Iron, Steel and Tin Workers of North America, herein called the Amalgamated, by Steel Workers Organizing Committee, herein called the S. W. O. C., the National Labor Relations Board, herein called the Board, by John E. Johnson, Acting Regional Director for the Fourth Region (Philadelphia, Pennsylvania), issued its complaint dated April 19, 1938, against Freed Heater and Manufacturing Company, Collegetown, Pennsylvania, 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 (2) and Section 2 (6) and (7) of the National Labor Relations Act, 49 Stat. 449, herein called the Act. Copies of the complaint and notice of hearing thereon were duly served upon the respondent and the S. W. O. C. The respondent did not file an answer to the complaint.

Concerning the unfair labor practices the complaint alleged, in substance, that the respondent dominated and interfered with the formation and administration of a labor organization among its employees known as Independent Mutual Beneficial Association, herein called the Association; and that the respondent, by the aforementioned acts and by threats, interfered with, restrained, and co-

erced its employees in the exercise of the rights guaranteed in Section 7 of the Act.

Thereafter counsel for the respondent, counsel for the S. W. O. C., and counsel for the Board entered into a stipulation in settlement of the case in which, inter alia, the respondent waived its right to a hearing on the complaint and agreed to the entry of a consent order by the Board, upon its approval of the stipulation. On April 26, 1938, by agreement of the parties, the stipulation, the charge, amended charges, complaint, and National Labor Relations Board Rules and Regulations—Series 1, as amended, were filed with the Chief Trial Examiner of the Board at Washington, D. C., and thereby became part of the record.

On April 27, 1938, pursuant to Article II, Section 37, of National Labor Relations Board Rules and Regulations—Series 1, as amended, the Board issued its order transferring the proceeding to the Board. This order erroneously stated that a hearing had been held in the case; on July 12, 1938, the Board issued an amendment to the order correcting the error which had appeared therein. The Board hereby approves the stipulation referred to.

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

#### FINDINGS OF FACT

##### I. THE BUSINESS OF THE RESPONDENT

The respondent, a Pennsylvania corporation, is engaged in the manufacture of heaters, boilers, and castings, with its office and place of business in Collegeville,<sup>1</sup> Pennsylvania. The raw materials used in the respondent's operations are pig and scrap iron, coke, coal, hardware, and firebricks, of which about 80 per cent are shipped to respondent's plant from points outside the State of Pennsylvania. During the year 1937 the respondent manufactured finished products valued at approximately \$150,000, of which about 40 per cent were shipped to points outside the State of Pennsylvania.

We find that the above-described operations constitute a continuous flow of trade, traffic, and commerce among the several States.

##### II. THE BASIS FOR THE SETTLEMENT

The above-mentioned stipulation provides as follows:

It is hereby stipulated by and between the Freed Heater and Manufacturing Company, respondent herein, Steel Workers Or-

<sup>1</sup> The complaint and the stipulation describe the location of the respondent's plant as being at Collegeville, Pennsylvania. The respondent's office is located at Collegeville, and the foundry, at which the employees involved in this case work, is located at Oakes, Pennsylvania, which is contiguous to Collegeville.

ganizing Committee, for Lodge No. 1847 of the Amalgamated Association of Iron, Steel and Tin Workers of North America, a party herein, and the National Labor Relations Board that:

I. Upon charges duly filed by the Steel Workers Organizing Committee, for Lodge No. 1847 of the Amalgamated Association of Iron, Steel and Tin Workers of North America, the National Labor Relations Board by the Regional Director for the Fourth Region, acting pursuant to authority granted in Section 10 (b) of the National Labor Relations Act (49 Stat. 449) and its Rules and Regulations, Series 1, Article 4, Section 1 issued its complaint on the 19th day of April 1938, against the Freed Heater and Manufacturing Company, respondent herein.

II. Respondent, Freed Heater and Manufacturing Company, is and has been since 1931, a corporation organized and existing by virtue of the laws of the Commonwealth of Pennsylvania, having its office and place of business in the Town of Collegeville, Commonwealth of Pennsylvania, and is now and has continuously been engaged at its place of business in the Town of Collegeville, Commonwealth of Pennsylvania, (hereinafter called the Collegeville Plant) in the manufacture, sale and distribution of heaters, boilers, castings and necessary parts thereto.

III. The respondent, Freed Heater and Manufacturing Company, in the course and conduct of its business at its Collegeville Plant uses, among other things, the following materials: pig iron, scrap iron, coke, coal, hardware and firebrick; and acquires about 80 per cent of these materials in States of the United States other than the Commonwealth of Pennsylvania, and in the course and conduct of its business causes and has continuously caused approximately 80 per cent of its raw materials to be transported in interstate commerce from and through States of the United States other than the Commonwealth of Pennsylvania to its Collegeville Plant in the Commonwealth of Pennsylvania and there these raw materials are manufactured by the respondent into the products enumerated in paragraph II above.

IV. The respondent, Freed Heater and Manufacturing Company, manufactures the products set forth above in paragraph II at its Collegeville Plant and causes and has continuously caused approximately 40 per cent of these products produced by it to be sold and transported in interstate commerce from its Collegeville Plant to, into and through States of the United States other than the Commonwealth of Pennsylvania. The total volume in dollars of shipments of the finished products for the year 1937 amounted to approximately \$150,000. The respondent-

ent maintains showrooms and sales offices in Philadelphia, Pennsylvania, New York City, New York, Chicago, Illinois, Boston, Massachusetts, San Francisco, California, Baltimore, Maryland and New Haven, Connecticut.

V. Respondent, Freed Heater and Manufacturing Company, is engaged in interstate commerce within the meaning of the National Labor Relations Act and decisions of the United States Supreme Court thereunder.

VI. The respondent, Freed Heater and Manufacturing Company, in the course and conduct of its business at its Collegeville Plant employs approximately 40 employees who are engaged in production.

VII. The Steel Workers Organizing Committee, for Lodge No. 1847 of the Amalgamated Association of Iron, Steel and Tin Workers of North America, is a labor organization affiliated with the Committee for Industrial Organization, admitting to its membership employees of the respondent.

VIII. The Independent Mutual Beneficial Association is an unaffiliated labor organization. It admits to its membership employees of the respondent.

IX. The respondent, Freed Heater and Manufacturing Company, waives its right to a hearing as set forth in Sections 10 (b) and 10 (c) of the National Labor Relations Act.

X. This stipulation together with the charge, complaint, notice of hearing and Rules and Regulations of the National Labor Relations Board may be introduced as evidence by filing them with the Chief Trial Examiner of the National Labor Relations Board at Washington, D. C.

XI. Upon this stipulation, if approved by the National Labor Relations Board, an order may forthwith be entered by the said Board and by the appropriate Circuit Court of Appeals, providing as follows:

1. Respondent, Freed Heater and Manufacturing Company, a corporation, its officers, agents, successors and assigns, will 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, as guaranteed under Section 7 of the National Labor Relations Act.

(b) from threatening its employees with discharge, or threatening the closing down of its plant or production if they en-

gaged in union activities in general, and membership in Lodge 1847 of the Amalgamated Association of Iron, Steel and Tin Workers of North America, affiliated with the Committee for Industrial Organization, in particular, and from in any manner inducing and causing its supervisory and other employees to interfere with, restrain, or coerce its employees in the exercise of the rights guaranteed in Section 7 of the National Labor Relations Act, and from discouraging by any means membership in Lodge 1847 of the Amalgamated Association of Iron, Steel and Tin Workers of North America or any other organization of its employees' choosing.

(c) from in any manner dominating or interfering with the administration of the Independent Mutual Beneficial Association, or any other labor organization of its employees; from contributing aid or support to said organization; from recognizing or dealing in any manner with the Independent Mutual Beneficial Association or any person or group of persons purporting to represent said organization; or from forming or maintaining any person or group of persons or designating any individuals to act as the representatives of the employees for the purposes of collective bargaining respecting any of the terms or conditions of employment.

XII. It is further stipulated that the Board may order the respondent to take the following affirmative action to effectuate the purposes of the National Labor Relations Act:

That the respondent shall:

(a) withdraw all recognition from the Independent Mutual Beneficial Association as the representatives 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) post notices in conspicuous places about its plant in Oakes, Pennsylvania, stating:

(1) that the respondent will cease and desist as aforesaid,

(2) that the Independent Mutual Beneficial Association is disestablished as the representative of its employees or any of them for the purpose of collective bargaining and that the respondent will not extend any recognition to such organization; that membership in the Independent Mutual Beneficial Association is not necessary or essential as a condition of employment or tenure of employment; the said notices to remain posted for at least thirty (30) consecutive days from the date of posting.

(c) personally inform in writing the officers of the Independent Mutual Beneficial Association 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) 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 the employees, the question of their labor affiliation, or threaten employees in any manner because of their membership in any labor organization in general, or Lodge 1847 of the Amalgamated Association of Iron, Steel and Tin Workers of North America in particular.

### ORDER

Upon the basis of the above findings of fact and stipulation, and the entire record in the case, and pursuant to Section 10 (c) of the National Labor Relations Act, the National Labor Relations Board hereby orders that Freed Heater and Manufacturing Company, Collegeville, Pennsylvania, 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, as guaranteed under Section 7 of the National Labor Relations Act;

(b) From threatening its employees with discharge, or threatening the closing down of its plant or production if they engaged in union activities in general, and membership in Lodge 1847 of the Amalgamated Association of Iron, Steel and Tin Workers of North America, affiliated with the Committee for Industrial Organization, in particular, and from in any manner inducing and causing its supervisory and other employees to interfere with, restrain, or coerce its employees in the exercise of the rights guaranteed in Section 7 of the National Labor Relations Act, and from discouraging by any means membership in Lodge 1847 of the Amalgamated Association of Iron, Steel and Tin Workers of North America or any other labor organization of its employees' choosing;

(c) From in any manner dominating or interfering with the administration of the Independent Mutual Beneficial Association, or any other labor organization of its employees; from contributing aid or support to said organization; from recognizing or dealing in any manner with the Independent Mutual Beneficial Association or any

person or group of persons purporting to represent said organization; or from forming or maintaining any person or group of persons or designating any individuals to act as the representatives of the employees for the purposes of collective bargaining concerning any of the terms or conditions of employment.

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

(a) Withdraw all recognition from the Independent Mutual Beneficial Association 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) Post notices in conspicuous places about its plant in Oakes, Pennsylvania, stating (1) that the respondent will cease and desist as aforesaid; (2) that the Independent Mutual Beneficial Association is disestablished as the representative of its employees or any of them for the purpose of collective bargaining and that the respondent will not extend any recognition to such organization; that membership in the Independent Mutual Beneficial Association is not necessary or essential as a condition of employment or tenure of employment; the said notices to remain posted for at least thirty (30) consecutive days from the date of posting;

(c) Personally inform in writing the officers of the Independent Mutual Beneficial Association 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) 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 Lodge 1847 of the Amalgamated Association of Iron, Steel and Tin Workers of North America in particular.