

In the Matter of WOOLRICH WOOLEN MILLS and TEXTILE WORKERS
ORGANIZING COMMITTEE

Case No. C-253.—Decided December 3, 1937

Textile Industry—Settlement: agreement to comply with Act—*Order:* entered on stipulation; without hearing.

Mr. Samuel G. Zack, for the Board.

Mr. Henry Hipple, of Lock Haven, Pa., for the respondent.

Mr. Austin C. Derr, of Williamsport, Pa., for the T. W. O. C.

Mr. Robert Burstein, of counsel to the Board.

DECISION

AND

ORDER

STATEMENT OF THE CASE

Upon charges duly filed by the Textile Workers Organizing Committee, herein called the T. W. O. C., the National Labor Relations Board, herein called the Board, by Bennet F. Schauffler, Acting Regional Director for the Fourth Region (Philadelphia, Pennsylvania), issued its complaint, dated September 27, 1937, against Woolrich Woolen Mills, Woolrich, 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 (3) and Section 2 (6) and (7) of the National Labor Relations Act, 49 Stat. 449, herein called the Act.

The complaint in substance alleged, (1) that the respondent is a Pennsylvania corporation, having its principal office in Woolrich, Pennsylvania, and is engaged, at its plant in Woolrich, Pennsylvania, herein called the Woolrich plant, in the manufacture, sale and distribution of woolen cloth, blankets, shirts, stockings, hunting coats and other kindred products; (2) that the respondent in the conduct of its business causes the raw materials used by it to be transported in interstate commerce, and the products produced by it to be sold and transported in interstate commerce; (3) that the respondent terminated the employment of Martin Myers, Lloyd Verbeck, and Harold Bickle on or about May 27, 1937, and of Albert Geise on or about June 1, 1937, and has at all times since refused to reinstate said

employees, for the reason that they joined and assisted the T. W. O. C., and engaged in concerted activities with other employees in the Woolrich plant of the respondent for the purposes of collective bargaining and other mutual aid and protection.¹

The respondent filed an answer admitting the nature of its business but denying that it had committed any of the unfair labor practices alleged in the complaint, and that such unfair labor practices have any relation to interstate commerce or tend to lead to any labor disputes burdening and obstructing commerce and the free flow thereof.

A hearing was scheduled for October 7, 1937, and notice thereof was duly issued. The hearing was, however, indefinitely postponed in view of a stipulation, entered into the same day by the respective parties and amended thereafter, by which the respondent signified its consent to the issuance of an order by the Board. The stipulation, in its amended form, reads as follows:

AND NOW, October 7, 1937, Counsel for the respective parties, waiving their right to hearing, hereby stipulate as follows:

I.

(A) That the Respondent in the conduct of its business of manufacturing of woolen cloth, blankets, shirts, stockings, hunting coats and other kindred products causes a majority of the raw materials used by it in the manufacture of its woolen cloth, blankets, shirts, stockings, hunting coats and other kindred products to be transported in interstate commerce from and through states of the United States other than the State of Pennsylvania to its Woolrich plant, in the Commonwealth of Pennsylvania, and causes and has, for a long period of time, continuously caused a majority of the woolen cloth, blankets, shirts, stockings, hunting coats and other kindred products produced by it to be sold and transported in interstate commerce from its Woolrich plant in the Commonwealth of Pennsylvania to, into and through states of the United States other than the Commonwealth of Pennsylvania.

(B) That the Respondent in the conduct of its business, as aforesaid, employs approximately two hundred seventy-five (275) people.

¹ Apparently through inadvertence, the name of James G. Warner, appearing in the charge as one of the employees whose employment was wrongfully terminated by the respondent, was omitted in the complaint. However, the stipulation entered into by and between the respective parties takes cognizance of the case of James G. Warner by providing that the Board may order the respondent to offer to said James G. Warner reinstatement to his former position. The stipulation, therefore, will be regarded as a waiver of any necessity to amend the complaint in this respect.

II.

That the National Labor Relations 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 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 this Act;

2. That they will inform all of their 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 the Textile Workers Organization in particular;

3. That they shall offer to Lloyd Verbeck and James G. Warner immediate, full and unconditional reinstatement to their former positions without prejudice to any rights and privileges previously enjoyed by them; it being agreed that Martin Myers, Harold Bickle and Albert Geise have substantially equivalent employment and do not desire to return to the employ of Respondent.

III.

It is further stipulated that the Respondent will notify the National Labor Relations Board on or before October 11, 1937, that it has complied with the foregoing stipulations.

ORDER

On the basis of the above stipulation, and pursuant to Section 10 (c) of the National Labor Relations Act, the National Labor Relations Board hereby orders that the respondent, Woolrich Woolen Mills, and its officers, agents, successors, and assigns shall:

1. Cease and desist 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 Act.

2. Take the following affirmative action which the Board finds necessary to effectuate the policies and purposes of the National Labor Relations Act:

a. Inform all 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 the Textile Workers Organizing Committee in particular;

b. Offer to Lloyd Verbeck and James G. Warner immediate, full, and unconditional reinstatement to their former positions without prejudice to any rights and privileges previously enjoyed by them.