

In the Matter of DAVID AND HYMAN ZOSLOW, trading as GOLDEN STAR SHOE RENEWING COMPANY, ETC. and UNITED SHOE WORKERS OF AMERICA, LOCAL NO. 136

*Case No. C-276.—Decided January 11, 1938*

*Shoe Repairing and Renewing Industry—Settlement: agreement to comply with Act—Order: entered on stipulation.*

*Mr. Reeves R. Hilton and Mr. Charles Y. Latimer, for the Board.*

*Mr. Nathan M. Lubar, of Washington, D. C. for the respondent.*

*Mr. Sidney C. Schlesinger and Mr. Samuel Levine, of Washington, D. C., for the United.*

*Mr. Joseph C. Turco, of Washington, D. C., for the W. S. W.*

*Mr. Martin Kurasch, of counsel to the Board.*

## DECISION

AND

## ORDER

### STATEMENT OF THE CASE

Upon charges duly filed by Jack Mink, business agent of United Shoe Workers of America, Local No. 136, herein called the United, the National Labor Relations Board, herein called the Board, by Bennet F. Schauffler, Regional Director for the Fifth Region (Baltimore, Maryland), issued its complaint dated October 23, 1937, against David and Hyman Zoslow, trading as Golden Star Shoe Renewing Company, trading as Glow Shoe Repairing Company, trading as Star Rapid Shoe Repair Company, and trading as Diamond Shoe Repair Company, herein called the respondents. The complaint and notice of hearing thereon were duly served upon the respondents and the United. A "notice of the right to intervene" dated October 23, 1937, was duly served upon Annie Petro, secretary of the Washington Shoe Workers Union, herein called the W. S. W.

The complaint alleged that the respondents had engaged in and were 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 November 2, 1937, the respondents moved to dismiss the proceedings and on the same day made a motion for a continuance.

Pursuant to the notice, a hearing was held in Washington, D. C. on November 5 and 6, 1937, before Waldo Holden, the Trial Examiner duly designated by the Board. The Board, the respondents, the United, and the W. S. W. were represented by counsel and participated in the hearing. During the first day of the hearing a motion for a continuance in order that the matter of a stipulation might be considered by the parties was granted by the Trial Examiner.

During the second day of the hearing a motion for leave to intervene was duly filed by the W. S. W. The Trial Examiner granted this motion to the extent of permitting full participation with reference to a stipulation that the parties had offered into evidence.

Counsel for the respondents asked that his motion to dismiss the proceedings and that his motion for a continuance be withdrawn. The motion was granted without objection.

During the hearing, on November 6, 1937, counsel for the Board read into the record the following stipulation, agreed to by the Board, the respondents, and the W. S. W.:

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

I. That the respondents, David and Hyman Zoslow, trading as the Golden Star Shoe Renewing Company, etc., are engaged in the business of shoe repairing and renewing, which consists of applying new soles, heels, and laces, and the shining of all types of shoes. They also sell polish, laces, and other shoe supplies. Their business is conducted on a cash-and-carry basis, and the principal customers are persons in the District of Columbia. Their plants are located in the District of Columbia at 625 and 627 E Street, Northwest, 810 F Street, Northwest, and 708 Eleventh Street, Northwest. The machinery and equipment is purchased outside the District of Columbia, principally in Missouri and Massachusetts. Repair and replacement parts are also purchased both inside and outside the District of Columbia. The machinery and parts are shipped to respondents by motor truck or railroad. A delivery service is maintained for delivery of a small portion of the finished product and between the various shops of respondents in the District of Columbia. The raw material principally used in the business of the respondents is leather, a small percentage of which is purchased outside of the District of Columbia, principally in the State of Maryland, said leather being transported or shipped into the District of Columbia by motor truck or railroad. The respondents in the course of their business employ approximately 40 persons and are considered a major factor in the shoe-renewing and shoe-

repairing business in the District of Columbia. The respondents have conducted their business in the District of Columbia for approximately the past 12 years.

II. That the National Labor Relations Board may make findings that the respondents have engaged in unfair labor practices as alleged in the complaint issued by the Board on the 23d day of October, 1937, in the above-entitled matter.

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

(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) Cease and desist from threatening its employees with discharge if they engage in union activities in general and membership in the United Shoe Workers' Union, Local 136, affiliated with the C. I. O., 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 Act, and from discouraging by any means membership in the United Shoe Workers Union, Local 136, or any other labor organization of its employees' choosing.

(3) Cease and desist from in any manner dominating or interfering with the administration of the Washington Shoe Workers' Union, 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 Washington Shoe Workers' Union or any group purporting to represent said organization; or from forming or maintaining any groups 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.

(4) Take the following affirmative action to effectuate the policies and purposes of the National Labor Relations Act:

IV. (a) That the respondent will withdraw all recognition from the Washington Shoe Workers' Union as the representatives of its employees or any of them for the purpose of dealing with the respondents concerning grievances, labor disputes wages, rates of pay, hours of employment, or other conditions of employment;

(b) That the respondents will post notices in conspicuous places about its plants in the District of Columbia that the Washington Shoe Workers' Union 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 Washington Shoe Workers' Union is not necessary or essential as a condition of employment or tenure of employment; the said notices to remain posted for at least 30 consecutive days from the date of posting;

(c) That the respondents will take every possible legal means without affirmative legal action to secure the surrender of the charter of the Washington Shoe Workers' Union and do everything in its power to secure its dissolution;

(d) That the respondents will personally inform in writing the officers of the Washington Shoe Workers' Union 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;

(e) That the respondents 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 United Shoe Workers' Union in particular.

V. It is further stipulated and agreed by and between the respective parties that in the event an order of the Board is entered upon this stipulation, and that it becomes necessary, in order to enforce the terms and provisions of said order, to file a petition for enforcement of the same in the United States Circuit Court of Appeals for the District of Columbia by the National Labor Relations Board, that the respondents consent and agree that a decree of said Court be entered upon the order of the said Board issued as aforesaid.

### 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 respondents, David and Hyman Zoslow, trading as Golden Star Shoe Renewing Company, etc., and their officers, agents, successors, and assigns, shall:

1. Cease and desist from in any manner interfering with, restraining, or coercing their 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. Cease and desist from threatening their employees with discharge if they engage in union activities in general and membership in the United Shoe Workers' Union, Local 136, affiliated with the C. I. O., in particular, and from in any manner inducing and causing their supervisory and other employees to interfere with, restrain, or coerce their employees in the exercise of the rights guaranteed in Section 7 of the Act, and from discouraging by any means membership in the United Shoe Workers' Union, Local 136, or any other labor organization of their employees' choosing.

3. Cease and desist from in any manner dominating or interfering with the administration of the Washington Shoe Workers' Union, or any other labor organization of their employees; from contributing aid or support to said organization; from recognizing or dealing in any manner with the Washington Shoe Workers' Union or any group purporting to represent said organization; or from forming or maintaining any groups 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.

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

(a) Withdraw all recognition from the Washington Shoe Workers' Union as the representatives of their employees or any of them for the purpose of dealing with the respondents concerning grievances, labor disputes, wages, rates of pay, hours of employment, or other conditions of employment;

(b) Post notices in conspicuous places about their plants in the District of Columbia that the Washington Shoe Workers' Union is disestablished as the representative of their employees or any of them for the purpose of collective bargaining and that the respondents will not extend any recognition to such organization; that membership in the Washington Shoe Workers' Union 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) Take every possible legal means without affirmative legal action to secure the surrender of the charter of the Washington Shoe Workers' Union and do everything in their power to secure its dissolution;

(d) Personally inform in writing the officers of the Washington Shoe Workers' Union that the organization has been formed and administered in violation of the National Labor Relations Act and that they will not in any manner deal with or recognize such organization;

(e) 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 United Shoe Workers' Union in particular.