

HD
6497
.A 2
1942
COPY 3

SEVENTH ANNUAL REPORT

OF THE

**NATIONAL LABOR
RELATIONS BOARD**

For the Fiscal Year Ended

June 30, 1942

**SEVENTH
ANNUAL REPORT
OF THE
NATIONAL LABOR
RELATIONS BOARD**

**FOR THE FISCAL YEAR
ENDED JUNE 30**

1942

**UNITED STATES GOVERNMENT PRINTING OFFICE
WASHINGTON, D. C. • 1943**

NATIONAL LABOR RELATIONS BOARD

H. A. MILLIS, *Chairman*

WILLIAM M. LEISELSON

GERARD D. REILLY

BEATRICE M. STERN, *Executive Secretary*

ROBERT B. WATTS, *General Counsel*

ERNEST A. GROSS, *Associate General Counsel*

MALCOLM F. HALLIDAY, *Assistant General Counsel*

MORTIMER KOLLENDER, *Assistant General Counsel*

HOWARD LICHTENSTEIN, *Assistant General Counsel*

OSCAR S. SMITH, *Director of Field Division*

FRANK BLOOM, *Chief Trial Examiner*

LOUIS G. SILVERBERG, *Director of Information*

CLAUDE B. CALKIN, *Chief Clerk*

HD
6497
.A2
1942
copy 3

11,509
c-3

LETTER OF TRANSMITTAL

NATIONAL LABOR RELATIONS BOARD,
WASHINGTON, D. C., *January 4, 1943.*

SIR:

As provided in Section 3 (c) of the National Labor Relations Act (49 Stat. 449), I submit herewith the Seventh Annual Report of the National Labor Relations Board for the year ended June 30, 1942, and, under separate cover, lists containing the names, salaries, and duties of all employees and officers in the employ or under the supervision of the Board, together with the decisions rendered by the Board during the fiscal year comprising Volume 33 to Volume 41, inclusive.

H. A. MILLIS, *Chairman.*

THE PRESIDENT OF THE UNITED STATES,
THE PRESIDENT OF THE SENATE,
THE SPEAKER OF THE HOUSE OF REPRESENTATIVES,
Washington, D. C.

III

LIBRARY
NATIONAL LABOR RELATIONS BOARD



TABLE OF CONTENTS

Page

CHAPTER

I. Summary: The National Labor Relations Board in the Defense and War Economy.....	1
II. The Board: Organization and Procedure.....	8
III. A Statistical Analysis of New Cases Filed in 1942.....	16
IV. A Statistical Analysis of Cases Closed During 1942.....	22
V. Determining Bargaining Representatives Through Elections.....	32
VI. Meaning of the Act in Practice: Unfair Labor Practice Cases.....	41
VII. Meaning of the Act in Practice: Representation Disputes.....	53
VIII. Jurisdiction.....	64
IX. Litigation.....	69
X. Fiscal Statement.....	74
Appendices.....	75
A. Statistical Tables.....	76
B. List of Cases Heard During the Fiscal Year 1942.....	93
C. List of Cases in Which the Board Rendered Decisions, During the Fiscal Year 1942.....	109
D. Summary of Litigation for the Fiscal Year 1942.....	139
E. National Labor Relations Act.....	153
F. National Labor Relations Board Rules and Regulations.....	167
G. Regional Offices—Locations, Territory, and Directing Personnel... ..	191
List of Tables and Charts.....	194



SUMMARY: THE NATIONAL LABOR RELATIONS BOARD IN THE DEFENSE AND WAR ECONOMY

DURING the fiscal year 1942 the Board has continued to protect the basic statutory rights of workers to organize and bargain collectively through representatives of their own choosing. By its efforts to prevent or remedy unfair labor practices, and by determining representatives for collective bargaining, the Board has been able to remove causes of dissatisfaction which might otherwise have seriously hampered production. The events of a year of defense and war activity have demonstrated the peculiar importance of the policies stated in the Act, to eliminate certain obstructions to the free flow of commerce by encouraging the practice and procedure of collective bargaining and protecting the exercise by workers of the full freedom of self-organization for the purpose of collective bargaining.

In carrying out these policies, the Board by proscribing unfair labor practices has encouraged the establishment in industry of sound collective bargaining procedures whereby grievances can be handled and causes of dissatisfaction eliminated. Through its elections machinery the Board has settled disputes over representation which otherwise in many cases would have resulted in serious interruptions of war production. Through each of these types of activity the Board has continued to uphold the right of workers to self-organization and collective bargaining, at a time when organized labor in the national interest has voluntarily given up its own means of self-protection, the right to strike. The Board has thus contributed to the good morale among workers and the sound labor relations which are essential for full production, whether in war or in peace.

A comparison of the labor situation when the United States entered the war with that at the beginning of the last war gives a further indication of the significance of the work of the Board. In 1917 labor in most of the key industries was unorganized, with no experience in

collective bargaining. The National War Labor Board found it necessary to develop machinery for handling grievances in war production plants. In 1941, in contrast, the war production program found labor extensively organized in the key industries.¹ This organization had developed in peacetime under the protection of the National Labor Relations Board. As a result workers and managements were accustomed to using collective bargaining machinery. Their established procedures for handling grievances could adjust quickly and peaceably the many difficult problems which arose in connection with conversion to war production. In addition, with a strongly organized labor movement the Government has been able to secure the cooperation of more than 10,000,000 workers represented by the American Federation of Labor and the Congress of Industrial Organizations, which can speak for labor on important questions of policy. Their agreement to give up the right to strike has kept the number of workers involved in strikes, since the beginning of the war, substantially below the numbers in corresponding months of 1917,² in spite of the much greater volume of present production, and the larger numbers of organized workers.

The increased membership of organized labor, the division and competition within the labor movement, and the giving up of the right to strike have combined to further increase the work of the Board over that in the previous fiscal year. Even before the agreement not to strike for the duration of the emergency, labor was resorting increasingly to the Board in place of using its own economic power, for protection of the right to organize and bargain collectively, and for the resolution of disputes over representation.

During the 12 months ending June 30, 1942, a total of 10,977 new cases were filed with the Board, the largest number received in any year of the Board's activity.³ For the first time representation cases were in the majority, 6,010 representation cases, as against 4,967 unfair labor practice cases. Representation cases increased 39 percent, while unfair labor practice cases increased only 3 percent over the previous fiscal year.

The increasing preponderance of representation cases reflects a highly significant change in the character of the work of the Board, an indication of the increasing acceptance of the Act by employers. Relatively less of its work now relates to the prevention of unfair labor practices, and more to the orderly determination of representatives for collective bargaining. During the Board's first year representation

¹ *Monthly Labor Review*, May 1942, pp. 1066, 1068;

² *Monthly Labor Review*, May 1942, pp. 1109, 1130; September 1942, p. 574.

³ See Ch. III and Appendix tables.

cases were only 19 percent of all cases. During succeeding years the proportion steadily increased, reaching 29 percent in 1937, 35 percent in 1938, 47 percent in 1941, and 55 percent in fiscal year 1942. There was a corresponding relative decline in unfair labor practice cases.

The new cases filed were widely distributed, representing all 48 States, Alaska, Hawaii, and Puerto Rico. Twelve States, however, which employ 68 percent of all workers, accounted for 70 percent of all new cases. All segments of industry were represented, also, although 73 percent of all cases filed, including 84 percent of the workers involved, arose in manufacturing. The heaviest concentrations appear in iron and steel, transportation equipment, and machinery, which accounted for 26 percent of the new cases.

The Board during this fiscal year has been able to reduce its backlog of cases. It closed a total of 11,741 cases, 5,456 of them unfair labor practice cases, and 6,285 of them representation cases.⁴ The Board is gratified that it has been able as in the past to close the great majority of cases promptly in the informal stages of its administration. Of the 11,741 cases closed, 9,890 or 84 percent were closed by amicable adjustment by agreement, or were withdrawn or dismissed before the institution of formal proceedings. Of the unfair labor practice cases, 92 percent were disposed of before formal action, and of the representation cases 78 percent.

The remedies in unfair labor practice cases closed by adjustment or by compliance with Intermediate Report, Board order, or Court order, were varied. A total of 8,251 workers were reinstated to remedy discriminatory discharges, while 32,137 in addition were reinstated after strikes caused by unfair labor practices. Back-pay awards totaled \$1,266,408, while 5,925 workers received back pay. The posting of notices was required in 1,365 cases, and the disestablishment of company-dominated unions in 283 cases. Collective bargaining negotiations were part of the remedy ordered in 1,032 cases.

In its increasingly important work of settling disputes over representation, the Board closed 6,285 cases, or 85 percent of the 7,376 representation cases on its docket during the fiscal year. The largest proportion of the cases closed, 54 percent, were disposed of in the Regional Offices by consent elections or pay-roll checks, or by direct recognition of a union by the employer. While the proportion of cases going to formal action remained as in earlier years, the absolute increase in their numbers was marked. The number of cases heard by the Board increased 73 percent over the preceding year, reaching a total of 1,157. The Board issued 951 decisions in representation cases,

⁴ See Ch. IV and Appendix tables 7 to 13.

an increase of 28 percent. The number of decisions based on stipulated elections or pay-roll checks alone increased 150 percent.

The most outstanding development in the work of the Board during the past year was the great increase in elections and pay-roll checks, i. e., comparison of union membership or authorization cards with employers' pay rolls, conducted to determine the choice of collective bargaining representatives.⁵ Over a million workers indicated their choice as to bargaining representatives in 4,212 such elections or pay-roll checks. In 86 percent of the elections and pay-roll checks, workers chose a union or unions to represent them. Votes cast for unions were 84 percent of all valid votes cast.

It is significant that in approximately 75 percent of these elections or pay-roll checks there was no contest between unions. Instead, a single union was attempting to establish its right to recognition by the employer. In newly organized fields, the elections machinery of the Board was used as a substitute for the old method of the strike to demonstrate the union's strength.

In the absence of the machinery of the Board for the orderly designation of representatives in cases of uncertainty or controversy, there would have been no way to resolve these questions but the old method of industrial strife. Especially under the conditions of 1941-42, with a labor movement divided and actively competing in extending organization, the resulting conflicts would have meant serious interruptions to production. Increasingly, however, the unions have adopted the practice of using the Board's election procedure to settle these disputes, whether they involved conflicts between unions, or between one union and an employer over recognition.

With the declaration of war, the Board took immediate steps to perfect its liaison with other federal agencies. The liaison procedures established during the defense program were reviewed and improved with an eye to speed, coverage, and integration. War production and the letting of war contracts brought to the Board from federal departments and agencies not only requests for expeditious handling of cases filed with the Board but also for information concerning labor relations at hundreds of war plants.

Among the agencies with which the Board exchanged information and with which it has had most frequent occasion to consult are the War and Navy Departments, the War Production Board, the War Shipping Administration, the National War Labor Board, and the Conciliation Service of the Department of Labor.

On request of the agencies concerned with war contracts, the

⁵ See Ch. V.

Board supplies information on labor relations at plants where the giving of a production contract is contemplated. The Board consults frequently with these agencies and cooperates in handling as expeditiously as possible any cases involving war-production plants. The presence of disputes over unfair labor practices has been a source of disturbance in some such plants, since the policy advocated by the National Defense Advisory Commission, that all work carried on as part of the defense program should comply with the provisions of federal laws, including the National Labor Relations Act, has not been implemented in the awarding of war contracts.⁶ The Board endeavors to remove the causes of such disturbance by hearing and deciding the issues promptly.

An important function has been to supply information and to expedite action on cases affecting government owned, privately operated enterprises. To this end the War Production Board, Army, Navy, and War Shipping Administration supply the Board with current lists of such enterprises. These lists are checked when new cases are filed, and everything possible is done to bring about an early and appropriate disposition of the case. The agencies concerned are kept informed of the progress of the case.

The Board cooperates fully with the National War Labor Board, as it did with its predecessor, the National Defense Mediation Board, exchanging information and integrating closely their efforts for the maintenance of industrial peace. Determination by the Board of bargaining representatives has been a prerequisite in many cases to the settlement through the National War Labor Board of disputes over wages and other conditions.

Essentially the Board's function in relation to war plants in which other agencies were interested, has been to act with speed—to resolve a question concerning representation or to act on a charge of unfair labor practices as promptly as possible. The Board has made every effort to give priority to important cases which might interfere with war production. The Board has welcomed the cooperation of the other agencies in adjusting cases by informal methods, wherever this was possible consonant with the rights of employees under the Act.

The Board has given attention to the problem of protecting the rights of all workers to a free choice of bargaining representative, in the case of rapidly expanding war plants, and has refused to investigate questions of representation on petitions filed before a reasonable proportion of the employees in the appropriate unit have been hired.⁷

⁶ See Communication from the President on *General Principles Governing the letting of Defense Contracts* September 13, 1940. House of Representatives, 76th Cong., 3d sess. Document 950.

⁷ See Ch. VII, p. 56.

It has sometimes been suggested that the normal procedures of the Board should be relaxed in the emergency. It has been argued, for example, that the holding of a representation hearing and an election for choice of bargaining representatives would be prejudicial to war production. The Board has, however, followed the reasoning of the Congress in the Act, believing that strikes obstructing the free flow of commerce result from disputes over representation and the right to collective bargaining. In the interest of the sound labor relationships which are conducive to industrial peace and maximum production, the Board therefore proceeds with its hearing of the case, making all necessary and appropriate arrangements for the convenience of the parties and the minimum disturbance of production. On the other hand, every effort is made to handle these cases informally, when this is possible by agreement of the parties, in order to settle the question as quickly as possible, and permit the parties to proceed with collective bargaining.

In unfair labor practice cases, also, the Board makes every effort to secure compliance through informal administrative procedures. In the less than 10 percent of these cases which require formal action, however, in the interest of the protection of the rights of all concerned it is essential that the regular procedure be carefully followed. In wartime as in peace, it is the duty of the Board to prevent unfair labor practices. The Board considers that to do so will continue to effectuate the policies of the Act by removing obstructions to commerce. The Board, in upholding the basic right of workers to organize and bargain collectively through representatives of their own choosing, therefore, acts in the interest of the sound labor relationships necessary for maximum production.

The Decisions and Orders of the Board during this year have continued to interpret the meaning of the rights of self-organization and collective bargaining and of unfair labor practices, declared in the Act, in the multitude of individual employer-labor relationships. A general, nontechnical summary of the major outlines of the basic, thoroughly established principles as to what the Act means in practice, is given in Chapters VI and VII. In addition they include special note of the most significant developments in decisions of the fiscal year.

In general, the courts have accepted the Board's view that full enforcement of the Act is necessary in wartime, particularly when labor organizations have relinquished the right to strike, as a measure to insure harmonious labor relations through collective bargaining. As the Circuit Court of Appeals for the Third Circuit pointed out in a recent case:

* * * Neither we nor counsel may assume that the Board is not conscious of all the factors to be taken into consideration in the present emergency nor have we any reason to assume lack of competence on their part to arrange such adjustment as is necessary to preserve the public interest. The problem is peculiarly one for expert administration and that the statute had lodged in the Board, not the courts.⁸

Litigation under Section 10 (e) and (f) of the Act has continued the record of success of earlier years.⁹ A cumulative survey of litigation involving enforcement or review of orders of the Board since its inception shows that, by the end of the year, 345 cases had been decided, in 174 of which, slightly more than 50 percent, orders of the Board were enforced in full. In 115, or about 33 percent, orders were enforced with modifications, including many with only slight modifications, and in 56 cases, or 16 percent, orders were set aside. There has been a progressive decline in the number of cases set aside, so that, during the fiscal year 1942, in 87 cases decided by the Circuit Courts of Appeals upon petitions to enforce or review Board orders, 53 orders, or about 60 percent, were fully enforced, 29, or about 34 percent, were enforced with modifications, and 5, or only 6 percent, were set aside. In addition 7 cases were reviewed by the Supreme Court during the fiscal year. Of these, 5 enforced Board orders in full, 1 modified an order, and 1 case was remanded to the Board for further proceedings.

The number of contempt actions filed by the Board for failure to comply with court decrees enforcing Board orders has continued to increase. Nineteen new petitions were filed during the year. In 8 cases the courts granted the Board's petitions to find employers in contempt. In 5 cases satisfactory adjustments were secured after the petition was filed. In only 3 cases were the Board's petitions denied. Ten cases were pending at the end of the year.

The issues of major importance in the application of the Act, decided by the courts in 1942, are discussed in Chapter IX. The principles as to application of the Act involved in contempt actions are of course the same as those in all earlier stages.

⁸ *N. L. R. B. v. Condenser Corp.* 128 F. (2d) 67 (C. C. A. 3).

⁹ See Ch. IX and list of cases in Appendix D.

II

THE BOARD: ORGANIZATION AND PROCEDURE

ORGANIZATION

THE members of the Board are H. A. Millis, of Illinois, Chairman, Wm. M. Leiserson, of Ohio, and Gerard D. Reilly, of Massachusetts.¹

The main offices of the Board are located in Washington, D. C., and there are in addition 22 Regional Offices in continental United States and 2 territorial offices, one in Hawaii and one in Puerto Rico.²

The Washington office comprises 6 main divisions: Administrative, Legal, Field, Trial Examiners, Information, and Personnel.

The Field Division, under its Director, is responsible for all administrative case work in the Regional Offices and for the supervision of the lay field staff. It coordinates the work of the Field Division with the operations of the Washington staff and of the Board by direct liaison activities.

The Legal Division, headed by the General Counsel, is divided into 3 sections: the Review Section, which analyzes the records in cases coming before the Board for decision, and drafts, upon Board direction, the written decision of the Board on such cases; the Enforcement Section, which is responsible for conducting all litigation under Sections 10 (e) and (f) of the Act, as well as litigation of a miscellaneous nature and all contempt actions; and the Trial Section, the main function of which is to supervise field attorneys in the technical performance of their work.

The Trial Examiners Division is headed by the Chief Trial Examiner who assigns and supervises Trial Examiners in the conduct of hearings and in the preparation of Intermediate Reports in unfair labor practice cases after hearing.

¹ Edwin S. Smith's term expired August 27, 1941; Mr. Reilly's appointment was effective October 11, 1941.

² See Appendix G for list, locations, and directing personnel of the Regional Offices.

The Information Division makes available such information as the public requires as to the Board's operations and as to cases before the Board.

The Personnel Division performs service functions in connection with personnel records, classifications, etc.

Administrative functions not involved in the foregoing, and all matters of business management, including budget, together with ministerial duties, are the responsibility of the Executive Secretary.

Each Regional Office has as its administrative head a Regional Director. The legal staff attached to each Regional Office operates under the supervision and direction of the Regional Director, as do the other personnel, but supervision over their technical performance is exercised by the Assistant General Counsel in charge of the Trial Section, Legal Division, Washington. Also attached to the field offices are the Field Examiners, who investigate and adjust cases.

CHANGES IN RULES AND REGULATIONS

Important changes in the Board's Rules and Regulations have been made since the last annual report. While several of these occurred after the close of the fiscal year 1942, it is deemed best to state them all here for the purpose of providing the reader with authoritative information on current³ practice as prescribed by the Rules and Regulations.⁴ Without exception these amendments have been adopted to expedite formal proceedings.

Effective September 6, 1941, the Board amended its procedure in serving Intermediate Reports. Prior to that date, the Intermediate Report in each case had been sent by the Trial Examiner to the Regional Director, by whom it was served on the parties, a copy being sent to the Board. The amendment provided that the Chief Trial Examiner should file the original of the Intermediate Report with the Board and serve a copy on each of the parties. Thereupon the Board transfers the case to itself by formal order, after which the time for filing exceptions and briefs and requesting oral argument runs.

Article III, prescribing procedure in the handling of cases filed under Section 9 of the Act, was amended effective October 14, 1942, to provide that the Regional Director may upon the filing of a petition with him institute such investigation as the dispute warrants, by issuing notice of hearing without previous specific direction by the Board. Similarly he may before hearing and for appropriate reasons

³ As of October 31, 1942.

⁴ For full text of Rules and Regulations, Series 2, as amended, effective October 23, 1942, see Appendix F, page 168.

permit withdrawal of or dismiss a petition. In the event a petition is dismissed by the Regional Director, an appeal may be made to the Board under a new provision of the Rules and Regulations similar to that governing the prescribed procedure in appealing from the refusal of the Regional Director to issue a complaint in an unfair labor practice case. (See Article II, Section 9.)

At the same time, the definition of "parties" to a representation proceeding was changed to mean the employer, the petitioner, and the labor organizations named in the petition, as distinguished from the prior definition which had included the employer, the petitioner, and "any individuals or labor organizations purporting to act as representatives of any employees directly affected by such investigation." Additional parties may be added in appropriate circumstances by intervention.

Article III was further amended to provide that if any party desires to file briefs for the Board's consideration, such briefs shall be filed with the Board within 7 days after the close of the hearing. The preexisting regulation provided that if any party desired permission to argue orally before the Board or to file a brief, such request should be made within 5 days after the close of the hearing. During the last year and a half the Board has in practically all cases denied oral argument in representation disputes. This has been necessitated by the crowded state of the Board's docket and the serious delay attendant upon the granting of oral arguments on points which had been amply clarified in argument before the Trial Examiner and in briefs to the Board. Only when the Board finds after review of the record that it desires further clarification will it direct on its own motion that oral argument be had. One other point has been clarified in the amendments to the Rules and Regulations, viz, that briefs filed in any case must be served upon the other parties to the proceeding.

Article II covering procedures under Sections 8 and 10 of the Act was amended on October 14, to become effective October 16, 1942, in order further to expedite cases in formal proceedings before the Board. The time for requesting oral argument and the time for the filing of a statement of exceptions and brief was changed from 20 and 30 days, respectively, to 10 and 15 days, respectively, after a case is transferred to the Board.

FUNCTIONAL OUTLINE OF ADMINISTRATIVE PROCEDURE

The following discussion of procedures is not designed to duplicate the provisions of the Rules and Regulations, but rather to supplement them by showing how the Board operates not only in its formal

proceedings but also in the handling of cases in the informal stages. Furthermore, these statements concerning procedures are not limited to the fiscal year 1942 since certain parts of the procedures discussed have been adopted by the Board as late as October 1942 in an effort to simplify its internal procedures and to provide for the promptest possible disposition of cases.

Unfair Labor Practice Cases

When a charge is filed in a Regional Office, the Director causes an investigation to be made by Field Examiners and attorneys into the question of the jurisdiction of the Board in the dispute and into the merits of the charge that unfair labor practices have been committed. The purpose of the investigation is to secure all the pertinent facts. It is during this preliminary investigation that most of the unfair labor practice cases filed with the Board's Regional Offices are so adjusted as to effectuate the purposes of the Act, or are withdrawn, dismissed, or otherwise closed without the institution of any formal action.

Of the 27,134 unfair labor practice cases closed between August 27, 1935, and June 30, 1942, 24,906 or 91.8 percent were thus closed in the informal stages; 12,429 or approximately one-half by settlement; 7,941 or approximately one-third by withdrawal; and the remaining nearly one-fifth by dismissal. Only 2,228 cases, or 8.2 percent of all unfair labor practice cases closed in this period, were closed after formal action. Of these, approximately 66 percent were closed by compliance with Board decisions, with or without court action. This means that 34 percent of the cases were closed either by adjustment or by withdrawal before a Board decision was issued.

The large number of withdrawals is accounted for by the fact that when a case is found to be lacking in merit, the union or individual filing the charge has the alternative of either withdrawing the charge or of having the Regional Director dismiss it. Many elect the former course of action. Some withdrawals, of course, are brought about by a settlement of the issues without intervention of our regional officials, but relatively few such instances occur.

If the preliminary investigation indicates that the case has merit and if efforts to bring about a satisfactory informal adjustment have failed, the Regional Director issues a complaint and schedules the case for a hearing before a Trial Examiner designated by the Chief Trial Examiner to take the evidence. Only in cases where policy

matters or novel questions of law or of fact are involved is it required that the Regional Director seek authority from Washington for the issuance of complaint.⁵

Delegation of this authority to the Regional Directors was recommended by the Attorney General's Committee on Administrative Procedure in its Report of January 24, 1941,⁶ but it was not until recently that the Board felt that its Regional Officers were ready to assume this responsibility. The firm establishment of the basic principles in the application of the Act, discussed in Chapters VI and VII, has aided in bringing about this simplification of procedure.

The Regional Director has always had authority to refuse formally to issue a complaint where the facts on jurisdiction or merits indicate dismissal as the appropriate action. Appeal from his action may be made to the Board.

When the Regional Director issues a complaint, a notice of hearing accompanies it, setting forth the time and place for the hearing. The hearing is public and all parties interested receive notice. All parties represented at the hearing are given the right to call witnesses, introduce testimony, cross-examine, and argue.

When the hearing is concluded, the Trial Examiner prepares an Intermediate Report which he files with the Board and serves upon the parties. This report is prepared under the supervision of the Chief Trial Examiner and with the assistance of staff attorneys attached to the Division. It recites the pleadings and proceedings, finds the facts adduced by the evidence, and gives the Trial Examiner's conclusions as to the application of the law to these facts, recommending a cease and desist order and appropriate affirmative actions if a violation of the law is found.

Every effort is made to issue these reports expeditiously. At the beginning of the fiscal year the average time consumed by the Trial Examiner in the review of the record and the preparation of the Intermediate Report was approximately 11 weeks. At the present time it has been reduced by better administrative techniques to approximately 5 weeks. After the Intermediate Report is received by the parties, if a violation was found the Regional Director in whose Region the case originated endeavors to secure from the respondent immediate compliance with the terms of the report. When he is successful, the case is adjusted at that stage and closed because of such compliance. Where such action is not taken, however, the Rules and Regulations

⁵ Up until October 29, 1942, it was necessary for all complaints to be authorized by the Board, or by officials in Washington to whom the Board delegated responsibility to act in certain cases.

⁶ Cf. Chapter I, Section D, pp. 20-24 and p. 153, Final Report of the Attorney General's Committee on Administrative Procedure.

provide that any party aggrieved by the Trial Examiner's report may file a statement of exceptions and brief and may request oral argument on the record before the Board within 15 and 10 days, respectively, after the case is transferred to the Board.

As is the case when the Trial Examiner has found a violation, when a Board decision is issued finding a violation of the Act, the Regional Director is immediately called upon by the Field Division to secure compliance with the decision. Where this action is successful, the case is thereupon closed. Where the employer refuses to comply, the case is referred with the complete report of the Regional Director to the Enforcement Section of the Legal Division.

Representation Cases

When a petition is filed in a Regional Office asking for investigation and certification of representatives under Section 9 of the Act, the Regional Director causes a preliminary investigation to be made into the facts of the case. If he finds after such investigation that the Board does not have jurisdiction, or if the case has no merit, he may dismiss the petition or allow the filer to withdraw it.⁷

If the investigation reveals jurisdiction and merit, the Regional Director usually tries to secure an informal adjustment. This is done by securing a written agreement entered into by all of the parties, for the conduct of an election or for a cross check of union membership records or authorizations against the pay roll. Usually the agreement contains a commitment by the employer that if the majority of the employees choose a collective bargaining representative, he will recognize it as the exclusive bargaining agent for the unit in question.

Of the 18,853 representation cases closed in the first 7 fiscal years of the Board's operation, 14,567, or 77.3 percent, were closed in the informal stages, and of these approximately two-thirds were adjusted by procedures agreed upon by the parties; the rest were dismissed or withdrawn. Thus, 4,286, or approximately 23 percent of all the representation cases closed in the period, required formal procedures, and of these approximately 63 percent were closed by certification after hearing and election or pay-roll check.

If the case is not disposed of in the informal stages, the Regional Director is authorized to issue a notice of hearing. As an administrative matter, the Regional Director may seek counsel from the Board in Washington in cases where doubt as to jurisdiction or merit or

⁷ Until October 16, 1942, the Board alone could dismiss or grant permission for the withdrawal of petitions. On that date the Regional Director was given authority to act, subject to review by the Board affirmatively as well as negatively.

a policy question is raised by the facts disclosed in the preliminary investigation. In view of the Regional Director's authority to dismiss the case, it has been necessary for the Board to establish a procedure for appeals, above referred to in the discussion of amendments to the Rules and Regulations effective October 14, 1942.

While staff Trial Examiners are always assigned to hear complaint cases, they are assigned only on the more difficult and complex representation cases. In the routine representation case, the Chief Trial Examiner designates one of the regional staff to conduct the hearing. The proceeding is nonadversary in character, and the concern of the Board's representative is to secure full evidence on jurisdiction and the facts of the dispute for the record.

Immediately on the close of the hearing, the entire record is sent to Washington. The Rules and Regulations provide for the filing of briefs by the parties, if desired, within 7 days after the close of the hearing. After the case is decided by the Board, the decision is issued as a Decision and Direction of Election, or a Decision and Order dismissing the petition.

If an election is directed by the Board, the Regional Director is usually required to conduct it at as early a date as possible but in no event later than 30 days from the date of the direction. If the case is found to be nonmeritorious or outside the jurisdiction of the Board, the petition is dismissed.

The Regional Director causes the election to be conducted in accordance with the Board's order. When the ballots have been cast, tally sheets and certifications as to the impartial conduct of the election are signed by the observers for the various parties and thereupon become a part of the Board's record. An informal Election Report containing the certified results of the election, and a statement by the Director resolving challenged ballots if the results require it, is thereupon issued. If Objections are filed the Regional Director investigates them and notifies the parties and the Board in a formal report of his findings thereon, and his recommendations. If the Objections are found to raise substantial and material issues, the Board may direct a hearing and thereafter, on the basis of the record developed, decide either to invalidate the election or to allow it to stand. If no Objections are filed the case comes to the Board for final decision. In the event a representative is chosen by a plurality but not a majority of the votes, the Board will generally direct a run-off, unless the vote for "neither" is the largest.

Thus the investigation, which is started by the filing of the petition, continues until the will of the majority of the employees with regard

to a representative for collective bargaining is ascertained. Thereafter the case is finally closed upon certification if a representative has been chosen, or by a dismissal if no representative has been chosen. If the employer refuses to bargain with the duly chosen representative of the majority of employees, a charge may be filed under Section 8 (5) of the Act, in which case the procedures prescribed for unfair labor practice cases, described above, will be followed.

III

A STATISTICAL ANALYSIS OF NEW CASES FILED. DURING 1942

INCREASED CASE LOAD, MODIFIED CHARACTER

DURING the 12 months ending June 30, 1942, 10,977 new cases were filed with the Board, the largest number that have been received in any one of the Board's 7 years of activity. For the first time representation cases were in the majority, 6,010 representation cases contrasted with 4,967 unfair labor practice cases. Previously the maximum number of charges and petitions received in any one year was 10,430 when, in 1938, a great number of cases were filed following validation of the Act by the Supreme Court. The division of cases by type at that time, however, was the reverse of the present division; 6,807 cases involved charges of unfair labor practice, and only 3,623 cases involved representation disputes.

This increase in new cases represents a continuation of the trend that marked the year 1941, when new cases increased almost 50 percent over the preceding year. The increase continued at a slower rate during the past fiscal year, with a 39-percent increase over the preceding year for representation cases and a 3-percent increase for unfair labor practice cases. In terms of the number of workers involved, the same increase is apparent.¹

The number of unfair labor practice cases and representation

¹ However, the increase cannot be accurately measured because the method of counting workers was changed at the beginning of the past fiscal year. Formerly a group of workers were counted once regardless of the number of cases in which they were involved during the year; beginning July 1, 1941, workers are counted each time they appear in a case.

"Workers" are defined differently for the two types of Board cases. In unfair labor practice cases "workers involved" are the number employed in the establishment in which the case arises. (This broad definition was adopted in 1941; previously the definition included only those workers directly involved in a charge.) For representation cases, the definition is the number of workers in the "unit" for which the petition is filed or the number in the "unit" found appropriate by the Board. Because of this difference in definition, comparisons are not made between the number of workers in the two types of cases.

cases received during each of the Board's 7 years of activity are outlined below:

Table 1.—Number of cases filed, 1936–1942

Fiscal year	All cases	Unfair labor practice cases	Representation cases
1936.....	1,068	865	203
1937.....	4,068	2,895	1,173
1938.....	10,430	6,807	3,623
1939.....	6,904	4,618	2,286
1940.....	6,177	3,934	2,243
1941.....	9,151	4,817	4,334
1942.....	10,977	4,967	6,010
1936-42.....	48,775	28,903	19,872

The preponderance of representation cases marks a new phase in administration of the National Labor Relations Act, a shift in emphasis from the prevention of unfair labor practices to the orderly determination of collective bargaining representatives. The stability of this change is indicated by the consistency with which it has occurred. During the past year as a whole, representation cases constituted 55 percent of the total number of cases received. Consistently during each month of the year, representation cases were in the majority.² During the Board's first year, these cases constituted only 19 percent of all cases received. During succeeding years, the proportion has steadily increased, reaching 29 percent in 1937, 35 percent in 1938, 47 percent in 1941.

Despite this change in the character of the Board's case load, the importance of its work in handling unfair labor practice charges is not diminished. The large number of charges filed during the past year, representing all sections of the country and of industry, indicates a persisting opposition and hostility toward labor organization.

In the 4,967 unfair labor practice cases filed during the year, alleged violations of Section 8 (3) of the Act (discrimination with respect to hiring or tenure of employment on account of union membership or activity) were most frequently charged, arising in 3,221 cases, or 65 percent of the total number.³ This proportion is similar to the percentage of discrimination charges in all unfair labor practice cases filed with the Board during the past 5 years. Alleged violations of Section 8 (5), the charge of refusal to bargain collectively, arose in 1,550 cases, or 31 percent of the total, contrasted with an average of 35 percent for the 5-year period. Charges of company domination in the formation or administration of labor organizations were involved

² See table 3 in Appendix, p. 77.

³ See table 4 in Appendix, p. 77, for detailed figures.

in 12 percent of all cases filed during the year, contrasted with a 5-year average of 14 percent. Charges of general interference with labor organization, under Section 8 (1) of the Act alone, were more numerous proportionately than in previous years.

DISTRIBUTION OF CASES, BY STATE ⁴

All 48 States, Alaska, Hawaii, and Puerto Rico were represented in varying measure among the cases filed during the year. However, the cases were concentrated in a relatively small number of States, 6 States accounting for approximately 50 percent of all cases filed, 12 States accounting for 70 percent of all cases, including both unfair labor practice charges and representation disputes.

The representativeness of the Board's cases is indicated by the close correspondence between their distribution by State and the distribution of workers covered by unemployment compensation. The 12 leading States with respect to employment correspond with one exception to those States having the largest numbers of Board cases.

Table 2.—Comparison of the distribution of Board cases ¹ and the distribution of workers covered by unemployment compensation in the 12 leading States ²

State	Percent of covered workers, October-December 1941	Unfair labor practice cases		Representation cases	
		Number	Percent	Number	Percent
Total.....	68.5	3,409	68.7	4,291	70.9
New York.....	13.4	750	15.1	780	12.8
Pennsylvania.....	9.9	248	5.0	382	6.3
Illinois.....	7.7	366	7.4	517	8.6
Ohio.....	6.7	433	8.7	463	7.7
California.....	6.5	429	8.6	483	8.0
Michigan.....	4.9	272	5.5	477	7.9
Massachusetts.....	4.7	157	3.2	250	4.3
New Jersey.....	4.3	245	4.9	278	4.6
Texas.....	2.9	109	2.2	162	2.7
Indiana.....	2.8	169	3.4	201	3.3
Missouri.....	2.4	168	3.4	196	3.2
Connecticut.....	2.3	63	1.3	93	1.5

¹ Received during fiscal year 1942.

² Based on "Estimated Employment of Wages and Workers covered by State Unemployment Compensation Laws, October-December 1941," compiled by the Bureau of Employment Security of the Social Security Board.

Thus, the 12 States employing 68.5 percent of all workers accounted for 68.7 percent of all unfair labor practice cases received during the year and 70.9 percent of all representation cases. With the exception of Pennsylvania, the percentage distributions of employees, unfair labor practice cases, and representation cases are, for each State, roughly equivalent.

⁴ See table 5 in Appendix, p. 78.

In terms of Board cases alone, New York ranked first for both types of cases, accounting for 15 percent of all unfair labor practice cases and 12.8 percent of all representation cases received during the year. Ohio, California, Illinois, and Michigan were the next ranking States, accounting together for approximately 30 percent of all cases. A comparison of the two types of cases within each State indicates rough equivalence for all but four States. Pennsylvania, Illinois, Michigan, and Massachusetts had substantially larger numbers of representation cases than unfair labor practice cases.

The distribution of workers involved in Board cases varies somewhat from the distribution of workers generally among the States. The 12 States employing 68 percent of all workers accounted for 80 percent of workers involved in unfair labor practice cases, 76 percent of workers in representation cases. The greater concentration of workers in Board cases relative to the general distribution of workers occurred primarily in California, Michigan, Ohio, and Indiana (unfair labor practice cases); Ohio, Indiana, and Connecticut (representation cases). By the same index the Board's unfair labor practice cases were less than proportionately represented in Pennsylvania and Massachusetts, representation cases less than proportionately represented in California.

INDUSTRIAL DISTRIBUTION OF NEW CASES ⁵

Although all segments of American industry were represented in the cases received during 1942, the vast majority of the cases, including 73 percent of all cases filed and 84 percent of workers involved, arose in manufacturing. Heaviest concentrations appeared in iron and steel, transportation equipment, and machinery, which together accounted for 26 percent of cases received and a larger percentage of workers involved. The manufacture of food and kindred products accounted for 7 percent of cases filed, but a much smaller percentage of workers.

Among the nonmanufacturing industries, only two were distinguished in number of cases: (1) Wholesale trade, (2) transportation, communications, and other utilities. The latter group represented 8 percent of all cases filed and 6 percent of workers involved. The former group accounted for 7 percent of all cases filed, but less than 2 percent of workers involved.

Fifty-five percent of all cases filed during the year were representation cases; 45 percent were unfair labor practice cases. Considerable variation from this average is found among the different industries.

⁵ See table 6 in Appendix, p. 79.

In each of the 20 industries tabulated below, representation cases constituted more than 55 percent of all cases filed.

Table 3.—Industries with preponderance of representation cases¹

Industry	Unfair labor practice cases		Representation cases	
	Number	Percent of total	Number	Percent of total
Heat, light, power, water, etc.....	53	27.5	140	72.5
Communications.....	67	28.5	168	71.5
Crude petroleum and natural gas production.....	6	30.0	14	70.0
Water transportation.....	44	30.6	100	69.4
Nonmetallic mining and quarrying.....	29	33.3	58	66.7
Products of petroleum and coal.....	61	33.7	120	66.3
Metal mining.....	51	34.2	98	65.8
Chemical and allied products.....	143	35.9	255	64.1
Shipbuilding and repairing.....	73	36.0	130	64.0
Iron, steel, and their products.....	417	39.2	647	60.8
Finance, insurance, and real estate.....	48	39.3	74	60.7
Machinery (except electrical and automobile equipment).....	306	41.4	433	58.6
Nonferrous metals and their products.....	148	42.2	203	57.8
Electrical machinery.....	142	42.3	194	57.7
Automobiles.....	102	42.3	139	57.7
Paper and allied products.....	111	42.4	151	57.6
Textile-mill products.....	163	43.0	216	57.0
Warehousing and storage.....	36	44.0	46	56.0
Agriculture and forestry.....	15	44.1	19	55.9
Stone, clay, and glass products.....	146	44.2	184	55.8

¹ Cases received during fiscal year 1942.

In each of the eight industries tabulated below unfair labor practice cases filed in 1942 exceeded the number of representation cases.

Table 4.—Industries with preponderance of unfair labor practice cases¹

Industry	Unfair labor practice cases		Representation cases	
	Number	Percent of total	Number	Percent of total
Retail trade.....	219	51.3	208	48.7
Aircraft and parts.....	134	52.5	121	47.5
Wholesale trade.....	403	54.2	341	45.8
Highway freight transportation.....	114	56.2	89	43.8
Rubber products.....	46	56.8	35	43.2
Construction.....	49	57.0	37	43.0
Apparel.....	276	65.2	147	34.8
Coal mining.....	51	66.2	26	33.8

¹ Cases received during fiscal year 1942.

ORIGIN OF NEW CASES

Eighty-eight percent of the cases received during the year were filed by unions affiliated with the American Federation of Labor or Congress of Industrial Organizations, divided about equally between the two national labor groups. Seven percent of the cases were filed by unaffiliated unions, and approximately 5 percent were filed by indi-

vidual workers or employers. This distribution of cases does not differ from proportions in earlier years.

The cases received during the past year and the number of workers involved are tabulated below according to type and origin of case.

Table 5.—Number of cases received and workers involved in cases received during 1942, by union or party filing.

Party filing	All cases	Unfair labor practice cases		Representation cases	
		Number	Workers involved	Number	Workers involved
Total.....	1 10,977	2 4,967	3,296,852	2 6,010	1,901,988
A. F. of L. affiliate.....	4,787	2,178	819,674	2,609	561,029
C. I. O. affiliate.....	4,922	2,168	1,428,824	2,724	1,131,635
Unaffiliated union.....	775	180	540,788	595	190,369
Individual worker.....	417	417	509,138		
Employer.....	84			84	19,288

¹ 8 cases filed jointly by unions of different affiliation are counted only once in the total, but are duplicated in the body of table.

² 6 cases filed jointly by unions of different affiliation are counted only once in the total, but are duplicated in the body of table.

³ 2 cases filed jointly by unions of different affiliation are counted only once in the total, but are duplicated in the body of table.

For unions affiliated with the A. F. of L. or C. I. O., the distribution of the two types of cases, considered separately, does not differ from the over-all pattern. Unaffiliated unions, however, filed a much larger percentage of representation cases than unfair labor practice cases.

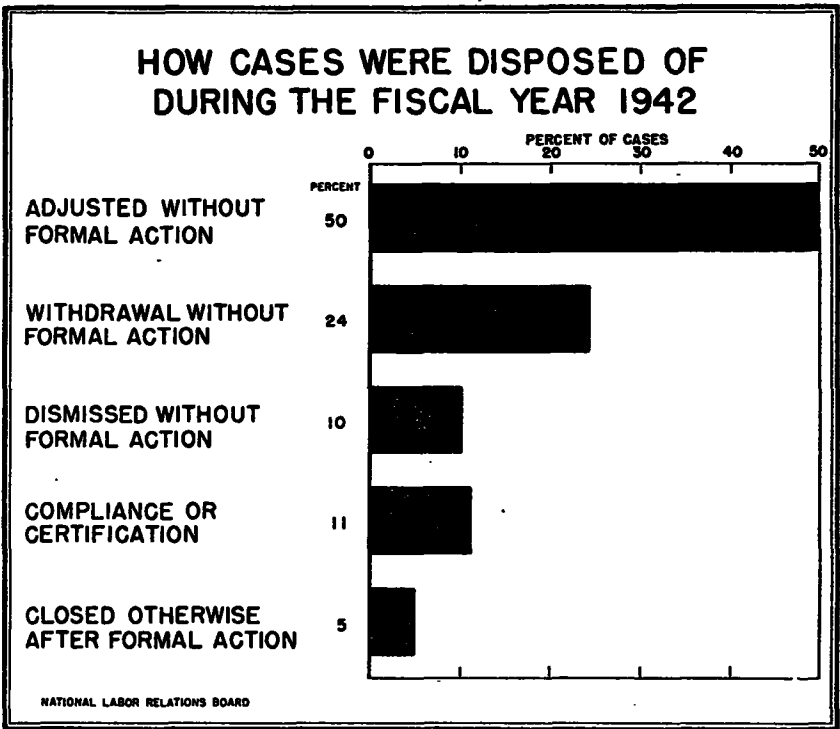
Employers filed only 1.4 percent of all representation cases received during the year. Since July 1939, when the Board's Rules and Regulations were amended to permit employers to file petitions, the total number has been only 231 cases, representing 1.8 percent of the total number of petitions filed during the same period.

IV

A STATISTICAL ANALYSIS OF CASES CLOSED DURING 1942

UNTIL this fiscal year, unfair labor practice cases were of primary importance in the work of the Board, at least in terms of numbers. With wider organization of labor and growing acceptance of the prin-

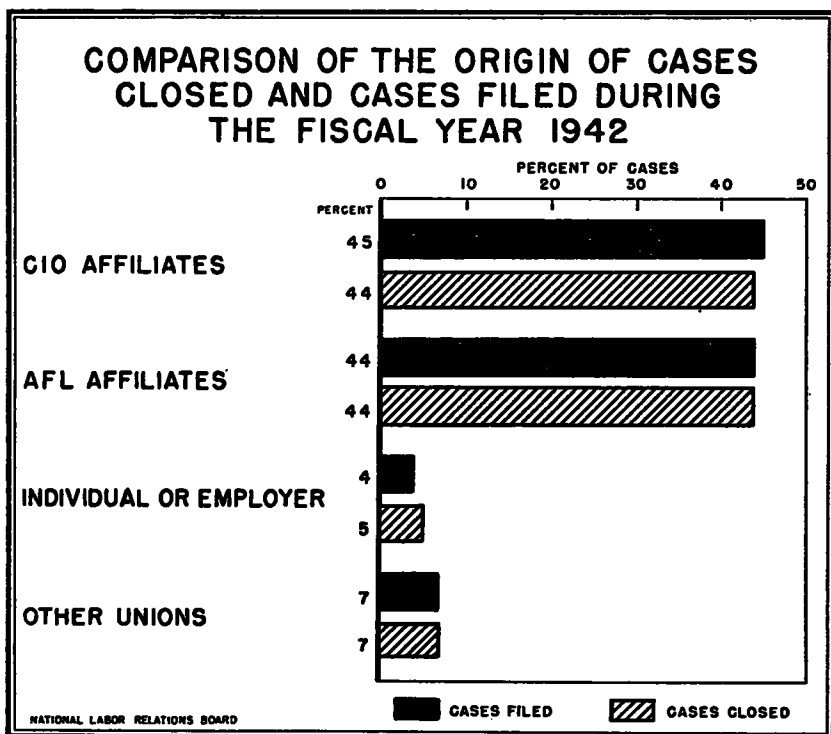
CHART 1.



ciples underlying the Act, representation cases have assumed an increasingly important role. Paralleling the unprecedented number

of representation cases received during the past year was the disposition of the largest number of these cases for any comparable period. Thus, greater emphasis is given to the Board's procedures for orderly determination of collective bargaining representatives. However, the basic importance of that section of the Act prohibiting unfair labor practices is indicated by the mere number and extensiveness of the

CHART 2.



unfair labor practice cases filed and the number of these cases disposed of during the past year.

As in previous years, the preponderance of cases were disposed of without any formal action, and a large proportion of cases were disposed of by adjustment with agreement of the parties involved. (See Chart 1.) The proportions of cases closed by the different methods at the different stages are consistent with corresponding proportions in earlier years.

Another noteworthy characteristic of the cases closed during the year is the consistency between the Board's disposition of the cases filed by the several union groups and by individuals and the proportions of such cases received during the year. (See Chart 2.)

UNFAIR LABOR PRACTICE CASES

Procedure ¹

Procedurally, unfair labor practice cases divide into two major groups of unequal size—the very large group of cases disposed of without formal action and the relatively small but significant group of cases disposed of after formal Board action, with or without litigation in the courts. Board action in the bulk of the cases is limited to preliminary investigation proceeding from the Regional Office, followed by an adjustment of the issues with the agreement of the parties or by dismissal or withdrawal of the case.

Volume of Cases

When the fiscal year began on July 1, 1941, there were 2,269 unfair labor practice cases pending at different stages of Board activity. The filing of 4,967 new cases during the year brought the total number of cases on docket during the 12-month period to 7,236. Approximately 75 percent of these cases, 5,456, were closed during the year. Accordingly, 1,780 cases were left pending on June 30, 1942.

The number of unfair labor practice cases closed during the fiscal year 1942 represents an increase of 16 percent over the preceding year. More unfair labor practice cases were closed during this year than in any preceding year, save 1938 when the number was 5,694.

A summary of the disposition of the 5,456 unfair labor practice cases closed during the year is indicated in Chart 3.

Informal Disposition of Cases ²

As in earlier years, the preponderance of cases were disposed of without formal action, by adjustment, withdrawal, and dismissal. The Board's Regional Offices closed 2,408 unfair labor practice cases before formal action by agreement of both parties. This number represents approximately 44 percent of all cases closed during the year, a percentage slightly lower than a corresponding average of 45.8 percent for the 7 years of the Board's activity.

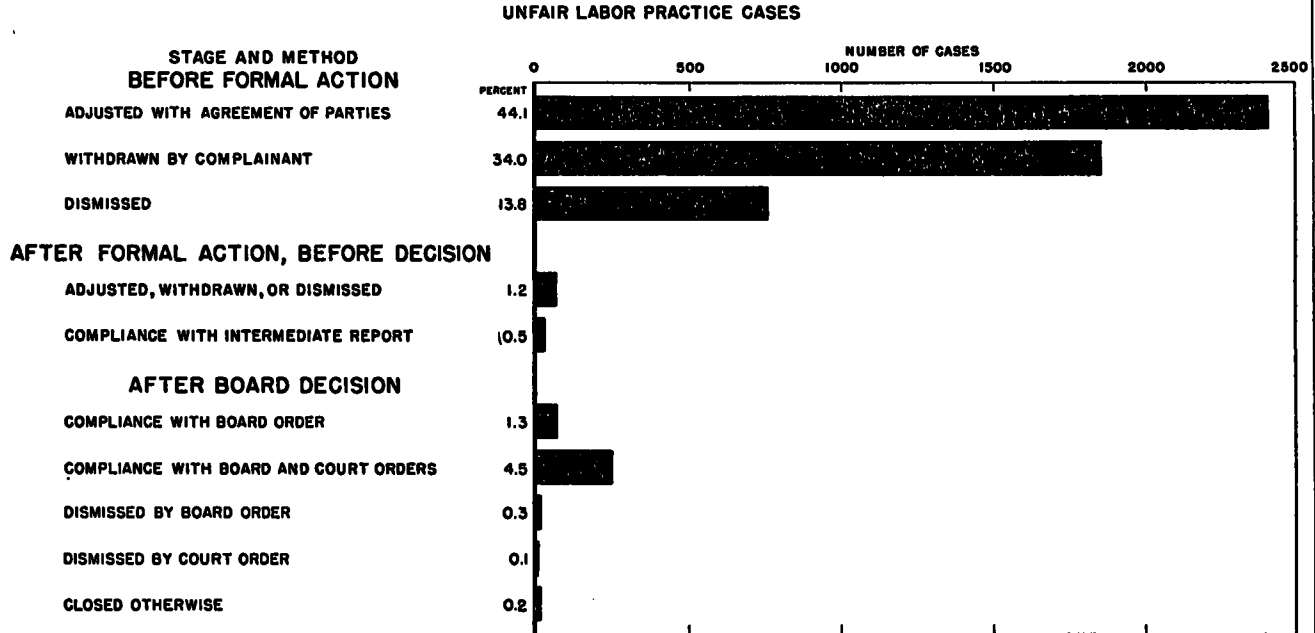
An additional 1,852 cases, or 34 percent of the total number, were withdrawn before formal action by the party that had filed; these were primarily cases in which investigation disclosed lack of merit or

¹ See Chapter II, pp. 10-13.

² See table 10 in Appendix, p. 83.

CHART 3.

DISPOSITION OF CASES CLOSED DURING THE FISCAL YEAR 1942



NATIONAL LABOR RELATIONS BOARD

jurisdiction, or cases adjusted directly by the parties themselves. The number of cases withdrawn before formal action is proportionately large, measured against the 29.3 percent for 7 years of activity. The Regional Director refused to issue complaints in 755 cases or 14 percent of the total number closed during the year; this proportion does not differ substantially from the 7-year average.

Formal Actions ³

If preliminary investigation discloses evidence that unfair labor practices have been committed and the employer will not adjust the matter in compliance with the law, the Regional Director proceeds to issue a complaint against the employer, and the case is scheduled for a hearing before a Trial Examiner.

During the past year, 285 formal complaints were issued, representing 3.9 percent of all unfair labor practice cases on docket during the year. Hearings were held in 282 cases. The number of Intermediate Reports issued by the Trial Examiners and Proposed Findings, Proposed Conclusions of Law, and Proposed Orders issued by the Board was 201. The Board issued 288 decisions, of which 180 were Decisions and Orders in contested cases, and 108 were consent orders based upon stipulations of agreement entered into by the parties.

On the whole, the volume of formal actions in unfair labor practice cases during the year was equivalent to or slightly greater than the volume of formal actions during the preceding year. In relation to the total number of cases on docket, the volume of formal actions was slightly less than that in each of the preceding 2 years.

Cases Closed after Formal Action

Only 8 percent of all unfair labor practice cases closed during the year were disposed of after formal action, i. e., at some stage after issuance of formal complaint. A negligible group of these cases were disposed of before Board decision. The majority of the cases, numbering 259, were closed after court action, including many cases closed after Board decision with the formal entry of a consent decree in a circuit court. Of the 259 cases, 95.4 percent were closed by compliance with Board and court orders. Somewhat less than 2 percent of all cases closed were disposed of after Board decision, without any court action.

The Origins of Unfair Labor Practice Cases Closed During 1942

The cases closed during 1942 are tabulated below by union or party filing and compared with the number of cases filed by each group.

³ See table 15 in Appendix, p. 87.

Table 6.—Unfair labor practice cases closed during 1942 compared with cases filed, by union or party filing

Party filing	Cases closed		Cases filed	
	Number	Percent of total	Number	Percent of total
Total.....	1 5,456	100.0	1 4,967	100.0
A. F. of L. affiliate.....	2,402	44.0	2,178	43.8
C. I. O. affiliate.....	2,428	44.4	2,198	44.2
Unaffiliated union.....	162	3.0	180	3.6
Individual worker.....	470	8.6	417	8.4

¹ 6 cases filed by joint petitioners of different affiliation are duplicated in the body of the table but counted only once in the total.

Thus, the number of cases closed for each group and their relationship to the total number of cases closed bears a remarkable correspondence to the number and proportion of cases filed by each group.

Some differences are apparent, however, with respect to the stage at which cases of different groups were disposed of and the manner in which the cases were closed. Affiliates of the A. F. of L. had a larger number of cases adjusted before formal action than did C. I. O. affiliates. The latter group had larger numbers of cases withdrawn and dismissed before formal action. At each stage after formal action, the C. I. O. affiliates had larger numbers of cases closed than did A. F. of L. affiliates. The Board dismissed approximately the same percentage of the cases of each union group.

Cases of unaffiliated unions were not disposed of in the same manner as other cases. Only 35 percent of the cases of unaffiliated unions were adjusted before formal action. Sixty-two percent of the cases were withdrawn or dismissed before formal action, 68 cases being withdrawn, 32 cases dismissed. Only 5 cases, 3 percent of the total number, were closed after formal action.

Of the cases filed by individual workers, approximately 72 percent were withdrawn or dismissed before formal action; less than 25 percent were adjusted before formal action; and 3 percent were closed after formal action.

Forms of Remedy ⁴

In the cases closed by adjustment or by compliance with Intermediate Report, Board order, or court order, 8,251 workers were reinstated to remedy discriminatory discharges, of whom 3,630 were members of unions affiliated with the A. F. of L. and 4,230 were members of unions affiliated with the C. I. O. In addition, 32,137 workers were reinstated after unfair labor practice strikes. Back-pay

⁴ See table 13 in Appendix, p. 87.

awards totaled \$1,266,408, divided in the following proportions: A. F. of L., 24 percent; C. I. O., 69 percent; unaffiliated unions and individuals, 7 percent. The number of workers receiving back pay totaled 5,925; 2,210 members of unions affiliated with the A. F. of L., 3,525 members of unions affiliated with the C. I. O.

Other actions taken to effectuate the purposes of the Act included the posting of notices in 1,365 cases and the disestablishment of company-dominated unions in 283 cases. Collective bargaining negotiations were part of the remedy in 1,032 cases.

REPRESENTATION CASES

Procedure

The procedures for handling representation cases are somewhat simpler and less time consuming than the procedures for unfair labor practice cases.⁵ Since most representation cases ultimately involve elections or pay-roll checks⁶ as part of their investigation, the cases may be grouped by type of proceeding as follows:

(1) those cases in which elections are held upon the basis of an agreement between the parties, and no Board decision is necessary;

(2) those cases in which the parties waive hearing, agree in writing to the conduct of an election and its coverage, but provide also that the Board shall issue a formal decision on the basis of the results;

(3) those cases in which the Board orders an election, itself defining the appropriate bargaining unit and the circumstances of the ballot, and finally certifies a bargaining representative or dismisses the petition.

Volume of Cases

When the fiscal year began, 1,366 representation cases were pending at different stages of Board activity. During the year, 6,010 new petitions were filed, so that 7,376 representation cases were pending on the Board's docket at sometime during the 12-month period. In the course of the year, 85 percent of these cases were closed, leaving 1,091 cases pending on June 30, 1942.

A summary of the disposition of the 6,285 representation cases closed during the year is indicated in Chart 4.

Informal Disposition of Cases⁷

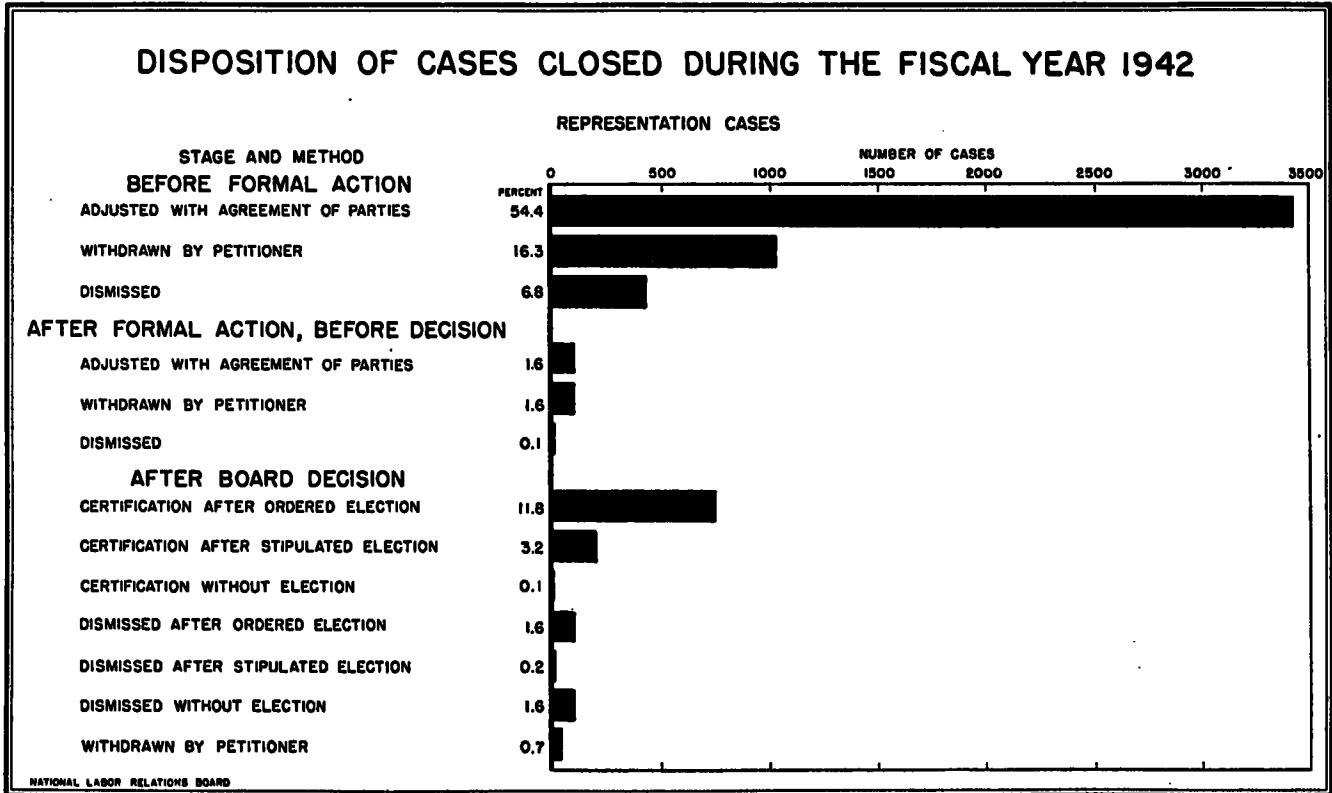
Like unfair labor practice cases, the majority of representation cases are disposed of without formal action. The proportion so closed in 1942, 77 percent, was identical with that for representation cases closed

⁵ See Chapter II, pp. 13-15.

⁶ Comparison of valid union membership or authorization cards and employer pay-roll records.

⁷ See table 12 in Appendix, p. 86.

CHART 4.



in all years. The largest group of these cases, representing 54.4 percent of all representation cases closed during the year, were disposed of in the Regional Offices by consent election or pay-roll check or by direct recognition of a union on the part of the employer. This proportion is 5 percent greater than the average for the Board's 7 years of activity.

Preference for the secret ballot is indicated by the fact that elections were held to dispose of 70.3 percent of the cases adjusted before formal action. Pay-roll checks were conducted in only 17.9 percent of the cases, and unions were recognized as a result of negotiations without either an election or pay-roll check in only 11.8 percent of the cases adjusted before formal action.

The second large group of cases closed without formal action were the 1,027 cases withdrawn by the union or employer who had filed. These represented 16.3 percent of the total number of representation cases closed during the year. They were primarily cases in which investigation disclosed that the Board would not proceed to formal action, or cases in which the petitioner did not, for one reason or another, desire further action. The remaining 428 cases closed before formal action, representing 6.8 percent of the total number of cases closed, were dismissed for lack of merit or jurisdiction. These proportions of representation cases withdrawn and dismissed before formal action do not vary substantially from the 7-year average.

Formal Actions¹

The increased tempo of representation work is clearly reflected in the volume of formal activity. The issuance of 1,211 Orders Directing Investigation and Hearing initiated formal action in approximately 16 percent of all representation cases on docket during the year. This number represents an increase of 37 percent over the preceding year. The number of cases heard increased 73 percent over the preceding year, reaching a maximum figure of 1,157.

The Board issued 951 decisions in representation cases,² an increase of 28 percent over the preceding year. The number of decisions based on stipulated elections or pay-roll checks alone increased 150 percent. The Board issued 662 decisions directing that elections be held, 207 decisions certifying a bargaining representative or dismissing the petition after stipulated elections or pay-roll checks, 82 decisions disposing of the issues without an election.

¹ See table 15 in Appendix, p. 87.

² Not including supplemental decisions.

Although the absolute number of formal actions increased during the year, there was no increase in the proportion of cases going to formal action; the increase was merely proportionate to the increased case load. The percentages of cases on docket involved in the different types of formal activity do not differ significantly from corresponding percentages in earlier years.

Cases Closed after Formal Action

The proportion of representation cases closed after formal action is larger than the corresponding proportion of unfair labor practice cases. The majority of the representation cases in this group, like unfair labor practice cases, were disposed of after Board decision. Of 1,207 cases so disposed of, 78.6 percent were closed with the certification of a union as bargaining representative, and 17.9 percent were dismissed.

The Origins of Representation Cases Closed During 1942

Again, as for unfair labor practice cases, there is a close correspondence between the distribution of cases closed according to type of petitioner and the corresponding distribution of cases filed.

Table 7.—Representation cases closed during 1942 compared with cases filed, by type of petitioner

Petitioner	Cases closed		Cases filed	
	Number	Percent of total	Number	Percent of total
Total.....	1 6, 285	100. 0	1 6, 010	100. 0
A. F. of L. affiliate.....	2, 813	44. 7	2, 609	43. 4
C. I. O. affiliate.....	2, 723	43. 3	2, 724	45. 3
Unaffiliated union.....	659	10. 5	595	9. 9
Employer.....	92	1. 5	84	1. 4

¹ 2 cases filed by joint petitioners are counted only once each in the total, but are duplicated in the body of the table.

Contrasted with unfair labor practice cases, representation cases exhibit less variation in stage and method of disposition for the different types of petitioners. For A. F. of L. and C. I. O. affiliates, nearly identical proportions of cases were adjusted, withdrawn, and dismissed before formal action. The petitions of unaffiliated unions and employers were disposed of differently; a relatively small proportion were adjusted before formal action; a relatively large proportion of the cases were dismissed and withdrawn. At the various stages after formal action the proportions of cases closed for the different petitioning groups were similar.

V

DETERMINING BARGAINING REPRESENTATIVES THROUGH ELECTIONS

ELECTIONS AS A NEW EXPERIENCE FOR THOUSANDS OF WORKERS

THE most outstanding development in the work of the Board during the past year was the great increase in elections and pay-roll checks¹ conducted to determine collective bargaining representatives. The past several years have seen a steady increase in Board elections. Their number was 1,152 in the fiscal year 1938, 1,192 in 1940, and 2,566 the following year. Thus, 1942 with 4,212 elections and pay-roll checks represents an unprecedented level of activity. Over a million workers were eligible to express their choice in the elections conducted during the past year.

Everywhere the elections registered a healthy response on the part of workers, who participated to an extent far exceeding participation in most political elections. The proceedings were held in every State of the country, in the huge metropolitan areas, in small towns, in steel towns, in shipbuilding centers, in isolated logging camps, even on ships ready to sail. They occurred in every industry subject to the Board's jurisdiction, though preponderantly in manufacturing.

While the number of elections alone is impressive, they have a further significance. Although the past year was not the first year in which elections were held, it brought to thousands of workers in particular industries and plants the first opportunity to choose their collective bargaining representatives in a fully democratic manner. Their interest in their jobs and the conditions of their employment was recognized and dignified through the secret ballot.

The workers of three large companies, Bethlehem Steel, Republic Steel, and Western Union, are taken to illustrate an experience which

¹ Pay-roll checks, which involve a comparison of valid union membership or authorization cards and employer's pay-roll records for an appropriate period, occur much less frequently than elections.

has been repeated many times, particularly during this fiscal year. The specific companies are chosen merely because they illustrate spectacularly a movement away from interference with self-organization of workers, toward the orderly determination of collective bargaining representatives through secret ballot elections and pay-roll checks.

The Bethlehem Steel elections ² involved 116,130 eligible voters, the largest number of workers among the three companies. Elections and pay-roll checks were conducted in plants of the company at Lackawanna and Mariners Harbor in New York, at Quincy in Massachusetts, at Steelton in Pennsylvania. More than 98,000 valid votes were cast, representing 84 percent of the workers eligible to vote.

Yet, these elections came only after a series of unfair labor practice cases, which affected plants of the Bethlehem Company in five States. The major case was filed early in 1937. A Board decision in August 1939 ordered the posting of notices (indicating acceptance of the Act) and withdrawal of recognition from company-dominated unions in nine plants. The case was not finally disposed of, however, until May 1941, when the Board's order was enforced by the Court of Appeals for the District of Columbia. Thereafter, when the company complied with the order, proper conditions for the exercise of a free choice of representatives prevailed, and the elections were petitioned for and were held.

In the Republic Steel illustration, a major unfair labor practice case was filed in the middle of 1937, involving a number of Ohio plants. In October 1938, the Board issued its Decision and Order providing for the posting of notices, the reinstatement of discharged workers, the withdrawal of recognition from company-dominated unions, and the payment of wages lost as a result of the company's unfair labor practices. Again, only after litigation in the circuit and supreme courts is the case reaching its final disposition based upon compliance with the Board and court orders.

At the same time that compliance has been going forward in the unfair labor practice case, elections and pay-roll checks have been conducted during the past year at Republic plants in Ohio, New York, Illinois, Indiana, and Alabama. As a result of these proceedings, representation for collective bargaining has been established for 43,009 workers, virtually all of those eligible to participate.

The third illustration is in the communications industry, where representation proceedings in a number of Western Union cases during the past year, like the steel proceedings, followed years of litigation

² A series of elections in Bethlehem Steel began in May 1941 and continued into the fiscal year 1942.

over unfair labor practice cases. The major case was filed early in 1938. More than 2 years later, in August 1940, the Second Circuit Court of Appeals issued an opinion enforcing the Board order for the posting of notices and withdrawal of recognition from the company-dominated union. During the past year, elections and pay-roll checks were conducted in offices of Western Union scattered throughout 21 States. Unions were successful in 78 out of 83 proceedings, thus establishing representation for 29,286 workers or 98 percent of the total number that were eligible to vote.

THE DIFFERENT KINDS OF ELECTIONS AND HOW THEY ARE CONDUCTED

Types of Proceedings

The three types of elections and pay-roll checks (consent, stipulated, and ordered) are of varying significance numerically. The consent election and pay-roll check are most numerous, accounting for 72.4 percent of all elections and pay-roll checks conducted during the year. Consent elections are those conducted with the consent of all parties, a written agreement defining the appropriate unit, eligibility, the pay-roll date to be used, etc. Collective bargaining usually follows if the union is successful.

The second largest group of elections (895 or 21.3 percent of the total in 1942) are those directed by the Board after formal investigation of the representation question. In these elections the Board determines the appropriate unit for collective bargaining, indicates what persons are eligible to vote, and when the election is to be held. If Objections are filed to the conduct of the election or to the Election Report, the Board makes final disposition of the issues.

The third type of election and pay-roll check combines features of the other two types. The parties agree in writing, without previous hearing or Board direction, that an election shall be held among workers of a specified unit, but they also specify that the Board shall certify a bargaining representative or dismiss the petition on the basis of the election results. The number of stipulated pay-roll checks and elections conducted during the past year (266) represented a very large increase over the previous year, primarily because of the numerous stipulated pay-roll checks in the steel industry.

Election Procedure

The mechanics of an election are fairly well standardized and do not vary with type of election. Every effort is made to insure orderly and impartial conduct. The time and place are usually designated with agreement of the parties. Voting is frequently conducted on

company property, in space easily accommodated to the purpose. Occasionally, when the union or employer will not agree to the use of company property, arrangements are made to use other facilities located close to the plant or even to set up tents nearby, so that as little time as possible will be consumed in voting.

The time and place of the election depend also upon the organization and type of plant, the distribution of workers, their hours of employment, and related factors. Thus, elections in lumber camps must be conducted in the evening, after the men have returned from the woods. Balloting here is usually conducted in the dining hall. In maritime elections, procedure must be adapted to the constant movement of men and ships. Frequently voting is conducted on board ship, in the captain's cabin. In very large manufacturing establishments, a detailed schedule of balloting by department may be part of the election plan. The order of balloting is determined so as to minimize any adverse effect upon production.

Notices of elections are posted or disseminated in different ways. Normally they are posted on bulletin boards, time-card racks, or in rest rooms, where they are in prominent view. Under some circumstances they may be distributed by mail or presented to workers in person. If there has been a background of unfair labor practices, more than posting of notices may be deemed necessary to insure free participation of the workers. The notices may then be distributed by committees of union representatives, company representatives, and a Board agent.

Each party to the election has an equal number of observers to represent it at the scene of the balloting. The observer is present to see that the procedures are fair, to challenge ballots if he believes that certain workers are ineligible to vote, to provide the Board agent with information if ballots are challenged, to insure accurate and impartial tallying of ballots. Company observers are usually nonsupervisory personnel, such as pay-roll clerks or timekeepers who are not eligible to vote. Union observers are usually members working in the plant; not outside organizers.

At the conclusion of the election, when ballots have been counted and tallied, an Election Report is issued indicating the results of the balloting. Objections may be filed to the conduct of the election or the Election Report within a specified period after the report has been issued. In consent elections, these Objections are disposed of by the Regional Director, according to the agreement of the parties. In Board ordered elections, the Objections may give rise to extensive investigation, including hearing before a Trial Examiner.

Among the 932 elections conducted by Board order during the year,³ objections were filed in 137, or 14.7 percent of the total number. The 68,626 workers eligible to vote in these elections represented 20 percent of the number eligible to vote in all directed elections. After investigation of the issues involved, the Board voided 37 elections,⁴ representing 27 percent of the elections to which Objections were filed and 4 percent of the total number of directed elections.

INDUSTRIES AND UNIONS INVOLVED ⁵

Industries

Manufacturing industries accounted for 76 percent of all elections and pay-roll checks and 91 percent of valid votes. Within manufacturing industry as a whole, proceedings were concentrated in relatively few subdivisions. Thus, more than 50 percent of all valid votes in manufacturing were confined to iron and steel, transportation equipment (excluding automobile), and nonelectrical machinery. More than 80 percent of the votes were cast in nine industries, including, in addition to the three indicated above, textiles, food, nonferrous metals, chemicals, automotive equipment, and electrical machinery.

This distribution within manufacturing industry does not correspond, except in very broad outlines, to the distribution of workers in industry as a whole.⁶ The five industries employing 53 percent of all workers in manufacturing (iron and steel, transportation equipment, textiles, food, and nonelectrical machinery), accounted for 72 percent of all valid votes in manufacturing.

Table 8.—Comparison of the distribution of workers and the distribution of valid votes cast in 12 leading manufacturing industries

Industry	Percent of workers ¹	Percent of valid votes	Industry	Percent of workers ¹	Percent of valid votes
Total.....	84.5	87.1	Apparel.....	7.3	1.2
Iron and steel.....	12.9	30.1	Electrical machinery.....	5.1	2.9
Transportation equipment.....	11.1	18.5	Chemicals.....	4.7	3.6
Textiles.....	10.4	8.8	Printing.....	4.1	.7
Food.....	9.8	4.0	Lumber.....	4.1	2.2
Machinery, excluding electrical.....	8.3	10.7	Furniture.....	3.4	2.4
			Stone, clay, and glass.....	3.3	2.0

¹ Based on "Estimated Employment and Wages of Workers covered by State Unemployment Compensation Laws, October-December 1941," compiled by the Bureau of Employment Security of the Social Security Board.

² This figure differs from the number indicated on p. 34 because of the inclusion here of elections conducted during the year and subsequently voided.

³ Objections to six of the elections are still pending.

⁴ See table 18 in Appendix, p. 90.

⁵ For source of information see footnote 1 in table 8.

The three industries having a larger percentage of valid votes than workers were industries in which the year marked especially active organization efforts or the culmination of long efforts to organize and secure recognition by large corporations. On the other hand, where the percent of valid votes was markedly below the percent of workers, the difference is usually explainable either by the extent to which the industry is already organized or by the fact that organization efforts were not particularly active in little organized industries.

Unions Involved

The A. F. of L. and C. I. O. participated in approximately equal numbers of elections and pay-roll checks: 2,270 for A. F. of L. affiliates, 2,284 for C. I. O. affiliates. In elections in which the C. I. O. participated, 999,922 workers were eligible to vote; in elections in which the A. F. of L. participated there were 490,028 eligible voters. Unaffiliated unions participated in 678 elections involving a total of 338,195 eligible voters.

The election and pay-roll proceedings of the year included 1,905 elections and cross checks conducted on petitions filed by affiliates of the A. F. of L., 2,070 deriving from C. I. O. petitions, 375 on petitions filed by unaffiliated unions, and 40 growing out of employer petitions.⁷ These numbers correspond proportionately to the number of representation cases filed by each group during the year.

Affiliates of the A. F. of L. appeared on the ballot as intervenor more frequently than any other group of unions. A. F. of L. unions intervened in 482 elections, contrasted with 366 elections in which unaffiliated unions intervened and 334 elections in which C. I. O. unions intervened.⁸

In approximately 75 percent of the elections, there was no contest between unions, i. e., only one union appeared on the ballot. Here the worker's choice was simply for or against the petitioning union. Affiliates of the A. F. of L. appeared alone on the ballot in 36 percent of the 4,212 elections conducted during the year, C. I. O. affiliates in 35 percent of the elections. The A. F. of L. elections represented 16 percent of all valid votes cast, the C. I. O. elections 42 percent. Unaffiliated unions appeared alone in only 5 percent of the elections involving an even smaller percentage of valid votes. A negligible number of elections involved more than two participants.

The composition of Board-ordered elections in terms of participating unions differs markedly from other types of elections. The difference

⁷ The sum of the petitions for each group does not equal the number of elections since one election may be held to resolve a representation question arising in two or more petitions.

⁸ Unions involved in employer petitions are excluded from this discussion.

lies in the relatively small number of ordered elections having a single participant. Thus, A. F. of L. unions participated alone in 28.7 percent of all ordered elections, contrasted with 38.5 percent for consent and stipulated elections; C. I. O. unions participated alone in 22.9 percent of ordered elections, compared with 38.4 for other elections. On the other hand, approximately 25 percent of the ordered elections involved opposing C. I. O. and A. F. of L. unions, compared with a corresponding figure of only 9 percent for other elections. A. F. of L. or C. I. O. affiliates, either alone or as separate parties on the ballot, opposed unaffiliated unions in 17.4 percent of the ordered elections, contrasted with 9 percent for other elections.

ELECTION RESULTS *

Unions affiliated with the C. I. O. won 75 percent of all elections in which they participated, compared with 67 percent for A. F. of L. affiliates and 57.7 percent for unaffiliated unions. C. I. O. affiliates received 68 percent of 824,442 votes, or 560,815 votes; A. F. of L. affiliates received 50.9 percent of 406,034 votes, or 206,605 votes; and unaffiliated unions received the smallest number and percentage of valid votes, 45.1 percent of 283,702 votes, or 127,834 votes.

Table 9.—Results of elections and pay-roll checks conducted during 1942, by participating union

Participating union	Elections in which union participated			Elections won by union		Valid votes cast for union		Percent of eligibles voting
	Number	Number of eligible voters	Number of valid votes cast	Number	Percent of elections in which union participated	Number	Percent of total	
A. F. of L.	2,270	490,028	406,034	1,522	67.0	206,605	50.9	82.9
C. I. O.	2,284	999,922	824,442	1,723	75.4	560,815	68.0	82.5
Unaffiliated.....	678	338,195	283,702	391	57.7	127,834	45.1	83.9

In the elections in which only one union appeared on the ballot, the petitioning union consistently won a vast majority of its elections and polled a majority of valid votes. A. F. of L. affiliates won 80 percent of their elections, polling 71 percent of the total number of valid votes; C. I. O. affiliates won 87 percent of their elections and polled 80 percent of valid votes; unaffiliated unions, which participated in relatively few elections, won 92 percent and polled 89 percent of votes.

In those elections in which affiliates of the A. F. of L. and C. I. O. were opposed, A. F. of L. affiliates won 36 percent of elections and

* See tables 16, 17, and 18 in Appendix, pp. 88-90, for detailed data.

polled 35 percent of votes; C. I. O. affiliates won 57 percent of elections, polling 54 percent of votes. A. F. of L. affiliates opposing unaffiliated unions on a ballot won 50 percent of the elections and polled 48 percent of the valid votes. C. I. O. affiliates opposing independents won a slightly larger percentage of elections and polled a larger proportion of valid votes.

The success of the 3 different union groups as petitioner is indicated as follows: C. I. O. affiliates won 79 percent of the elections in which they were petitioner, unaffiliated unions 77 percent, and A. F. of L. affiliates 74 percent. In terms of the proportions of valid votes cast for the petitioning unions, the results are of different magnitude. C. I. O. unions polled 69 percent of the 823,206 votes cast in the elections in which they appeared as petitioner; unaffiliated unions polled 59 percent of the relatively small number of votes cast in elections for which they petitioned; A. F. of L. affiliates petitioning polled 58 percent of 297,197 votes.

In those elections in which the petitioning union was opposed by one other union on the ballot, the C. I. O. unions won the largest proportion of the elections and polled the largest percentage of valid votes as petitioner. The exact proportions for each union group are indicated below:

Table 10.—Success of petitioning unions in elections with two parties on the ballot¹

Petitioning union	Intervening union	Elections		Valid votes	
		Number	Percent won by petitioner	Number	Percent won by petitioner
A. F. of L.	C. I. O.	234	47.4	80,524	35.6
A. F. of L.	Unaffiliated	118	59.3	37,517	49.7
C. I. O.	A. F. of L.	371	66.3	220,822	54.4
C. I. O.	Unaffiliated	195	63.1	161,788	57.9
Unaffiliated	A. F. of L.	71	63.4	15,608	52.7
Unaffiliated	C. I. O.	70	57.1	51,561	53.8

¹ See table 17 in Appendix, p. 89, for fully detailed results.

A study of election results from industry to industry reveals that in 23 industries, primarily manufacturing, C. I. O. affiliates won a larger number of elections than did A. F. of L. affiliates, contrasted with 16 industries in which A. F. of L. affiliates won the larger number of elections. The 23 industries indicated for the C. I. O. accounted for 2,655 elections and 827,876 valid votes, compared with 1,541 elections and 238,459 valid votes in the industries indicated for the A. F. of L.¹⁰

Unaffiliated unions did not win a preponderance of elections in any industry, although they won relatively large percentages of elections

¹⁰ See table 18 in Appendix, p. 90.

in petroleum production, crude petroleum, finance, miscellaneous transportation, printing, public utilities, highway passenger transportation, water transportation, miscellaneous transportation equipment, aircraft, and service trades.

In only 14 percent of all elections did workers vote in a majority against the union or unions on the ballot. The figures for specific industries indicate little variation in this respect. In only 3 industries did more than 20 percent of the elections result in no union winner: wholesale trade (22 percent of 231 elections), retail trade (22 percent of 95 elections), and highway freight transportation (21 percent of 38 elections).

VI

THE MEANING OF THE ACT IN PRACTICE: UNFAIR LABOR PRACTICES

THE National Labor Relations Act¹ declares it to be the policy of the United States to eliminate the causes of certain obstructions to the free flow of commerce, 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. Section 7 of the Act provides that employees shall have 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 purpose of collective bargaining or other mutual aid or protection.

Five types of unfair labor practices by employers, defined in Section 8, are prohibited. To interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in Section 7, is the first. To dominate or interfere with the formation or administration of any labor organization, or to contribute financial or other support to it, is the second. By discrimination to encourage or discourage membership in any labor organization is similarly outlawed, except that closed-shop contracts, made with the representative of the employees in an appropriate collective bargaining unit, are not thereby forbidden. Discrimination against an employee because he has filed charges or given testimony under the Act is a fourth unfair labor practice. Finally it is forbidden to refuse to bargain collectively with the representatives of a majority of the employees in an appropriate unit.

During its 7 years of work, the Board through its decisions has been interpreting the meaning of these rights of self-organization and collective bargaining, and of unfair labor practices, in the diverse multitude of labor-employer relationships. It has thus developed a body of major principles, firmly established in its practice, which are a guide

¹ See p. 164 for text of Act.

for its own administration, and which indicate to organized labor and to employers the major outlines of their rights and duties under the Act.

Because of the complexity of modern industry and the variety of industrial practices, every case coming before the Board must be and is decided on the basis of all the facts and circumstances involved. It is impossible briefly to summarize all the considerations that have entered into the decision of individual cases. Chapters VI and VII aim to present in nontechnical form for the general reader only the major outlines of the basic, thoroughly established principles as to what the Act means in practice.² In addition special note is made of the most significant developments in decisions of the fiscal year 1942.

The principles established have been spelled out in great detail in the decisions of the Board. Those interested in specific decisions and in further detail than is given in this general summary are referred to the chapters, "Principles Established" in previous annual reports, and to the analytical digest-index in each volume of *Decisions and Orders*.

The decisions of the Board in the unfair labor practice cases present a panorama of the types of antiunion activities which the Act has outlawed and sought to eliminate from our industrial life. That the proportion of these cases in the Board's work has decreased, while the volume of representation cases has increased,³ is encouraging evidence that the policy of the Act is being effectuated through the work of the Board. Widespread and increasing acceptance of the practice and procedure of collective bargaining and recognition of the rights of employees foreshadow the complete elimination of the obstructions to commerce caused by conflict over the exercise of these rights.

Some of the most common types of activity which have been found by the Board to be included under the Act's proscription of unfair labor practices, with the correlative duties of employers, are indicated in the sections below.

INTERFERENCE, RESTRAINT, OR COERCION IN THE EXERCISE OF THE RIGHTS GUARANTEED

The panorama of acts which the Board has found in many cases and declared to be unfair labor practices under Section 8 (1) of the Act, begins violently.⁴ Violence was inherent in American industrial life before the passage of the Act. It occurred frequently in the past, less

¹ The meaning of the Act is in the last analysis of course determined by the Supreme Court in its decisions enforcing, with or without modification, orders of the Board brought to it for review. See chapters on *Litigation* in this and previous annual reports.

² See Ch. III.

³ See for example, *Matter of Remington Rand, Inc.*, 2 N. L. R. B. 626; *Matter of Closer Fork Coal Co.*, 4 N. L. R. B. 202; *Matter of Ford Motor Co.*, 4 N. L. R. B. 621, 14 N. L. R. B. 346, 26 N. L. R. B. 322; *Matter of Harlan Fuel Company*, 8 N. L. R. B. 25; *Matter of Republic Steel Corp.*, 9 N. L. R. B. 219; *Matter of Eagle-Picher Mining and Smelting Co.*, 16 N. L. R. B. 727; *Matter of Weirton Steel Company*, 32 N. L. R. B. 1145.

often now as the cruder types of violations of the Act tend to disappear from the scene. Murders, beatings, and sluggings of union organizers, members, or sympathizers, during organization campaigns or strikes, by employers' agents, hired strong-arm men, or others incited to violence by the employer, have been dealt with in the past and are all included in the coercive practices prohibited under the Act. Driving union organizers out of town, preventing access of employees to union representatives in company towns, or other antiunion violence or incitement to violence on the part of employers, similarly are prohibited.

Espionage by employers to keep themselves informed of union activities is prohibited, whether it occurs in the form of the use of professional spies (a widespread practice before the investigations of the La Follette Committee), the encouragement of employees to report on their fellows, or direct espionage by company supervisors or officials. In any case it is intimidating and coercive.

An employer may not with impunity foster, encourage, support, or utilize "Citizens Committees," back-to-work movements, or other supposedly public organizations or activities for the purpose of breaking a strike, or otherwise creating hostility to the union.

An employer may not invoke his constitutional right of free speech as a protection for his statements and publications, when in the light of the entire record of conduct interfering with the rights of employees, they are clearly coercive. Under such circumstances the spreading of disparaging rumors about the labor organizations or union leaders, issuing antiunion pamphlets, or directly denouncing the union to employees, for instance, are violations of the Act.⁵

⁵ See for example *Matter of Pick Manufacturing Company*, 35 N. L. R. B. 1334, where respondent's contention that the statements were mere "expressions of opinion" and within the constitutional guarantee of free speech, was held without merit when under the circumstances the statements "naturally and inevitably tended to engender in the employees a fear for their economic security should they seek to exercise the right to select representatives of their own choosing." See also the recently decided *Virginia Electric and Power Company*, 44 N. L. R. B., No. 75 and Chapter IX, Litigation, for discussion on *N. L. R. B. v. Virginia and Electric Power Company*, 314 U. S. 469. In this case the Board said:

"As regards the April 26 bulletin, we are not unmindful of the respondent's argument that its reference to the employees' right to join the union of their choice and its statement that no employee would suffer because of his membership, assured the employees of its impartiality, and that hence the employees could not have been restrained in their choice of representatives by any statement contained in the bulletin. We do not agree, however, that the respondent's brief reference to the employees' rights under the Act rendered the employees wholly free with respect to joining unions. On the contrary, in view of the respondent's past hostility to labor organizations, and in view of the timing of the bulletin, after nationally affiliated organizations had attempted to organize the employees and at a time when the Supreme Court decisions sustaining the validity of the Act rendered further attempts imminent, we believe that the employees could not fail to be discouraged from joining 'national' labor organizations by the respondent's action in posting the bulletin, which, as a whole, so clearly showed the respondent's opposition to their taking such a step * * *. Viewing the bulletin in the light of the background in which it was posted and the respondent's subsequent activities, we find the bulletin clearly coercive."

An employer's statements made to a union negotiating committee, merely expressing "the respondent's reasoned preference for dealing with one, rather than two unions," however, were not viewed as coercive, in *Matter of Polson Logging Company*, 40 N. L. R. B. 736.

Intimidation or coercion of employees in the exercise of their rights of self-organization is illegal whether it takes the form of outright threats or subtle influences. Threatening to close the plant or move it to another town, or to reduce employees' privileges in a company town, having individuals trailed or spied upon, requiring information as to union affiliation on employment applications, or interrogating employees directly about their union activities, and threatening discharge, are examples of the variety of intimidating activities found illegal. An employer may not for the purpose of defeating collective bargaining approach individual employees directly, to offer them or require them to sign individual contracts, or secure pledges of "loyalty" from them. Bribes or other inducements to cease union activities are similarly prohibited.

In industries where the employees must spend virtually all their time on the employer's property, as in the maritime and logging industries, the employer may not deny employees their full rights of self-organization by denying union representatives any access whatever to company property.

For an employers' association to organize a boycott against a member of the association who bargains with a union, is also interference with the right of employees to collective bargaining. So-called "civic associations" which, acting directly or indirectly in the interest of the companies concerned, in various ways aided in interfering with the self-organization of employees, have been found by the Board to be "employers" within the meaning of the Act, and guilty of unfair labor practices. In *Matter of Sun-Tent Luebbert Company*, 37 N. L. R. B. 50, the Board said:

* * * The unfair labor practices committed by the respondents with respect to the employees of the canvas companies were in fact executed as an integral part of a coordinated scheme or plan designed by the institutional respondents as a means of assisting all employers of Southern California in interfering with, restraining, and coercing their employees in the exercise of the rights guaranteed to such employees under the Act. Such coordinated plan, if again applied, will inevitably bring about a further concerted violation of the Act, similar in kind to the unfair labor practices found. Since the institutional respondents have publicly and persistently invited all employers of Southern California to enlist their services in introducing such plan among their employees, it is reasonable to assume, and we find, that the institutional respondents are fully equipped for, and ready to proceed with, the commission of similar unfair labor practices with respect to the employees of other employers, unless ordered to refrain from so doing. We, therefore, deem it necessary to prevent the commission of such similar unfair labor practices by the institutional respondents, acting in the interest of other employers, and we shall, accordingly, order such respondents to cease and desist from in any other manner, severally, jointly, or in concert with other employers, interfering with the rights guaranteed to employees in Section 7 of the Act.

In addition to antiunion activities of which the above are examples, favoritism by the employer as between rival unions has been found to be interference, restraint, and coercion of employees in the exercise of their rights of self-organization, as well as a violation of Section 8 (2) and (3).

Section 8 (1) thus serves as a general statement of unfair labor practices. The Board has consistently held that any of the unfair labor practices specified in the other subdivisions of Section 8 are also "interference, restraint, and coercion in the exercise of the rights guaranteed by the Act, and as such are violations of Section 8 (1). In addition any specific practices violating the rights of employees, which are not included under the other subdivisions, are covered by these more general terms.

DOMINATION AND INTERFERENCE WITH THE FORMATION OR ADMINISTRATION OF A LABOR ORGANIZATION AND CONTRIBUTING FINANCIAL OR OTHER SUPPORT TO IT

Before the passage of the Act, for employers to promote, dominate, and support labor organizations through employee representation plans and company unions, was a widespread practice in important sectors of American industrial life. The Act, however, through Section 8 (2) makes it an unfair labor practice to dominate or interfere with the formation or administration of any labor organization which exists in whole or in part for the purpose of dealing with employers concerning grievances, labor disputes, wages, hours, or conditions of work, or to contribute financial or other support to such an organization.

Under this section old-established employee-representation plans and newer company-dominated unions, whether formed during a strike, or in an effort to forestall union organization, or to provide a means for handling grievances and other matters of common interest in the absence of union organization, have been found to be illegal.⁶ An employer is not permitted to participate in the establishment of a labor organization or in its administration, nor to contribute any support to it. He is held responsible for any interference or attempted promotion of the organization by his agents. It is an unfair labor practice, for example, for employers or their agents to take part in the formation of the organization, to aid in drafting the constitution, to circulate petitions in its support, to disparage to employees a rival organization, to encourage membership by any means, or to aid the organization by supplying financial aid or the use of company facilities such as bulletin boards, mailing lists, or office space.

⁶ See for example: *International Harvester Co.*, 2 N. L. R. B. 310; *Industrial Rayon Corporation*, 7 N. L. R. B. 878; *Republic Steel Corporation*, 9 N. L. R. B. 219; *Bethlehem Steel Corporation*, 14 N. L. R. B. 539; *Ford Motor Company*, 31 N. L. R. B. 994; *Weirton Steel Company*, 32 N. L. R. B. 1145.

When an employee-representation plan or company union has been dissolved, and succeeded by an ostensibly independent union, the Board must decide on the basis of the entire record whether the new union is a genuinely different and unassisted labor organization. Identity of officers and leaders of both organizations, similarity in structure, bylaws and constitution, transfer of assets from the old to the new organization, and favoritism by the employer to the new organization as against a rival union, have all been found in various cases to indicate continued company domination.

For employees to be completely free from employer control in their collective bargaining, employers must refrain from any interference whatsoever in the choice of representatives. Employers may not therefore indicate to employees their preference as between rival unions, nor give support to a company-favored union or its members by preference in employment, by favoritism in treatment of individuals, or by granting exclusive recognition without proof of the union's majority among the employees. Any such subtle interference by employers with the employees' right of self-organization, to the benefit of a company-favored union, is as clearly outlawed by the Act as is interference by outright coercion or discrimination.

ENCOURAGEMENT OR DISCOURAGEMENT OF MEMBERSHIP IN A LABOR ORGANIZATION BY DISCRIMINATION

Under Section 8 (3) of the Act, any discrimination in regard to hire or tenure of employment or terms or conditions of employment, for the purpose of encouraging or discouraging membership in a labor organization is an unfair labor practice, except in the case of valid closed-shop contracts.

The Board, in administering this section, has been careful not to interfere with the normal exercise by an employer of his right to select or discharge his employees for any reason other than those forbidden by the Act. Accordingly, the Board has never held it to be an unfair labor practice for an employer to discharge, to demote, to transfer, lay off, or fail to reinstate, or otherwise to affect the hire or tenure of employees, or the terms or conditions of their employment, for reasons such as incompetence, misconduct, or temperamental incompatibility, so long as the employer's conduct is not wholly or in part motivated by antiunion considerations.

Any discriminatory treatment as between employees because of union activity, or in the treatment of members of a company-favored and a rival union, are, however, outlawed. Discharges or lay-offs because of union membership or activity, or supposed union membership or activity, or activity looking towards the formation of a

union, or because a member of the employee's family was engaged in such activity, or for refusal to join a company-favored union, are clearly illegal.

When the employer denies that the discharge was for antiunion reasons, and cites inefficiency or misconduct as justification, the Board weighs the conflicting evidence and reaches its conclusion on the entire record. Among the circumstances which in numerous cases have supported charges of discrimination are: Admission by employers or foremen that the discharge was for union activity, deliberate efforts to ascertain the identity of union members and leaders, or discharge for inefficiency of employees of long standing, shortly after the start of union activity. Discharges for having engaged in unlawful violence, in connection with a sit-down strike, for example, are not illegal, however, since the *Fansteel* case.⁷

The blacklist, long an instrument of antiunion policy, is illegal under this section. An employer may not reject applicants for employment solely because of their union affiliation. Similarly workers may not be discriminated against in reinstatement after lay-offs or after a strike, because of their union activity. Nor may an employer impose as a condition of reinstatement unlawful conditions, such as renunciation of the union, or the signing of individual contracts. Delegation to a company-dominated union of authority to determine who should be recalled after a strike has been held to reveal an intention to discriminate.⁸

The ban against discrimination for union activity extends also to discriminatory treatment of employees on their jobs, such as withholding a wage increase, demotion, or assignment to more difficult or disagreeable work, because of the employee's union interests.

In the absence of a valid closed-shop contract, the employer is not protected from a finding of unfair labor practices by a plea that the discrimination resulted from the threat of a strike or other economic pressure by a rival union.⁹

An employer may, however, require membership in a labor organization as a condition of employment, under the proviso of Section

⁷ *N. L. R. B. v. Fansteel Metallurgical Corp.*, 306 U. S. 240. See also *Southern Steamship Company v. N. L. R. B.*, 62 S.Ct. 886.

⁸ *Matter of Shenandoah-Dives Mining Company*, 35 N.L.R.B. 1153.

⁹ Thus in *Matter of Greer Steel Company*, 38 N. L. R. B. 65, the Board ordered reinstatement and back pay in a case where no showing was made of "actual exercise by a labor organization of its economic power to the demonstrated financial detriment of the respondent for the purpose of compelling the very action of which complaint has been made. The record does not persuade us that the respondent was faced with the immediate alternative of complete cessation or even substantial interruption of operations." See also *Matter of Borg-Warner Corporation*, 38 N. L. R. B. 866. In the earlier *Matter of New York and Porto Rico Steamship Company*, 34 N. L. R. B. 1028, the majority of the Board ordered respondent to cease and desist from discrimination, but did not order reinstatement and back pay, where the unfair labor practices were forced by strikes and refusal of seamen to sail, and where the respondents maintained a neutral attitude with respect to the union affiliations of their employees.

8 (3), in the case of valid closed-shop contracts or others with less complete requirements for union membership.¹⁰ The exemption does not, of course, apply in the case of a contract made with a company-dominated or company-assisted union, or one the result of unfair labor practices, or one with a union not the representative of the majority of the employees in an appropriate collective-bargaining unit when the agreement was made.

In a case decided in the new fiscal year, *Matter of Rutland Court Owners, Inc.*, 44 N. L. R. B., No. 112, the Board considered the issue—whether a closed-shop agreement for 12 months made in conformity with the conditions of the proviso may operate as a defense to otherwise discriminatory discharges effected toward the end of the contract term when the employees covered by the agreement seek to change their collective bargaining representative for the next contractual period.

The majority of the Board held the discharges discriminatory despite the proviso of Section 8 (3).

The mere fact that all closed shops are not unlawful, by virtue of the proviso, is no reason for holding that closed shops may be made perpetual because validly initiated pursuant to the proviso. * * * to sustain the contention of the respondent and the A. F. of L. Local would be to enforce a closed shop for an unreasonable period, indeed for an indefinitely long period or perhaps even in perpetuity. * * * Effectuation of the basic policies of the Act requires, as the life of the collective contract draws to a close, that the employees be able to advocate a change in their affiliation without fear of discharge by an employer for so doing.¹¹

DISCRIMINATION FOR FILING CHARGES OR TESTIFYING UNDER THE ACT

Under Section 8 (4) it is an unfair labor practice for an employer to discharge or otherwise discriminate against an employee because he has filed charges or given testimony under this Act. The small

¹⁰ The Board has held that preferential agreements are included under the protection of this proviso. "Maintenance-of-membership" clauses are similarly protected, according to an opinion of the General Counsel of the Board, rendered to the National Defense Mediation Board.

¹¹ Board Member Lelserson dissented, as follows: "There is no contention in this proceeding that the closed-shop contract of 1939 is invalid. The discharges were made pursuant to the terms of that contract and are therefore within the terms of the proviso to Section 8 (3) of the Act. To reach a contrary result the majority has in effect assumed authority to suspend enforcement of the provisions of a valid collective-bargaining agreement although this Board has previously held that it was not permitted to do so." If valid closed-shop contracts, which are expressly permitted by the Act, have undesirable effects, it is for the Congress, and not for the Board, to make the modifications. I would dismiss the complaint.

¹² *Matter of Ansley Radio Corporation*, 18 N. L. R. B. 1028. The effect of the majority decision is also to set aside provisions in union constitutions like the following: Any member accepting membership in the Industrial Workers of the World, the Working Class Union, the One Big Union, or any other dual organization not affiliated with the Congress of Industrial Organizations, or membership in the National Chamber of Commerce, or the Ku Klux Klan, or the Communist Party, shall be expelled from the United Mine Workers of America. * * * (Article XIV, Sec. 2, Constitution of the International Union, United Mine Workers of America, adopted at Columbus, Ohio, February 1, 1940.)"

number of cases of this sort shows general respect for the Act and for the Board's processes.

REFUSAL TO BARGAIN COLLECTIVELY

For an employer to refuse to bargain collectively with the representatives chosen by the majority of his employees in an appropriate collective bargaining unit, is an unfair labor practice under Section 8 (5). Collective bargaining is the normal culmination of the exercise by workers of their right to full freedom of self-organization. After the elimination of such outright interferences with these rights as have been described above, the Board has encountered many cases in which employers have denied to employees the fruit of their self-organization, by failing to bargain collectively in good faith. The Board has attempted in its decisions to so define "refusal to bargain collectively," as to remove these final obstacles to the exercise of the rights guaranteed under the Act.

Outright refusal to negotiate with the representatives chosen by the employees is the simplest case. An employer may not, further, refuse to negotiate with union representatives who are not in his employ, or do not meet other tests imposed by the employer. The employer also may not refuse to give exclusive recognition to the representative of the majority of the employees in an appropriate unit. A contract for members only does not satisfy the requirement. Nor may an employer avoid the necessity of collective bargaining by bargaining individually with employees or offering them individual contracts, when collective bargaining has been requested by a majority representative. Nor may he insist that grievances be presented individually rather than through representatives, or that the collective contract be subordinated to individual contracts.

The employer's duty to bargain includes the obligation to seek in good faith to reach an understanding on wages, hours, or other conditions of employment. Negotiation of individual grievances alone is not enough. Nor is an employer fulfilling his obligation if he fails to have his representatives available for conferences with the union at reasonable times and places, or to appoint representatives with power to reach agreements. Nor is he bargaining in good faith if he rejects the union proposals without submitting counterproposals and attempting to reconcile the differences.¹² If after a genuine attempt to reach agreement, an impasse has been reached, the employer is not

¹² In *Matter of Montgomery Ward and Company*, 37 N. L. R. B. 100, where respondent adopted a negative attitude that it had no affirmative duty to do anything in negotiations and that the initiative lies with the Union, and therefore refused to make counterproposals, the Board found that the respondent was refusing to bargain in good faith.

required to continue futile negotiations.¹³ Should the situation change, however, the employer must on request resume collective bargaining.

When an understanding is reached, it is an unfair labor practice for the employer to deny the union the embodiment of its terms in a binding agreement, in accordance with the procedure of collective bargaining as historically practiced. A one-sided statement of policy by the company does not meet the test. A union has a right, when understanding has been reached, to a written contract embodying the terms of the agreement.

An employer may not justify his failure to bargain collectively by objections to the union's proposals, as for example for a closed shop; not by the claim that his competitors do not engage in collective bargaining; nor by criticism of the union. Nor is he excused by a closed-shop contract made with a rival union, not a representative of the majority of the employees. Nor can he claim as a defense honest doubt as to whether the union is a majority representative, if he has refused to cooperate in resolving that doubt by an election or otherwise. If the union's majority has been reduced as a result of his unfair labor practices, he may not claim as a defense the lack of a majority.

REMEDIES

When the Board finds that an employer has engaged in unfair labor practices, under Section 10 (c) of the Act it has the power to issue an order, requiring him "to cease and desist from such unfair labor practice, and to take such affirmative action, including reinstatement of employees with or without back pay, as will effectuate the policies of this Act."

The cease and desist orders are adapted to the situation which calls for redress. Using the language of the Act, the Board orders employers to cease and desist from the unfair labor practices in which they have engaged, for example, "dominating or interfering with the administration of the—union," or "refusing to bargain collectively with the—union," "discouraging membership in the—union, or any other labor organization of their employees, by discharging, refusing to reinstate, or otherwise discriminating against their employees in

¹³ In *Matter of Montgomery Ward & Co., Inc.*, 39 N. L. R. B. 229, the Board dismissed charges of unfair labor practices when negotiations reached an impasse over the closed-shop and other union demands. "The employer must in a very real sense undertake to discover with the Union such common ground as may exist between the parties. On the other hand, satisfaction of the statutory obligation does not require an employer to capitulate to the demands addressed to him, * * *. It appears clear that but for the honestly taken but irreconcilable positions of the parties in regard to the preferential shop, seniority, and arbitration, the negotiations would have resulted in a mutually satisfactory agreement concerning wages, hours, and other terms and conditions of employment."

regard to hire or tenure of employment, or any term or condition of employment," or "in any other manner interfering with, restraining, or coercing its employees in the exercise of the right to self-organization, to form, join, and 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 in Section 7 of the Act."

Where the circumstances make it necessary, orders also require the employer to cease and desist from specific acts, such as permitting physical assaults and threats of violence to employees, denying to employees living in a company town or company houses the right to meet and confer with union representatives, interrogating employees as to union membership, giving favored treatment to the company-favored union, giving effect to individual nonunion contracts or to a contract which was the result of unfair labor practices, or recognizing a favored union unless and until certified by the Board.

Orders of affirmative action, in addition, apply the remedy appropriate specifically to effectuate the policy of the Act, in the presence of specific violations. Thus employers have been ordered, for example, to withdraw recognition from and disestablish a company-dominated union as collective bargaining representative; where employees live on company property, to admit union representatives to such property; to bargain collectively with a union found to be the exclusive representative of the employees in an appropriate unit, and, if an understanding is reached, to embody its terms in a signed agreement.

Where the Board finds that an employer has encouraged or discouraged membership in a labor organization by discrimination, the normal remedy is to order the reinstatement of persons who lost their employment through such discrimination. The purpose of the reinstatement is not only to restore the victim of discrimination to the position from which he was unlawfully excluded, but also to dissipate the coercive effects of such discrimination upon other employees. The Board therefore orders an offer of reinstatement even though the discharged employee has since obtained regular and substantially similar employment. Where a strike was caused by unfair labor practices of an employer, the employer has been ordered to reinstate the strikers, dismissing, if necessary, persons hired since the strike to replace strikers. Although the minor disorders which sometimes accompany strikes are not held to bar reinstatement, the Board does not order reinstatement of persons discharged for engaging in a sit-down strike, or convicted of serious misconduct.¹⁴

¹⁴ For example, *Matter of Quality and Service Laundry, Inc.*, 39 N. L. R. B. 970.

In addition to requiring reinstatement of the employee discriminated against, the Board usually orders the employer "to make the employee whole" for the loss of pay he has suffered. The loss is ordinarily figured by the difference between what he normally would have earned, had the unfair labor practices not occurred, and the amount of his net earnings during the period. The Board in each case patterns the back-pay order to the circumstances of the case, in terms of an applicable formula.

Where an employer has moved his place of business to another locality, in order to defeat the union, the Board has ordered reinstatement, at either the old or new location, with the payment of reasonable expenses entailed in the transportation and moving of employees' families.¹⁵ Where a discriminatory discharge entails the loss of job perquisites, such as the occupation of a dwelling, group insurance rights, or a bonus, the Board has ordered the employer to restore the privilege.

The Board requires an employer found to have engaged in unfair labor practices to post notices that he will not engage in the conduct from which he is ordered to cease and desist, and that he will take the affirmative action required. The employer is also required to notify the Regional Director of the Board in writing within 10 days what steps he has taken to comply with the order.

¹⁵ See *Matter of Gerity Whitaker Company*, 33 N. L. R. B. 393.

VII

THE MEANING OF THE ACT IN PRACTICE: REPRESENTATION DISPUTES

UNDER the National Labor Relations Act, Section 9,¹ the representative selected for the purposes of collective bargaining by the majority of the employees in a unit appropriate for such purposes, is the exclusive representative of all the employees of that unit for collective bargaining. The Board must decide in each case whether, in order to insure to employees the full benefit of their right to self-organization and to collective bargaining, and otherwise to effectuate the policies of the Act, the unit appropriate for collective bargaining is "the employer unit, craft unit, plant unit, or subdivision thereof." When questions concerning the representation of employees arise the Board may investigate, and certify the representative, if any, chosen by the majority of the employees in the appropriate unit.

With the increasing acceptance of the policy of the Act, and the accompanying relative decline in unfair labor practice cases, the representation cases are becoming an increasingly important part of the Board's work.²

WHEN A QUESTION OF REPRESENTATION ARISES

Under the Act, it is an unfair labor practice for an employer to refuse to bargain collectively with the representative chosen for the purposes of collective bargaining by a majority of the employees in an appropriate unit. Frequently, however, disputes arise because of bona fide doubt or disagreement as to whether a majority of the employees have selected such a representative. The Board under Section 9 (c) may settle this dispute by investigating the question, determining the choice of the employees by secret ballot or otherwise,

¹ See p. 154 for text of the Act.

² See Ch. III.

and certifying the representative, if any is designated. The investigation results merely in a certification of fact—that a particular representative has been chosen by a majority of the employees in an appropriate unit, if this is the case. It does not result in any order to the employer to cease and desist from an unfair labor practice or to take any affirmative action.

Whether a question of representation exists, which can be solved by the machinery of the Act, is a question of fact to be determined in each case. Questions of representation arise typically where an employer refuses to recognize a union as exclusive representative, whether from a bona fide doubt as to its majority or otherwise, or where disagreement exists as to which of rival unions has been chosen as representative by the majority of the employees in an appropriate unit. Ordinarily, the petitioning union must present substantial proof in the form of membership records or cards authorizing it to bargain collectively for the signers or otherwise indicate that it is in fact the representative of a majority of the employees in an appropriate unit.

When the difficulty arises from a jurisdictional dispute involving two unions or more, all the affiliates of the same parent organization, the Board ordinarily dismisses the petition, on the ground that it will not interfere with the internal affairs of labor organizations. This rule does not apply when an outside union also is involved. The Board does not refuse to investigate the question, moreover, where a real dispute exists involving a union suspended, expelled, or voluntarily disaffiliated from the parent organization. In a recently decided case, also, *Matter of Harbison-Walker Refractories Company*, 43 N. L. R. B., No. 161, where one union refused to recognize the authority of the parent body,³ the Board ordered an election, since resolution of the existing conflict was impossible without resort to the administrative processes of the Act.

THE EFFECT OF EXISTING CONTRACTS OR PRIOR CERTIFICATIONS

The Board is frequently presented with the question whether to order an election for choice of representatives in the presence of a collective bargaining contract. The Board in such cases must weigh and resolve the conflicting interests in maintaining the stability of contractual relationships established by previous collective bargaining, and in protecting the right of the majority of employees to a collective bargaining representative of their own choice.

³ See also *Matter of Interlake Iron Corporation*, 2 N. L. R. B. 1036; *Matter of Federal Knitting Mills Company*, 3 N. L. R. B. 257.

Contracts covering members only, contracts made with a company-dominated union, and contracts with a labor organization which did not represent a majority of the employees when made, are clearly no bar to elections. Similarly, agreements entered into or renewed after the initiation of representation proceedings before the Board, or after the request of a rival union for recognition as exclusive representative, are in general no bar.

The Board has normally refused to proceed to an election, in the presence of a collective bargaining contract, where the contract grants exclusive recognition, is to be effective only for a reasonable period (ordinarily 1 year), and was negotiated by a union representing at the time a majority of the employees, prior to any claim by a rival labor organization. In such cases, where the petitioning union makes a substantial showing of representation, petitions have been dismissed without prejudice to their renewal at a reasonable time prior to the expiration of the existing contract.

The Board has, however, ordered elections in the presence of such valid contracts, where the entire record indicates that to do so will encourage the practice and procedure of collective bargaining, and protect the exercise by workers of their full freedom to organize and designate collective bargaining representatives of their own choosing. Among the considerations which in particular cases have resulted in Directions of Elections are the fact that the contract was about to expire, or was terminable on notice, or that it had been in existence for more than a year. Similarly, where there was doubt of the current existence of the contracting union, or where the local union had split and the employer refused to recognize either faction, or where there was evidence of substantially complete change of affiliation of the employees concerned, the Board has ordered elections.

However, two recent cases illustrate the Board's response to the need for stability in existing contractual bargaining relationships. In *Matter of Owens-Illinois Pacific Coast Co.*, 36 N. L. R. B., 990, the Board in furtherance of the purposes of the Act to attain stabilized labor relations in industry through collective agreements, refused to order an election at the conclusion of the first year of a 2-year closed-shop contract term where in recent years substantially all the employer's collective bargaining contracts had been made for a period of 2 years or longer and where it was shown that not all the employees covered by the contract had transferred their allegiance from the contracting to the petitioning labor organization. In the recent *Matter of Mill B. Incorporated*, 40 N. L. R. B. 346, the Board, in the interest of maintaining the stability of relationships previously

established by collective bargaining contracts, refused to order an election on the petition of a labor organization which had made its claim of representation before the expiration of the initial term of a contract, but after the date, 60 days before expiration, upon which, by its terms, it was automatically renewed. The majority of the Board⁴ here enunciated the rule that a petitioning union must assert its claim prior to the date upon which the contract is automatically renewed in the absence of notice by either party.⁵

On the other hand, the Board has adapted its practice in another respect to meet the necessities of rapidly changing industrial conditions in the war economy. Ordinarily, the Board refuses for administrative reasons to entertain a petition for investigation and certification of representatives within 1 year after the issuance of a Certification. Conversion to war production and the attendant phenomenon of rapid plant expansion require a greater flexibility in affording employees an opportunity to choose representatives. In *Matter of Westinghouse Electric*, 38 N. L. R. B., 404, the Board proceeded to an election at a time when the war plant involved had attained only about one-fourth of expected employment, stating:

Since the planned expansion of the Canton plant will almost quadruple the number of production and maintenance employees at that plant in a comparatively short time, we shall not, in the event a collective bargaining representative is certified as a result of this proceeding, adhere to our usual 1-year rule. We shall, instead, entertain a new petition for an investigation and certification of representatives at any time following issuance of any certification in this proceeding, provided we are satisfied, under all the circumstances then shown (including proof that there has been a substantial increase in the number of employees at the Canton plant and that the petitioner represents a substantial number of employees), that a question concerning representation affecting commerce has arisen.

This rule has been applied in a number of similar cases. More recently, however, in comparable circumstances, the Board has met the problem presented by dismissing the petition as premature, without prejudice to its renewal at a time when the plant involved shall have achieved approximately 50 percent of expected employment.⁶

ELECTIONS FOR THE CHOICE OF REPRESENTATIVES⁷

When an election is directed, the Board normally provides that it be conducted as promptly as possible, but not later than 30 days

⁴ Board Member Lelserson dissented.

⁵ The Board has not ruled as to the effect in such a case of a requirement of more than 60 days' notice.

⁶ See *Matter of Lukas-Harold Corporation*, 44 N. L. R. B., No. 138.

⁷ See also Ch. V, Determining Bargaining Representatives through Elections.

from the date of the Direction of Election. However, unremedied unfair labor practices interfere with a free choice of representatives. Where such practices are involved, therefore, the Board ordinarily delays elections until the charges have been disposed of, and until the effects of the unfair labor practices have been dissipated.

Eligibility to vote is determined by the Board normally on the basis of a pay roll immediately preceding the Direction of Election, unless special circumstances indicate that eligibility as of some other date will more accurately reflect a free choice of representatives. The Board normally permits voting by employees who were ill, on vacation, temporarily laid off, or on a preferential employment list, in addition to those on the pay roll. While the Board formerly permitted "mail balloting" by employees in active military service, administrative difficulties and attendant delays have forced the Board to discontinue this practice.⁸

Employees discharged prior to the Direction of Election are normally not eligible to vote. Where, however, charges have been filed that the discharges were in violation of the Act, the Board has permitted the discharged employees to vote, but provided that their ballots be impounded and not tabulated unless they would affect the result of the election, in which case further action would await the Board's determination of the unfair labor practice charges. Strikers, when their labor dispute is still current, are permitted to vote. At the same time, in a strike not caused by unfair labor practices, any workers hired to replace strikers are employees, and as such entitled to participate in the election.⁹

The ballot ordinarily includes the names of all bona fide labor organizations having any interest in the proceedings, as shown by evidence that they represent employees in the appropriate unit, or by previous contractual relations with the company. Unions found by the Board to be company dominated are excluded. The ballot provides also a space for voting against the union or all unions listed.

The Board directs run-off elections under appropriate circumstances. Thus when requested to do so by one or more of the labor organizations involved, which together received a majority of the votes cast, the Board has directed a run-off election, dropping the "neither" or "none" from the ballot. Where a plurality of the votes is cast for "neither" or "none" in the original election, the Board generally refuses to direct a run-off election.

The Board seeks to conduct elections under such circumstances that they will reflect the free and independent choice of the employees

⁸ *Matter of Wilson and Company*, 37 N. L. R. B. 944.

⁹ See *Matter of Rudolph Wurlitzer Company*, 32 N. L. R. B. 163.

involved. The integrity of the Board's conduct of elections has been universally recognized. Where objections have been filed, and evidence is presented that any circumstances precluded a free choice, the Board has set aside the elections. Activity of supervisory employees in behalf of one of the rival unions, threats or intimidation by supervisors during the week prior to the election, electioneering by a company-dominated union which had been excluded from the ballot, physical coercion by a union involved, or the fact that the secrecy of the ballot was not maintained, are typical of such prejudicial circumstances, on the basis of which the Board has voided elections.

When a majority of those voting have designated a particular union, the Board normally certifies that union as the exclusive representative of the employees for collective bargaining. Certification is not prevented by a small total vote, if the employer has refused to cooperate in arrangements for the election, or if any union has urged employees to refrain from voting.

The Board also, through its Regional Directors, conducts consent elections on terms agreed upon by the employer and the unions involved, and reports the results of such elections to the parties. Consent elections do not result in certifications by the Board, except when the parties have stipulated that the Board shall certify the representative chosen, if any. They do, however, resolve the doubt as to what union, if any, has been chosen as collective bargaining representative by the majority of the employees.

ADEQUATE PROOF OF MAJORITY REPRESENTATION

The Board is empowered under Section 9 (c) of the Act to certify representatives with or without elections. Its usual practice, when a question arises concerning representation, is to direct an election in order that all doubt and disagreement among the parties as to the wishes of employees be eliminated, in the interest of satisfactory collective bargaining relations. In rare cases, where all the parties agree upon the basis of a claim and showing made by a union in a representation hearing that it represents a majority of the employees in the appropriate unit, the Board has certified without an election. In other cases where the parties agreed upon a check by comparison of the union designations with the company pay roll, the Board has certified the union as exclusive representative on the basis of such a pay-roll check.¹⁰

¹⁰ For example, *Matter of Carnegie-Illinois Steel Corporation*, 40 N. L. R. B. 532.

THE UNIT APPROPRIATE FOR THE PURPOSES OF COLLECTIVE BARGAINING

Under Section 9 (b) of the Act, the Board must decide in each case:

Whether, in order to insure to employees the full benefit of their right to self-organization and to collective bargaining, and otherwise to effectuate the policies of this Act, the unit appropriate for collective bargaining shall be the employer unit, craft unit, plant unit, or subdivision thereof.

Before it can certify representatives or decide on charges of refusal to bargain collectively, the Board must determine the unit appropriate for collective bargaining. It must decide whether the appropriate unit in the case in question is industrial, including practically all the employees of a plant; semi-industrial, including a majority of the employees; multicraft, including several groups of skilled workers; craft, including one group of skilled workers; or other group including only part of the employees. It must also decide whether the unit includes only one plant of one employer, several or all of the plants of a company, or a group of establishments of separate and independent companies.

The complexity of modern industry, transportation, and communication, and the numerous and diverse forms which self-organization among employees has taken, would make impossible the satisfactory application of rigid rules to the determination of the appropriate unit. The Board, exercising administrative discretion, as is its duty under the Act, decides each case on the basis of all the facts and circumstances involved.

In attempting to ascertain the groups among which there is that mutual interest in the objects of collective bargaining which must exist in an appropriate unit if bargaining is to be effective, the Board considers and weighs a number of factors. Among the most important are the following: the history, extent, and type of organization of employees; the history of their collective bargaining; the history, extent, and type of organization of employees in other plants of the same employer, or of other employers in the same industry; the skill, wages, work, and working conditions of the employees; the desires of the employees; the eligibility of the employees for membership in the union or unions involved; the relationship between the unit or units proposed and the employer's organization, management, and operation of the plant; and whether an association of employers is in existence exercising employer functions, and with a history of collective bargaining on a multi-employer basis.

The Scope of the Unit in the Absence of Disagreement Among Unions on Scope

When there is no dispute between labor organizations as to the scope of the unit desired, the Board generally finds appropriate a unit of a breadth clearly in accordance with the desires of employees, and their community of interest and extent of organization, if it is justified by the form of organization of the business or businesses concerned, and permitted by the Act. Thus, when the only labor organization is on a craft basis, craft units are ordinarily found appropriate, as are industrial units when the only organization is industrial.

Similarly, on petition of a union unopposed by others, the Board has found appropriate a unit including several or all of the plants or offices of a company, where such a unit is justified by the integrated nature of the business, interrelationship and interdependence of the work of the employees, and centralization of management. Such broad units have been found appropriate in numerous cases, not only in the transportation, communication, and public utilities industries, but also in manufacturing. In spite of the factors pointing to the appropriateness of such broad units, however, where a union has organized only a part of the possible unit, the Board has found a narrower unit appropriate, in order not to deny to employees the benefits of collective bargaining pending more extensive organization.

The Board treats as a single employer, companies interrelated through common ownership and management, and has established multi-plant units in cases where a consideration of all factors involved showed the appropriateness of such units.

Recognizing the success of industry-wide or market-wide collective bargaining in many instances in this country and abroad, the Board has found appropriate, also, units covering the employees of a group of independent and competing companies, when conditions were suitable. Such multi-employer units have been established, however, only when the history of collective bargaining in the industry shows the necessity and desirability of such a unit from the standpoint of effective collective bargaining and peaceful labor relations. In addition, they are found appropriate only where there exists an association of employers, or other employers' agent, exercising employer functions, and with authority from the employers to engage in collective bargaining and enter into binding agreements with labor organizations.

The Scope of the Unit Where Rival Unions Disagree on Scope

Where unions which have a substantial interest in the case disagree as to whether the appropriate unit is a broad or a narrow one, the Board must decide what unit will effectuate the policies of the Act.

It must sometimes resolve the conflicting interests of employees who have chosen representatives, in the light of the right to the full benefit of self-organization and collective bargaining. The decision is made in each case after weighing all the complex factors, the most important of which have been listed above, which are pertinent to the problem of the appropriate unit in the particular case.

Thus, where a well established and highly skilled craft group, with a history of collective bargaining on a craft basis, requests a craft unit, this has been granted in spite of the objections of an industrial union. On the other hand, where the history of collective bargaining has been on an industrial basis and the interrelationship of the work of employees strongly supports an industrial unit, such a unit has been found appropriate in spite of the objections of a craft union. When the considerations favoring a broad unit and those favoring the separation of a cohesive and logically separable part thereof appear to the Board substantially to balance, the Board has deferred its determination of the appropriate unit, submitting the question to the employees involved, in an election for choice of representatives.

Similarly, in the interest of stability of collective bargaining relationships, multiplant units have been found appropriate, and petitions for smaller units dismissed, where there was a clear history of collective bargaining on the broad basis, in spite of the dissent of a local union in one plant or district which wished to break away from the existing unit.¹¹ On the other hand, the Board does not in general establish a broad unit including plants where a majority of the employees are opposed to the union which represents a majority of the employees in the other plants of the company. Generally, where other considerations point to the appropriateness of a unit covering all or a group of the plants of a company, the Board includes in the broad unit requested all those plants in which the employees have voted for the union which claims the wide unit.¹² Separate plant elections permit the local group of employees to determine for themselves whether to be included in the company-wide unit. The Board thus establishes as broad a unit as the extent of organization of the union makes appropriate, when other considerations point to the appropriateness of the broad unit.

When an employers' association is in existence with authority to bargain collectively, and there is a history of successful collective bargaining on an association basis, in the interest of stability and effec-

¹¹ See *Matter of Northern States Power Company of Wisconsin*, 37 N. L. R. B. 991.

¹² See *Matter of Chrysler Corporation*, 42 N. L. R. B., 1145, where the Board after certification of the union in a plant unit, on request of the union consolidated into one unit all the plants in which it had been selected, and certified the union as exclusive representative for the employees in those plants.

tiveness of collective bargaining the Board has refused to designate separate plant units, although requested by seceding groups of workers. On the other hand the Board has refused to include in the broad unit a group of workers, such as in one port,¹³ who were currently conducting collective bargaining independently of the broad unit, and who petitioned for a separate unit. In such cases, elections have been ordered to determine the wishes of that group of workers as to their inclusion in the broad unit.

In general, where the desires of the majority of a logically separate group, such as a single plant or locality, are opposed to those of the majority of all the employees of the company or group of companies, the Board has permitted the separate group to determine for itself whether to be included in the broad unit. In spite of considerations favoring the broad unit, the Board has held that to impose upon a distinct local group of employees a collective bargaining representative to which they were opposed, would in no way encourage the practice and procedure of collective bargaining, or insure to employees the full benefit of their rights under the Act.

Other Problems

Supervisory employees have generally been excluded from a unit of employees working with them unless they were members of or eligible for membership in the union, and the union, without opposition of a rival union, wishes them included. In a case decided since the close of the fiscal year, *Matter of Union Collieries Coal Company*, 44 N. L. R. B., No. 31, the Board has held that supervisory employees may constitute appropriate bargaining units separate from the production force.¹⁴ The narrow point of decision is that the personnel involved are employees within the meaning of Section 2 (3) and that the Act affords no basis for withholding their right to self-organization and collective bargaining. The Board stated:

Our conclusion that the supervisory personnel involved in these proceedings are within the protection of the Act does not, of course, mean that an appropriate unit for collective bargaining purposes may include both supervisors and their

¹³ *Matter of Shipowners Association of the Pacific Coast et al.*, 32 N. L. R. B. 668.

¹⁴ Board Member Reilly dissented: " * * * It is therefore obvious that supervisory personnel in the instant case, although nominally a separate unit, will become a potent factor in the organization of production employees and may dominate and interfere with the rights and privileges of self-organization to which the production workers are unquestionably entitled. It is further clear that such interference by the supervisory personnel would be imputed to the employer and would involve him in unfair labor practices which, in fact, he is practically powerless to avoid. An employer's attempt to avoid these consequences would involve discrimination against the supervisors which has previously been justified but which, if the majority opinion is sound, can be justified no longer. In view of these consequences, I am of the opinion that the finding that the supervisory personnel in this case constitute an appropriate unit for the purposes of collective bargaining will tend to industrial strife, impede the processes of collective bargaining, and militate against effectuation of the policies of the Act."

subordinates. The Statute (Sec. 9 (b)) expressly delegates to the Board the discretion to decide "in each case" the unit appropriate for collective bargaining. In this case the supervisory personnel have formed and joined an independent union, unaffiliated with any parent organization. We conclude that the statute permits of no interpretation save that they are entitled to the protection of the Act in thus exercising their right to self-organization and to collective bargaining.

In the recently decided *Matter of Chrysler Corporation*, 44 N. L. R. B., No. 173, the Board similarly permitted plant-protection employees to constitute a separate unit. The petitioning union already represented the employer's production and maintenance employees under a contract specifically excluding the plant-protection personnel, and had agreed with the employer not to request any changes in classifications covered for a specified period. The Board said:

While plant-protection employees are expressly excluded from coverage in the present contract, such exclusion cannot preclude the International from representing the plant-protection workers nor can it be construed to bar excluded employees from the right to bargain collectively in an appropriate unit through any bargaining agent whom they may desire to represent them * * *.

We perceive no necessary conflict between self-organization for collective bargaining and the faithful performance of duty. Freedom to choose a bargaining agent includes the right to select a representative which has been chosen to represent other employees of the employer in a different bargaining unit. We are mindful of the increased responsibilities placed upon plant-protection employees in wartime, but the practices and procedures of collective bargaining are flexible, and may make full allowance for such added responsibilities. If, in the instant case, the plant-protection employees select a local affiliated with the International to represent them as bargaining agent, it will be incumbent upon the International to impose a proportionate responsibility upon both organized groups of employees in order that their respective duties may be adequately and impartially performed. In any event, the remedy for inefficiency or willful disregard or neglect of duty on the part of the plant-protection employees lies implicitly in the power of the Company to discipline or discharge them and in the power of the military authority to take all necessary steps to protect the public interest. We find, therefore, no reason to deny the request of the Company's plant-protection employees to constitute a separate bargaining unit and to deny them, as such, the right to bargain collectively with their employer through a representative of their own choosing.

The Board has consistently refused to find appropriate units based upon distinctions of race, in the absence of such differentiation of function as would warrant the differentiation on other grounds. It has also refused to find appropriate bargaining units based solely upon distinctions of sex.

VIII

JURISDICTION

THE Act entrusts the Board with jurisdiction "to prevent any person from engaging in any unfair labor practice (listed in Section 8) affecting commerce"¹ and to investigate and determine the representatives chosen by employees, "whenever a question affecting commerce arises concerning the representation of employees."²

Commerce is defined in Section 2 (6) to mean "trade, traffic, commerce, transportation, or communication" among the several States and in the District of Columbia and the Territories, and with foreign countries. The crucial term "affecting commerce" is defined in Section 2 (7) as meaning "in commerce, or burdening or obstructing commerce or the free flow of commerce, or having led or tending to lead to a labor dispute burdening or obstructing commerce or the free flow of commerce."

The commission of unfair labor practices by employers and refusal to bargain collectively were found specifically to lead to interruptions of commerce, by the Congress in its statement of Findings and Policy in Section 1.

The denial by employers of the right of employees to organize and the refusal by employers to accept the procedure of collective bargaining lead to strikes and other forms of industrial strife or unrest, which have the intent or the necessary effect of burdening or obstructing commerce by (a) impairing the efficiency, safety, or operation of the instrumentalities of commerce; (b) occurring in the current of commerce; (c) materially affecting, restraining, or controlling the flow of raw materials or manufactured or processed goods from or into the channels of commerce, or the prices of such materials or goods in commerce; or (d) causing diminution of employment and wages in such volume as substantially to impair or disrupt the market for goods flowing from or into the channels of commerce.

¹ SECTION 10 (a). The Board is empowered, as hereinafter provided, to prevent any person from engaging in any unfair labor practice (listed in section 8) affecting commerce. This power shall be exclusive and shall not be affected by any other means of adjustment or prevention that has been or may be established by agreement, code, law, or otherwise.

² SECTION 9 (c). Whenever a question affecting commerce arises concerning the representation of employees the Board may investigate such controversy and certify to the parties, in writing, the name or names of the representatives that have been designated or selected.

The constitutionality of this grant of power to the Board was sustained by the Supreme Court in *Jones & Laughlin*³ and companion cases on April 12, 1937. The Court declared here the general test of jurisdiction to be whether an interruption of operations as a result of industrial strife would affect interstate commerce. The court said:

It is thus apparent that the fact that the employees here concerned were engaged in production is not determinative. The question remains as to the effect upon interstate commerce of the labor practice involved. * * *

* * * The stoppage of those operations by industrial strife would have a most serious effect upon interstate commerce. In view of respondent's far-flung activities, it is idle to say that the effect would be indirect or remote. It is obvious that it would be immediate and might be catastrophic. We are asked to shut our eyes to the plainest facts of our national life and to deal with the question of direct and indirect effects in an intellectual vacuum. * * *

* * * It is not necessary again to detail the facts as to respondent's enterprise. Instead of being beyond the pale, we think that it presents in a most striking way the close and intimate relation which a manufacturing industry may have to interstate commerce and we have no doubt that Congress had constitutional authority to safeguard the right of respondent's employees to self-organization and freedom in the choice of representatives for collective bargaining.

The exclusive jurisdiction of the Board to determine in the first instance whether an employer has engaged in an unfair labor practice affecting commerce was established in a landmark decision of the Supreme Court, *Myers v. Bethlehem Shipbuilding Corporation*.⁴ The lower courts are without jurisdiction to enjoin the Board from holding hearings on complaints of unfair labor practices by employers or on petitions for certification, or from the holding of elections, since the grant of power by Congress to the Board is exclusive, and since the procedures before the Board, provided by the Act, are appropriate. The orders of the Board in unfair labor practice cases are, however, subject to judicial review by the Circuit Courts of Appeals and finally by the Supreme Court on writ of certiorari.

Problems of the scope of the Board's jurisdiction under the commerce clause of the Constitution have been worked out case by case by the Board and by the courts in their decisions enforcing, with or without modification, or setting aside, the orders of the Board. The development of the principles as to the scope of the Board's jurisdiction has been presented in detail in previous annual reports.⁵ During the past year decisions of the United States Supreme Court, of the Circuit Courts of Appeals, and of the Board concerning the Board's jurisdiction, on the whole have served only to reaffirm and to define principles theretofore established.

³ *N. L. R. B. v. Jones & Laughlin Steel Corporation*, 301 U. S. 1.

⁴ *Myers v. Bethlehem Shipbuilding Corporation*, 303 U. S. 41.

⁵ See especially *Third Annual Report*, Ch. VIII.

A wide variety of industrial activities has been found to "affect commerce" and therefore to come under the jurisdiction of the Board. Some of the major areas in which the Board's jurisdiction has been upheld will be cited. A first group includes concerns which are themselves "instrumentalities of interstate commerce," such as in maritime and motorbus transportation, in the collection and transmission of news, and public utility companies supplying service across State lines.⁶ That manufacturing or other production, and also distribution and service industries, in which concerns both receive and transmit materials in interstate commerce are within the scope of the Act has been found in numerous cases since the key decision in the *Jones & Laughlin* case.⁷ In addition concerns in such industries as mining, lumbering, and fruit packing,⁸ which obtained practically all their raw materials within the State, but shipped a substantial proportion of their products to points in other States, have been held to be covered. Also certain businesses having incoming interstate shipments, but virtually none moving out into interstate commerce, have been held covered, for example a shipyard building Navy vessels, a large bakery, and major department stores and chain stores.⁹ In the *Consolidated Edison Company* case¹⁰ a public utility system located wholly within New York State was held within the jurisdiction of the Act, since it supplied energy to a multitude of enterprises in New York which were engaged in interstate and foreign commerce. Public utilities of smaller scale also have been covered, where it was held that labor troubles might reasonably be said to have the effect of directly interfering with the free flow of commerce.¹¹

In the *Fainblatt* case,¹² the claim that an employer's operations must be large enough to be of national importance in order to fall within the ambit of the Act was rejected. Technicalities as to the actual ownership of goods when they move in interstate commerce, also, do not remove an employer from the jurisdiction of the Act in the face of the realities of commerce operations.¹³ Where a business as a whole is subject to the Act, a local group of employees may not be removed from the protection of the Act by departmental organization of the business.¹⁴

⁶ Cf. *Washington, Virginia and Maryland Coach Co. v. N. L. R. B.*, 301 U. S. 142; *Associated Press v. N. L. R. B.*, 301 U. S. 103.

⁷ 301 U. S. 1.

⁸ Cf. *Santa Cruz Fruit Packing Co. v. N. L. R. B.*, 303 U. S. 453.

⁹ Cf. *Newport News Shipbuilding and Dry Dock Co. v. Schauffler*, 303 U. S. 54.

¹⁰ *Consolidated Edison Co. v. N. L. R. B.*, 305 U. S. 197.

¹¹ Cf. *N. L. R. B. v. Gulf Public Service Company*, 116 F. (2d) 852 (C. C. A. 5).

¹² *N. L. R. B. v. Fainblatt*, 306 U. S. 601.

¹³ *Ibid.*

¹⁴ *Virginia Electric and Power Company v. N. L. R. B.*, 115 F. (2d) 414 (C. C. A. 4).

The decisions of the Board and the courts make clear that neither the character of the enterprise involved nor its size, nor the number of men employed, nor the nature of the commodities produced or service rendered, is a controlling factor in determining whether the Act may constitutionally be applied in any given situation. The test as laid down in the *Jones & Laughlin* case,¹⁵ and reaffirmed in the *Santa Cruz* case,¹⁶ is whether stoppage of operations by industrial strife would result in substantial interruption to or burden upon interstate or foreign commerce. When such interruption would occur, unfair labor practices on the part of employers, shown by long experience to be prolific causes of strife as the Congress found in Section 1 of the Act, have a close and intimate relation to such commerce and are subject to Federal regulation under the Act.

The application of the Act is expressly limited, aside from the constitutional limits of the commerce clause, by the exclusion by the Act of certain classes of employers and certain classes of employees. Under Section 2 (2) "employer" does not include the United States or any State or political subdivision thereof. Applying this limitation, in *Matter of Ornard Harbor District*, 34 N. L. R. B. 1285, the Board held that a harbor district formed pursuant to a general State law providing for the formation and administration of districts for the improvement of harbors is a political subdivision of the State and exempt from the jurisdiction of the Act.

Agricultural laborers and domestic servants in homes are excluded from the protection of the Act by Section 2 (3). In a number of cases the term "agricultural labor" has been clarified. The Board and the courts consider realistically the nature of the work performed in its actual context. They have held¹⁷ that fruit packers in a packing house, and employees in the feed mill and feeding pens of a meat-packing plant were not "agricultural laborers," since they worked away from the fields, in one case at an occupation not normally associated with agricultural pursuits, and in the other in occupations incidental to an industrial enterprise.

In the *Stark Nursery* case¹⁸ in fiscal year 1942 the Board further defined and clarified the agricultural labor exemption. The Stark Company is engaged in the production, sale, and distribution of fruit trees, berry and vegetable plants, and ornamental nursery stock. Its employees plant, fertilize, cultivate, and harvest crops in the open

¹⁵ 301 U. S. 1.

¹⁶ 303 U. S. 453.

¹⁷ *Matter of North Whittier Heights Citrus Association*, 10 N. L. R. B. 1269, enforced in *North Whittier Heights Citrus Association v. N. L. R. B.*, 109 F. (2d) 76 (C. C. A. 9); and *Matter of Toorea Packing Company*, 12 N. L. R. B. 1063, enforced in *N. L. R. B. v. Toorea Packing Co.*, 111 F. (2d) 626 (C. C. A. 9).

¹⁸ *Matter of Stark Brothers Nurseries and Orchards Company*, 40 N. L. R. B. 1243.

fields under natural conditions. The business of the Company is organized on a large scale, operated in a scientific manner, and has many of the elements of a commercial enterprise. The Board decided, however, that this does not alter the clearly agricultural nature of the work performed by the Company's employees and refused to assert jurisdiction on the ground that these employees were agricultural laborers within the meaning of Section 2 (3) of the Act. The Board's decision agrees with that reached by the Wage and Hour Division of the Department of Labor under the Fair Labor Standards Act.¹⁹

A final question has to do with the jurisdictional lines between the work of this Board and that of the War Labor Board. At the time of the First World War there was no statutory protection of the right of workers to organize and bargain collectively. But the protection of those rights was so essential to the maintenance of vital war production that the first War Labor Board had to be created to protect them as well as to settle disputes over wages, hours, and working conditions.

Following the war, the rights of employees to organize and the protection of the process of collective bargaining were embodied in the National Labor Relations Act, leaving to mediation and economic action the resolution of substantive matters of disagreement encountered in the bargaining process.

Hence when the present war began, it was necessary only to create a second War Labor Board to handle such substantive disputes—with the National Labor Relations Board continuing to handle the area previously assigned to it. Hence, the Executive Order of January 12, 1942, establishing the National War Labor Board provided specifically that "This order does not apply to labor disputes for which procedures for adjustment or settlement are otherwise provided until those procedures have been exhausted." In addition the order provided that "nothing herein shall be construed as superseding or in conflict with the provisions of * * * the National Labor Relations Act." Without duplicating each other's work, therefore, the two Boards operate in different areas, one in the protection of basic statutory rights, the other in the settlement of disputes over conditions. Each, therefore, makes its contribution to the resolution of disputes which otherwise might hamper essential war production.

¹⁹ *Interpretative Bulletin No. 14 of the Wage and Hour Division, Department of Labor*, issued August 21, 1939. Section 13 (a) (6) of the Fair Labor Standards Act exempts from both the wage and the hour provisions "any employee employed in agriculture."

IX

LITIGATION

SINCE the repulse of the campaign waged during the years 1935-37 in an effort to block the Board's processes through injunctions and other collateral attacks, and since the constitutionality of the Act was upheld in the *Jones & Laughlin* (301 U. S. 1) and companion cases in April 1937, the Board's litigation has been confined principally to actions seeking enforcement or review of Board orders under Section 10 (e) and (f) of the Act. During the past few years Board litigation has become relatively stable, though a continuing increase in the number of contempt actions filed by the Board is to be noted. Unlike certain other agencies, the Board has, during these years, conducted its own litigation except that in Supreme Court cases it has cooperated with the office of the Solicitor General in the preparation and argument of cases.

A cumulative survey of litigation involving enforcement or review of orders of the Board since its inception shows that, by the end of the year, 345 cases had been decided, of which 174, or slightly more than 50 percent, were enforced in full. One hundred fifteen, or about 33 percent, were enforced with modifications, including many with only slight deviations from the Board's order, and 56 cases, or about 16 percent, were set aside. There has been a progressive decline in the number of cases set aside, so that, during the fiscal year 1942, of 87 cases decided by the circuit courts of appeals upon petitions to enforce or review Board orders, 53, or about 60 percent, were fully enforced, 29, or about 34 percent, were modified, and 5, or only 6 percent, were set aside. In addition, 7 cases reached the Supreme Court during the fiscal year; of these, 5 were enforced in full, 1 was modified, and 1 was remanded to the Board for further proceedings.

SUPREME COURT CASES

In *Nevada Consolidated Copper Corporation v. National Labor Relations Board* (316 U. S. 105, reversing 122 F. (2d) 587 (C. C. A. 10)), and in *National Labor Relations Board v. Automotive Maintenance Machinery Co.* (315 U. S. 282, reversing 116 F. (2d) 350 (C. C. A. 7)), the Supreme Court held that the inferences drawn from the facts by the Board, as well as the findings of fact themselves, are conclusive and binding upon the reviewing courts if they are such as reasonable men might draw. In *National Labor Relations Board v. P. Lorillard Co.* (314 U. S. 512, reversing and remanding 117 F. (2d) 921 (C. C. A. 6)), the Court reaffirmed the doctrine that it is for the Board to determine the manner in which the effect of unfair labor practices should be expunged; the Court held proper an order of the Board directing bargaining with a Union which represented a majority at the time of the refusal to bargain despite a claim that the union had subsequently lost its majority.

In *Virginia Electric & Power Co. v. National Labor Relations Board* (314 U. S. 469, remanding 115 F. (2d) 414 (C. C. A. 4)), the Court directed that the case be remanded to the Board for further findings since it did not appear whether certain notices which were ambiguous on their face were held by the Board to be coercive because of the "totality" of the employer's conduct. The Court reaffirmed the doctrine that coercion, whether oral or written, is not protected by the First Amendment. In *Southern Steamship v. National Labor Relations Board* (316 U. S. 31, modifying 120 F. (2d) 505 (C. C. A. 3)), the Court, while affirming findings of the Board that the employer had violated Section 8 (1) and (5) of the Act, held that the Board had exceeded its powers in ordering the reinstatement of employees who had been, as the Court found, guilty of mutiny aboard ship. In subsidiary holdings, the Court asserted the power of the Board to hold an election without permitting employer representatives to be present, and held that a formal signing off of shipping articles does not necessarily terminate the employment status of seamen. In *Southport Petroleum Co. v. National Labor Relations Board* (315 U. S. 100, affirming 117 F. (2d) 90 (C. C. A. 5)), the Court affirmed the action of the court below in refusing to allow the respondent to adduce additional testimony to show that its assets had been sold and the corporation dissolved, particularly where the Board's order was directed to the "successors and assigns" of the respondent.

In *National Labor Relations Board v. Electric Vacuum Cleaner Corp.* (315 U. S. 685, reversing 120 F. (2d) 611 (C. C. A. 6)), the Court held that a closed-shop agreement was not a defense to discriminatory

discharges when made with a union assisted by unfair labor practices, even though such assistance was given after the organization achieved majority status.

CIRCUIT COURTS OF APPEALS CASES

As in previous years, the most important issue litigated in Board cases concerned the substantiality of the evidence to support the findings of the Board. Conduct similar to that held illegal in past years was again held violative of Section 8 (1) of the Act: espionage, bribery of a union official, the making of individual contracts with employees under certain circumstances, the refusal to grant ship passes to union representatives to enable them to carry on their duties, and the maintenance of a blacklist against union members, in addition to the more familiar forms of oral and written coercion.

During the year the most important litigation under Section 8 (2) of the Act was concerned with the problem of the "successor" company-dominated union; the cases confirmed the wide area of discretion entrusted to the Board to determine whether, at the time such a successor organization was established, conditions were such that the employees might exercise a genuine freedom of choice of an organization. The length of time the predecessor organization had been in existence, the length of time elapsing between the dissolution of the predecessor and the formation of the successor organization, the relation, if any, between the organizers and leading spirits of the two organizations, whether or not the employer took effective and sincere steps to inform the employees of his neutrality, and whether or not the employer in fact exercised such neutrality, were held relevant to the issue. The same problem was an important one in the Board's contempt litigation during the year.

In cases arising under Section 8 (3) of the Act no important new principles were established during the year. An effort was made in certain cases to establish the doctrine that discrimination against union members must be shown to discourage the union membership of other employees; in all cases the Board's position that such proof was unnecessary was accepted.

The courts have further defined the scope of the duty to bargain collectively under Section 8 (5) of the Act. In determining whether the employer is undertaking to bargain in good faith, the Board may consider the authority of the negotiators appointed by the employer and their availability for bargaining purposes. The duty to reduce agreements to writing includes a duty to include a proper clause granting exclusive recognition to the union, as a coprincipal if it so desires.

The decisions during the year support the view that an objective act indicating the employee's intention to be represented by a union is sufficient for the purposes of the Act, even though the employee does not thereby become a union member or though his membership lapses because of provisions in the union constitution or bylaws. The Board's findings concerning the appropriate unit were uniformly followed, except that in one case such a finding was set aside where both licensed and unlicensed personnel on ships were included within the same unit.

In defining the meaning of the term "employer" as used in the Act, the courts held a reorganized company responsible for the acts committed by it as debtor in possession of its properties, and held a parent and subsidiary corporation jointly liable as employers.

In general, the courts during the year recognized the wide scope allowed the Board under the Act in framing its remedial orders. Considerable litigation involved the appropriate breadth of the Board's cease-and-desist provisions in the light of the Supreme Court's decision in *National Labor Relations Board v. Express Publishing Co.*, 312 U. S. 426. In contempt litigation the courts extended the scope of Board cease-and-desist orders to include acts like or related to those upon which the order was based. No new principles were enunciated concerning the Board's power to disestablish organizations found to be company dominated. The meaning of the words "full reinstatement" in Board orders was clarified in a number of particulars in contempt litigation. With some exceptions, the courts adopted the Board's views concerning the propriety of reinstatement where employees were alleged to have been guilty of misconduct.

Both the procedural and substantive law relating to the deductibility of amounts which employees willfully refused to earn were clarified during the year; in general, it may be said that the matter must be raised before the Board at the time the case is heard, and that purely speculative claims will be disregarded. The Board's power to participate in bankruptcy proceedings and to prove back-pay claims was established. Several cases made it clear that back-pay awards are not subject to attachment, garnishment, or other collateral proceedings until actually paid to the employees. The Board's power to direct bargaining with a union which represented a majority at the time of the refusal to bargain, despite asserted losses or shifts of majority prior to entry of a decree, was further confirmed, as was its power to set aside contracts, or provisions thereof, found to conflict with the enunciated public policy. In a number of contempt proceedings, the extent of orders to post notices was clarified.

PROCEDURE

During the year the courts uniformly rejected claims asserted to bar the Board from proceeding with cases. Thus, the pendency of the same matters before State labor relations boards, the making of a collective agreement with a union, dishonored settlement agreements made with Board representatives, the loss of an election by the charging union, or the placing of an alleged company-dominated union on the ballot, were all held not to estop the Board. The propriety of the Board's procedure on issuance of subpoenas was upheld, and, despite several such attacks, no claim of bias or improper conduct by the Board's Trial Examiners was sustained. Other procedural matters raised as defenses were uniformly rejected.

X

FISCAL STATEMENT

THE expenditures and obligations for the fiscal year ended June 30, 1942, are as follows:

Salaries	\$2, 239, 503
Travel expenses	322, 022
Communications	88, 302
Rental and utility services	72, 592
Other contractual services	57, 661
Equipment	21, 383
Supplies and materials	45, 472
Transportation of things	1, 896
	<hr/>
Total salaries and expenses	2, 848, 831
Printing and binding	220, 444
	<hr/>
Grand total expenditures and obligations	3, 069, 275

APPENDIX A
STATISTICAL TABLES

The following tables present the fully detailed statistical record of cases received during the fiscal year, cases closed, cases pending at the end of the year, formal actions taken by the Board, and elections and pay-roll checks conducted during the year, together with their results.

STATISTICAL TABLES

Table 1.—Number of cases received, closed, and pending during the fiscal year 1942, by party filing

	Total number of cases ¹	Party filing			
		A. F. of L. affiliate	C. I. O. affiliate	Unaffiliated union	Individual or employer
All cases					
Cases pending July 1, 1941.....	3, 635	1, 545	1, 644	255	193
Cases received July 1941-June 1942.....	10, 977	4, 787	4, 922	775	501
Cases on docket July 1941-June 1942.....	14, 612	6, 332	6, 566	1, 030	694
Cases closed July 1941-June 1942.....	11, 741	5, 215	5, 151	821	562
Cases pending June 30, 1942.....	2, 871	1, 117	1, 415	209	132
Unfair labor practice cases					
Cases pending July 1, 1941.....	2, 269	901	1, 142	57	171
Cases received July 1941-June 1942.....	4, 967	2, 178	2, 198	180	417
Cases on docket July 1941-June 1942.....	7, 236	3, 079	3, 340	237	588
Cases closed July 1941-June 1942.....	5, 456	2, 402	2, 428	162	470
Cases pending June 30, 1942.....	1, 780	677	912	75	118
Representation cases					
Cases pending July 1, 1941.....	1, 366	644	502	198	22
Cases received July 1941-June 1942.....	6, 010	2, 609	2, 724	595	84
Cases on docket July 1941-June 1942.....	7, 376	3, 253	3, 226	793	106
Cases closed July 1941-June 1942.....	6, 285	2, 813	2, 723	659	92
Cases pending June 30, 1942.....	1, 091	440	503	134	14

¹ Cases filed jointly by unions of different affiliation are counted only once under "total number of cases," but are duplicated in the tabulations by party filing.

Table 2.—Number of workers¹ involved in cases received, closed, and pending during the fiscal year 1942, by party filing

	Total number of workers involved ²	Party filing			
		A. F. of L. affiliate	C. I. O. affiliate	Unaffiliated union	Individual or employer
Workers involved in unfair labor practice cases					
Cases pending July 1, 1941.....	1, 601, 809	301, 071	1, 096, 400	90, 079	114, 784
Cases received July 1941-June 1942.....	3, 296, 852	819, 674	1, 428, 824	540, 788	509, 138
Cases on docket July 1941-June 1942.....	4, 898, 661	1, 120, 745	2, 525, 224	630, 867	623, 922
Cases closed July 1941-June 1942.....	2, 890, 345	736, 923	1, 291, 831	431, 412	432, 204
Cases pending June 30, 1942.....	2, 008, 316	383, 822	1, 233, 393	199, 455	191, 178
Workers involved in representation cases					
Cases pending July 1, 1941.....	732, 101	161, 515	371, 169	90, 023	109, 394
Cases received July 1941-June 1942.....	1, 901, 998	561, 029	1, 131, 635	190, 369	19, 288
Cases on docket July 1941-June 1942.....	2, 634, 099	722, 544	1, 602, 804	280, 392	128, 682
Cases closed July 1941-June 1942.....	1, 895, 231	519, 179	1, 035, 328	214, 305	126, 742
Cases pending June 30, 1942.....	738, 868	203, 365	467, 476	66, 087	1, 940

¹ See Ch. III, p. 16, for definition of workers involved.

² Workers in cases filed jointly by unions of different affiliation are counted only once under "total number of workers involved," but are duplicated in the tabulations by party filing.

Table 3.—Distribution of cases and workers involved in cases received during the fiscal year 1942, by month

Month	All cases	Cases received				Workers involved ¹	
		Unfair labor practice cases		Representation cases		Unfair labor practice cases	Representation cases
		Number	Percent of total	Number	Percent of total		
Total.....	10,977	4,967	45.3	6,010	54.7	3,296,852	1,901,998
July.....	1,013	466	46.0	547	54.0	175,429	194,225
August.....	1,141	504	44.2	637	55.8	299,718	152,773
September.....	1,104	470	42.6	634	57.4	202,108	170,794
October.....	1,246	527	42.3	719	57.7	207,808	151,805
November.....	909	453	49.8	456	50.2	223,800	117,927
December.....	787	371	47.1	416	52.9	311,700	88,386
January.....	749	339	45.3	410	54.7	230,323	126,261
February.....	821	385	46.9	436	53.1	232,542	154,935
March.....	870	401	46.1	469	53.9	220,207	273,995
April.....	793	363	45.8	430	54.2	316,430	143,390
May.....	769	357	46.4	412	53.6	475,253	144,646
June.....	775	331	42.7	444	57.3	401,534	182,861

¹ See Ch. III, p. 16 for definition of workers involved.

Table 4.—Types of unfair labor practices alleged in charges received during the fiscal year 1942¹

Unfair labor practices alleged	Number of cases showing specific allegations	Percent of total
SUBSECTIONS OF SECTION 8 OF THE ACT		
8 (1).....	507	10.2
8 (1) (2).....	277	5.6
8 (1) (3).....	2,400	48.3
8 (1) (4).....	5	.1
8 (1) (5).....	899	18.1
8 (1) (2) (3).....	207	4.2
8 (1) (2) (5).....	57	1.1
8 (1) (3) (4).....	17	.3
8 (1) (3) (5).....	522	10.5
8 (1) (4) (5).....	1	.0
8 (1) (2) (3) (4).....	4	.1
8 (1) (2) (3) (5).....	68	1.4
8 (1) (3) (4) (5).....	3	.1
8 (1) (2) (4).....	0	.0
8 (1) (2) (3) (4) (5).....	0	.0
Total.....	4,967	100.00
RECAPITULATION		
8 (1).....	4,967	100.0
8 (2).....	613	12.3
8 (3).....	3,221	64.9
8 (4).....	30	.6
8 (5).....	1,550	31.2

¹ For cases in which charges were amended after filing, the final or last amended charges are tabulated instead of original charges.

² Less than 0.1 percent.

Table 7.—Disposition of all cases closed during the fiscal year 1942, by stage and method, by party filing

Stage and method of disposition	All ¹ cases	Party filing			
		A. F. of L. affiliates	C. I. O. affiliates	Unaffiliated unions	Individuals or employers
Cases closed, total.....	11,741	5,215	5,151	821	562
Before formal action, total.....	9,890	4,422	4,283	666	526
Adjusted.....	5,828	2,804	2,577	311	142
Withdrawn.....	2,879	1,215	1,265	203	196
Dismissed.....	1,183	403	441	152	188
After formal action, total.....	1,851	793	868	155	36
Before hearing.....	119	36	71	10	2
Adjusted.....	87	25	53	7	2
Withdrawn.....	26	9	15	2	0
Dismissed.....	6	2	3	1	0
After hearing.....	175	99	66	7	3
Adjusted.....	53	20	28	4	1
Closed by compliance with Intermediate Report.....	27	10	17	0	0
Withdrawn.....	82	66	12	3	1
Dismissed.....	13	3	9	0	1
After Board decision.....	1,557	658	731	138	31
Closed by compliance.....	316	123	178	4	12
Closed by certification.....	949	381	444	112	12
Withdrawn.....	41	30	10	0	1
Dismissed.....	237	119	91	22	5
Closed otherwise.....	14	5	8	0	1

¹ Cases filed jointly by unions of different affiliation are counted only once under "all cases" but are duplicated in the tabulations by party filing.

Table 8.—Percentage distribution of all cases closed during the fiscal year 1942, by stage and method

Stage and method	Number of cases	Percent of cases closed	Percent of cases on docket
Cases closed, total.....	11,741	100.0	80.4
Before formal action, total.....	9,890	84.2	67.7
Adjusted.....	5,828	49.6	39.9
Withdrawn.....	2,879	24.5	19.7
Dismissed.....	1,183	10.1	8.1
After formal action, total.....	1,851	15.8	12.7
Before hearing.....	119	1.0	.8
Adjusted.....	87	.7	.6
Withdrawn.....	26	.2	.2
Dismissed.....	6	.1	.0
After hearing.....	175	1.5	1.2
Adjusted.....	53	.5	.4
Closed by compliance with Intermediate Report.....	27	.2	.2
Withdrawn.....	82	.7	.5
Dismissed.....	13	.1	.1
After Board decision.....	1,298	11.1	8.9
Closed by compliance.....	69	.6	.5
Closed by certification.....	949	8.1	6.5
Withdrawn.....	41	.3	.3
Dismissed.....	231	2.0	1.6
Closed otherwise.....	8	.1	.0
After court action.....	259	2.2	1.8
Closed by compliance ¹	247	2.1	1.7
Dismissed.....	6	.0	.0
Closed otherwise.....	6	.1	.1

¹ Including cases closed after the entry of a consent decree as well as contested cases.² Less than 0.1 percent.

Table 11.—Disposition of representation cases closed during the fiscal year 1942, by stage and method, by party filing

Stage and method of disposition	All cases ¹		Cases filed by A. F. of L. affiliates		Cases filed by C. I. O. affiliates		Cases filed by unaffiliated unions		Cases filed by employers	
	Number	Workers ² involved	Number	Workers involved	Number	Workers involved	Number	Workers involved	Number	Workers involved
Cases closed, total.....	6,285	1,895,231	2,813	519,179	2,723	1,035,328	659	214,305	92	126,742
Before formal action, total.....	4,875	1,168,206	2,184	337,822	2,112	565,235	509	147,631	72	117,841
Adjusted.....	3,420	715,928	1,584	224,334	1,556	410,425	264	77,404	28	4,088
Recognition.....	404	34,002	199	14,539	165	13,716	32	4,608	9	1,145
Consent election.....	2,405	607,311	1,071	179,410	1,153	370,468	163	54,598	18	2,847
Pay-roll check.....	611	74,615	314	30,385	238	26,251	59	18,200	1	96
Withdrawn.....	1,027	297,494	447	61,057	418	103,670	135	24,829	27	107,938
Dismissed.....	428	154,784	153	52,431	138	51,140	120	45,398	17	5,815
After formal action, total.....	1,410	727,025	629	181,357	611	470,093	150	66,674	20	8,901
Before hearing.....	92	24,645	28	4,088	52	18,677	10	1,871	2	9
Adjusted.....	68	21,688	19	3,342	40	17,067	7	1,260	2	9
Recognition.....	9	361	3	67	4	177	2	117	0	0
Consent election.....	59	21,307	16	3,275	36	16,880	5	1,143	2	9
Pay-roll check.....	0	0	0	0	0	0	0	0	0	0
Withdrawn.....	21	2,347	8	691	11	1,595	2	61	0	0
Dismissed.....	3	630	1	55	1	25	1	550	0	0
After hearing.....	111	21,159	77	4,467	25	10,285	7	5,562	2	845
Adjusted.....	30	13,686	12	2,479	14	8,525	4	2,582	0	0
Recognition.....	4	216	1	16	3	200	0	0	0	0
Consent election.....	25	13,351	11	2,463	11	8,325	3	2,533	0	0
Pay-roll check.....	1	19	0	0	0	0	1	19	0	0
Withdrawn.....	79	6,942	65	1,988	10	1,674	3	2,080	1	300
Dismissed.....	2	631	0	0	1	86	0	0	1	545
After Board decision.....	1,207	681,221	524	172,802	534	441,131	133	59,241	16	8,047

Closed by certification.....	949	599,271	381	145,322	444	394,887	112	51,967	12	7,095
After stipulated election.....	199	160,792	56	8,158	115	143,230	25	4,025	3	5,379
After ordered election.....	743	425,642	323	137,160	325	238,832	86	47,934	9	1,718
Without election.....	7	12,837	2	4	4	12,825	1	8	0	0
Dismissed.....	217	75,603	113	25,474	80	41,985	21	7,274	3	870
After stipulated election.....	15	6,602	7	4,457	7	2,105	1	40	0	0
After ordered election.....	102	31,907	58	8,933	38	22,451	5	363	1	160
Without election.....	100	37,094	48	12,084	35	17,429	15	6,871	2	710
Withdrawn.....	41	6,347	30	2,006	10	4,259	0	0	1	82

¹ Cases filed jointly by unions of different affiliation are counted only once under "all cases" but are duplicated in the tabulations by party filing.

² See Ch. III, p. 16, for definition of workers involved.

Table 12.—Percentage distribution of representation cases closed during the fiscal year 1942, by stage and method

Stage and method	Cases			Workers ¹ involved
	Number	Percent of cases closed	Percent of cases on docket	
Cases closed, total.....	6,285	100.0	85.2	1,895,231
Before formal action, total.....	4,875	77.6	66.1	1,168,206
Adjusted.....	3,420	54.4	46.4	715,928
Recognition.....	404	6.5	5.5	34,002
Consent election.....	2,405	38.3	32.6	607,311
Pay-roll check.....	611	9.7	8.3	74,615
Withdrawn.....	1,027	16.3	13.9	297,494
Dismissed.....	428	6.8	5.8	154,784
After formal action, total.....	1,410	22.4	19.1	727,025
Before hearing.....	92	1.5	1.2	24,645
Adjusted.....	68	1.1	.9	21,668
Recognition.....	9	.2	.1	361
Consent election.....	59	.9	.8	21,307
Pay-roll check.....	0	0.0	0.0	0
Withdrawn.....	21	.3	.3	2,347
Dismissed.....	3	.1	0.0	630
After hearing.....	111	1.8	1.5	21,159
Adjusted.....	30	.5	.4	13,586
Recognition.....	4	.1	.1	216
Consent election.....	25	.4	.3	13,351
Pay-roll check.....	1	0.0	0.0	19
Withdrawn.....	79	1.3	1.1	6,942
Dismissed.....	2	0.0	0.0	631
After Board decision.....	1,207	19.2	16.4	681,221
Closed by certification.....	949	15.1	12.9	599,271
After stipulated election.....	199	3.2	2.7	160,792
After ordered election.....	743	11.8	10.1	425,642
Without election.....	7	.1	.1	12,837
Dismissed.....	217	3.4	2.9	75,603
After stipulated election.....	15	.2	.2	6,602
After ordered election.....	102	1.6	1.4	31,907
Without election.....	100	1.6	1.3	37,094
Withdrawn.....	41	.7	.6	6,347

¹ See Ch. III, p. 16, for definition of workers involved.² Less than 0.1 percent.

Table 13.—Forms of remedy in unfair labor practice cases closed during the fiscal year 1942, by party filing

CASES					
	All unions and individuals	A. F. of L. affiliates	C. I. O. affiliates	Unaffiliated unions	Individuals
Notice posted.....	1 1,365	666	628	29	44
Company unions disestablished.....	1 283	116	160	2	7
Workers placed on preferential hiring list.....	208	102	93	2	11
Collective bargaining begun.....	1 1,032	603	405	22	3

WORKERS					
Workers reinstated to remedy discriminatory discharge.....	8,251	3,630	4,230	114	277
Workers receiving back pay.....	5,925	2,210	3,525	76	114
Back-pay awards.....	\$1,266,408	\$299,575	\$868,823	\$32,880	\$65,130
Strikers reinstated.....	32,137	13,987	17,205	939	6

¹ The individual entries do not add up to the given total because forms of remedy involving cases filed jointly by unions of different affiliation are tabulated under each affiliation group but only once in the total

Table 14.—Number of cases pending before the National Labor Relations Board June 30, 1942, by status

Stage of activity	All cases		Unfair labor practice cases		Representation cases	
	Number	Percent of total	Number	Percent of total	Number	Percent of total
Total.....	2,871	100.0	1,780	100.0	1,091	100.0
Before formal action.....	1,858	64.7	1,191	66.9	667	61.1
After issuance of complaint or order for investigation.....	192	6.7	98	5.5	94	8.6
After transfer to Board.....	269	9.4	124	7.0	145	13.3
After decision.....	552	19.2	367	20.6	185	17.0

Table 15.—Types of formal action taken by the National Labor Relations Board during the fiscal year 1942

	All cases	Unfair labor practice cases	Representation cases
Complaints issued.....	285	285	-----
Orders issued directing investigation.....	1,211	-----	1,211
Cases heard.....	1,439	282	1,157
Intermediate Reports or Proposed Findings issued.....	201	201	-----
Decisions issued.....	1,239	288	951
Decisions and Orders.....	180	180	-----
Decisions and Consent Orders.....	108	108	-----
Elections directed.....	662	-----	662
Certifications or dismissal after stipulated elections.....	207	-----	207
Certifications or dismissal on record.....	82	-----	82

Table 16.—Number of elections and pay-roll checks and number of votes cast for participating unions during the fiscal year 1942

Participating unions	Number of elections and pay-roll checks	Elections and pay-roll checks won						Eligible voters		Valid votes	Valid votes cast						
		By A. F. of L. affiliates		By C. I. O. affiliates		By unaffiliated unions		Number	Percent casting valid votes		For A. F. of L. affiliates		For C. I. O. affiliates		For unaffiliated unions		Against unions
		Number	Percent	Number	Percent	Number	Percent				Number	Percent	Number	Percent	Number	Percent	
Total.....	1 2 4, 212	1, 522	36. 1	1, 723	40. 9	391	9. 3	1 1, 296, 567	82. 3	3 1, 067, 037	206, 605	19. 3	560, 815	52. 6	127, 834	12. 0	171, 946
A. F. of L. affiliates.....	4 1, 536	1, 225	79. 8	-----	-----	-----	-----	205, 940	82. 3	169, 522	121, 168	71. 5	-----	-----	-----	-----	48, 354
C. I. O. affiliates.....	1 6 1, 478	-----	-----	1, 279	86. 5	-----	-----	548, 143	81. 1	444, 528	-----	-----	353, 881	79. 6	-----	-----	90, 647
Unaffiliated unions.....	6 7 222	-----	-----	-----	-----	204	91. 9	42, 381	70. 8	30, 023	-----	-----	-----	-----	26, 821	89. 3	3, 202
A. F. of L. affiliates—C. I. O. affiliates.....	8 521	188	36. 1	295	56. 6	-----	-----	204, 606	82. 8	169, 448	59, 324	35. 0	91, 192	53. 8	-----	-----	18, 932
A. F. of L. affiliates—unaffiliated unions.....	9 171	86	50. 3	-----	-----	81	47. 4	48, 641	85. 8	43, 213	20, 594	47. 7	-----	-----	20, 848	48. 2	1, 771
C. I. O. affiliates—unaffiliated unions.....	10 243	-----	-----	141	58. 0	97	39. 9	216, 332	86. 3	186, 615	-----	-----	105, 455	56. 5	72, 839	39. 0	8, 321
A. F. of L.—C. I. O.—unaffiliated unions.....	42	23	54. 8	8	19. 0	9	21. 4	30, 841	77. 3	23, 851	5, 519	23. 2	10, 287	43. 1	7, 326	30. 7	719

¹ 1 case filed by joint petitioners counted twice in the body of the table, once in the total.

² This figure does not include 82 elections which were conducted during the year but in which the results were indeterminate or voided; nor does it include 53 elections which were followed by run-offs.

³ In the case filed by joint petitioners, valid votes and number eligible are counted twice in the body of the table but once in the total.

⁴ Includes 1 election in which A. F. of L. and unaffiliated union petitioned jointly and 4 elections in which 2 A. F. of L. unions were on the ballot.

⁵ Includes 2 elections in which 2 C. I. O. unions were on the ballot.

⁶ Includes 1 election in which A. F. of L. and unaffiliated union were joint petitioners.

⁷ Includes 7 elections in which more than 1 unaffiliated union was on the ballot.

⁸ Includes 5 elections in which 2 A. F. of L. unions and one C. I. O. union were on the ballot; 1 election in which 2 C. I. O. unions and one A. F. of L. union were on the ballot.

⁹ Includes 1 election in which 2 A. F. of L. unions and 1 unaffiliated union were on the ballot.

¹⁰ Includes 3 elections in which 2 unaffiliated unions and 1 C. I. O. union were on the ballot.

Table 17.—Number of elections and pay-roll checks and number of votes cast for participating unions during the fiscal year 1942, by petitioning union

Participating unions, with position on ballot	Number of elections and pay-roll checks	Elections won by petitioner		Valid votes cast					Percent of total votes cast for petitioner
		Number	Percent	Total	For A. F. of L.	For C. I. O.	For unaffiliated union	For no union	
A. F. of L. affiliate, petitioner:									
No other party on ballot.....	1,535	1,224	79.7	169,306	120,960	-----	-----	48,346	71.4
C. I. O. on ballot.....	234	111	47.4	80,524	28,700	45,655	-----	6,169	35.6
Unaffiliated union on ballot.....	118	70	59.3	37,517	18,634	-----	17,281	1,602	49.7
C. I. O. and unaffiliated on ballot.....	18	12	66.7	9,850	2,598	5,044	1,774	434	26.4
C. I. O. affiliate, petitioner:									
No other party on ballot.....	4,476	1,275	86.4	444,455	-----	353,774	-----	90,681	79.6
A. F. of L. on ballot.....	371	246	66.3	200,822	73,620	109,301	-----	17,901	54.4
Unaffiliated union on ballot.....	195	123	63.1	161,788	-----	93,581	59,006	8,301	67.0
A. F. of L. and unaffiliated on ballot.....	28	5	17.9	16,141	2,980	7,816	4,432	913	48.4
Unaffiliated union, petitioner:									
No other party on ballot.....	7,215	197	91.6	28,131	-----	-----	24,960	3,171	88.7
A. F. of L. on ballot.....	71	45	63.4	15,608	7,135	-----	8,225	248	52.7
C. I. O. on ballot.....	70	40	57.1	51,561	-----	23,026	27,749	786	63.8
Other unaffiliated on ballot.....	7	7	100.0	1,892	-----	-----	1,861	31	98.4
C. I. O. and A. F. of L. on ballot.....	12	3	25.0	13,835	4,156	6,321	3,193	165	23.1
Employer petitioner:									
A. F. of L. and C. I. O. on ballot.....	17	-----	-----	10,667	5,552	2,920	-----	2,195	-----
A. F. of L. and unaffiliated union.....	9	-----	-----	2,299	826	-----	1,436	37	-----
C. I. O. and unaffiliated union.....	7	-----	-----	2,521	-----	1,261	1,189	71	-----
A. F. of L. alone.....	3	-----	-----	257	247	-----	-----	10	-----
C. I. O. alone.....	3	-----	-----	143	-----	136	-----	7	-----
Unaffiliated alone.....	1	-----	-----	23	-----	-----	23	0	-----

¹ Includes 1 election in which A. F. of L. and an unaffiliated union were joint petitioners and includes 5 elections in which 2 A. F. of L. unions were on the ballot.
² Includes 2 elections in which 2 A. F. of L. unions and 1 C. I. O. union were on the ballot.
³ Includes 1 election in which 2 A. F. of L. unions and 1 unaffiliated union were on the ballot.
⁴ Includes 2 elections in which 2 C. I. O. unions were on the ballot.
⁵ Includes 4 elections in which 2 A. F. of L. unions were on the ballot and includes 1 election in which 2 C. I. O. unions and 1 A. F. of L. union were on the ballot.

⁶ Includes 3 elections in which 2 unaffiliated unions were on the ballot.
⁷ Includes 1 election in which A. F. of L. and unaffiliated unions were joint petitioners.
⁸ Includes 1 election in which 2 unaffiliated unions and 1 A. F. of L. union were on the ballot.
⁹ Includes 3 elections in which 2 unaffiliated unions and 1 C. I. O. union were on the ballot.

Table 18.—Number of elections and pay-roll checks and number of valid votes cast during the fiscal year 1942, by industry

Industrial group ¹	Elections and pay-roll checks		Valid votes cast		Winner							
	Number	Per cent	Number	Per cent	A. F. of L.		C. I. O.		Unaffiliated		No union	
					Number	Per cent	Number	Per cent	Number	Per cent	Number	Per cent
Total.....	4,212	100.0	1,067,037	100.0	1,522	36.1	1,723	40.9	301	9.3	577	13.7
Manufacturing.....	3,203	76.0	966,650	90.6	1,091	34.0	1,403	43.8	292	9.1	418	13.1
Food and kindred products.....	259	6.1	38,488	3.6	114	44.0	91	35.1	10	3.9	44	17.0
Tobacco manufactures.....	14	.3	5,462	.5	8	57.2	4	28.6	1	7.1	1	7.1
Textile-mill products.....	166	3.9	85,101	7.9	39	23.5	85	51.2	13	7.8	29	17.5
Apparel and other finished products made from fabrics and similar materials.....	85	2.0	11,594	1.1	36	42.3	34	40.0	6	7.1	9	10.6
Lumber and timber basic products.....	140	3.3	21,443	2.0	51	36.4	67	47.9	7	5.0	15	10.7
Furniture and finished lumber products.....	171	4.1	23,241	2.2	65	38.0	69	40.3	8	4.7	29	17.0
Paper and allied products.....	111	2.6	17,415	1.6	48	43.3	35	31.5	7	6.3	21	18.9
Printing, publishing, and allied industries.....	166	3.9	6,358	.6	78	46.7	28	16.8	29	17.4	32	19.1
Chemicals and allied products.....	193	4.6	35,038	3.3	55	28.5	98	50.8	17	8.8	23	11.9
Products of petroleum and coal.....	95	2.2	17,057	1.6	24	25.3	32	33.7	28	29.5	11	11.5
Rubber products.....	23	.6	9,975	.9	6	26.1	13	66.5	2	8.7	2	8.7
Leather and leather products.....	96	2.3	25,033	2.4	24	25.0	52	54.2	10	10.4	10	10.4
Stone, clay, and glass products.....	135	3.2	19,139	1.8	60	44.4	50	37.1	5	3.7	20	14.8
Iron and steel and their products.....	547	13.0	290,811	27.3	172	31.4	284	51.9	48	8.8	43	7.9
Nonferrous metals and their products.....	146	3.5	36,188	3.4	47	32.2	68	46.6	12	8.2	19	13.0
Machinery (except electrical).....	331	7.9	103,198	9.7	109	32.9	137	41.4	36	10.9	49	14.8
Electrical machinery.....	145	3.5	27,857	2.6	41	28.3	71	49.0	15	10.3	18	12.4
Transportation equipment.....	286	6.8	178,756	16.7	84	29.4	140	49.0	33	11.5	29	10.1
Aircraft and parts.....	69	1.6	59,096	5.5	24	34.8	27	39.1	12	17.4	6	8.7
Automotive equipment and parts.....	128	3.1	33,101	3.1	23	18.0	82	64.0	15	11.7	8	6.3
Ship and boat building and repairing.....	69	1.6	72,429	6.8	31	44.9	22	31.9	3	4.4	13	18.8
Other.....	20	.5	14,130	1.3	6	30.0	9	45.0	3	15.0	2	10.0
Miscellaneous manufacturing.....	94	2.2	14,496	1.4	30	31.9	45	47.9	5	5.3	14	14.9
Agriculture, forestry, and fisheries.....	19	.5	2,216	.2	7	36.8	9	47.4	0	0	3	15.8
Agriculture and forestry.....	17	.4	2,163	.2	5	29.4	9	52.9	0	0	3	17.7
Fisheries.....	2	.1	53	0	2	100.0	0	0	0	0	0	0

492864-48-7

Mining.....	123	2.9	20,596	1.9	29	23.6	66	53.7	11	8.9	17	13.8
Metal mining.....	58	1.4	13,473	1.2	15	25.9	30	51.7	6	10.3	7	12.1
Coal mining.....	15	.3	2,358	.2	0	.0	12	80.0	1	6.7	2	13.3
Crude petroleum and natural gas production.....	7	.2	516	.1	1	14.3	3	42.8	2	28.6	1	14.3
Nonmetallic mining and quarrying.....	43	1.0	4,249	.4	13	30.2	21	48.8	2	4.7	7	16.3
Construction.....	16	.4	702	.1	6	37.5	6	37.5	2	12.5	2	12.5
Wholesale trade.....	231	5.3	15,638	1.5	85	36.8	83	35.9	12	5.2	51	22.1
Retail trade.....	95	2.2	11,511	1.1	39	41.0	32	33.7	3	3.2	21	22.1
Finance, insurance, and real estate.....	68	1.6	2,658	.2	31	45.6	13	19.1	18	26.5	6	8.8
Transportation, communication, and other public utilities.....	344	8.2	41,814	3.9	199	57.9	72	20.9	34	9.9	39	11.3
Highway passenger transportation.....	12	.3	439	.1	6	50.0	3	25.0	2	16.7	1	8.3
Highway freight transportation.....	38	.9	1,215	.1	26	68.4	3	7.9	1	2.6	8	21.1
Water transportation.....	75	1.8	3,636	.3	30	40.0	25	33.4	10	13.3	10	13.3
Warehousing and storage.....	33	.8	2,399	.2	13	39.4	15	45.5	0	* 0	5	15.1
Other transportation.....	5	.1	1,701	.1	0	.0	3	60.0	1	20.0	1	20.0
Communication.....	107	2.5	19,807	1.0	87	81.3	9	8.4	4	3.8	7	6.5
Heat, light, power, water, and sanitary services.....	74	1.8	12,617	1.2	37	50.0	14	18.9	16	21.6	7	9.5
Services.....	113	2.7	5,252	.5	35	31.0	39	34.5	19	16.8	20	17.7

¹ Source: Standard Industrial Classification. Division of Statistical Standards. U. S. Bureau of the Budget. Washington, 1940.

² An election won jointly by an A. F. of L. affiliate and an unaffiliated union is counted once in the total and is duplicated in the tabulations by "winner."

³ Less than 0.1 percent.



APPENDIX B

LIST OF CASES HEARD DURING THE FISCAL YEAR 1942

Section 3 (c) of the Act requires that the Board report in detail "the cases it has heard." These cases are enumerated in the following pages, with unfair labor practice cases and representation cases reported separately.

APPENDIX B

CASES HEARD DURING THE FISCAL YEAR 1942

I. Unfair Labor Practice Cases

AAA Dental Laboratory, AAA Dental Laboratories, Inc., et al.	Brock, John David.
A. P. Parts Corp.	Buckeye Cotton Oil Co.
Abbott Worsted Mills, Inc.	Budd, Edward G., Mfg. Co.
Adel Clay Products Co.	Buffalo Forge Co.
Aintree Corp.	Buffalo Wall Paper Mfg. Co.
Alco Feed Mills.	Burgess Battery Co.
Allen, T. V., & Ritter, C. M., Co.	Burton-Dixie Corp.
Aluminum Ore Co.	
American Bread Co.	C & G Foundry & Pattern Works.
American Broach & Machine Co.	California Mfg. Co.
American Creosoting Co.	Cambridge Iron & Metal Co.
American Foundry.	Campbell, William, an individual.
American Oil Co.	Cardwell, Allen D., Mfg. Corp.
American Sheet Metal Works.	Carpenter, A. D., an individual.
Arkansas Fuel Oil Co.	Carter Carbureter Corp.
Armour Fertilizer Works.	Casady Coal Co.
Arnessen Electric Co.	Central Drapery Co.
Atlanta Flour & Grain Co., Inc.	Central Paint & Varnish Co.
Atlantic Asbestos Corp.	Cherry River Boom & Lumber Co.
Atlas Oil & Refining Corp.	Chicago Molded Products Corp.
Austell Cabinet Co.	Ciba Pharmaceutical Products, Inc.
Austin, Charles E., Inc.	Cincinnati Chemical Works.
	City Service Transit Co.
Bachelder, T. S., an individual.	Coffee, H. P., Co.
Bahan Machine Works.	Colonial Products Co.
Baltimore Transit Co. & Baltimore Coach Co.	Columbian Iron Works.
Barker Poultry Equipment Co.	Commonwealth Edison Co.
Barrett Co.	Crane Enamelware Co., Inc.
Bear Brand Hosiery Co.	Crown Can Co.
Bemidji Wood Products Co.	Curtiss-Wright Corp., Caldwell and Clifton, N. J.
Best Coat & Apron Mfg. Co., Inc.	Curtiss-Wright Corp., Caldwell, N. J.
Bicking, Austin S., Paper Mfg. Co.	Curtiss-Wright Corp., Airplane Division, Buffalo, N. Y.
Blatt, M. E., & Co.	Curtiss-Wright Corp., Airplane Division, Columbus, Ohio.
Bloom, Charles, Inc.	
Blue Ridge Glass Corp.	
Boeing Airplane Co., Wichita Division.	
Bonafide Mills, Inc.	Dadourian Export Corp.
Borg Warner Corp., Marvel-Schebler Division.	Dale & Son.
Bradford Machine Tool Co.	Detroit Coca Cola Bottling Co.
Bright Biscuit Co., Inc.	Dewree & Bailey.
Briktext, Inc.	Dowty Equipment Corp.
	Durand Mfg. Co.

- E Z Sportcraft Mills, Inc.
 Eastern Wiping Material Co., Inc.
 Ellis-Klatcher & Co.
 Elvine Knitting Mills, Inc.
 Ely & Walker Dry Goods Co.
 Emerson Radio & Phonograph Corp.
 Empire Ordnance Co. & West Pittston
 Iron Works, Inc.
 Empire Ordnance Corp. & Pencoyd
 Realty Co., Inc., Roxboro Steel Co.,
 Manayunk Forging Corp., Schuylkill
 Mfg. Co., Wissahickon Tool Works,
 Inc.
 Engelhorn, John & Sons.
 Express Publishing Co.

 Fairbanks Paint Shop.
 Fairchild Engine & Aircraft Corp.
 Fairmont Creamery Co., Devils Lake
 Plant.
 Faultless Caster Corp.
 Feinberg, Jac, Hosiery Mills, Inc.
 Fentress Coal & Coke Co.
 Fiss Corp.
 Food Machinery Corp.
 Frank Bros. Co.
 Fruit Growers Supply Co., The.

 Garden City Plating & Mfg. Co.
 Gates Rubber Co.
 General Motors Truck & Coach Divi-
 sion, Yellow Truck & Coach Mfg. Co.
 Gilcher, W. H. Co.
 Gladding-McBean Co.
 Glensder Textile Co.
 Goshen Mfg. Co.
 Gray Envelope Mfg. Co.
 Greater New York Broadcasting Corp.,
 and Arde Bulova.
 Greenport Basin Construction Co.
 Greer Steel Co., The.
 Gulf States Utilities Co.

 Hackensack Water Co.
 Hall Tug & Barge Corp.
 Hamel, L. H., Leather Co.
 Hancock Brick & Tile Co., The.
 Harbison-Walker Refractories, Inc.
 Hardy, L., Co., The.
 Harlich Mfg. Co.
 Haydu, S. & Sons.

 Hearst Mercantile Co.
 Hearst Publications, Inc., The (Los
 Angeles Evening Herald & Express
 Depts.).
 Hearst Publications, Inc. (Los Angeles
 Examiner Dept.).
 Heather Handkerchief Works, Inc.
 Henrietta Mills.
 Hesslein & Samstat, Inc.
 Hickory Chair Mfg. Co.
 Highland Park Mfg. Co.
 Hirsch Mercantile Co., The.
 Hobbs, Clinton E., Co.
 Holston Mfg. Co.
 Hooven Letters, Inc.
 Houdaille-Hershey Corp. and Houde
 Engineering Corp.

 Imperial Lighting Products Co.
 Indian River Citrus Associates.

 Jacobs Bros., Inc.
 Jaeger Watch Co.
 Johnson Steel & Wire Co.

 Karp Metal Products Co., Inc.
 Kayser & Co., Julius (Walton Plant).
 Kentucky Ridge Coal Co.
 Kline, Richard F., Co.
 Knipchild Dehydrater Co.

 Lake Shore Photo Engraving Co., Inc.
 Layne Bowler, Inc.
 Leach Relay Co.
 Lebanon News Publishing Co., Lebanon
 Daily News-Times, Lebanon Semi-
 Weekly News Co.
 Lees-Bradner Co., The.
 Lettie Lee, Inc.
 Lexington Telephone Co.
 Liquor Publications, Inc.
 Locomotive Finished Material Co.

 M. B. Mfg. Co., Inc.
 McLachlan, H., & Co., Inc., Maclan
 Hat Co., The, and Edward Fenton,
 East Brookfield, Mass.
 McLachlan, H., & Co., Inc., and
 Edward Fenton, Danbury, Conn.
 Magnolia Petroleum Co.

- Marietta Mfg. Co., The.
 Mathis Yacht Building Co., a Corp.
 Maxon, W. L., Inc.
 May Co., The.
 Medo Photo Supply Corp.
 Metal Textile Co.
 Miami Broadcasting Co.
 Miller Oil Co.
 Minneapolis Brewing Co.
 Minneapolis-Honeywell Regulator Co.
 Mit-Shel Stamping Mfg. Co. and
 Sheer, H. M., Co.
 Monsieur Henri Wines & Feinburg,
 Harry.
 Montgomery Ward & Co.
 Monumental Iron & Metal Co.
 Mortimer, Charley, an individual.
 Morten-Davis Co.
 Mt. Clemens Pottery Co. and S. S.
 Kresge Co.
 Mt. Clemens Tool & Gear Works.
- National Linen Service Corp., United
 Linen Supply Co., and Linen Service
 Corp. of Texas.
 National Tank & Mfg. Co.
 National Traffic Guard Co.
 National Vulcanized Fibre Co., and
 Phenolite Co.
 Natt's, Mrs., Bakery.
 Nerland Paint Shop.
 New Jersey Broadcasting Corp., The.
 New York Merchandise Co., Inc.
 Niagara Searchlight Co., Inc.
 North American Aviation, Inc.
 North Carolina Finishing Co.
 Northern Commercial Co.
 Northwestern Mutual Fire Assn. and
 Northwest Casualty Co.
 Norwood Sash & Door Co. (Sears-
 Roebuck & Co.).
 Nye-Wait Carpet Co.
- Ohio Match Co.
 Ohio Wax Paper Co., The.
 Oklahoma Tire & Supply Co.
 Opp Cotton Mills, Inc.
 Outwest Broadcasting Co.
 Ozan Lumber Co.
- Pacific Gas & Electric Co. and Valley
 Electric Supply Co.
 Pekarsky Cap Fronts, Inc.
 Pennsylvania Handbag Frames Mfg.
 Co.
 Pequanoec Rubber Co.
 Phillips Petroleum Co.
 Platte Valley Telephone Corp.
 Polish National Alliance of The U. S. A.
 Polson Logging Co. and Ozette Railway
 Co.
 Poultrymen's Service Corp.
 Premo Pharmaceutical Lab., Inc.
 Providence Gas Co.
 Puccinelli Packing Co.
 Pullman-Standard Car Mfg. Co.
- Quaker Maid Dress Co.
 Quality & Service Laundry, Inc.
- Red Diamond Mining Co.
 Register Publishing Co., Ltd.
 Richter Bakery Corp.
 Rieke Metal Products Corp.
 Rubinstein, Helena Inc., and H. R.
 Laboratories, Inc., H. R. Container
 Inc.
 Rushton Company, The, and/or Atlanta
 Playthings Co.
- Schaeffer-Hitchcox Pole Co.
 Scullin Steel Co.
 Seybold Baking Co., Columbia Baking
 Co.
 Siebenthaler, J. M., an individual.
 Snow, Fred A., Co., The.
 Solberg, Leo, an individual.
 Somersville Mfg. Co.
 South Bend Fish Corp.
 Southern Prison Co.
 Southern Wood Preserving Co.
 Spandseo Oil & Royalty Co.
 Sport Specialty Shoemakers, Inc.
 Sportswear Hosiery Mills.
 Springfield Woolen Mills Co. and
 Clinard, J. G.
 Square D Co., Kollsman Instrument Co.,
 Inc., Div. of.

- | | |
|---|---|
| <p>Standard Knitting Mills.
 Standard Oil Co. of N. J.
 Stark Bros. Nurseries & Orchards Co.
 Stein-way Clothing Co.
 Stockholders Publishing Co., Inc.
 Strandberg, C. J., an individual.
 Sunbeam Electric Mfg. Co.
 Switlik Parachute & Equipment Co.</p> <p>Taitel, I., & Sons.
 Taylor-Colquitt & LeBoone, (Mrs.)
 Elma.
 Tennessee Products Corp.
 Texas, New Mexico & Oklahoma
 Coaches.
 Tide Water Associated Oil Co. (Asso-
 ciated Division).
 Times-Mirror Co.
 Transue & Williams Steel Forging Corp.
 Trico Products Corp.
 Trio Curtain Corp.
 Trojan Powder Co.
 Twentieth Century Fox Film Corp., and
 Sonja Henie Topping.</p> <p>Utah Copper Co. & Kennecott Copper
 Corp., Bingham, Utah.
 Utah Copper Co., Salt Lake City, Utah.
 Utility Tool Mfg. Co. and The Utility
 Electric Company.</p> | <p>V-O Milling Co.
 Van Deusen Dress Mfg. Co.
 Verplex Co., Inc.</p> <p>Wadesboro Full Fashioned Hosiery
 Mills, Inc.
 Walgreen Co.
 Warner Gear Co., Borg-Warner Divi-
 sion.
 Waxberg, A. E., an individual.
 Wee Tog Mfg. Co.
 Wells-Lamont-Smith Corp., Louisiana,
 Mo.
 Wells-Lamont-Smith Corp., Elsberry,
 Mo.
 West Coast Growers & Packers.
 West Virginia Glass Specialty Co.
 Western Cartridge Co., Winchester Re-
 peating Arms Co. Division.
 Western Cartridge Company & East
 Alton Mfg.
 Wetmore Pulverizing & Machine Com-
 pany.
 Whiterock Quarries, Inc.
 Whiting-Mead Co.
 Wilbur & Son.
 Wilson & Co.
 Wright Products, Inc., Ideal Brass
 Works.
 Wurlitzer, Rudolph Co., The.
 Zylocase Co. and Opticase Co.</p> |
|---|---|

II. Representation Cases

- | | |
|--|--|
| <p>Ace Foundry Ltd.
 Adams-Westlake Co.
 Aetna Iron & Steel Co.
 Air-Way Electric Appliance Corp.
 Alabama Drydock & Shipbuilding Co.
 Albers Milling Co.
 Alexander Film Co. and Alexander Pre-
 view Co.
 Allegheny Ludlum Steel Corp.
 Allen Coal Co.
 Allied Chemical & Dye Corp., Nat'l
 Aniline Division, New York, N. Y.
 Allied Chemical & Dye Corp., Nat'l
 Aniline Division, Buffalo, N. Y.
 Allied Kid Co., Standard & Sterling
 Division.
 Allied Paper Mills, Monarch Division.</p> | <p>Allis-Chalmers Mfg. Co., La Crosse
 Works.
 All Steel Welded Truck Corp.
 Aluminum Co. of America.
 American Brake Shoe & Foundry Co.,
 Brake Shoe & Casting Division.
 American Brass Co.
 American Bridge Co., Gary, Ind.
 American Bridge Co., Trenton, N. J.
 American Can Co., a corporation,
 Proviso Factory Branch.
 American Compressed Steel Corp.
 American Hawaiian Steamship Co.
 American Linen Service Co., and
 American Laundries, Inc.
 American Mfg. Co.
 American Medical Assn.</p> |
|--|--|

- American Oil Co., Annapolis, Md.
 American Oil Co., South Washington, Va., and Rosslyn, Va.
 American Oil Co., Baltimore, Md.
 American Radiator & Standard Sanitary Corp., Litchfield, Ill.
 American Radiator & Standard Sanitary Corp., Pittsburgh, Pa.
 American Rolbal Corp.
 American Smelting & Refining Co., Alton, Ill.
 American Smelting & Refining Co., Baltimore, Md.
 American Thread Co., Kerr Mills.
 American Tube Bending Co., Inc.
 American Warming & Ventilating Co.
 Ampeo Metal, Inc.
 Aponaug Mfg. Co.
 Appalachian Electric Power Co.
 Arcrods Corp.
 Arkwright Corp.
 Armour & Co., Jersey City, N. J.
 Armour & Co., St. Joseph, Mo.
 Armour & Co., Dennison, Iowa.
 Armour & Co., Des Moines, Iowa.
 Armour & Co. of Chicago, Lookout Oil & Refining Co. subsidiary of, Chattanooga, Tenn.
 Armour & Co., Chicago, Ill.
 Armour & Co. of Delaware, Knoxville, Tenn.
 Armour & Co., Oklahoma City, Okla.
 Armour & Co., Huron, S. Dak.
 Armour & Co. of Delaware, New York, N. Y.
 Armour & Co., Stoughton, Wis.
 Armour Leather Co., Noen, Pa.
 Armour Leather Co., St. Marys, Pa.
 Armour Leather Co., Williamsport, Pa.
 Armstrong Brothers Tool Co.
 Armstrong Rubber Co.
 Art Metal Construction Co.
 Atkin, C. B., Co.
 Atlantic Refining Co.
 Atlas Powder Co., The.
 Atwood Machine Co.
 Auburn Rubber Corp.
 Augusta Chronicle Publishing Co., The.
 Automatic Products Co.
 Automotive Maintenance Machine Co.
- Bagley Sewall Co.
 Baldwin, A., & Co., Inc.
 Balentine Packing Co.
 Barnaby, Charles H., Lumber Co.
 Bath, M. L., Co., Ltd.
 Bauski Bros.
 Bay De Noquet Co.
 Bayer, A. J., Co.
 Bear Brand Hosiery.
 Beatrice Creamery Co.
 Beck, A. S., Shoe Co.
 Bell Electrotype Co.
 Bellingham Plywood Corp.
 Belmont Products Co., The.
 Belz Upholstered Furniture Co.
 Bendix Aviation Corp.
 Bendix Aviation Corp., Bendix Products, Division of.
 Ben-Hur Products, Inc.
 Bennett Mining Co. and Pickands Mather & Co.
 Berg, Jalmer.
 Berkowitz Envelope Co.
 Bernz, Otto Co., Inc.
 Besser Mfg. Co.
 Bethlehem Fairfield Shipyard, Inc.
 Bethlehem Steel Co. (Shipbuilding Division, Brooklyn, N. Y.).
 Bethlehem Steel Corp. (Simpson & Atlantic Works Plant), East Boston, Mass.
 Bethlehem Steel Co., Staten Island, N. Y.
 Bethlehem Steel Co. (Shipbuilding Division), Hoboken, N. J.
 Bethlehem Supply Co.
 Bingham, J. F., Co.
 Bisbee Linseed Co.
 Blaw-Knox Co., Lewis Foundry & Machine Co. Division.
 Bohannon, F. M., Tobacco Mfr., Inc.
 Bohn Aluminum & Brass Corp.
 Bolton Mfg. Co.
 Bonafide Mills, Inc.
 Booth Kelly Lumber Co.
 Border City Mfg. Co.
 Boston Store of Chicago, Inc.
 Bound Brook Oil-Less Bearing Co.
 Boyar-Schultz Corp.
 Boyle Mfg. Co.

- Braman, Chas. & Son, Inc.
 Bremner Bros.
 Broderick & Bascom Rope Co.
 Brown Paper Goods Co.
 Brown & Sharpe Mfg. Co.
 Brown & Sharpe Mfg. Co.
 Brown Shoe Co.
 Brust Tool Mfg. Co.
 Bryant, Lane, Inc.
 Bryce Brothers Co.
 Buckeye Cotton Oil Co., The.
 Bucyrus Erie Corp.
 Buehler Tank & Welding Works.
 Buffalo Forge Co.
 Builders Iron Foundry.
 Bull, A. H., Steamship Co. and Baltimore-Insular Line.
 Bunker Hill & Sullivan Mining & Concentrating Co.
 Burke, Edward & John, Ltd.
 Burton-Dixie Co., Newark, N. J.
 Burton-Dixie Corp., Chicago, Ill.
 Bushman Bag Service, Ltd.
 Buzard-Burkhart Pine Co.
- California Brass Co.
 Campbell Transportation Co.
 Canisteo Mining Co., Mesaba Cliffs Mining Co., and Cleveland Cliffs Iron Co., The, Agent.
 Cannon Shoe Co.
 Capital Elevator & Mfg. Co.
 Cardwell Mfg. Co., Inc.
 Carey, Philip, Mfg. Co.
 Carnegie-Illinois Steel Corp., Pittsburgh, Pa.
 Carnegie-Illinois Steel Corp., Gary, Ind.
 Case, J. I., Co.
 Case, Crane & Kilbourne Jacobs Co.
 Caterpillar Tractor Co.
 Central Dispensary and Emergency Hospital.
 Central Foundry Co.
 Champion Machine & Forging Co., The.
 Chapman & Dewey Lumber Co.
 Chapman Valve Mfg. Co., The.
 Chic Pottery Co.
 Chrysler Corp., Atlanta, Ga.
 Chrysler Corp., Centerville, Mich.
 Chrysler Corp. (Chrysler Detroit Co.)
- Chrysler Corp. (Dodge Forge Division), Detroit, Mich.
 Chrysler Corp. (Motor Division), Detroit, Mich.
 Chrysler Corp. (Dodge Truck Plant), Detroit, Mich.
 Chrysler Corp. (Truck Body Division), Highland Park, Mich.
 Chrysler Corp., Kokomo, Ind.
 Chrysler Corp., Marysville, Mich.
 Chrysler Corp. (Chrysler Pittsburgh Co.)
 Church, Bruce, Co.
 Cincinnati Concrete Pipe Co.
 Cincinnati Gas & Electric Co., The, et al.
 Cincinnati Gas & Electric Co.
 Cincinnati Gas & Electric Co., Union Light, Heat & Power Co.
 Cincinnati Times-Star Co., The.
 Cities Service Co., Bartlesville, Oklahoma, Texas, Kansas, Missouri.
 Cities Service Oil Co. (Production & Service Dept., State of Kansas).
 Cities Service Oil Co., Pettys Island Refinery Division, Pettys Island, N. J.
 City Machine & Tool Co.
 Clark, E. H., Lumber Co.
 Cleveland Container Co., The.
 Cohen, L. S., & Co.
 Colonial Life Insurance Co. of America.
 Colonial Sugars Co., Gramercy Refinery.
 Columbia Pictures Corp., New York, N. Y.
 Columbia Pictures Corp., Los Angeles, Calif.
 Columbia Pictures Corp., Hollywood, Calif.
 Columbia Pictures Corp.
 Columbia Rivers Packers Assn., Inc., Vancouver, Wash.
 Columbia River Packers Assn., Inc., Altoona, Wash.
 Columbian Bronze Corp.
 Columbian Carbon Co.
 Columbus Citizen Publishing Co.
 Columbus Dispatch Printing & Publishing Co.
 Columbus & Southern Ohio Electric Co.
 Commander-Larabee Milling Co.

- Commercial Solvents Corp., Newark, N. J.
 Commercial Solvents Corp., Peoria, Ill.
 Commercial Solvents Corp., Agnew, Calif.
 Company of Master Craftsmen, Inc., The.
 Coney Island, Inc.
 Coney Island, Inc.
 Consolidated Crystal Co., Inc.
 Consolidated Laundries Corp.
 Continental Baking Co., Akron Branch.
 Continental Oil Co.
 Continental Products, Inc.
 Conveyor Co., Inc.
 Cordiano Can Co., Inc.
 Cramp Shipbuilding Co.
 Crane Company & Crane Co. of Minn.
 Crater Lake Box & Lumber Co.
 Crawfordsville Foundry Co.
 Creamery Package Mfg. Co.
 Crescent Mfg. Co.
 Crocker Wheeler Electric Mfg. Co.
 Crowley, Henry L., & Co., Inc.
 Crowley's Milk Co., Inc.
 Cuban Cigar Co.
 Cudahy Packing Co., Jersey City, N. J.
 Cudahy Packing Co., The, Memphis, Tenn.
 Cudahy Packing Co., The, Newport, Minn.
 Cudahy Packing Co., North Salt Lake, Utah.
 Curtiss-Wright Corp., Airplane Division, Columbus, Ohio.
 Curtiss-Wright Corp., Cheektowaga & Tonowanda, N. Y.
- Dain Mfg. Co.
 Davenport Besler Corp.
 Davis-Noland-Merrill Grain Co. (Santa Fe Elevator "A").
 Dayton Steel Foundry Co.
 Day & Zimmermann, Inc., Iowa Ordnance Plant.
 Decatur Iron & Steel Co.
 Deep River Timber Co.
 Deere, John, Tractor Co.
 Deisel-Wemmer-Gilbert Corp.
 Delta-Star Electric Co.
 De Soto Creamery & Produce Co.
- De Soto Paint and Varnish Co.
 Detroit & Cleveland Navigation Co.
 Detroit Electrotype Co.
 Detroit Plating Industries.
 Diamond Match Co.
 Dillonvale Cooperative Mining Co.
 Dominion Electrical Mfg., Inc.
 Dorset Foods, Ltd.
 Double M. Shingle Mill Co.
 Dravo Corp., Keystone Sand Division, Neville Island, Pa.
 Dravo Corp., Keystone Sand Division, Pittsburgh, Pa.
 Duncan Electric Mfg. Co.
 Dunn Sulphite.
 du Pont, E. I., de Nemours & Co.
 Durham Pepsi-Cola Bottling Co.
- Eastern Tool & Mfg. Co.
 Eberle Tanning Co.
 Edward Valve & Mfg. Co., The.
 Electric Auto-Lite Co., Bay Mfg. Division, Bay City, Mich.
 Electric Auto-Lite Co., The, Toledo, Ohio.
 Empire Ordnance Corp., Roxboro Steel Co.
 Empire State Silk Label Co.
 Enterprise Engine & Foundry Co.
 Enterprise Upholstering Co.
 Erasmus Atlas, Inc.
 Essex Specialty Co., Inc.
 Etna Machine Co.
 Evening News Ass'n (Detroit News).
- Fairbanks-Morse Co.
 Fall River Manufacturer's Assn., et al.
 Fargo Creamery & Produce Co.
 Faries Mfg. Co.
 Farmers Feed Co.
 Farmington Shoe Mfg. Co.
 Federal Chemical Co.
 Ferbert & Schorndorfer.
 Field, Marshall, & Co.
 Finch, Joseph S., Co.
 Firestone Tire & Rubber Co. of Tennessee.
 Fisher Body, General Motors Corp., Kansas City, Division.
 Fitzsimons Mfg. Co.
 Fletcher Co., H. F.

- Florida Power & Light Co.
 Food Machinery Corp., Amphibian Tractor Division.
 Ford Motor Co., Brooklyn Division.
 Ford Motor Car Co., Dundee Division.
 Ford Motor Car Co., Flat Rock Division.
 Ford Motor Co., Manchester Division.
 Ford Motor Car Co., Milan Division.
 Ford Motor Co., Milford Division.
 Ford Motor Car Co., Newberg Division.
 Ford Motor Car Co., Northville Division.
 Ford Motor Co., Phoenix Division.
 Ford Motor Car Co., Plymouth Division.
 Ford Motor Car Co., Saline Division.
 Ford Motor Car Co., Sharon-Mills Division.
 Ford Motor Co., Waterford Division.
 Ford Motor Co., Ypsilanti Division.
 Fraim, E. T., Lock Co.
 Frank Bros. Mfg. Co.
 Frankel Bros. & Co., Inc.
 Franks Foundry Corp.
 Fraser-Brace Engineering Co., The.
 Fruco Construction Co., Fruin-Colnon Contracting Co., Massman Construction Co.
 Fruehauf Trailer Co. of Calif.
 Fruit Growers Supply Co.
 Fullerton Oil Co.
- Gamble-Robinson Co.
 Gatke Corp.
 General Cable Corp.
 General Electric Co., Erie, Pa.
 General Electric Co., Euclid Village, Ohio.
 General Electric X-Ray Corp.
 General Fire Truck Corp.
 General Foods Corp., Diamond Crystal Salt Division.
 General Machinery Corp.
 General Motors Corp., Allison Division, Speedway City, Ind.
 General Motors Corp., Buick Aviation Engine Co. Division, Melrose Park, Ill.
 General Motors Corp., Buick Motor Division, Flint, Mich.
 General Motors Corp., Buick Motors Division, Melrose Park, Ill.
- General Motors Corp., Chevrolet Motor Division, Baltimore, Md.
 General Motors Corp., Delco Radio Division, Kokomo, Ind.
 General Motors Corp. (Fisher Body), Ternstedt Division, Detroit, Mich.
 General Motors Corp., Frigidaire Division, Dayton, Ohio.
 General Motors Corp. (Harrison Radiator Division), Lockport, N. Y.
 General Motors Corp., Inland Mfg. Division, Dayton, Ohio.
 General Motors Corp., Yellow Truck & Coach Division, Denver, Colo.
 General Motors Corp., Yellow Truck & Coach Division, Pontiac, Mich.
 General Motors Corp., Yellow Truck & Coach Division, Seattle, Wash.
 General Petroleum Corp. of California, Vernon & Taft, Calif.
 General Petroleum Corp. of California, Terminal Island, Calif.
 General Steel Casting Corp.
 Gibbs Gas Engine Co.
 Giustina Brothers Lumber Co.
 Globe Mills, Inc.
 Godchaux Sugars, Inc.
 Goldblatt Bros., Inc.
 Goodall Worsted Co.
 Graham Mill & Elevator Co.
 Grand Rapids Cabinet Co.
 Grand Rapids Varnish Corp. and Grand Haven Paint & Varnish Co.
 Grant Storage Batteries Co.
 Great Lakes Engineering Works.
 Grede Foundries, Inc., Milwaukee Steel Foundry Division.
 Greenebaum, J., Tanning Co., Plant No. 2.
 Growers-Shippers Labor Committee of Imperial Valley, et al.
 Gulf Oil Corp., Marine Dept.
- Hall Mfg. Co.
 Hamilton Foundry & Machine Co.
 Hanes, P. H., Knitting Co.
 Harbison-Walker Refractories Co., The.
 Hardy Metal Specialties, Inc., & Plastic Specialties, Inc.
 Harmony Short Line Motor Transportation Co.

- Hawkeye Steel Products Co.
 Hay, John L., Co.
 Heller Bros. Co. of Newcomerstown.
 Henry Lumber Co.
 Hilleone Steamship Co.
 Hill, Gordon.
 Hill, H. G., Stores, Inc., Warehouses.
 Hillman Transportation Co.
 Hoffman Beverage Co.
 Hope's Windows, Inc.
 Houde Engineering Corp.
 Houston Press.
 Houston Shipbuilding Corp., Irish Bend,
 Tex.
 Houston Shipbuilding Corp., Houston,
 Tex.
 Hoyt Mining Co. & Pickands Mather &
 Co.
 Hueneme Wharf & Warehouse Co.
 Huntington Land & Improvement Co.,
 Standard Felt Co. Division.
 Hygrade Food Products Corp.
- Ideal Chair Mfg. Co.
 Ideal Seating Co.
 Illinois Iron & Bolt Co.
 Illinois Moulding Co.
 Indiana Brass Co.
 Indiana Steel Products Co.
 Indianapolis Drop Forging Co.
 Indianapolis Paint & Color Co.
 Indianapolis Wire Bound Box Co.
 Ingalls Shipbuilding Corp., The.
 Inspiration Consolidated Copper Co.
 Inter-Island Steam Navigation Co., Ltd.
 Interlake Iron Corp.
 International Harvester Co., Tractor
 Works.
 International Shoe Co.
 International Smelting & Refining Co.
 Interstate Drop Forge Co.
 Irwin Auger Bit Co.
- Jacobs Bros., Inc.
 Johnson, C. D., Lumber Corp., Toledo,
 Oreg.
 Johnson, C. D., Lumber Corp. (Toledo
 Operation), Portland, Oreg.
 Johnson Service Co.
 Jones & Laughlin Steel Corp., New
 Orleans, La.
- Jones & Laughlin Steel Corp., Pitts-
 burgh, Pa.
 Jones & Laughlin Steel Corp., Marine
 Ways Dept., River Transportation
 Division, Floreffe, Pa.
 Joyce, Inc.
 Judd, H. L., Co., Inc.
 Juilliard, A. D., & Co., New York Mills
 Division.
- Kalamazoo Creamery Co.
 Kaufman, L., Co.
 Kayser, Julius, & Co.
 Kelly Co., The.
 Kennecott Copper Corp., Nevada Con-
 solidated Copper Corp.
 Kettleman North Dome Assn.
 Kiemle, Fred W., Co., The.
 Kiener-Williams Stamping Co.
 King Features Syndicate, Chicago, Ill.
 King Features Syndicate, Inc., Inter-
 national News Service, Harrisburg,
 Pa.
 King Features Syndicate, Inc., Inter-
 national News Service, Los Angeles
 Calif.
 King Features Syndicate, Inc., Inter-
 national News Service, Philadelphia,
 Pa.
 King Features Syndicate, Inc., Inter-
 national News Service, Pittsburgh,
 Pa.
 King Features Syndicate, Inc., Inter-
 national News Service, San Francisco,
 Calif.
 King Machine Tool Co.
 Kingan & Co., Inc. (Poultry Division).
 Klamath Timber Co.
 Knaust Bros., Inc.
 Knight Plating Co.
 Kohen-Ligon-Folz, Inc.
 Kroehler Mfg. Co.
 Kroger Grocery & Baking Co.
- L. A. By-Products Co.
 Ladoga Canning Co.
 Lake Superior District Power Co.
 Lakeview Lumber Co.
 Lakey Foundry & Machine Co.
 Lamm Lumber Co.
 Lansdowne Steel & Iron Co.

- Lansing Drop Forge Co.
 Larkin, J. K., Co.
 Larson, Henry A.
 Lederle Laboratories, Inc.
 Lehigh Portland Cement Co.
 Lehigh Portland Cement Co. & Modern
 Bag & Valve Co.
 Lehon Co., The.
 LeTourneau, R. G., Inc.
 Levin & Rosenberg.
 Levingston Shipbuilding Co.
 Leviton Mfg. Co., Inc.
 Libbey-Owens-Ford Glass Co.
 Life Insurance Co. of Virginia, Algiers,
 La.
 Life Insurance Co. of Virginia, Ander-
 son, Ind.
 Life Insurance Co. of Virginia, Augusta,
 Ga.
 Life Insurance Co. of Virginia, Green-
 ville, S. C.
 Life Insurance Co. of Virginia, Lynch-
 burg, Va.
 Life Insurance Co. of Virginia, Roanoke,
 Va.
 Life Insurance Co. of Virginia, Savan-
 nah, Ga.
 Life Insurance Co. of Virginia, Toledo,
 Ohio.
 Lincoln Packing Co.
 Lindsay Light & Chemical Co.
 Link-Belt Speeder Co.
 Liquid Carbonic Corp., The, Chicago,
 Ill.
 Liquid Carbonic Corp., The, Detroit,
 Mich.
 Little Rock Furniture Mfg. Co.
 Loew's Inc. & Marcus Loew Booking
 Agency, Inc.
 Loew's, Inc.
 Lone Star Cement Corp.
 Long-Bell Lumber Co., Klamath Falls,
 Oreg.
 Long-Bell Lumber Co. (Modoc &
 Tennant Logging Camps), Weed,
 Calif.
 Long-Bell Lumber Co. (Ryderwood
 Operations), Ryderwood, Wash.
 Long-Bell Lumber Co. (Weed Division),
 Weed, Calif.
 Longsfield Brothers, Inc.
 Los Angeles Brick & Clay Products Co.
 Los Angeles Shipbuilding & Drydock
 Co.
 Low Moisture Coal Co., Inc.
 L-U-C-E Mfg. Co.
 Lyons Machine & Tool Co.
 M. & M. Bakeries, Inc.
 MacAndrews & Forbes Co.
 McCarty, Justin, Inc.
 Magnet Mills, Inc.
 Mahoning Mining Co.
 Malden Electric Co.
 Manufacturers Hair & Bristle Dressing
 Co.
 Marine Transit Co.
 Marshall, Walter, Spinning Corp.
 Mather Spring Co.
 Mathieson Alkali Works, The.
 Matthews Mfg. Co.
 May Co., The.
 Mechling, A. L., Barge Line.
 Merchants & Mfg. Warehouse Co., Inc.
 Merchants & Miners Transportation Co.
 Merkle-Korff Gear Co.
 Merrill-Stevens Dry Dock Co.
 Miami Copper Co.
 Michigan Alkali Co. & Ford, J. B., Co.
 Michigan Dimension Co.
 Michigan Electrotype & Stereotype Co.,
 Inc.
 Mill B., Inc.
 Minneapolis-Honeywell Regulator Co.
 Mirror Products Co.
 Mississippi Valley Barge Line Co.
 Mitchell Battery Co.
 Mogul Rubber Co.
 Mojonnier Bros. Co.
 Monarch Aluminum Mfg. Co., The.
 Monarch Mills (Ottaray Plant).
 Monark Battery Co., Inc.
 Monogram Pictures Corp.
 Monolith Portland Cement Co.
 Montgomery Ward & Co., Chicago, Ill.
 Montgomery Ward & Co., Denver, Colo.
 Montgomery Ward & Co., Detroit,
 Mich.
 Montgomery Ward & Co., Wichita,
 Kans.
 Moore-Lowry Flour Mills Co.
 Moore-McCormack Lines, Inc.

- Morell, Barrie, & Co.
 Morse Twist Drill & Machine Co.
 Morten-Davis Co.
 Mueller Brass Co.
 Muncie Elwood Lamp Co.
 Murphy Timber Co.
 Nachman Spring Filled Corp.
 Nahon Co.
 Nash Kelvinator Corp., Propeller Division.
 National Erie Corp.
 National Fireworks, Inc.
 National Gypsum Co., Hawkeye Mine.
 National Laundry Co.
 National Lead Co., Magnus Metal Division.
 National Lead Co. (Titanium Division).
 National Metal Art Mfg. Co., Inc.
 National Sanitary Co., The.
 National Screen Service Corp.
 National Screen Service Corp., National Service Accessories Corp.
 National Tea Co.
 National Vulcanized Fibre Co., Newark Fibre Division.
 Natural Gas Pipe Line Co. of America.
 Navy Yard Cafeterias.
 Neenah Milk Products Co.
 Nelson, Robert, Co.
 Neptune Boat & Davit Corp.
 Nevada Consolidated Copper Corp.
 New Castle Products.
 New England Collapsible Tube Co.
 New Haven Clock Co., The.
 New Jersey Broadcasting Corp.
 New Jersey Worsted Mills.
 New Process Metal Corp.
 New York Central Iron Works.
 Norris Stamping & Mfg. Co.
 North Electric Mfg. Co., The.
 Northern Electrotype Co., Inc.
 Northern Indiana Brass Co.
 Northern States Power Co. of Wisconsin.
 Northrop Aircraft, Inc.
 Northwestern Auto Parts Co.
 Norwood Sash & Door Mfg. Co., Sears, Roebuck & Co., Modern Homes Division.
 Nu-Brick Products, Inc.
 Oceanic Ship Scaling Co., Inc.
 Ohio Brass Co.
 Ohio Ferro-Alloys Corp.
 Ohio Public Service Co., The, Warren, Ohio.
 Ohio Public Service Co., The, Cleveland, Ohio.
 Oklahoma Gas & Electric Co.
 Oliver Machinery Co., Baldwin Tuthill Division.
 Oregon Plywood Co.
 Overhead Door Corp.
 Owens-Illinois Pacific Coast Co.
 Palmer Match Co., The.
 Paraffine Companies, Inc., The.
 Paramount Film Distributing Corp.
 Paramount Pictures, Inc.
 Park Drop Forge Co.
 Patterson-Kelley Co.
 Peerless Novelty Co.
 Pekin Wood Products Co.
 Pelican Bay Lumber Co.
 Pennsylvania Edison Co.
 Pennsylvania Salt Mfg. Co.
 Pennsylvania Shipyards, Inc.
 Peoples Iron & Metal Co.
 Personal Products Corp.
 Phelps Dodge Copper Products Corp., Elizabeth, N. J.
 Phelps Dodge Corp., Douglas, Ariz.
 Phelps Dodge Corp., Copper Queen Branch, Bisbee, Ariz.
 Phelps Dodge Corp., Copper Queen Branch, Douglas, Ariz.
 Phelps Dodge Corp., Morenci Branch, Morenci, Ariz.
 Phelps Dodge Corp., New Cornelia Branch, Ajo, Ariz.
 Phelps Dodge Refining Corp., El Paso Tex.
 Phelps Dodge Refining Corp., Laurel Hill, L. I., N. Y.
 Philadelphia Dairy Products Co., Inc.
 Phillips Petroleum Co.
 Phoenix Iron Co.
 Pickands, Mather & Co., & Crete Mining Co.
 Pittsburgh Plate Glass Co.
 Pollack, Max & Co., Inc.
 Porter-Cable Machine Co.
 Portland Forge & Foundry Co.
 Post-Standard Co., The.
 Poultry Producers of Central California.

- Prentice-Hall, Inc.
 Pressed Steel Car Co., Inc.
 Price Bros. Co.
 Producers Releasing Corp.
 Public Service Co. of Indiana.
 Pullman-Standard Car Mfg. Co.
 Pusey & Jones Corp., The.
 Quincy Compressor Co.
 R. K. O. Radio Pictures, Inc.
 Railways Ice Co.
 Ralston Purina Co.
 Ralston Steel Car Co.
 Ramsey Accessories Mfg. Corp.
 Redfern Lace Works, Inc.
 Red Jacket Mfg. Co.
 Remington-Rand, Inc., Elmira, N. Y.
 Remington-Rand, Inc., Los Angeles, Calif.
 Remington-Rand, Inc., Remtico Supplies Division, Bridgeport, Conn.
 Republic Creosote Co.
 Republic Pictures Corp.
 Republic Steel Corp., Birmingham, Ala.
 Republic Steel Corp., Buffalo, N. Y.
 Republic Steel Corp., Ideal Foundry & Machine Division, Newton Falls, Ohio.
 Republic Steel Corp., Niles Steel Products Division.
 Rice & Adams Corp.
 Richard Borden Mfg. Co.
 Richard Ore Co.
 Richfield Oil Corp. of California.
 Richmond Greyhound Lines, Inc. (Peninsula Division).
 Rockbestos Products Co., Inc.
 Rockland Light & Power Co.
 Rockwood Alabama Stone Co.
 Rosedale Foundry & Machine Co.
 Rosenhirsch, H., Co.
 Rosiclare Lead & Fluorspar Mining.
 Royal Blue Granite Co.
 Russell Wood Heel Co.
 Rutherford Freight Lines, Chattanooga, Tenn.
 Rutherford Freight Lines, Inc., Knoxville, Tenn.
 Rutherford Freight Lines, Inc., Richmond, Va.
 Rutherford Freight Lines, Roanoke, Va.
 Rytex Co.
 St. Joseph Lead Co.
 St. Louis Steel Products Co.
 St. Paul Union Stockyards Co.
 Sagamore Mfg. Co.
 Salisbury Cotton Mills, The.
 San Equip, Inc.
 Santa Fe Warehouse.
 Sargent & Co.
 Saticoy Lemon Assn.
 Savannah Electric & Power Co.
 Saybrooke Mfg. Co., Inc.
 Schiff Co., The.
 Sculler Safety Corp.
 Seaboard Lemon Assn.
 Seagrave Corp., The.
 Sealed Power Corp. & The Accuralite Co.
 Sears, Roebuck & Co., Minneapolis, Minn.
 Sears, Roebuck & Co., New York, N. Y.
 Sears, Roebuck & Co., St. Louis, Mo.
 Sears, Roebuck & Co., Washington, D. C.
 Semet-Solvay Co.
 Semon Bache & Co.
 Serval, Inc.
 Service Products Corp.
 Shell Development Co., Inc.
 Sherwin-Williams Paint Co., The.
 Silverstein & Pinsof Co.
 Simmonds Aerocoessories, Inc.
 Simpson Logging Co., McCleary, Wash.
 Simpson Logging Co., Shelton, Wash.
 Sinclair Refining Co.
 Siskin, R. H., & Sons.
 Sloss-Sheffield Steel & Iron Co.
 Smith Cabinet Mfg. Co.
 Smith Cabinet Mfg. Co.
 Smith & Caffery Co.
 Snow, Fred A., Co.
 Socony Vacuum Oil Co., Inc., White Star-Ohio Division, Detroit, Mich.
 Socony Vacuum Oil Co., Inc., White Star-Ohio Division, Trenton, Mich.
 Solar Varnish Corp.
 Solvay Process Co., The, Baton Rouge, La.
 Solvay Process Co., Detroit, Mich.
 Southern Brewing Co.
 Southern California Gas Co., Compton, Calif.
 Southern California Gas Co., Los Angeles, Calif.

- Southern Engraving Co.
 Southern Wood Preserving Co.
 South Portland Shipbuilding Corp.
 Southport Petroleum Co.
 Southwestern Associated Telephone Co.
 Spandsco Oil & Royalty Co.
 Springfield Mfg. Co.
 Sheet Metal Engineering Co.
 Standard Lime & Stone Co.
 Standard Oil Co. (Indiana), Detroit, Mich.
 Standard Oil Co. of New Jersey, Marine Dept., New York, N. Y.
 Standard & Poor's Corp.
 Stanley Coal Co.
 Sterling Advertising Co.
 Sterling Engine Co.
 Sterling Pump Construction.
 Stewart-Warner Corp.
 Stock Clearing Corp.
 Strong-Hewat & Co.
 Sullivan Drydock & Repair Co.
 Sullivan Mining Co.
 Sullivans' Smythfield.
 Sunbeam Electric Mfg. Co.
 Sun Tent-Luebbert Co.
 Superior Coach Corp.
 Superior Lime & Hydrate Co.
 Superior Sleep-Rite Corp.
 Superior Steel & Malleable Casting Co.
 Surebest Bakery Co.
 Swartz Lake Lumber Co.
 Swift & Co., Cleveland, Ohio.
 Swift & Co., Fertilizer Works, Agricola, Ala.
 Swift & Co., National City, Ill.
 Swift & Co., North Nashville, Tenn.
 Swift & Co., South St. Paul, Minn.
 Sykes Brothers, Inc.
 Tampa Florida Brewery, Inc.
 Taylor Bedding Mfg. Co.
 Taylor & Gaskin Co.
 Telegram Publishing Co., The, & The Salt Lake Tribune Publishing.
 Tennessee Coal, Iron & Railroad Co., Holt Blast Furnace, Holt, Ala.
 Tennessee Coal, Iron & Railroad Co., Open Hearth Dept. of Ensley Works, Birmingham, Ala.
 Tennessee Coal, Iron & Railroad Co., Ore Mines, Ala.
 Tennessee Coal, Iron & Railroad Co., Rail Transportation Dept., Birmingham, Ala.
 Tennessee Products Corp.
 Texas Co., The, Port Arthur Refinery.
 Texas Co., The, San Antonio, Tex.
 Texas Co., The, West Dallas Works.
 Texas Pipe Line Co.
 Texoma Natural Gas Co.
 Textileather Corp.
 Thomasville Chair Co.
 Thompson Products, Inc.
 Thompson Products, Inc., & Thompson Aircraft Products Co.
 Thorrez & Maes Mfg. Co.
 Thresher Varnish Co.
 Tidewater Associated Oil Co., New York, N. Y.
 Tidewater Associated Oil Co., San Francisco, Calif.
 Tidewater Associated-Oil Co., Seattle, Wash.
 Tietjen and Lang Drydock Co.
 Tietjen and Lang Drydock Co., Todd Corp.
 Todd-Johnson Dry Docks, Inc.
 Toledo Industrial Rubber Co., The.
 Tollefsen Bros., Inc.
 Tourek, J. J., Mfg. Co.
 Triangle Publications, Inc., Chicago, Ill.
 Triangle Publications, Inc., Los Angeles, Calif.
 Tribune Publishing Co.
 Truck Welding Co., Inc.
 Tucker Duck & Rubber Co.
 Turner Day & Woolworth Handle Co., Inc.
 Tuthill Pump Co.
 Twentieth Century-Fox Films Corp., Los Angeles, Calif.
 Twentieth Century-Fox Film Corp. & Movietone News, New York, N. Y.
 Twentieth Century-Fox Film Corp., New York, N. Y.
 Twin State Gas & Electric Co.
 Union-Buffalo Mill.
 Union Collieries Coal Co.
 Union Engineering Corp.
 Union Oil Co. of Calif.
 Union Parts Co., Inc.
 Union Stock Yards Co. of Fargo.

- Unitcast Corp., The
 United Aircraft Products, Inc.
 United Artists Corp.
 United Fur Mfg. Assn., et al.
 United Furniture Co.
 United Illuminating Co.
 U. S. Cartridge Co., The.
 U. S. Coal & Coke & Fluorspar Corp.,
 Lafayette Mine.
 U. S. Envelope Co., Logan, Swift &
 Brigham Envelope Co.
 U. S. Finishing Co.
 U. S. Pipe & Foundry Co.
 U. S. Rubber Co., Indianapolis Branch.
 U. S. Vanadium Corp., Bishop, Calif.
 U. S. Vanadium Corp., Inyo County,
 Laws, Calif.
 United Wall Paper, Inc.
 Universal Glass Products Co.
 Universal Pictures Co., Inc.
 Utah Copper Co. & Kennecott Copper
 Corp.
 Valspar Corp., The, Valentine & Co.,
 Inc.
 Vermont Marble Co., et al.
 Vernor, James, Co.
 Verson Allsteel Press Co., Inc.
 Viking Refrigerators, Inc.
 Vitagraph, Inc.
 Voit Rubber Corp., W. J.
 Volney Felt Mills, Inc.
 Wadesboro Full Fashioned Mills, Inc.
 Walgreen Co.
 Wall, C. M., & Son, Inc.
 Walsh Refractories Corp.
 Washington Metal Trades, Inc., et al.
 Waterman-Waterbury Co.
 Weinfeld, A., & Son.
 Western Foundry Co., Chicago, Ill.
 Western Foundry Co., Holland, Mich.
 Western Metals Co.
 Western Union Telegraph Co.¹
 Westinghouse Airbrake Co.
 Westinghouse Electric & Mfg. Co.,
 Canton, Ohio.
 Westinghouse Electric & Mfg. Co., East
 Pittsburgh, Pa.
 Westinghouse Electric & Mfg. Co.,
 Lima, Ohio.
 Westinghouse Electric & Mfg. Co., Los
 Angeles, Calif.
 Westinghouse Electric & Mfg. Co.,
 Louisville Ordnance Division, Louis-
 ville, Ky.
 Westinghouse Electric & Mfg. Co.,
 Motor Division, Newark, N. J.
 Westinghouse Electric & Mfg. Co.,
 Westinghouse X-Ray Division, Long
 Island City, N. Y.
 Weyerhaeuser Timber Co., Klamath
 Falls Branch.
 Wheeling Corrugating Co.
 White Pigment Corp.
 Wichita Union Stock Yards Co.
 Willamette Valley Lumber Co.
 Willys Overland Motors, Inc.
 Wilson & Co., Inc., Chattanooga, Tenn.
 Wilson & Co., Inc., Evanson, J., & Sons
 t/a, Division of Wilson & Co.
 Wilson & Co., Inc., Kansas City, Kans.
 Wilson & Co., Miami, Fla.
 Wilson & Co., New York, N. Y.
 Wilson-Jones Mfg. Co.
 Wilson Packing Co.
 Wisconsin Porcelain Co.
 Wolfsheim & Sachs, Inc.
 Woodbridge Vineyard Assn.
 Wood, Gar, Industries, Inc.
 Wood, John, Mfg. Co., Inc., Bennett
 Pumps Division.
 Wright Aeronautical Corp.
 Wurlitzer, Rudolph Co., The, a Corp.
 Yale & Towne Mfg. Co.
 Yale & Towne Mfg. Co., The, Automatic
 Transportation Co., Division.
 Yasek, John.
 Yates-American Machine Co.
 Yorkshire Creamery Co.
 Zeigler & Bros., Inc., Max.
 Zion Cooperative Mercantile Institu-
 tion.

¹ Hearings were held in 151 cases involving offices of the Western Union Telegraph Co. in various cities throughout the United States.



APPENDIX C

LIST OF CASES IN WHICH THE BOARD RENDERED DECISIONS DURING THE FISCAL YEAR 1942

Section 3 (c) of the Act requires that the Board report in detail the decisions it has rendered." These are enumerated in four groups:

I. Unfair Labor Practice Cases.

A. Unfair Labor Practice Cases Decided after Contest.

B. Unfair Labor Practice Cases Decided on the Basis of a Stipulation of Agreement Entered Into by the Parties.

II. Representation Cases.

A. Representation Cases Decided on the Merits.

B. Representation Cases Decided on the Basis of Stipulated Election or Pay-Roll Check.

APPENDIX C

LIST OF CASES IN WHICH THE BOARD RENDERED DECISIONS DURING THE FISCAL YEAR 1942

I. Unfair Labor Practice Cases

A. Unfair Labor Practice Cases Decided After Contest

	Volume	Page
AAA Dental Laboratory, AAA Dental Laboratories, Inc., et al.....	41	263
A. P. Parts Corp.....	40	301
Abbott Worsted Mills, Inc.....	36	545
Aintree Corp.....	37	1174
Alco Feed Mills.....	41	1278
Aluminum Ore Co.....	39	1286
American Cyanamid Co.....	37	578
American Oil Co.....	41	1105
American Products, Inc.....	34	442
American Sheet Metal Works.....	41	1383
American Smelting & Refining Co.....	34	968
Atlanta Flour & Grain Co., Inc.....	41	409
Barrett Co. The.....	41	1327
Bear Brand Hosiery Co.....	40	323
Bethlehem Steel Corp., a Delaware corporation, Bethlehem Steel Co., a Pennsylvania corporation.....	33	1190
Blatt, M. E., & Co.....	38	1210
Blount, R. A., Hearst B., & Lonnie Flinn & Eunice Simpson.....	37	662
Bonafide Mills, Inc.....	38	661
Borg Warner Corp., Marvel-Schebler Division.....	23	114
Boswell, J. G., Co., Associated.....	35	968
Botany Worsted Mills.....	41	218
Bradley Lumber Co. of Arkansas.....	34	610
Brown McLaren Mfg. Co. & Hamburg Mfg. Co.....	34	984
Brown Paper Mill Co.....	36	1220
Budd, Edward G., Mfg. Co.....	41	872
Burke Machine Tool Co.....	36	1329
Burlington Mills Corp., Covington Weaving Co., Division of.....	34	187
Burson Knitting Co.....	35	772
Butler Brothers a corporation & Alex Wasleff, Building Maintenance Co.....	41	843
Canyon Corp., The.....	33	885
Capitol Piece Dye Works, William F. Larkin.....	38	690
Carborundum Co., The.....	36	710
Carter Carbureter Corp.....	39	1269
Casady Coal Co.....	38	1245
Chamberlain Corp. & American Wringer Co., Inc.....	37	499
Chicago Molded Products Corp.....	38	1111

	Volume	Page
Citizen-News Co.....	33	511
Clayton & Lambert Mfg. Co.....	34	502
Columbia Box Board Mills, Inc., & F. S. George, Inc.....	35	1050
Columbia Powder Co.....	40	223
Commonwealth Plastic Co., New England Novelty Co.....	34	1129
Cottrell, C. B., & Sons Co.....	34	457
Cowell Portland Cement Co.....	40	652
Curtiss-Wright Corp., Airplane Division.....	39	992
Davies, William Co., Inc.....	37	631
Detroit Southern Pipe Line Co.....	38	159
Downie Bros., Inc., et al.....	37	50
Eclipse Moulded Products Co., The.....	34	785
Ellis-Klatcher & Co.....	40	1037
Ely & Walker Dry Goods Co.....	40	1262
Ex-Lax, Inc.....	34	1095
Fairchild Engine & Aircraft Corp.....	41	521
Federbush Co.....	34	539
Fein's Tin Can Co., Inc.....	36	465
Feinberg, Jac, Hosiery Mills, Inc.....	38	1359
Firth Carpet Co., Firthcliffe Plant.....	33	191
Food Machinery Corp.....	41	1428
Gamble-Robinson Co.....	33	351
Gates Rubber Co.....	40	424
General Motors Sales Corp., General Motors Parts Division.....	34	1052
Gerity Whitaker Co. & Gerity Adrian Mfg. Co.....	33	393
Germain Seed & Plant Co.....	37	1090
Golden Turkey Mining Co.....	34	760
Great Southern Trucking Co., Charlotte, N. C., Branch.....	34	1068
Greeley Ice & Storage Co., The.....	35	398
Green, R. S., Inc.....	33	1184
Greer Steel Co., The.....	38	65
Hazel Atlas Glass Co.....	34	346
Hearst Publications, Inc., Los Angeles Evening Herald & Express Depts.....	39	1245
Hearst Publications, Inc., Los Angeles Examiner Dept.....	39	1256
Hickory Chair Mfg. Co.....	41	288
Hicks Body Co.....	33	858
Hobbs, Clinton E.....	41	537
Hudson Motor Car Co.....	34	815
Hygrade Food Products Corp.....	35	120
Imperial Lighting Products Co.....	41	1408
Interlake Iron Corp.....	33	613
International Envelope Corp.....	34	1277
Interstate Steamship Co., Jones & Laughlin Steel Corp.....	36	1307
Iowa Electric Light & Power Co.....	38	1124

	Volume	Page
Kansas Utilities Co.....	35	936
Kayser & Co., Julius, Walton Plant.....	39	825
Kirk, Morris P. & Son, Inc.....	41	807
Kline, Richard F., Co.....	39	1047
Kohen-Ligon-Folz, Inc.....	36	1294
Kress, S. H., Co.....	34	1152
Lebanon News Publishing Co., Lebanon Daily News-Times, Lebanon Semi-Weekly News Co.....	37	649
Lebanon Steel Foundry.....	33	233
Lexington Telephone Co.....	39	1130
Leyse Aluminum Co.....	37	839
Locomotive Finished Material Co.....	41	1374
Long Lake Lumber Co. & F. D. Robinson.....	34	700
McCleary, Henry, Timber Co.....	37	725
McLain Fire Brick Co.....	36	1
Marks Products Co., Inc.....	35	1262
Marlin-Rockwell Corp.....	39	501
Marshall Field & Co.....	34	1
Martin Bros. Box Co.....	35	217
Mellus Bros. & Co., et al.....	37	50
Metal Mouldings.....	39	107
Minneapolis-Honeywell Regulator Co.....	33	263
Monteith Bros. Co., & Monteith Bros., Inc.....	34	896
Montgomery Ward & Co., Chicago, Ill.....	39	229
Montgomery Ward & Co., Portland, Oreg.....	37	100
Moore, E. H., Oil Co., Inc.....	40	1058
Motor Products Corp.....	34	1236
Mt. Clemens Tool and Gear Works, Inc.....	41	770
National Lumber Mills, Inc., Colonial Products Co., & Chas. Pechenik.....	37	700
National Mineral Co.....	39	344
Newton Chevrolet Inc.....	37	334
New York and Cuba Mail Steamship Co.....	34	1028
New York Merchandise Co., Inc.....	41	1078
New York & Porto Rico Steamship Co.....	34	1028
Northwestern Cabinet Co.....	38	357
Northwestern Photo Engraving Co.....	38	813
Ohio Calcium Co.....	34	917
Ohio Fuel Gas Co.....	35	1128
Ohio Valley Bus Co., The.....	38	838
Outwest Broadcasting Co.....	40	1367
Pacific States Cast Iron Pipe Co.....	37	405
Pennsylvania Handbag Frames Mfg. Co.....	41	1454
Pepsi-Cola Bottling Co. of Princeton, Mr. and Mrs. H. P. Hunni- cutt, et al.....	35	605

	Volume	Page
Pequanoc Rubber Co.....	40	541
Perfection Steel Body Co.....	36	851
Peter Cailler Kohler Swiss Chocolates Co., Inc.....	33	1170
Phelps Dodge Refining Corp.....	38	555
Pick Mfg. Co.....	35	1334
Polson Logging Co.....	40	736
Poultrymen's Service Corp.....	41	444
Precision Castings Co., Inc.....	37	774
Protective Motor Service Co.....	40	967
Providence Gas Co.....	41	1121
Quality and Service Laundry, Inc.....	39	970
Rapid Roller Co.....	33	557
Rieke Metal Products Corp.....	40	867
Rushton Co., The.....	33	954
Sanco Piece Dye Works, Inc., Wm. F. Larkin.....	38	690
Sartorius, A., Co.....	40	107
Schaeffer-Hitchcox Pole Co.....	39	709
Scripto Mfg. Co.....	36	411
Security Warehouse & Cold Storage Co.....	35	857
Sheboygan Chair Co.....	33	710
Shell Oil Co., Inc.....	34	866
Shenandoah-Dives Mining Co.....	35	1153
Sherwin-Williams Co., Newark, N. J.....	34	651
Sherwin-Williams Co., Bound Brook, N. J.....	37	260
Sioux Steel Co.....	33	1155
Snow, Fred A., Co., The.....	41	1288
South Bend Fish Corp.....	38	1176
Southern Bell Telephone & Telegraph Co.....	35	621
Sperry Gyroscope Co., Inc.....	36	1349
Sportswear Hosiery Mills.....	41	674
Springfield Woolen Mills Co. and J. G. Clinard.....	41	921
Square D Co., Kollsman Instrument Co., Inc.....	41	693
Stanton Transportation Co.....	35	1100
Stark Bros. Nurseries & Orchards.....	40	1243
Stehli & Co., Inc.....	35	44
Stockholders Publishing Co., Inc.....	39	1256
Stone, J. H., & Sons.....	33	1014
Stonewall Cotton Mills.....	36	240
Sun Shipbuilding and Dry Dock Co.....	38	234
Sun Tent-Luebbert Co., et al.....	37	50
Sunbeam Electric Mfg. Co.....	41	469
Sussex Dye & Print Works, Inc. and Bernard R. Armour.....	34	625
Tennessee Products Corp.....	41	326
Thompson Products, Inc.....	33	1033
Times-Mirror Co.....	39	1245
Transue & Williams Steel Forging Corp.....	36	86

	Volume	Page
Trojan Powder Co.....	41	1308
Tyne Co.....	35	63
United Biscuit Co. of America, Ontario Biscuit Division.....	38	778
Veta Mines, Inc.....	36	288
Weirton Coal Co.....	34	1255
Wells-Lamont-Smith Corp.....	41	1474
Western Printing Co.....	34	194
Weyerhaeuser Timber Co., Clemons Branch.....	35	810
Williamson-Dickie Mfg. Co.....	35	1220
B. Unfair Labor Practice Cases Decided on the Basis of a Stipulation of Agreement Entered Into by the Parties		
American Bakeries Co.....	40	897
American Textile Co., Chas. Ruttenburgh, et. al.....	33	658
Arkansas Fuel Oil Co.....	40	561
Austell Cabinet Co.....	36	355
Best Coat & Apron Mfg. Co., Inc.....	12	1115
Bethlehem Steel Co.....	39	1230
Bicking, Austin S., Paper Mfg. Co.....	39	460
Bower Roller Bearing Co.....	37	1
Boyt Harness Co., general partnership & Boyt Harness Co., limited partnership.....	41	1065
Buffalo Wall Paper Mfg. Co.....	34	725
Burgess Battery Co. & Burgess Parr Co.....	38	1237
Burlington Mills Hosiery Co. and Town House Hosiery Mills, Inc.....	39	132
Cambridge Iron & Metal Co., The.....	37	284
Childress Royalty Co., a corporation.....	41	174
City Service Transit Co.....	40	354
Cleveland Container Co.....	38	103
Colorado Builders Supply Co.....	38	13
Crane Enamelware Co., Inc.....	41	64
Crown Trouser Co., Inc.....	38	1189
Cuneo Press, Inc., The.....	40	1380
Curtis Companies, Inc., Clinton Division.....	39	337
Curtiss-Wright Corp.....	41	1367
Denver Wholesale Florists Co.....	35	350
Dixie Distilled Products Co., Inc.....	36	1137
Dossin's Food Products.....	35	534
Durand Mfg. Co.....	34	58
E Z Sportcraft Mills, Inc.....	41	1354
Eagle-Ottawa Leather Co.....	37	1109
Eastern Wiping Material Co., Inc.....	40	473
Empire Ordnance Co. and West Pittston Iron Works, Inc.....	39	1199
Enoch Packing Co.....	40	1110

	Volume	Page
Fairmont Creamery Co., Devils' Lake Plant.....	36	622
Ford Motor Co., Detroit, Mich.....	37	914
Ford Motor Co., Edgewater, N. J.....	34	671
Fort Dodge Serum Co.....	39	837
Garden City Plating & Mfg. Co.....	41	1211
Gibbs Gas Engine Co.....	41	73
Goshen Mfg. Co.....	36	616
Granite Weaving Co.....	33	428
Guggenhime & Co.....	39	665
Hat Corp. of America.....	35	309
Harris & Son, Inc., C. A. and Zwright, John, an individual.....	37	1120
Hearst Radio, Inc., and WBAL Broadcasting Co.....	39	1301
Henry Furnace & Foundry Co., The.....	35	1209
Hesslein and Samstag, Inc.....	41	628
Highland Park Mfg. Co.....	36	184
Hitchner & Hitchner, Inc.....	36	138
Jacobs Bros., Inc.....	38	668
Johnson Rubber Co.....	37	792
Kansas Explorations, Inc., a corporation.....	40	1
Kayser, Julius & Co.....	35	521
Kelly Co., The.....	38	1039
Kentucky Ridge Coal Co.....	35	162
Keystone Silver, Inc.....	36	997
Lake Shore Photo Engraving Co., Inc.....	38	77
Landreth Brothers Lumber Co.....	37	674
Lee, Lora Dress Co., Inc., Gladly-Colleen, Inc., and William Schwartz.....	35	1059
Leila, Mary Cotton Mills.....	36	972
Lees-Bradner Co., The.....	40	1173
Link, Oliver P. Handle Co., Sequatchie Handle Works.....	40	1126
Loose-Wiles Biscuit Co.....	37	291
M. B. Mfg. Co., Inc.....	41	566
Magnolia Petroleum Co.....	36	1145
Maico Co., Inc., The.....	41	342
May Co., The.....	38	1154
McClelland Co.....	33	665
Michaels Co.....	40	1136
Miller Oil Co.....	39	939
Milton Box Co., a corp., Harris Pine Mills, Inc., a corp.....	36	191
Minneapolis Brewing Co.....	41	1513
Mosaic Tile Co.....	39	272
Nelson, Herman Corp.....	34	294
New York Power and Light Corp.....	41	1184
Newburger, Loeb Co., et al.....	37	683

	Volume	Page
Opp Cotton Mills, Inc.....	39	671
Owens Yacht Co.....	41	1504
Palumbo Cigar Co., Inc.....	39	176
Pietrus, A. J., & Sons.....	41	795
Puccinelli Packing Co.....	40	890
Pure Oil Co.....	39	587
Red Top Trucking Corp.....	36	147
Republic Steel Corp., Buffalo, N. Y.....	36	13
Republic Steel Corp., Chicago, Ill.....	34	145
Republic Steel Corp., Monroe, Mich.....	33	1125
Riverdale Mfg. Co., Inc.....	37	298
Schlake Dye Works, Inc.....	33	257
Schwarz Basket & Box Co.....	37	1132
Scullin Steel Co.....	37	473
Semple, C. Y., Mining Co.....	39	1037
Seybold Baking Co., Columbia Baking Co.....	38	1310
Shawnee Milling Co.....	36	203
Shellmar Products Co.....	34	49
Somersville Mfg. Co.....	41	1524
Standard Trouser Co.....	38	1197
Stein-Way Clothing Co.....	39	454
Strasburg Silk Mills, Inc.....	40	466
Taylor Iron Works & Supply Co.....	41	763
Tennison Bros., Inc.....	35	1252
Trio Curtain Corp.....	41	1542
Tri-State Zinc, Inc.....	39	1095
Utility Tool Mfg. Co. and The Utility Electric Co.....	35	478
Volney Felt Mill, Inc.....	36	1246
Wadesboro Full Fashioned Hosiery Mills, Inc.....	37	864
Western Union Telegraph Co.....	37	354
Wetmore Pulverizing & Machine Co.....	37	963
Woodbridge Winery Ass'n.....	39	1023
Wurlitzer, Rudolph.....	40	202
Zweig, H. W., Mfg. Co.....	39	448
Zylocase Co. & Opticase Co.....	38	455

II. Representation Cases

A. Representation Cases Decided on the Merits

Ace Foundry, Ltd.....	38	392
Adams Westlake Co.....	37	829
Aetna Iron & Steel Co.....	35	136
Air-Way Electric Appliance Corp.....	41	1239
Alabama Drydock & Shipbuilding Co.....	39	954

	Volume	Page
Alaska Salmon Industry, Inc., et al.....	33	727
Albers Milling Co.....	38	1331
Alexander Film Co. & Alexander Preview Co.....	36	57
Allegheny Ludlum Steel Corp.....	40	1285
Allen Coal Co.....	37	690
Allied Chemical and Dye Corp., Nat'l Aniline Division.....	40	1351
Allied Kid Co., Standard & Sterling Divisions.....	39	542
Allied Paper Mills, Monarch Division.....	34	332
Allis-Chalmers Mfg. Co., La Crosse Works.....	41	747
All Steel Welded Truck Corp.....	37	521
Alpena Tanning Co.....	40	1225
Aluminum Co. of America.....	35	957
American Brake Shoe & Foundry Co., Brake Shoe & Casting Division.....	41	82
American Brass Co.....	41	783
American Bridge Co., Trenton, N. J.....	34	839
American Bridge Co., Gary, Ind.....	38	624
American Can Co., a corporation, Proviso Factory Branch.....	38	998
American Compressed Steel Corp.....	38	1341
American Furniture Co., The.....	33	816
American Hawaiian Steamship Co.....	41	425
American Insulated Wire Corp.....	33	745
American Linen Service Co. and American Laundries, Inc., The..	36	565
American Mfg. Co.....	41	995
American Medical Assn.....	39	385
American Oil Co., Inc, Curtis Bay, Md.....	33	323
American Oil Co., Inc., Baltimore, Md.....	37	752
American Oil Co., Inc., South Washington, Va., and Rosslyn, Va.	39	247
American Radiator & Standard Sanitary Corp.....	35	172
American Rolbal Corp.....	41	907
American Sheet Metal Works.....	33	750
American Smelting & Refining Co.....	33	987
American Thermometer Co.....	34	222
American Thread Co., Kerr Mills.....	34	277
American Tube Bending Co., Inc.....	36	1079
American Warming & Ventilating Co.....	38	515
Aponaug Mfg. Co.....	36	371
Appalachian Electric Power Co.....	38	630
Arcrods Corp.....	40	1340
Arkwright Corp.....	36	687
Armour & Co., Huron, S. Dak.....	36	886
Armour & Co. of Delaware, Knoxville, Tenn.....	35	409
Armour & Co. of Delaware, New York, N. Y.....	33	784
Armour & Co. of Delaware, St. Louis, Mo.....	33	154
Armour & Co., St. Joseph, Mo.....	40	1333
Armour & Co., Stoughton, Wis.....	36	306
Armour Leather Co., Armour & Co. t/a.....	35	1310
Armstrong Brothers Tool Co.....	37	221
Armstrong Rubber Co.....	35	368
Art Metal Construction Co.....	40	842

	Volume	Page
Atkin, C. B., Co.....	35	697
Atlantic Refining Co.....	40	1338
Atlas Powder Co., Ravenna Arsenal.....	41	127
Atwood Machine Co.....	38	1270
Automatic Products Co.....	40	941
Automotive Maintenance Machine Co.....	39	796
Bagley Sewall Co.....	39	67
Baldwin, A., & Co., Inc.....	33	934
Ballantine, P., & Sons.....	33	374
Banner Bed Co.....	34	90
Barnaby, Charles H., Lumber Co.....	40	1308
Bath, M. L., Co., Ltd.....	39	1163
Bauske Bros.....	38	435
Bayer, A. J., Co.....	35	103
Bear Brand Hosiery Co.....	35	500
Beatrice Creamery Co.....	41	1197
Beaunit Mills, Inc.....	33	178
Beck, A. S., Shoe Corp.....	41	1043
Bell Electrotyping Co.....	36	832
Bellingham Plywood Corp.....	39	1115
Belz Upholstered Furniture Co.....	38	1326
Bendix Aviation Corp., Bendix Products Division.....	39	81
Bendix Aviation Corp.....	40	376
Bennett Mining Co. and Pickands Mather & Co.....	40	1321
Berg, Jalmer.....	35	357
Berkowitz Envelope Co.....	38	914
Bernz, Otto, Co., Inc.....	36	922
Besser Mfg. Co.....	36	764
Bethlehem Fairfield Shipyard, Inc.....	39	140
Bethlehem Steel Co., East Boston, Mass.....	39	1230
Bethlehem Steel Co., Shipbuilding Division.....	33	1064
Bethlehem Steel Co., Shipbuilding Division.....	40	922
Bethlehem Supply Co.....	40	487
Bingham, J. F., Co.....	39	1226
Bisbee Linseed Co.....	34	272
Blackmer Pump Co.....	33	117
Bohannon, F. M., Tobacco Mfr., Inc.....	37	526
Bonafide Mills, Inc.....	41	491
Booth Kelly Lumber Co.....	33	1146
Border City Mfg. Co.....	36	678
Boston Store of Chicago, Inc.....	37	1140
Bound Brook Oil-Less Bearing Co.....	39	880
Boyar-Schultz Corp.....	37	814
Boyle Mfg. Co.....	38	1281
Braman, Chas., & Son, Inc.....	39	1186
Bremner Bros.....	39	763
Brown Paper Goods Co.....	34	743
Brown & Sharpe Mfg. Co.....	36	1083
Brown Shoe Co.....	41	562

	Volume	Page
Brust Tool Mfg. Co.....	34	24
Bryce Brothers Glass Co.....	34	255
Buckeye Cotton Oil Co., The.....	36	76
Bucyrus Erie Corp.....	41	939
Buehler Tank & Welding Works.....	36	318
Builders Iron Foundry.....	40	1393
Bull, A. H., Steamship Co. & Baltimore Insular Line.....	36	99
Bunker Hill and Sullivan Mining and Concentrate Co.....	40	1312
Burke, Edward & John, Ltd.....	36	64
Burton-Dixie Corp., Newark, N. J.....	36	322
Burton-Dixie Corp., Chicago, Ill.....	37	432
Bushman Bag Service, Ltd.....	40	515
Buzard-Burkhart Pine Co.....	35	203
California Brass Mfg. Co., Ltd.....	37	1012
Canisteo Mining Co., Mesaba Cliffs Mining Co. and Cleveland-Cliffs Iron Co., The.....	39	8
Cannon Shoe Co.....	37	825
Capital Elevator & Mfg. Co., Inc.....	41	597
Carnegie-Illinois Steel Corp.....	37	19
Carnegie-Illinois Steel Corp., Engineering Division, Naval Ordnance Plant.....	34	40
Carolina Scenic Coach Lines.....	33	528
Case, Crane & Kilbourne Jacobs.....	41	20
Case, J. I., Co.....	38	522
Caterpillar Tractor Co.....	36	1035
Central Dispensary & Emergency Hospital, The.....	40	1011
Chapman & Dewey Lumber Co.....	41	29
Chapman Valve Mfg. Co., The.....	40	800
Chic Pottery Co.....	40	83
Chrysler Pittsburgh Co., Inc.....	36	1117
Chrysler Corp., Highland Park, Mich.....	33	927
Chrysler Corp., Marysville, Mich.....	36	157
Chrysler Corp., Centerline, Mich.....	34	35
Chrysler Detroit Co. & Chrysler Corp., Detroit, Mich.....	38	313
Chrysler Corp., Chrysler Motor Division, Jefferson Kercheval Plants.....	38	749
Chrysler Corp., Dodge Bros. Division, Detroit, Mich.....	33	927
Chrysler Corp. (Dodge Forge Division).....	39	532
Chrysler Motor Parts Corp. Division of Chrysler Corp.....	34	482
Chrysler Corp., Kokomo, Ind.....	37	877
Church, Bruce Co.....	39	754
Cincinnati Concrete Pipe Co.....	37	360
Cincinnati Gas & Electric Co., The, et al.....	35	1188
Cincinnati Times-Star Co., The.....	39	39
Cities Service Gas Co.....	41	648
Cities Service Oil Co., Pettys Island Refinery Division.....	38	1055
City Machine & Tool Co.....	36	1257
Clark, E. H., Lumber Co.....	39	1208
Cohen, L. S., & Co., Inc.....	40	711

	Volume	Page
Colonial Sugars Co., Gramercy Refinery.....	39	417
Columbia Pictures Corp., New York, N. Y.....	38	608
Columbia Pictures Corp., St. Louis, Mo.....	41	369
Columbia River Packers Assn., Inc., Altoona, Wash.....	40	254
Columbia River Packers Assn., Inc., Vancouver, Wash.....	40	246
Columbian Bronze Corp.....	39	156
Columbian Carbon Co.....	38	1060
Columbus & Southern Ohio Electric Co.....	36	386
Commander Larabee Milling Co.....	41	957
Commercial Solvents Corp., Newark, N. J.....	35	554
Commercial Solvents Corp., Peoria, Ill.....	41	642
Commercial Solvents Corp., Agnew, Calif.....	35	489
Company of Master Craftsmen, Inc., The.....	39	744
Coney Island, Inc.....	36	53
Consolidated Crystal Co., Inc.....	37	954
Consolidated Laundries Corp.....	34	476
Continental Baking Co., Akron Branch.....	41	998
Continental Oil Co.....	37	234
Continental Products, Inc.....	36	527
Conveyor Co., Inc.....	39	642
Cordiano Can Co., Inc.....	38	905
Cramp Shipbuilding Co.....	37	146
Crane Co. and Crane Co. of Minn.....	41	206
Crater Lake Box & Lumber Co.....	35	108
Crawfordsville Foundry Co.....	40	526
Creamery Package Mfg. Co.....	34	108
Crowley, Henry L. & Co., Inc.....	41	615
Crowley's Milk Co., Inc.....	40	1280
Cuban Cigar Co.....	37	833
Cudahy Packing Co., Jersey City, N. J.....	38	1009
Cudahy Packing Co., The, Memphis, Tenn.....	36	911
Cudahy Packing Co., Newport, Minn.....	40	168
Cudahy Packing Co. North Salt Lake, Utah.....	37	139
Curtiss-Wright Corp., Propeller Division, Caldwell Plant, Clifton, N. J.....	33	490
Curtiss-Wright Corp., Tonawanda and Cheektowaga, N. Y.....	41	1367
Dain Mfg. Co., Ottumwa, Iowa.....	38	528
Davenport Besler Corp.....	39	1174
Day & Zimmermann, Inc., Iowa Ordnance Plant.....	39	1313
Decatur Iron & Steel Co.....	33	828
Deep River Timber Co.....	37	210
Deere, John, Tractor Co.....	40	904
Delta-Star Electric Co.....	37	459
De Soto Creamery & Produce Co.....	39	601
De Soto Paint & Varnish Co.....	39	727
Detroit Electrotype Co.....	36	832
Detroit Nut Co.....	39	739
Detroit Plating Industries.....	39	315
Diamond Match Co.....	35	1317

	Volume	Page
Dorset Foods Ltd.....	40	609
Double M Shake and Shingle Mill Co.....	39	1319
Douglas & Lomason Co.....	34	69
Dravo Corp., Keystone Sand Division.....	39	846
Duncan Electric Mfg. Co.....	40	64
Durham Pepsi-Cola Bottling Co.....	40	753
Dutton, E. P. & Co., Inc.....	33	761
Eberle Tanning Co.....	37	530
Electric Auto-Lite Co., Bay Mfg. Division, Bay City, Mich.....	40	1345
Electric Auto-Lite Co., Toledo, Ohio.....	36	1156
Englehorn, John & Sons.....	33	1139
Enterprise Engine & Foundry Co.....	38	1202
Enterprise Upholstering Co.....	37	436
Erasmus Atlas, Inc.....	35	447
Etna Machine Co.....	39	733
Fairbanks-Morse Co.....	40	455
Fairchild Aviation Corp.....	40	1222
Fall River Manufacturers Assn., et al.....	39	909
Faries Mfg. Co.....	38	399
Farmers Feed Co.....	36	650
Farmington Shoe Mfg. Co.....	41	169
Federal Chemical Co.....	46	659
Ferbert & Schorndorfer.....	36	1279
Field, Marshall, & Co.....	36	748
Finch, Joseph S., Co.....	39	280
Firestone Tire & Rubber Co. of Tennessee.....	40	71
Fitzsimons Mfg. Co.....	40	782
Fletcher, H. E., Co.....	41	420
Food Machinery Corp., Amphibian Tractor Division.....	36	491
Ford Motor Car Co.....	35	1082
Fraim, E. T., Lock Co.....	39	202
Frank Brothers Mfg. Co.....	40	1143
Franks Foundries Corp.....	37	535
Fraser-Brace Engineering Co., Inc.....	38	1263
Frucro Construction Co., Fruin-Colnon Contracting Co., Massman Construction Co.....	38	991
Fruehauf Trailer Co. of Calif.....	37	757
Fruit Growers Supply Co.....	36	959
Fullerton Oil Co.....	40	504
Gatke Corp.....	39	197
General Cable Corp.....	33	328
General Electric X-Ray Corp.....	41	1026
General Fire Truck Corp.....	34	748
General Foods Corp., Diamond Crystal Salt Division.....	37	481
General Machinery Corp.....	39	779
General Motors Corp., Fisher Body Division, Detroit, Mich.....	36	439
General Motors Corp., Buick Motor Division, Flint, Mich.....	36	893
General Motors Corp., Cleveland Diesel Engine Division.....	37	441

	Volume	Page
General Motors Corp., Fisher Body Division, Norwood, Ohio.....	33	499
General Motors Corp., Frigidaire Division, Dayton, Ohio.....	39	1108
General Motors Corp., Allison Division, Speedway, Ind.....	37	616
General Motors Corp., Buick Motor Division, Melrose, Park, Ill..	40	825
General Motors Corp., Fisher Body, Kansas City Division.....	35	80
General Petroleum Corp. of California.....	39	1180
General Steel Casting Corp.....	41	350
Gibbs Gas Engine Co.....	33	1110
Globe Mills, Inc.....	41	94
Godchaux Sugars, Inc.....	36	926
Goldblatt Bros., Inc.....	41	741
Goodall Worsted Co.....	35	318
Graham Mill & Elevator Co.....	40	1289
Grand Rapid Cabinet Co.....	33	1002
Grand Rapids Varnish Corp. and Grand Haven Paint & Varnish Co.....	33	757
Grant Storage Batteries Co.....	35	453
Great Lakes Engineering Works.....	40	1254
Grede Foundries, Inc., Milwaukee Steel Foundry Division.....	40	1008
Growers-Shippers Labor Committee of Imperial Valley, et al.....	39	754
Guistina Brothers Lumber Co.....	41	1243
Gulf Oil Corp.....	36	1003
Hall Mfg. Co.....	40	14
Hamilton Foundry & Machine Co.....	41	1001
Hanes, P. H., Knitting Co.....	33	824
Harbison-Walker Refractories Co., The.....	37	785
Hardy Metal Specialities Inc. and Plastic Specialities Inc.....	34	491
Hatfield Wire & Cable Co.....	33	533
Hawkeye Steel Products Co.....	39	1222
Hay, John I., Co.....	40	1022
Heller Bros. Co. of Newcomerstown.....	33	833
Henry Lumber Co.....	36	452
Hill, H. G., Stores, Inc., Warehouse.....	39	874
Hill, Gordon.....	38	1276
Hillman Transportation Co.....	41	1047
Hollister Inc., Lloyd.....	33	982
Hope's Windows, Inc.....	41	430
Houde Engineering Corp.....	36	587
Houston Shipbuilding Corp.....	41	638
Hoyt Mining Co. and Pickands Mather & Co.....	40	1321
Hueneme Wharf & Warehouse Co.....	39	636
Hughes Tool Co.....	33	1089
Hygrade Food Products Corp.....	37	305
Ideal Chair Mfg. Co.....	36	844
Ideal Seating Co.....	36	166
Illinois Iron & Bolt Co.....	39	678
Illinois Moulding Co.....	35	827
Indiana Brass Co.....	36	967

	Volume	Page
Indianapolis Drop Forging Co.....	40	1294
Indianapolis Paint & Color Co.....	38	185
Indianapolis Wire Bound Box Co.....	41	1023
Industrial Rayon Corp.....	33	680
Ingalls Shipbuilding Corp., The.....	33	1060
Inland Steel Co.....	34	1294
Inter-Island Steam Navigation Co., Ltd.....	34	132
Interlake Iron Corp.....	38	139
International Harvester Co., Tractor Works.....	36	520
International Shoe Co.....	36	1173
Interstate Drop Forge Co.....	35	1067
Jacobs Brothers, Inc.....	38	424
Johnson, C. D., Lumber Corporation.....	37	251
Johnson Service Co.....	37	976
Jones & Laughlin Steel Corp., River Division, Pittsburgh, Pa.....	34	95
Jones & Laughlin Steel Corp., Marine Ways Dept., River Transportation Division, Florett, Pa.....	38	962
Jones & Laughlin Steel Corp., New Orleans, La.....	37	366
Joyce, Inc.....	40	509
Judd, H. L., Co., Inc.....	38	676
Juilliard, A. D., & Co., Inc.....	33	437
Juilliard, A. D., & Co., N. Y. Mills Division of Oneida Bleachery, Inc.....	39	933
Kalamazoo Creamery Co.....	34	101
Kaufman, L., Co.....	40	717
Kayser, Julius, & Co.....	41	751
Keiner-Williams Stamping Co.....	36	478
Kelly Co., The.....	34	325
Kennecott Copper Corp., Nevada Consolidated Copper Corp.....	40	986
Kettleman North Dome Assn.....	40	214
Kiemle, Fred W., Co., The.....	38	1094
King Machine Tool Co.....	39	1
Kingan & Co., Inc., Poultry Division.....	37	716
Klamath Timber Co.....	35	141
Knaust Bros., Inc.....	36	915
Knight Plating Co.....	39	148
Kohen-Ligon-Folz, Inc.....	36	808
Kroells Brothers, Ltd.....	33	553
Kroger Grocery & Baking Co.....	37	450
Ladoga Canning Co.....	41	51
Lakeview Lumber Co.....	35	96
Lakey Foundry & Machine Co.....	34	677
Lamm Lumber Co.....	37	1158
Lansing Drop Forge Co.....	39	682
Larkin, J. K., Co.....	36	1284
Larson, Henry A.....	35	89
Lehigh Portland Cement Co.....	38	308

	Volume	Page
Lehon Co., The	34	313
Lengsfeld Bros., Inc.....	38	951
LeTourneau, Inc., R. G.....	36	774
Levin & Rosenberg.....	36	1289
Levingston Shipbuilding Co.....	38	882
Leviton Mfg. Co., Inc.....	33	505
Lewittes & Sons, Inc., Silcon Furniture Mfg. Co., Groville Furniture Co.....	33	29
Libbey-Owens-Ford Glass.....	41	574
Liebmann Breweries, Inc.....	33	387
Life Insurance Co. of Virginia.....	38	20
Lincoln Packing Co.....	39	855
Lindsay Cooperative Citrus Ass'n.....	33	549
Lindsay Light & Chemical Co.....	40	847
Link-Belt Speeder Co.....	37	889
Liquid Carbonic Corp., The.....	35	674
Liquid Carbonic Corp.....	38	1065
Little Rock Furniture Mfg. Co.....	39	892
Loew's, Inc.....	38	602
Loew's, Inc., Loew, Marcus, Booking Agency, Inc.....	38	1015
Lone Star Cement Corp.....	37	997
Long-Bell Lumber Co., Klamath Falls, Oreg.....	40	175
Long-Bell Lumber Co., Weed, Calif.....	41	389
Long-Bell Lumber Co., Ryderwood, Wash.....	36	664
Los Angeles Brick & Clay Products Co.....	37	539
Los Angeles Shipbuilding & Drydock Co.....	40	1150
Low Moisture Coal Co., Inc.....	41	40
L-U-C-E Mfg. Co.....	40	384
Lyons Machine & Tool Co.....	38	745
M. & M. Bakeries, Inc.....	35	720
MacAndrews & Forbes Co.....	39	699
Mahoning Mining Co.....	41	497
Malden Electric Co.....	33	78
Manufacturers Hair & Bristle Dressing Co.....	38	619
Manufacturers Supply Co.....	37	162
Marcalus Mfg. Co.....	33	107
Marine Transit Co.....	40	1022
Marshall, Walter Spinning Corp.....	37	379
Matthews Mfg. Co.....	40	572
Mathieson Alkali Works, The.....	38	1084
May Co., The.....	38	1154
Mechling, A. L., Barge Line.....	40	1022
Memphis Butchers Ass'n, Ind.....	33	218
Merchants & Mfg. Warehouse Co., Inc.....	41	979
Merchants & Miners Transportation Co.....	37	1165
Merkle-Korff Gear Co.....	40	36
Merrill-Stevens Dry Dock Co.....	35	587
Michigan Alkali Co. and Ford, J. B., & Co.....	40	480
Michigan Electrotype & Stereotype Co., Inc.....	36	832

	Volume	Page
Mill, B., Inc.....	40	346
Mirror Products Co.....	39	73
Mississippi Valley Barge Line Co.....	38	206
Mitchell Battery Co.....	35	198
Mojonnier Bros. Co.....	41	557
Monarch Aluminum Mfg. Co., The.....	41	1
Monarch Mills.....	41	1248
Monark Battery Co., Inc.....	35	24
Monogram Pictures Corp.....	41	307
Monolith Portland Cement Co.....	35	1329
Montgomery Ward & Co., Detroit, Mich.....	36	69
Montgomery Ward & Co., Chicago, Ill.....	38	297
Montgomery Ward & Co., Wichita, Kans.....	38	340
Montgomery Ward & Co., Denver, Colo.....	41	122
Morse Twist Drill & Machine Co.....	36	1096
Morten-Davis Co.....	36	804
Mueller Brass Co.....	39	167
Muncie Elwood Lamp Co.....	40	1096
Murphy Timber Co.....	37	487
Nachman Spring Filled Corp.....	34	689
National Erie Corp.....	38	638
National Fireworks, Inc.....	33	1115
National Laundry Co.....	36	1204
National Lead Co. (Titanium Division).....	35	1075
National Metal Art Mfg. Co., Inc.....	37	561
National Sanitary Co., The.....	35	1040
National Screen Service Corp., National Service.....	41	1009
National Tea Co.....	35	340
National Tube Co., The.....	33	1248
National Vulcanized Fibre Co., Newark Fibre Division.....	36	46
Natural Gas Pipe Line Co. of America.....	40	1193
Navy Yard Cafeterias, Miss H. K. Dickson d/b/a.....	41	1230
Neenah Milk Products Co.....	39	191
Neptune Boat & Davit Corp.....	41	1139
Nevada Consolidated Copper Corp.....	38	1346
Nevada Consolidated Copper Corp.....	40	986
New Castle Products.....	34	683
New England Collapsible Tube Co.....	37	568
Newfield, Frank, Inc., Estate of.....	34	77
New Haven Clock Co., The.....	34	601
New Jersey Broadcasting Corp.....	41	1221
New Jersey Worsted Mills.....	35	1303
New Process Metal Corp.....	39	631
New York Central Iron Works.....	37	894
New York and Cuba Mail S. S. Co.....	34	1028
New York and Porto Rico S. S. Co.....	34	1028
North Electric Mfg. Co., The.....	41	944
Northern Electrotype Co., Inc.....	36	832

	Volume	Page
Northern States Power Co. of Wisconsin.....	37	991
Northern Indiana Brass Co.....	36	581
Northwestern Auto Parts Co.....	36	484
Ohio Brass Co.....	36	367
Ohio Ferro-Alloys Corp.....	41	103
Ohio Public Service Co., Cleveland, Ohio.....	36	1269
Ohio Public Service Co., Warren, Ohio.....	36	1269
Oliver Machinery Co., Baldwin Tuthill Division.....	39	722
Oregon Plywood Co.....	33	1234
Owens-Illinois Pacific Coast Co.....	36	990
Oxnard Harbor District.....	34	1285
Pan American Refining Corp.....	37	725
Paraffine Companies, Inc., The.....	38	118
Paramount Film Distributing Corp.....	41	358
Paramount Pictures, Inc.....	33	447
Paterson-Leitch Co., The.....	33	485
Patterson-Kelley Co.....	38	1229
Peerless Novelty Co.....	37	622
Pekin Wood Products Co.....	35	495
Pelican Bay Lumber Co.....	40	1317
Pennsylvania Edison Co.....	36	432
Pennsylvania Salt Mfg. Co.....	38	647
Pennsylvania Shipyards, Inc.....	40	1300
Peoples Iron & Metal Co.....	38	1288
Phelps Dodge Copper Products Corp.....	41	973
Phelps Dodge Corp.....	40	180
Phelps Dodge Corp., Copper Queen Branch.....	34	846
Phelps Dodge Refining Corp., El Paso, Tex.....	41	1016
Phelps Dodge Refining Corp., Laurel Hill, Long Island, N. Y.....	40	1159
Philadelphia Dairy Products Co., Inc.....	36	737
Philip Carey Mfg. Co.....	39	799
Phillips Petroleum Co.....	41	802
Phoenix Iron Co.....	38	1320
Pickands, Mather & Co. and Crete Mining Co.....	40	1321
Pittsburgh Plate Glass Co.....	34	341
Pollack, Max, & Co., Inc.....	38	966
Porter-Cable Machine Co.....	35	961
Portland Forge & Foundry Co.....	40	21
Post-Standard Co., The.....	34	226
Post-Standard Co., The.....	39	1308
Prentice-Hall, Inc.....	39	92
Pressed Steel Car Co., Inc.....	41	6
Pressed Steel Car Co., Inc.....	36	560
Presto Recording Corp.....	34	28
Price Bros. Co.....	39	904
Producers Releasing Corp.....	41	362
Pullman-Standard Car Mfg. Co.....	35	378
Pusey & Jones Corp., The.....	40	29

	Volume	Page
Quincy Compressor Co.....	34	486
R. K. O. Radio Pictures, Inc., New York, N. Y.....	33	447
R. K. O. Radio Pictures, Inc., St. Louis, Mo.....	41	365
R. K. O. Service Corp.....	41	656
Railways Ice Co.....	37	883
Ralston Purina Co.....	41	579
Ralston Steel Car Co.....	40	1401
Red Jacket Mfg. Co.....	36	932
Remington-Rand, Inc., Remtico Supplies Division.....	36	474
Remington-Rand, Inc., Elmira, N. Y.....	40	1100
Remington-Rand, Inc., Los Angeles, Calif.....	39	243
Republic Creosoting Co.....	40	615
Republic Pictures Corp.....	41	463
Republic Steel Corp., Buffalo, N. Y.....	39	687
Republic Steel Corp., Niles Steel Products Division.....	35	363
Reynolds, R. J., Tobacco Co.....	33	674
Rice & Adams Corp.....	38	1003
Richard Borden Mfg. Co.....	36	678
Richard Ore Co.....	37	544
Richmond Greyhound Lines, Inc.....	37	818
Robert, E., Nelson, Co., Inc.....	39	1168
Rockbestos Products Corp.....	39	376
Rockland Light & Power Co.....	35	542
Rockwood Alabama Stone Co.....	40	790
Rohr Aircraft Corp.....	34	266
Rosedale Foundry & Machine Co.....	35	1
Rosenhirsch, H., Co., et al.....	38	619
Rosiclare Lead & Fluorspar Mining.....	41	1143
Royal Blue Granite Co.....	35	685
Russell Heel Co.....	41	45
Rutherford Freight Lines.....	35	1322
Rytex Co.....	35	792
Sagamore Mfg. Co.....	39	909
St. Joseph Lead Co.....	41	236
St. Louis Steel Products Co.....	41	1261
Saint Paul Union Stockyards Co.....	38	1049
Salisbury Cotton Mills, The.....	39	210
San Equip, Inc.....	35	1116
Santa Fe Warehouse.....	41	590
Saticoy Lemon Assn.....	41	243
Savannah Electric & Power Co.....	38	47
Saybrooke Mfg. Co., Inc.....	33	1225
Schieffelin & Co.....	35	290
Schiff Co., The.....	36	575
Sculler Safety Corp.....	36	1160
Seaboard Lemon Assn.....	41	248
Seagrave Corp., The.....	40	76
Sealed Power Corp. and The Accuralite Co.....	41	1225

	Volume	Page
Sears, Roebuck & Co., New York, N. Y.....	35	1036
Sears, Roebuck & Co., Atwater Kent Mail Order Plant.....	34	244
Sears, Roebuck & Co., Washington, D. C.....	41	1147
Sears, Roebuck & Co.....	40	90
Semet-Solvay Co.....	40	821
Semon Bache & Co.....	39	1216
Service Products Corp.....	37	374
Shell Development Co., Inc.....	38	192
Sherwin-Williams, The.....	35	434
Shevlin-Hixon Co.....	33	368
Silver Falls Timber Co.....	35	1092
Silverstein & Pinsof Co.....	40	638
Simpson Logging Co.....	40	1180
Sinclair Refining Co., Inc.....	35	1145
Siskin, R. H., & Sons.....	41	187
Sloss-Sheffield Steel & Iron Co.....	37	134
Smith Cabinet Mfg. Co.....	36	363
Smith Cabinet Mfg. Co.....	38	957
Smith & Caffery Co.....	38	90
Snow, Fred A., Co.....	40	400
Socony Vacuum Oil Co., Inc., White Star-Ohio Division.....	34	236
Solar Varnish Corp.....	36	1101
Solvay Process Co., Detroit, Mich.....	35	564
Solvay Process Company, The, Baton Rouge, La.....	39	572
Southern California Gas Co.....	35	263
Southern Engraving Co.....	39	860
Southern Wood Preserving Co.....	37	25
South Portland Shipbuilding Corp.....	39	485
Southport Petroleum Co.....	39	257
Southwestern Associated Telephone Co.....	35	84
Standard Lime & Stone Co.....	39	538
Standard Oil Co. of N. J., Marine Dept.....	35	750
Standard Oil Co., Indiana.....	40	1233
Standard & Poor's Corp.....	41	373
Stanley Coal Co.....	38	1071
Stark Co., James E.....	33	1076
Sterling Engine Co.....	41	191
Sterling Pump Corp.....	41	1219
Stewart Warner Corp.....	37	242
Stock Clearing Corp.....	41	108
Strong-Hewat & Co.....	41	1166
Sullivan Dry Dock & Repair Corp.....	37	13
Sullivan Mining Co.....	36	107
Sullivans' Smythfield.....	34	305
Sun Tent-Luebbert Co.....	37	899
Sunbeam Electric Mfg. Co.....	34	831
Superior Coach Corp.....	39	926
Superior Lime & Hydrate Co.....	33	794
Superior Sleep-Rite Corp.....	39	606
Superior Steel & Malleable Casting Co.....	38	1099

	Volume	Page
Sussex Hats, Inc.....	33	140
Swartz Lake Lumber Co.....	40	853
Swift & Co., Cleveland, Ohio.....	41	1251
Swift & Co., Fertilizer Works.....	40	931
Swift & Co., South St. Paul, Minn.....	36	446
Sykes Brothers, Inc.....	35	595
Taylor Bedding Mfg. Co.....	38	755
Taylor & Gaskin Co.....	37	1024
Telegram Publishing Co. and The Salt Lake Tribune Publishing..	41	662
Tennessee Coal, Iron & Railroad Co., Open Hearth Dept. of Ensley Works.....	39	626
Tennessee Coal, Iron & Railroad Co., Holt Blast Furnace.....	39	402
Tennessee Coal, Iron & Railroad Co., Rail Transportation Dept..	32	375
Tennessee Products Corp.....	37	971
Texas Co., The, Houston, Tex.....	33	1214
Texas Co., The, West Dallas Works.....	35	373
Texas Co., The, Port Arthur Refinery.....	37	932
Texas Co., The, Sunburst Refinery.....	33	722
Texoma Natural Gas Co.....	40	1193
Thomasville Chair Co.....	37	1017
Thompson Products, Inc.....	35	323
Thompson Products, Inc. and Thompson Aircraft Products Co..	40	407
Thorrez & Maes Mfg. Co.....	39	693
Thresher Varnish Co.....	38	1225
Tidewater Associated Oil Co., New York, N. Y.....	38	889
Tidewater Associated Oil Co., Seattle, Wash.....	33	1084
Tidewater Associated Oil Co., San Francisco, Calif.....	38	582
Tietjen and Lang Dry Dock Co., Todd Corp.....	37	310
Todd-Johnson Dry Docks, Inc.....	34	736
Toledo Industrial Rubber Co., The.....	41	1201
Tourek, J. J., Mfg. Co.....	39	380
Triangle Publications, Inc.....	40	1330
Triangle Publications, Inc.....	39	547
Tribune Publishing Co.....	35	690
Trommer, John F., Inc.....	33	331
Turner Day & Woolworth Handle Co., Inc.....	33	1220
Twentieth Century Fox Film Corp., Los Angeles, Calif.....	41	1161
Twentieth Century Fox Film Corp. and Movietonews.....	39	579
Twentieth Century Fox Film Corp., New York, N. Y.....	33	447
Twin State Gas & Electric Co.....	38	760
Unexcelled Mfg. Co., Inc.....	38	1266
Union-Buffalo Mill.....	38	212
Union Collieries Coal Co.....	41	961
Union Oil Co. of Calif.....	37	227
Union Parts Mfg. Co., Inc.....	41	1173
Union Stock Yards Co. of Fargo.....	40	910
United Aircraft Corp.....	39	54
United Artists Corp.....	41	385

	Volume	Page
United Biscuit Co. of America, Felber Biscuit Co. Division-----	33	995
United Furniture Co.-----	38	927
U. S. Coal & Coke and Fluorspar Corp., Lafayette Mine-----	40	786
United States Envelope Co., Logan, Swift & Brigham Envelope Co.-----	38	1105
U. S. Finishing Co.-----	35	951
U. S. Pipe & Foundry Co.-----	37	1150
U. S. Rubber Co., Indianapolis Branch-----	41	1005
Universal Glass Products Co.-----	40	1358
Universal Pictures Co., Inc.-----	33	447
Utah Copper Co., and Kennecott Copper Corp.-----	35	1295
Valspar Corp., The, Valentine & Co., Inc.-----	39	466
Vernor, James, Co.-----	37	388
Verson Allsteel Press Co., Inc.-----	40	858
Viking Refrigerators, Inc.-----	36	313
Vitagraph, Inc.-----	41	310
Voit Rubber Corp., W. J.-----	41	585
Volney Felt Mills, Inc.-----	36	839
Walgreen Co.-----	37	764
Wall, C. M., & Son, Inc.-----	38	304
Walsh Refractories Corp.-----	36	768
Warner Bros. Pictures Inc., Vitagraph Inc., et al.-----	35	739
Waterman-Waterbury Co.-----	38	330
Weinfeld, A., & Son.-----	35	257
Western Foundry Co., Holland, Mich.-----	41	594
Western Foundry Co., Chicago, Ill.-----	41	301
Western Metals Co.-----	40	723
Western Union Telegraph Co., The, Arkansas-----	39	596
Western Union Telegraph Co., The, Colorado-----	36	634
Western Union Telegraph Co., The, California-----	37	166
Western Union Telegraph Co., The, California-----	41	1051
Western Union Telegraph Co., The, California-----	34	579
Western Union Telegraph Co., The, Iowa-----	38	535
Western Union Telegraph Co., The, Iowa-----	35	559
Western Union Telegraph Co., The, Indiana and Wisconsin-----	36	812
Western Union Telegraph Co., The, Indiana-----	38	83
Western Union Telegraph Co., The, Kansas-----	41	35
Western Union Telegraph Co., The, Louisiana-----	36	1024
Western Union Telegraph Co., The, Louisiana-----	36	1051
Western Union Telegraph Co., The, Massachusetts, Ohio, and Rhode Island.-----	35	271
Western Union Telegraph Co., The, Michigan-----	34	300
Western Union Telegraph Co., The, Michigan-----	34	336
Western Union Telegraph Co., The, Minnesota-----	39	1068
Western Union Telegraph Co., The, Minnesota-----	38	325
Western Union Telegraph Co., The, Minnesota-----	35	797
Western Union Telegraph Co., The, Missouri, Colorado, and Kansas.-----	39	792

	Volume	Page
Western Union Telegraph Co., The, Nebraska and Iowa.....	41	1257
Western Union Telegraph Co., The, Nebraska.....	35	834
Western Union Telegraph Co., The, Nebraska.....	35	1192
Western Union Telegraph Co., The, New York.....	38	766
Western Union Telegraph Co., The, New York.....	37	192
Western Union Telegraph Co., The, New York & New Jersey..	39	287
Western Union Telegraph Co., The, Ohio.....	36	1066
Western Union Telegraph Co., The, Ohio.....	36	210
Western Union Telegraph Co., The, Ohio.....	39	787
Western Union Telegraph Co., The, Oklahoma.....	36	1019
Western Union Telegraph Co., The, Oklahoma.....	36	1061
Western Union Telegraph Co., The, Oregon.....	36	1209
Western Union Telegraph Co., The, Pennsylvania.....	36	1209
Western Union Telegraph Co., The, South Dakota.....	35	762
Western Union Telegraph Co., The, Southern Division.....	38	492
Western Union Telegraph Co., The, Tennessee.....	39	1031
Western Union Telegraph Co., The, Texas.....	38	1396
Western Union Telegraph Co., The, Texas.....	38	1391
Western Union Telegraph Co., The, Texas.....	38	1386
Western Union Telegraph Co., The, Texas.....	38	1337
Western Union Telegraph Co., The, Texas.....	37	200
Western Union Telegraph Co., The, Texas.....	36	1046
Western Union Telegraph Co., The, Texas.....	36	1014
Western Union Telegraph Co., The, Texas.....	36	1056
Western Union Telegraph Co., The, Texas.....	36	1009
Western Union Telegraph Co., The, Texas.....	36	1165
Western Union Telegraph Co., The, Utah.....	34	569
Western Union Telegraph Co., The, Washington.....	35	251
Westinghouse Electric & Mfg. Co., Canton, Ohio.....	38	404
Westinghouse Electric & Mfg. Co., Derry, Pa. plant.....	33	789
Westinghouse Electric & Mfg. Co., East Pittsburgh, Pa.....	36	339
Westinghouse Electric & Mfg. Co., Lima, Ohio.....	35	756
Westinghouse Electric & Mfg. Co., Los Angeles, Calif.....	41	1265
Westinghouse Electric & Mfg. Co., Los Angeles, Calif.....	33	149
Westinghouse Electric & Mfg. Co., Louisville Ordnance Plant...	38	412
Westinghouse Electric & Mfg. Co., Meter Division.....	33	605
Westinghouse Electric & Mfg. Co., Philadelphia plant.....	33	97
Weyerhaeuser Timber Co., Klamath Falls Branch.....	39	48
Wheeling Corrugating Co.....	34	309
White Horse Pike Bus Co., Inc. and Atlantic City Bus Co.....	34	178
White, J. G., Engineering Corp. of New York and Louisiana Shipyards, Inc.....	34	83
White Pigment Corp.....	41	379
Whiterock Quarries, Inc.....	33	145
Wichita Union Stock Yards Co.....	40	369
Willamette Valley Lumber Co.....	35	805
Williams Brothers.....	33	923
Wilson & Co., Inc.....	36	570
Wilson & Co., Inc., Kansas City, Kans.....	37	944
Wilson & Co., Miami, Fla.....	40	816

	Volume	Page
Wilson & Co., New York, N. Y.....	40	777
Wilson-Jones Mfg. Co.....	38	736
Wilson Packing Co.....	40	915
Wisconsin Porcelain Co.....	40	1155
Woodbridge Vineyard Ass'n.....	37	454
Wood, Gar, Industries, Inc.....	41	1156
Wood, John, Mfg. Co., Bennett Pumps Division.....	35	191
Wright Aeronautical Corp.....	40	1164
Wurlitzer, Rudolph, Co., The.....	41	1074
Yale & Towne Mfg. Co.....	36	1072
Yale & Towne Mfg. Co., The Automatic Transportation Co., Division.....	39	898
Yasek, John.....	37	156
Yates-American Machine Co.....	40	519
Yellow Truck & Coach Mfg. Co., General Motors Truck & Coach Division, Denver, Colo.....	33	1229
Yellow Truck & Coach Mfg. Co., General Motors Truck & Coach Division, Seattle, Wash.....	36	876
Yellow Truck & Coach Mfg. Co., Pontiac, Mich.....	39	14
Yorkshire Creamery Co.....	35	30
Zeigler, Max, & Bros., Inc.....	38	540
B. Representation Cases Decided on the Basis of Stipulated Election or Pay-Roll Check		
Air Associates, Inc.....	33	543
Allis-Chalmers Mfg. Co.....	33	1122
American Can Co.....	38	57
American Dredging Co.....	36	501
American Shipbuilding Co., The.....	37	1039
American Spectacle Co., Inc.....	35	1216
Angelica Jacket Co.....	36	1111
Angelica Jacket Co.....	41	318
Antioch Power Co.....	40	773
Armour & Co., Huron, N. Dak.....	41	780
Armour & Co., Jersey City, N. J.....	38	1207
Armour Fertilizer Works, Division of Armour & Co., of Delaware, a corporation, Chicago Heights, Ill.....	36	786
Armour Fertilizer Works, Nashville, Tenn.....	40	952
Armour Leather Co., Armour & Co. t/a Gleason Plant.....	39	1193
Atlantic Gulf & Pacific Co., The.....	40	264
Atlantic Steel Co.....	35	414
Auburn Rubber Corp.....	36	115
Baldwin Locomotive Works, Locomotive Division.....	39	1083
Baumbach Mfg. Co., E. A.....	36	639
Blanton Co., The.....	35	768
Boss Mfg. Co.....	38	971
Breeze Corporations, Inc.....	33	472
Broderick & Bascom Rope Co.....	36	1193

	Volume	Page
Carnegie-Illinois Steel Corp.....	40	532
Chapin, Charles E., Co., Inc.....	39	332
Citizen Publishing Co., The.....	37	1036
Cleveland Brass Mfg. Co., The.....	33	320
Cleveland Container Co., The.....	38	931
Cleveland Sheet Metal & Engineering Co.....	35	850
Columbia Steel Co., Pittsburg, Calif.....	39	498
Columbia Steel Co., Torrance, Calif.....	39	614
Couse Laboratories, Inc.....	33	697
Crocker Wheeler Electric Mfg. Co.....	34	693
Davidson Enamel Products Co.....	35	440
Deisel-Wemmer-Gilbert Corp.....	35	214
Detroit & Cleveland Navigation Co.....	35	841
Diamond Match Co.....	33	610
Dickey Mfg. Co., The.....	33	214
Dispatch Printing Co., The.....	37	1009
Dixie Distilled Products Co., Inc.....	39	36
Dominion Electrical Mfg., Inc.....	36	705
Dracco Corp.....	33	803
du Pont, E. I. de Nemours & Co.....	36	600
Edwards and Co., Inc.....	35	297
Electrical Research Laboratories, Inc.....	38	124
Electro-Motive Corp.....	38	546
Fair, The.....	33	113
Federal Bearings Co. & Schatz Mfg. Co.....	40	1230
Forest City Cotton Oil Mill.....	39	99
Galion Iron Works & Mfg. Co.....	35	154
General Electric Supply Corp., Cleveland District.....	33	699
General Electric Co., Cleveland Wire Works Plant.....	33	688
General Motors Corp., Brown Lipe-Chapin Division, Syracuse, N. Y.....	37	179
General Motors Corp., Buick Motor Division, Flint, Mich.....	35	647
General Motors Corp., Cadillac Motor Car Division, Detroit, Mich.....	41	511
General Motors Corp., Chevrolet Motor & Axle Division, Tona- wanda, N. Y.....	33	343
General Motors Corp., Chevrolet Motor Division (gear, forge, and axle plant), Detroit, Mich.....	41	1272
General Motors Corp., Delco Products, Dayton, Ohio.....	35	386
General Motors Corp., Delco Remy Division, Antioch Foundry.....	36	642
General Motors Corp., Fisher Body Division, Detroit, Mich.....	37	797
General Motors Corp., Fisher Body Division (Fisher Aircraft Unit), Detroit, Mich.....	39	804
General Motors Corp., Fisher Body Division, Flint, Mich.....	41	320
General Motors Corp., Fisher Body Division, Lansing, Mich.....	41	1270
General Motors Corp., Fisher Body Division, Pontiac, Mich.....	41	1237

	Volume	Page
General Motors Corp., Frigidaire Division (Ordnance Plant), Dayton, Ohio.....	36	1266
General Motors Corp., General Motor Parts Division, National Control Office and Wholesale, Flint, Mich.....	39	145
General Motors Corp., Harrison Radiator Division, Lockport, N. Y.....	40	1118
General Motors Corp., Memphis Fisher Aircraft Division, Memphis, Tenn.....	41	1274
General Motors Corp., Olds Division, Lansing, Mich.....	34	605
General Motors Corp., Pontiac Motor Division.....	41	514
General Motors Corp., Saginaw Steering Gear, Machine Gun Plant, Saginaw, Mich.....	37	322
General Motors Corp., Styling Section, Detroit, Mich.....	33	469
General Motors Corp., Ternsted Mfg. Division, Detroit, Mich.....	33	540
General Motors Sales Corp., Cadillac Motor Car Division, Detroit, Mich.....	36	898
General Motors Sales Corp., Diesel Engine Division, Cleveland, Ohio.....	38	488
General Motors Sales Corp., General Motor Parts Division, Denver, Colo.....	41	11
General Motors Sales Corp., General Motor Parts Division, Des Moines, Iowa.....	36	231
General Motors Sales Corp., General Motor Parts Division, Detroit Warehouse, Detroit, Mich.....	34	259
General Motors Sales Corp., General Motor Parts Division, Minneapolis, Minn.....	39	865
General Motors Sales Corp., General Motor Parts Division, Portland, Oreg.....	35	14
General Motors Sales Corp., General Motor Parts Division, San Francisco, Calif.....	38	510
General Motors Sales Corp., Pontiac Motor Division, Pontiac Retail Store, Pontiac, Mich.....	34	428
Georgia Art Supply Co.....	36	498
Globe Feather & Down Co.....	36	1184
Goldberg & Seltzer, Inc.....	37	205
Gooch, C. M., Lumber Co.....	36	124
Grayson Heat Control, Ltd.....	39	961
Greenberg, H., & Son, Inc., a Corp.....	36	789
Hat Corp. of America.....	35	299
Heinz, H. J., Co., Sharpsburg, Pa.....	35	39
Heinz, H. J., Co., Bowling Green, Ohio.....	35	650
Henry Furnace & Foundry Co., The.....	36	225
High Point Furniture Co.....	38	687
Hillcone Steamship Co.....	40	1205
International Harvester Co., Davenport, Iowa.....	33	457
International Harvester Co., Hutchinson, Kansas.....	38	175
International Harvester Co. of America, Sioux Falls, S. Dak.....	33	1243
Isthmian Steamship Co.....	39	654

	Volume	Page
King Machine Tool Co., Plant No. 2.....	41	1405
Kroger Grocery & Packing Co., Meat Packing Division.....	40	582
Lake Erie Limestone Co., Hillsville, Pa., Plant.....	36	607
Lilly Varnish Co.....	33	211
Link-Belt Co., Dodge & Ewart Plants.....	36	398
Long-Bell Lumber Co.....	33	1009
Malone & Hyde, Inc.....	36	540
Marsh Furniture Co.....	40	535
Master Tire & Rubber Corp.....	35	1045
Medford Corp.....	35	512
Metal Industries, Inc.....	37	1033
Minneapolis-Honeywell Regulator Co.....	38	652
Mt. Shasta Pine Mfg. Co.....	35	114
Myrtle Desk Co.....	40	538
Newbury, R. C., Co., Inc.....	39	886
News Syndicate Inc.....	33	339
Nite Kraft Corp.....	36	1187
Ohio Foundry Co., The, Plants Nos. 1 and 2.....	35	302
	34	143
Ohio Match Co., The.....	37	319
Ohio Power Co., The, Philco Power Station.....	34	116
Ohio Power Co., Northern Division.....	37	1029
Ohio Power Co., Lima Division.....	41	59
Ohio Power Co., Canton, Ohio.....	34	281
Ohio Power Co., Steubenville Division.....	33	772
Ohio Power Co., Southern Division.....	38	1022
Oliver Iron Mining Co., Duluth, Minn.....	39	801
Oliver Iron Mining Co., Ironwood, Mich.....	40	1259
Oppenheimer Casing Co.....	36	1190
Orgill Bros. Co.....	36	404
Parke Davis & Co.....	33	316
Philadelphia Record Co.....	34	318
Pine Bluff Cotton Oil Mill.....	37	316
RCA Mfg. Co., Inc.....	40	644
Republic Steel Corp., Birmingham, Ala.....	37	173
Republic Steel Corp., Canton, Ohio.....	35	666
Republic Steel Corp., Chicago, Ill.....	38	43
Republic Steel Corp., Massillon, Ohio.....	35	663
Republic Steel Corp., Niles & Warren, Ohio.....	35	668
Republic Steel Corp., Ohio.....	35	653
Republic Steel Corp., Steel Tubes-Elyria Division, Elyria, Ohio.....	37	183
Republic Steel Corp., Troy, N. Y.....	35	389
Republic Steel Corp., Union Drawn Steel Division, Gary, Ind.....	40	1405
Roxborough Steel Co., Empire Ordnance Corp.....	39	1212
Royal Netherlands Steamship Co.....	39	265

	Volume	Page
Sargent & Co.....	38	127
Sawyer Electrical Mfg. Co.....	40	1215
Schultz & Hirsch.....	38	113
Sly, W. W., Mfg. Co., The.....	33	1006
Smith Meter Co.....	41	62
Socony Vacuum Oil Co., Inc., White Star-Ohio Division.....	36	696
Stearns, Frederick & Co.....	36	381
Stone-Wright Studios, Inc.....	38	389
Superior Flake Graphite Co.....	33	798
Sylvania Industrial Corp. of Georgia.....	36	154
Textileather Corp.....	36	236
Tidewater Associated Oil Co., Associated Division, San Pedro, Calif.....	37	987
Tidewater Associated Oil Co., Associated Division.....	37	989
Tidewater Associated Oil Co., Avon, Calif.....	36	378
Tidewater Associated Oil Co. of California, Associated Division..	36	1263
Tidewater Associated Oil Co., Linnton, Oreg.....	40	492
Tidewater Associated Oil Co., San Francisco, Calif.....	33	336
Tidewater Associated Oil Co., San Joaquin Valley Pipe Line, Coalinga Plant.....	33	336
Tidewater Associated Oil Co., Watson, Calif.....	33	336
Todd-Johnson Dry Docks, Inc.....	35	1184
Toycraft Mfg. Co.....	36	177
Truscon Steel Co., Buffalo, N. Y.....	40	1398
Truscon Steel Co., Bldg. Products Division Warehouse, Cleve- land, Ohio.....	37	905
Truscon Steel Co., Campbell Metal Window Corp., Division of, Baltimore, Md.....	34	140
Truscon Steel Co., a Michigan Corp., Cleveland, Ohio.....	35	653
United Aircraft Corp., Vought Sikorsky Division.....	39	54
United Motors Service, Inc., Atlanta, Ga.....	36	604
United Motors Service, Inc., Detroit, Mich.....	34	497
United Motors Service, Inc., Minneapolis, Minn.....	41	756
United Motors Service Co., Inc., St. Louis, Mo.....	39	1122
Valley Fibre Box Co.....	35	116
Van Camp Sea Food Co., Inc.....	33	164
Ward Leonard Electric Co.....	35	509
Warner Automotive Parts Division of Borg-Warner Corp.....	33	230
Welsh Lumber Co.....	34	113
Western Union Telegraph Co.....	39	560
Westinghouse Electric & Mfg. Co., Canton, Ohio.....	41	261
Westinghouse Electric & Mfg. Co., Chicago, Ill.....	37	464
Westinghouse Electric & Mfg. Co., Detroit, Mich.....	35	151
Westinghouse Electric & Mfg. Co., Fairmont Lamp Works, Fair- mont, W. Va.....	39	102
Westinghouse Electric & Mfg. Co., Lester, Pa.....	34	893

	Volume	Page
Westinghouse Electric & Mfg. Co., Lima, Ohio.....	36	901
Westinghouse Electric & Mfg. Co., Newark, N. J.....	39	946
Westinghouse Electric & Mfg. Co., Orange, N. J.....	39	950
Westinghouse Electric & Mfg. Co., Philadelphia, Pa.....	36	222
Westinghouse Electric & Mfg. Co., Radio Division, Baltimore, Md.....	33	224
Westinghouse Electric & Mfg. Co., St. Louis, Mo.....	38	1079
Westinghouse Electric & Mfg. Co., South Boston, Mass.....	36	219
Westinghouse Electric & Mfg. Co., Springfield, Mass.....	38	178
Westinghouse Electric & Mfg. Co., Westinghouse X-Ray Division, Long Island City, N. Y.....	36	120
Westinghouse Radio Stations, Inc., Operating KYW, Philadel- phia, Pa.....	33	1240
Westinghouse Radio Stations, Inc., Boston, Mass.....	37	466
West Kentucky Coal Co.....	38	10
West Steel Castings Co.....	33	694
Williams Furniture Corp.....	38	219
Winton Lumber Co.....	36	228
Yellow Truck & Coach Mfg. Co., General Motors Truck & Coach Division, New York, N. Y.....	33	460
Yellow Truck & Coach Mfg. Corp., The, General Motors Truck & Coach Division, St. Louis, Mo.....	35	515
Yellow Truck & Coach Mfg. Co., Pontiac, Mich.....	38	900
Youngstown Sheet & Tube Co. and Youngstown Products Co....	35	660



APPENDIX D

SUMMARY OF LITIGATION FOR FISCAL YEAR 1942

- I. Proceedings for the Enforcement or Review of Board Orders under Section 10 (e) and (f), National Labor Relations Act.
 - A. Proceedings on the Merits.
 - B. Consent Decrees.
- II. Contempt Actions.
- III. Special Litigation.

APPENDIX D

SUMMARY OF LITIGATION FOR FISCAL YEAR 1942

I. Proceedings for the Enforcement or Review of Board Orders

A. PROCEEDINGS ON THE MERITS

SUPREME COURT CASES

1. Cases in which the Supreme Court upheld orders of the Board:
 - N. L. R. B. v. Automotive Maintenance Machinery Co.*, 315 U. S. 282.*
 - N. L. R. B. v. Electric Vacuum Cleaner Co.*, 315 U. S. 685.*
 - N. L. R. B. v. P. Lorillard & Co.*, 314 U. S. 512.
 - N. L. R. B. v. Nevada Consolidated Copper Corp.*, 316 U. S. 105.
 - Southport Petroleum Corp. v. N. L. R. B.*, 315 U. S. 100.*
2. Case which the Supreme Court remanded to the Board:
 - N. L. R. B. v. Virginia Electric & Power Co.*, 314 U. S. 469.
3. Case in which the Supreme Court enforced an order of the Board with modifications:
 - Southern S. S. Co. v. N. L. R. B.*, 316 U. S. 31.
4. Cases in which the Supreme Court denied petitions for writs of certiorari to review decisions of the Circuit Courts of Appeals enforcing Board orders:
 - Aladdin Industries, Inc. v. N. L. R. B.*, 316 U. S. 706.
 - Algoma Net Co. v. N. L. R. B.*, 316 U. S. 706.
 - W. C. Bachelder, Receiver for Hoosier Veneer Co. v. N. L. R. B.*, 314 U. S. 647.
 - Heilig Bros. Co. v. N. L. R. B.*, 316 U. S. 701.
 - Hobart Cabinet Co. v. N. L. R. B.*, 314 U. S. 679.
 - Indianapolis Power & Light Co. v. N. L. R. B.*, 315 U. S. 804.
 - Wm. Killoren, Trustee in bankruptcy v. N. L. R. B.*, 314 U. S. 696.
 - McKesson & Robbins, Inc., v. N. L. R. B.*, 314 U. S. 674.
 - Newark Morning Ledger Co. v. N. L. R. B.*, 314 U. S. 693.
 - Niles Fire Brick Co. v. N. L. R. B.*, 316 U. S. 664.
 - Norristown Box Co. v. N. L. R. B.*, 316 U. S. 667.
 - North Electric Mfg. Co. v. N. L. R. B.*, 315 U. S. 818.
 - Oughton, et al. (Windsor Mfg. Co.) v. N. L. R. B.*, 315 U. S. 797.
 - Owens-Illinois Glass Co. v. N. L. R. B.*, 316 U. S. 662.
 - Suburban Lumber Co. v. N. L. R. B.*, 314 U. S. 693.
 - Warehousemen's Union, et al. v. N. L. R. B.*, 314 U. S. 674.
 - White Swan Co. v. N. L. R. B.*, 314 U. S. 648.
 - Wilson & Co., Inc., v. N. L. R. B.*, 316 U. S. 699.
 - Wm. Gibbs, et al. v. N. L. R. B.*, 315 U. S. 797.

CIRCUIT COURT OF APPEALS CASES

1. Circuit court decisions granting enforcement of Board orders:
 - (a) Board orders enforced without modification:
 - N. L. R. B. v. Abbott Worsted Mills, Inc.*, 127 F. (2d) 438 (C. C. A. 1).
 - N. L. R. B. v. Acme-Evans Co.*, 10 L. R. R. 492 (C. C. A. 7).

*Rehearing denied.

1. Circuit court decisions granting enforcement of Board orders—Continued.

(a) Board orders enforced without modification—Continued.

- N. L. R. B. v. Algoma Net Co.*, 124 F. (2d) 730 (C. C. A. 7).†
N. L. R. B. v. American Rolling Mill Co., 126 F. (2d) 38 (C. C. A. 6).
American Smelting & Refining Co. v. N. L. R. B., 128 F. (2d) 345 (C. C. A. 5).*
- N. L. R. B. v. Armour & Company*, 10 L. R. R. 628 (C. C. A. 10).
N. L. R. B. v. The Baldwin Locomotive Works, 128 F. (2d) 39, 128 F. (2d) 65 (C. C. A. 3).*
- N. L. R. B. v. Bersted Mfg. Co.*, 124 F. (2d) 409 (C. C. A. 6).
N. L. R. B. v. Blackstone Mfg. Co., 123 F. (2d) 633 (C. C. A. 2).
N. L. R. B. v. The Blanton Company, 121 F. (2d) 564 (C. C. A. 8).
N. L. R. B. v. Bradley Lumber Company, 10 L. R. R. 620 (C. C. A. 8).
N. L. R. B. v. Eclipse Moulded Products Co., 126 F. (2d) 576 (C. C. A. 7).
N. L. R. B. v. Federbush Co., 121 F. (2d) 954 (C. C. A. 2).
N. L. R. B. v. Gerity-Whitaker Co., et al. 10 L. R. R. 494 (C. C. A. 6).
Great Southern Trucking Co. v. N. L. R. B., 127 F. (2d) 180 (C. C. A. 4) [cert. filed].
- N. L. R. B. v. R. S. Green, Inc.*, 125 F. (2d) 485 (C. C. A. 4).
N. L. R. B. v. J. R. Gregory, 9 L. R. R. 722 (C. C. A. 5).
N. L. R. B. v. M. A. Hanna Co., et al., 125 F. (2d) 786 (C. C. A. 6).
N. L. R. B. v. Heilig Bros. Co., 123 F. (2d) 734 (C. C. A. 3).†
N. L. R. B. v. Hudson Motor Car Co., 128 F. (2d) 528 (C. C. A. 6).
N. L. R. B. v. Isthmian S. S. Corp., 126 F. (2d) 598 (C. C. A. 2).
N. L. R. B. v. Jahn & Ollier Engraving Co., 123 F. (2d) 589 (C. C. A. 7).
N. L. R. B. v. W. A. Jones Foundry & Machine Co., 123 F. (2d) 552 (C. C. A. 7).
N. L. R. B. v. Keystone Freight Lines, 123 F. (2d) 734, 126 F. (2d) 414 (C. C. A. 10).
- N. L. R. B. v. W. H. Kistler Stationery Co.*, 122 F. (2d) 989 (C. C. A. 10).
N. L. R. B. v. Kohen-Ligon-Folz, 128 F. (2d) 502 (C. C. A. 5).
Lebanon Steel Foundry v. N. L. R. B., 10 L. R. R. 624 (Apps. D. C.).
N. L. R. B. v. Luzuray, Inc., 123 F. (2d) 106 (C. C. A. 2).
N. L. R. B. v. Mahon Co., 9 L. R. R. 507 (C. C. A. 6).
N. L. R. B. v. Martin Brothers Box, 10 L. R. R. 611 (C. C. A. 7).*
N. L. R. B. v. Mason Mfg. Co., 126 F. (2d) 18 (C. C. A. 9).*
N. L. R. B. v. Milan Shirt Mfg. Co., 125 F. (2d) 376 (C. C. A. 6).
N. L. R. B. v. Moench Tanning Co., 121 F. (2d) 951 (C. C. A. 2).
N. L. R. B. v. Moore-Lowry Flour Mills Co., 122 F. (2d) 419, 122 F. (2d) 429 (C. C. A. 10).
- N. L. R. B. v. McLain Fire Brick Co.*, 128 F. (2d) 393 (C. C. A. 3).
N. L. R. B. v. National Seal Corp., 127 F. (2d) 776 (C. C. A. 2).
N. L. R. B. v. Newberry Lumber & Chemical Co., 123 F. (2d) 831 (C. C. A. 6).
N. L. R. B. v. Niles Fire Brick Co., 124 F. (2d) 366 (C. C. A. 6).†
N. L. R. B. v. Niles Fire Brick Co., 128 F. (2d) 258 (C. C. A. 6).
Norristown Box Co. v. N. L. R. B., 124 F. (2d) 429 (C. C. A. 3).†
North Electric Mfg. Co. v. N. L. R. B., 123 F. (2d) 887 (C. C. A. 6).†

*Rehearing denied.

†Certiorari denied.

1. Circuit court decisions granting enforcement of Board orders—Continued.

(a) Board orders enforced without modification—Continued.

- Owens-Illinois Glass Co. v. N. L. R. B.*, 123 F. (2d) 670 (C. C. A. 6).†
N. L. R. B. v. Peter Pan Co. of Winchester, et al., 10 L. R. R. 494 (C. C. A. 6).
N. L. R. B. v. Quality Art Novelty Co., 127 F. (2d) 903 (C. C. A. 2).
Rapid Roller Co. v. N. L. R. B., 126 F. (2d) 452 (C. C. A. 7) [cert. filed].
N. L. R. B. v. Standard Knitting Mills, 123 F. (2d) 58 (C. C. A. 6).
N. L. R. B. v. Service Wood Heel Co. (Russell Heel), 124 F. (2d) 470 (C. C. A. 1).
Shell Oil Company v. N. L. R. B., 128 F. (2d) 206 (C. C. A. 5).
N. L. R. B. v. Stehli & Co., Inc., 125 F. (2d) 705 (C. C. A. 3).
N. L. R. B. v. Swift & Co. & Neuhoff Packing Co., 127 F. (2d) 30 (C. C. A. 6).
Tyne Co. v. N. L. R. B., 125 F. (2d) 832 (C. C. A. 7).
Wilson & Co., Inc. v. N. L. R. B., 126 F. (2d) 114 (C. C. A. 7).†
N. L. R. B. v. Wilson & Co., 124 F. (2d) 845 (C. C. A. 7).
- (b) Board Orders enforced as modified by circuit court decisions:
N. L. R. B. v. Air Associates, Inc., 121 F. (2d) 586 (C. C. A. 2).*
N. L. R. B. v. Aladdin Industries, Inc., 125 F. (2d) 377 (C. C. A. 7).†
N. L. R. B. v. Aluminum Goods Mfg. Co., 125 F. (2d) 353 (C. C. A. 7).
American Smelting & Refining Co. v. N. L. R. B., 126 F. (2d) 680 (C. C. A. 8).*
N. L. R. B. v. Arma Corp., 122 F. (2d) 153 (C. C. A. 2).*
N. L. R. B. v. Burry Biscuit Co., 123 F. (2d) 540 (C. C. A. 7).
Canyon Corp. v. N. L. R. B., 10 L. R. R. 654 (C. C. A. 8).
N. L. R. B. v. Chattanooga Bakery, 127 F. (2d) 201 (C. C. A. 6).*
N. L. R. B. v. Cities Service Oil Co., et al., 122 F. (2d) 149, 10 L. R. R. 656 (C. C. A. 2).
N. L. R. B. v. Condenser Corp., et al., 128 F. (2d) 67 (C. C. A. 3).
N. L. R. B. v. Delaware-New Jersey Ferry Co., 128 F. (2d) 130 (C. C. A. 3).
N. L. R. B. v. Dixie Motor Coach Co., et al., 128 F. (2d) 201 (C. C. A. 5).*
N. L. R. B. v. Grower-Shipper Vegetable Ass'n, 122 F. (2d) 368 (C. C. A. 9).
Hazel-Atlas Glass Co. v. N. L. R. B. 127 F. (2d) 109, 127 F. (2d) 118 (C. C. A. 4).*
N. L. R. B. v. Hollywood-Maxwell Co., 126 F. (2d) 815 (C. C. A. 9).
Reliance Mfg. Co. v. N. L. R. B., 125 F. (2d) 311 (C. C. A. 7).
N. L. R. B. v. Standard Oil & Stanolind Oil, 124 F. (2d) 895, 124 F. (2d) 908 (C. C. A. 10).*
N. L. R. B. v. Norman H. Stone, et al., 125 F. (2d) 752 (C. C. A. 7) [cert. filed].
Stonewell Cotton Mills, Inc., v. N. L. R. B., 10 L. R. R. 663 (C. C. A. 5).*
N. L. R. B. v. Southwestern Greyhound Lines, Inc., 126 F. (2d) 883 (C. C. A. 8).
N. L. R. B. v. Tex-O-Kan Flour, 122 F. (2d) 433 (C. C. A. 5).
N. L. R. B. v. Times-Picayune Publishing Co., 10 L. R. R. 558 (C. C. A. 5).
United Biscuit Co. of America v. N. L. R. B., 10 L. R. R. 579 (C. C. A. 7).

*Rehearing denied.

†Certiorari denied.

1. Circuit court decisions granting enforcement of Board orders—Continued.
 - (b) Board orders enforced as modified by circuit court decisions—Continued.
 - N. L. R. B. v. U. S. Truck Co.*, 124 F. (2d) 887 (C. C. A. 6).*
 - N. L. R. B. v. Walworth Co.*, 124 F. (2d) 816 (C. C. A. 7).
 - Wilson & Co. v. N. L. R. B.*, 123 F. (2d) 411 (C. C. A. 8).
 - N. L. R. B. v. Wilson Line, Inc.*, 122 F. (2d) 809 (C. C. A. 3).
 - F. W. Woolworth v. N. L. R. B.*, 121 F. (2d) 658 (C. C. A. 2).
 - N. L. R. B. v. Youngstown Mines Corp., et al.*, 123 F. (2d) 178 (C. C. A. 8).
2. Circuit Court decisions denying enforcement of Board Orders:
 - N. L. R. B. v. Bowen Motor Co.*, 124 F. (2d) 151 (C. C. A. 5).
 - Nevada Consolidated Copper Corp. v. N. L. R. B.*, 122 F. (2d) 587 (C. C. A. 10) [cert. granted].
 - N. L. R. B. v. Sheboygan Chair Co.*, 125 F. (2d) 436 (C. C. A. 7).
 - Southern Ass'n of Bell Telephone Employees v. N. L. R. B.*, and *Southern Bell Tel. & Tel. Co. v. N. L. R. B.*, 10 L. R. R. 659 (C. C. A. 5).
 - N. L. R. B. v. Union Mfg. Co.*, 124 F. (2d) 332 (C. C. A. 5).

CASES PENDING AT THE CLOSE OF FISCAL YEAR 1942

- I. Supreme Court of the United States:
 - N. L. R. B. v. Indiana & Michigan Electric Co.*
- II. Circuit Courts of Appeals:

SECOND CIRCUIT

- N. L. R. B. v. Cities Service Oil Co.*
- N. L. R. B. v. Empire Worsted Mills.*
- Firth Carpet Co. v. N. L. R. B.*
- N. L. R. B. v. P. C. Kohler Swiss Chocolates Co.*
- Marlin-Rockwell Corp. v. N. L. R. B.*
- Sperry Gyroscope Co. and Brotherhood of Scientific Instrument Makers v. N. L. R. B.*

THIRD CIRCUIT

- N. L. R. B. v. Hasbrouck Heights Dairy.*
- N. L. R. B. v. Lebanon News Publ. Co.*
- N. L. R. B. v. Sherwin-Williams Co.*
- N. L. R. B. v. Weirton Steel Co.*

FOURTH CIRCUIT

- Brotherhood of Textile Printers & Associated Workers v. N. L. R. B.*
- N. L. R. B. v. Rockhill Printing & Finishing Co.*

FIFTH CIRCUIT

- N. L. R. B. v. Brown Paper Mills Co., Inc.*
- N. L. R. B. v. Goodyear Tire & Rubber Co.*
- N. L. R. B. v. Williamson-Dickie Mfg. Co.*

*Rehearing denied.

SIXTH CIRCUIT

N. L. R. B. v. Atlas Press Co.
N. L. R. B. v. Burke Machine Tool Co.
N. L. R. B. v. Cleveland Cliffs Iron Co.
Lexington Telephone Co. v. N. L. R. B.
N. L. R. B. v. New Idea, Inc.
N. L. R. B. v. Ohio Calcium Co.
N. L. R. B. v. Ohio Fuel Gas Co.
N. L. R. B. v. Ohio Greyhound Co., et al.
N. L. R. B. v. Precision Castings Co.
N. L. R. B. v. Thompson Products.

SEVENTH CIRCUIT

N. L. R. B. v. Aintree Corp.
Aluminum Ore Co. v. N. L. R. B.
Interlake Iron Corp. v. N. L. R. B.
N. L. R. B. v. Pick Mfg. Co.

EIGHTH CIRCUIT

N. L. R. B. v. Blount, R. A.
Canyon Corporation v. N. L. R. B.
Carter Carburetor Co. v. N. L. R. B.
Gamble-Robinson Co. v. N. L. R. B.
N. L. R. B. v. Swift & Co.
N. L. R. B. v. Tehel Bottling Co.
Williams Motor Co. v. N. L. R. B.

NINTH CIRCUIT

N. L. R. B. v. Bank of America.
N. L. R. B. v. Bank of America.
N. L. R. B. v. Boswell, et al.
N. L. R. B. v. Citizens News Co.
N. L. R. B. v. Citizens News Co.
N. L. R. B. v. Germain Seed and Plant Co.
N. L. R. B. v. Golden Turkey Mining Co.
Hearst Publications, Inc. v. N. L. R. B.
Hearst Publications, Inc. v. N. L. R. B.
N. L. R. B. v. Montgomery Ward & Co.
N. L. R. B. v. Schaeffer-Hitchcock Co.
N. L. R. B. v. Security Warehouse Company.
Stockholders Publishing Co. v. N. L. R. B.
Times-Mirror Publishing Co. v. N. L. R. B.
N. L. R. B. v. Weyerhaeuser Timber Co.

TENTH CIRCUIT

N. L. R. B. v. Gallup American Coal Co.
Pacific States Cast Iron Pipe Co. v. N. L. R. B.
N. L. R. B. v. Shenendoah-Dives Mining Co.

B. CONSENT DECREES

FIRST CIRCUIT

M. & M. Bakeries, Inc., entered July 10, 1941, enforcing 32 N. L. R. B. 409.

SECOND CIRCUIT

Best Coat & Apron Mfg. Co., entered March 13, 1942, enforcing 39 N. L. R. B. 432.

Buffalo Wall Paper Manufacturing Co., Inc., et al., entered September 5, 1941, enforcing 34 N. L. R. B. 725.

Central Greyhound Lines, entered December 10, 1941, enforcing as modified 27 N. L. R. B. 976.

Curtiss-Wright Corp., entered June 30, 1942, enforcing 41 N. L. R. B. 608.

Eastern Wiping Material Co., entered April 27, 1942, enforcing 40 N. L. R. B. 473.

Fein's Tin Can Co., Inc., entered November 6, 1941, enforcing 36 N. L. R. B. 465.

Ford Motor Company, entered July 31, 1941, enforcing as modified 23 N. L. R. B. 548.

Hat Corporation of America, entered September 27, 1941, enforcing 35 N. L. R. B. 245.

Hesslein-Samstag, Inc., entered June 15, 1942, enforcing 41 N. L. R. B. 628.

Kayser & Co., Julius, entered October 2, 1941, enforcing 35 N. L. R. B. 521.

Keystone Silver, Inc., entered December 29, 1941, enforcing 36 N. L. R. B. 997.

Loose-Wiles Biscuit Company, entered February 25, 1942, enforcing 37 N. L. R. B. 291.

M. B. Manufacturing Co., entered June 15, 1942, enforcing 41 N. L. R. B. 566.

Mayer Handbag Company, Inc., The, entered October 27, 1941, enforcing as modified 18 N. L. R. B. 760.

Mooremack Gulf Lines, Inc., and *Moore-McCormack Lines, Inc.*, entered July 31, 1941, enforcing 28 N. L. R. B. 869.

New York Power & Light Corp., entered June 30, 1942, enforcing 41 N. L. R. B. 1184.

Newburger, Loeb & Co., et al., entered January 31, 1942, enforcing 37 N. L. R. B. 683.

Palumbo Cigar Co., entered March 6, 1942, enforcing 39 N. L. R. B. 176.

Red Top Trucking Corporation, entered October 21, 1941, enforcing 36 N. L. R. B. 147.

Riverdale Manufacturing Co., entered February 9, 1942, enforcing 37 N. L. R. B. 298.

Zylocase Company and Opticase Company, entered February 17, 1942, enforcing 38 N. L. R. B. 455.

THIRD CIRCUIT

Austin Bicking Paper Mfg. Co., S., entered April 6, 1942, enforcing 39 N. L. R. B. 460.

City Service Transit Co., entered June 2, 1942, enforcing 40 N. L. R. B. 502.

Crown Trousers Company, Inc., entered April 20, 1942, enforcing 38 N. L. R. B. 1189.

Empire Ordnance Co., et al., entered May 4, 1942, enforcing 39 N. L. R. B. 1199.

Ford Motor Company, entered September 5, 1941, enforcing 33 N. L. R. B. 442.

- Milton Brawer, et al., doing business as Granite Weaving Company*, entered September 5, 1941, enforcing 33 N. L. R. B. 428.
- Hudson Iron & Metal Company, et al.*, entered August 15, 1941, enforcing 32 N. L. R. B. 969.
- Lora Lee Dress Co., Inc., et al.*, entered October 30, 1941, enforcing 35 N. L. R. B. 1059.
- Republic Steel Corporation*, entered September 24, 1941, enforcing 33 N. L. R. B. 1125.
- Republic Steel Corporation*, entered September 12, 1941, enforcing 34 N. L. R. B. 145.
- Republic Steel Corporation*, entered November 17, 1941, enforcing 36 N. L. R. B. 13.
- Ronnie Dress Co., et al.*, entered September 10, 1941, enforcing 32 N. L. R. B. 1094.
- Ruttenberg, Charles, et al., doing business as American Textile Company*, entered September 5, 1941, enforcing 33 N. L. R. B. 658.

FOURTH CIRCUIT

- Highland Park Mfg. Co.*, entered November 10, 1941, enforcing 36 N. L. R. B. 184.
- Jacobs Brothers, Inc.*, entered March 9, 1942, enforcing 38 N. L. R. B. 668.
- Kline, Richard F.*, entered April 13, 1942, enforcing 39 N. L. R. B. 1047.
- Ohio Valley Bus Company*, entered March 9, 1942, enforcing 38 N. L. R. B. 838.
- Standard Trousers Co.*, entered March 9, 1942, enforcing 38 N. L. R. B. 1197.
- Strasburg Silk Mills, Inc.*, entered May 11, 1942, enforcing 40 N. L. R. B. 466.
- WBAL Broadcasting Company, Inc.*, entered April 17, 1942, enforcing 39 N. L. R. B. 1301.

FIFTH CIRCUIT

- American Bakeries Company*, entered April 30, 1942, enforcing 40 N. L. R. B. 897.
- Arkansas Fuel Oil Company*, entered April 24, 1942, enforcing 40 N. L. R. B. 561.
- Austell Cabinet*, entered November 7, 1941, enforcing 36 N. L. R. B. 355.
- Bierner & Son, M.*, entered November 22, 1941, enforcing as modified 20 N. L. R. B. 673.
- Columbia Baking Company o. a. Seybold Baking Company*, entered March 28, 1942, enforcing 38 N. L. R. B. 1310.
- Davidson Granite Company, Inc.*, entered October 30, 1941, enforcing 24 N. L. R. B. 370.
- Gibbs Gas Engine Company*, entered June 4, 1942, enforcing 41 N. L. R. B. 73.
- Magnolia Petroleum Company*, entered February 16, 1942, enforcing 36 N. L. R. B. 1145.
- Opp Cotton Mills, Inc.*, entered March 25, 1942, enforcing 39 N. L. R. B. 671.
- Penney Company, J. C.*, entered July 10, 1941, enforcing 31 N. L. R. B. 877.
- Pure Oil Company, The*, entered March 25, 1942, enforcing 39 N. L. R. B. 587.
- Rushton Company, The, and/or The Atlanta Playthings Company*, entered February 16, 1942, enforcing as modified 33 N. L. R. B. 954.
- Taylor Iron Works and Supply Co.*, entered June 26, 1942, enforcing 41 N. L. R. B. 763.
- United Dredging Co.*, entered May 5, 1942, enforcing 30 N. L. R. B. 739.
- Western Union Telegraph Company*, entered January 30, 1942, enforcing 37 N. L. R. B. 354.
- Zweig Mfg. Co.*, entered March 13, 1942, enforcing 39 N. L. R. B. 448.

SIXTH CIRCUIT

- Borden Mills, Inc.*, entered August 15, 1941, enforcing as modified 13 N. L. R. B. 459.
- Bower Roller Bearing Co.*, entered January 9, 1942, enforcing 37 N. L. R. B. 1.
- Cleveland Container Company*, entered February 13, 1942, enforcing 38 N. L. R. B. 103.
- Crane Enamelware Company, Incorporated*, entered June 4, 1942, enforcing 41 N. L. R. B. 64.
- Dixie Distilled Products Co., Inc.*, entered January 8, 1942, enforcing 36 N. L. R. B. 1137.
- Dossin's Food Products*, entered March 4, 1942, enforcing 35 N. L. R. B. 534.
- Eagle Ottawa Leather Company*, entered February 5, 1942, enforcing 37 N. L. R. B. 1109.
- Ford Motor Company*, entered October 8, 1941, enforcing 34 N. L. R. B. 671.
- General Shale Products Corp.*, entered October 7, 1941, enforcing as modified 26 N. L. R. B. 921.
- Greer Steel Company*, entered March 4, 1942, enforcing 31 N. L. R. B. 365.
- Henry Furnace & Foundry Co., The*, entered October 14, 1941, enforcing 35 N. L. R. B. 1209.
- Johnson Rubber Company, The*, entered February 11, 1942, enforcing 37 N. L. R. B. 792.
- Kelly Company, The*, entered March 3, 1942, enforcing 38 N. L. R. B. 1039.
- Kentucky Ridge Coal Company*, entered October 7, 1941, enforcing 35 N. L. R. B. 162.
- Kentucky Utilities Company, et al.*, entered August 15, 1941, enforcing as modified 28 N. L. R. B. 165.
- Lampl Knitwear Company, et al.*, entered August 15, 1941, enforcing 32 N. L. R. B. 1103.
- Lees-Bradner Co.*, entered June 2, 1942, enforcing 40 N. L. R. B. 1173.
- Miller, Ross E., doing business as Miller Oil Company*, entered April 8, 1942, enforcing 39 N. L. R. B. 939.
- Mosaic Tile Co.*, entered March 11, 1942, enforcing 39 N. L. R. B. 272.
- Mt. Clemens Tool & Gear Works*, entered June 29, 1942, enforcing 41 N. L. R. B. 770.
- Ohio Fuel Gas Company*, entered April 8, 1942, enforcing as modified 25 N. L. R. B. 519.
- Rausch Nut & Mfg. Co., The*, entered August 15, 1941, enforcing 33 N. L. R. B. 71.
- Scharfstein, Irving, et al., doing business as Stein-Way Clothing Company*, entered April 8, 1942, enforcing 39 N. L. R. B. 454.
- Link, Oliver P., doing business as Sequatchie Handle Works*, entered May 15, 1942, enforcing 40 N. L. R. B. 1126.
- Shellmar Products Co.*, entered October 7, 1941, enforcing 34 N. L. R. B. 49.
- Sun Glow Industries, Inc.*, entered August 15, 1941, enforcing 32 N. L. R. B. 611.

SEVENTH CIRCUIT

- Burgess⁷ Battery Company & Burgess-Parr Company*, entered February 28, 1942, enforcing 38 N. L. R. B. 1237.
- Burson Knitting Company*, entered February 27, 1942, enforcing 19 N. L. R. B. 806.

- Carpenter Baking Co.*, entered July 21, 1941, enforcing as modified 29 N. L. R. B. 60.
- Cuneo Press, Inc., The*, entered June 4, 1942, enforcing 40 N. L. R. B. 1380.
- Durand Manufacturing Company*, entered September 15, 1941, enforcing 34 N. L. R. B. 58.
- Goshen Mfg. Co.*, entered November 17, 1941, enforcing 36 N. L. R. B. 616.
- Greenebaum Tanning Co., J.*, entered January 26, 1942, enforcing 25 N. L. R. B. 672.
- Hicks Body Company*, entered October 6, 1941, enforcing 33 N. L. R. B. 858.
- Illinois Electric Porcelain Company*, entered August 4, 1941, enforcing as modified 31 N. L. R. B. 101.
- Kokomo Sanitary Pottery Corp.*, entered September 15, 1941, enforcing as modified 26 N. L. R. B. 1.
- Lake Shore Photo Engraving Co., Inc.*, entered February 17, 1942, enforcing 38 N. L. R. B. 77.
- Letz Manufacturing Company, The*, entered January 14, 1942, enforcing 32 N. L. R. B. 563.
- Marshall Field & Company*, entered February 26, 1942, enforcing as modified 34 N. L. R. B. 1.
- Monteith Brothers Company and Monteith Brothers, Inc.*, entered November 1, 1941, enforcing as modified 34 N. L. R. B. 896.
- Nelson Corporation, Herman*, entered September 2, 1941, enforcing 34 N. L. R. B. 294.
- Ritholz Optical Company, Dr. and National Optical Stores Company*, entered September 15, 1941, enforcing 29 N. L. R. B. 795.
- Rudolph Wurlitzer Company, The*, entered April 7, 1942, enforcing 40 N. L. R. B. 202.
- Schlake Dye Works, Inc.*, entered August 18, 1941, enforcing 33 N. L. R. B. 257.
- Volney Felt Mills, Inc.*, entered February 26, 1942, enforcing 36 N. L. R. B. 1246.

EIGHTH CIRCUIT

- Black, Sivalls & Bryson, Inc.*, entered July 18, 1941, enforcing 29 N. L. R. B. 1172.
- Boyt Harness Company*, entered March 23, 1942, enforcing 39 N. L. R. B. 438.
- Cudahy Packing Company*, entered December 17, 1941, enforcing 29 N. L. R. B. 837.
- Cudahy Packing Company, The*, entered July 28, 1941, enforcing 31 N. L. R. B. 955.
- Curtis Companies, Inc.*, entered March 23, 1942, enforcing 39 N. L. R. B. 337.
- Ever-Tile Manufacturing Co.*, entered July 28, 1941, enforcing 32 N. L. R. B. 619.
- Fairmont Creamery Company*, entered December 4, 1941, enforcing 36 N. L. R. B. 622.
- Ford Motor Company*, entered July 28, 1941, enforcing 23 N. L. R. B. 548.
- Ford Motor Company*, entered September 11, 1941, enforcing as modified 31 N. L. R. B. 994.
- Fort Dodge Serum Company*, entered April 16, 1942, enforcing 39 N. L. R. B. 837.
- Kansas Explorations, Inc.*, entered April 27, 1942, enforcing 40 N. L. R. B. 1.
- McClelland Company, The*, entered August 25, 1941, enforcing 33 N. L. R. B. 665.
- Pietrus, A. J., & Son*, entered June 29, 1942, enforcing 41 N. L. R. B. 795.
- Republic Steel Company*, entered January 26, 1942, enforcing as modified 26 N. L. R. B. 1244.

- Schwarz, Conrad, doing business as Schwarz Basket and Box Company*, entered February 23, 1942, enforcing 37 N. L. R. B. 1132.
- Scullin Steel Company*, entered February 14, 1942, enforcing 37 N. L. R. B. 473.
- Tennison Brothers, Incorporated*, entered November 10, 1941, enforcing 35 N. L. R. B. 1252.
- Tri-State Zinc, Inc.*, entered April 27, 1942, enforcing 39 N. L. R. B. 1095.
- Union Electric Company of Missouri, et al.*, entered July 28, 1941, enforcing 31 N. L. R. B. 866.
- Utility Tool Manufacturing Co.*, entered October 17, 1941, enforcing 35 N. L. R. B. 478.

NINTH CIRCUIT

- Bethlehem Steel Corporation*, entered March 10, 1942, enforcing 38 N. L. R. B. 939.
- Booth-Kelly Lumber Company, et al.*, entered April 27, 1942, enforcing 38 N. L. R. B. 995.
- Crater Lake Lumber Company, et al.*, entered August 18, 1941, enforcing 32 N. L. R. B. 1076.
- Crom Lumber Company, E. E.*, entered July 7, 1941, enforcing 29 N. L. R. B. 535.
- Charles Enoch, doing business as Enoch Packing Co.*, entered June 22, 1942, enforcing 40 N. L. R. B. 1110.
- Ford Motor Company*, entered August 21, 1941, enforcing 18 N. L. R. B. 167.
- Ford Motor Company*, entered September 2, 1941, enforcing as modified 29 N. L. R. B. 873.
- Guggenlime and Co.*, entered April 6, 1942, enforcing 39 N. L. R. B. 665.
- Harris Pine Mills, Inc.*, entered December 22, 1941, enforcing 36 N. L. R. B. 191.
- Harris & Son, C. A.*, entered March 10, 1942, enforcing 37 N. L. R. B. 1120.
- Hills Creek Lumber Company, et al.*, entered April 27, 1942, enforcing 38 N. L. R. B. 1300.
- Hitchner & Hitchner, Inc.*, entered December 1, 1941, enforcing 36 N. L. R. B. 138.
- Johnson Lumber Corporation, C. D.*, entered December 22, 1941, enforcing as modified 19 N. L. R. B. 887.
- Kress & Company, S. H.*, entered April 27, 1942, enforcing 34 N. L. R. B. 1152.
- Landreth Bros. Lumber Co.*, entered March 10, 1942, enforcing 37 N. L. R. B. 674.
- Lewis Lumber Company and Willamette Valley Lumber Operators Association*, entered April 27, 1942, enforcing 38 N. L. R. B. 1296.
- Michaels, Max, doing business as Max Michaels Co.*, entered June 8, 1942, enforcing 40 N. L. R. B. 1136.
- McGoldrick Lumber Co.*, entered September 29, 1941, enforcing 19 N. L. R. B. 887.
- Phelps Dodge Corporation*, entered January 5, 1942, enforcing 28 N. L. R. B. 442.
- Pottlatch Forests, Inc.*, entered September 29, 1941, enforcing 19 N. L. R. B. 887.
- Puccinelli, R. P., et al., doing business as Puccinelli Packing Company*, entered June 2, 1942, enforcing 40 N. L. R. B. 890.
- Silver Falls Timber Co.*, entered June 2, 1942, enforcing 29 N. L. R. B. 639.
- Vagim, J. G., doing business as Vagim Packing Company*, entered April 16, 1942, enforcing 39 N. L. R. B. 564.
- Westfir Lumber Company, et al.*, entered April 27, 1942, enforcing 38 N. L. R. B. 644.
- Weyerhaeuser Timber Co., et al.*, entered September 8, 1941, enforcing 32 N. L. R. B. 273.

Willamette Valley Lumber Company, et al., entered April 27, 1942, enforcing 38 N. L. R. B. 1304.

Woodbridge Vineyard Association, entered April 27, 1942, enforcing 39 N. L. R. B. 1023.

TENTH CIRCUIT

Childress Royalty Co., entered June 16, 1942, enforcing 41 N. L. R. B. 174.

Cudahy Packing Company, The, entered July 3, 1941, enforcing 31 N. L. R. B. 1126.

Denver Wholesale Florists Co., The, entered October 6, 1941, enforcing 35 N. L. R. B. 350.

Great Western Mushroom Co., entered July 11, 1941, enforcing as modified 27 N. L. R. B. 352.

Greeley Ice & Storage Company, The, entered October 6, 1941, enforcing 35 N. L. R. B. 398.

Simple Mining Co., C. Y., entered April 6, 1942, enforcing 39 N. L. R. B. 1037.

Shawnee Milling Company, entered November 10, 1941, enforcing 36 N. L. R. B. 203.

Stanton, J. J., doing business as Stanton Transportation Company, J. J., entered February 18, 1942, enforcing as modified 35 N. L. R. B. 1100.

Wetmore, E. M., doing business as Wetmore Pulverizer & Machine Company, entered February 12, 1942, enforcing 37 N. L. R. B. 963.

CONSENT DECREES FILED AND PENDING ENTRY

N. L. R. B. v. Bethlehem Steel Co., et al. (C. C. A. 9) 38 N. L. R. B. 939.

N. L. R. B. v. Curtiss-Wright Corp. (C. C. A. 2) 41 N. L. R. B. 608.

N. L. R. B. v. The Maico Co., Inc. (C. C. A. 8) 41 N. L. R. B. 342.

N. L. R. B. v. Mt. Clemens Tool & Gear Works (C. C. A. 6) 41 N. L. R. B. 770.

N. L. R. B. v. New York Power & Light Corp. (C. C. A. 2) 41 N. L. R. B. 1184.

N. L. R. B. v. Pietrus & Sons, et al. (C. C. A. 8) 41 N. L. R. B. 795.

II. Cases in which an Adjudication of Contempt for failure to comply with Court Decrees Enforcing Board Orders was sought

A. GRANTED

N. L. R. B. v. Brashear Freight Lines, Inc. (C. C. A. 8) 127 F. (2d) 198, April 13, 1942.

N. L. R. B. v. Colorado Fuel and Iron Corp. (C. C. A. 10) June 8, 1942, 10 L. R. B. 553.

N. L. R. B. v. Hobart Cabinet Co. (C. C. A. 6) April 10, 1942.

N. L. R. B. v. J. Greenebaum Tanning Co. (C. C. A. 7) November 19, 1941.

N. L. R. B. v. Knoxville Publishing Co. (C. C. A. 6) 124 F. (2d) 875, January 16, 1942.

N. L. R. B. v. Lightner Publishing Co. (C. C. A. 7) 128 F. (2d) 237, May 6, 1942.

N. L. R. B. v. Newark Morning Ledger Co. (C. C. A. 3) March 13, 1942, 10 L. R. B. 124.

B. GRANTED BY CONSENT

N. L. R. B. v. Tezakana Bus Co. (C. C. A. 8) January 28, 1942.

C. DENIED

N. L. R. B. v. Express Publishing Co. (C. C. A. 5) 128 F. (2d) 690, June 12, 1942.

N. L. R. B. v. Tupelo Garment Co. (C. C. A. 5) 122 F. (2d) 603, September 9, 1941.

N. L. R. B. v. Whittier Mills Co., et al. (C. C. A. 5) 123 F. (2d) 725, November 22, 1941.

D. SETTLED

N. L. R. B. v. Bethlehem Shipbuilding Corp. (C. C. A. 1).

N. L. R. B. v. Boldeman Chocolate Co. (C. C. A. 9).

N. L. R. B. v. Little Rock Furniture Co. (C. C. A. 5).

N. L. R. B. v. M. Lowenstein & Sons (C. C. A. 2).

N. L. R. B. v. Wilson Lines Inc. (C. C. A. 3).

E. PENDING ADJUDICATION

N. L. R. B. v. Arcade Sunshine Co. (App. D. C.),

N. L. R. B. v. Corning Glass Co. (C. C. A. 2).

N. L. R. B. v. El Paso Electric Co. (C. C. A. 5).

N. L. R. B. v. Joseph R. Gregory (C. C. A. 5).

N. L. R. B. v. Kansas City Power & Light Co. (C. C. A. 8).

N. L. R. B. v. Rath Packing Co. (C. C. A. 8).

N. L. R. B. v. Reed & Prince Mfg. Co. (C. C. A. 1).

N. L. R. B. v. Remington Rand, Inc. (C. C. A. 2).

N. L. R. B. v. Sunshine Mining Co. (C. C. A. 9).

N. L. R. B. v. Tovrea Packing Co. (C. C. A. 9).

III. Special Litigation

A. SPECIAL PROCEEDINGS (NOT ARISING UNDER PROCEDURE OF ACT)

(1) BANKRUPTCY PROCEEDINGS

To Establish Provability of Bank-Pay Claims in a Liquidation Proceeding

N. L. R. B. v. William H. Killoren, 122 F. (2d) 609 (C. C. A. 8), cert. den. 314 U. S. 696. Board's claim for back pay provable with a priority "wage" rating.

(2) INJUNCTION PROCEEDINGS

Burlington Mills Corp. v. N. L. R. B. (Civ. Action 12194, D. C. D. C.), October 13, 1941. Petition to set aside representation proceeding. Board moved to quash. Motions of complainant dismissed.

Marshall Field and Co. v. Millis, 9 L. R. R. 620—(D. C. D. C.). Bill to enjoin from holding election. Dismissed.

Int'l Union of Operating Engineers v. N. L. R. B. (Civ. Action No. 2521, D. C. N. D. Ga.). Bill to enjoin Board from holding election. Case dismissed on agreement.

Presto Recording Co. v. N. L. R. B. (Civ. Action 15-275, D. C. S. D. N. Y.). Bill to enjoin election. Dismissed on motion of Board.

Standard Oil Co. and Ass'n of Petroleum Workers v. N. L. R. B., No. 20854 (D. C. N. D. Ohio). Bill for injunction filed by Union. Dismissed on Board motion.

B. PROCEEDINGS UNDER SECTION 11 (2) TO ENFORCE BOARD SUBPOENAS

N. L. R. B. v. Goodyear Tire & Rubber Co., 122 F. (2d) 450 (C. C. A. 6). Order of District Court requiring obedience to Board subpoena was affirmed. Remanded to determine relevancy of a certain card index, production of which was sought.

C. MISCELLANEOUS COLLATERAL PROCEEDINGS INVOLVING THE ACT

In the Matter of H. A. Millis (Birmingham Post) (D. C. N. D. Ala.). Bill to subpoena appearance of Chairman Millis. Board motion to quash. Decision reserved.

National Labor League, Inc. v. N. L. R. B., No. 4870 (C. C. A. 4). Petition to review in *Matter of Stehli & Co.*, 35 N. L. R. B. No. 12, was filed by the union in the Fourth Circuit. However, the Board filed a petition to enforce its order in the Third Circuit. The Board filed a motion to dismiss in the Fourth Circuit and that Court dismissed the petition to review.

Ross Packing Co. v. N. L. R. B. (D. C. E. D. Wash.) No. 67. Petition to recover money paid to P. W. A. under terms of Board order. Judgment granted recovery from U. S. Treasurer.

N. L. R. B. v. Stackpole Carbon Co., 10 L. R. R. 371 (C. C. A. 3). Board petition for order to show cause against Dept. of Public Assistance why order should not issue declaring employee assignments to the Commonwealth of Pennsylvania invalid. Decision declared these assignments invalid.

White v. N. L. R. B., 9 L. R. R. 506 (App. D. C.). Petition to review the refusal of a Regional Director to issue a complaint. Decision dismissed petition to review.

D. CASES PENDING

N. L. R. B. v. Birmingham Post Co. (N. D. S. D. Ala.). Subpoena Enforcement. Civil Action No. 10282.

Central Dispensary & Emergency Hospital v. N. L. R. B. (D. C. D. C.). Civil Action No. 15829. Petition to enjoin election.

APPENDIX E
NATIONAL LABOR RELATIONS ACT

APPENDIX E

NATIONAL LABOR RELATIONS ACT

(49 Stat. 449)

AN ACT

To diminish the causes of labor disputes burdening or obstructing interstate and foreign commerce, to create a National Labor Relations Board, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

Findings and Policy

SECTION 1. The denial by employers of the right of employees to organize and the refusal by employers to accept the procedure of collective bargaining lead to strikes and other forms of industrial strife or unrest, which have the intent or the necessary effect of burdening or obstructing commerce by (a) impairing the efficiency, safety, or operation of the instrumentalities of commerce; (b) occurring in the current of commerce; (c) materially affecting, restraining, or controlling the flow of raw materials or manufactured or processed goods from or into the channels of commerce, or the prices of such materials or goods in commerce; or (d) causing diminution of employment and wages in such volume as substantially to impair or disrupt the market for goods flowing from or into the channels of commerce.

The inequality of bargaining power between employees who do not possess full freedom of association or actual liberty of contract, and employers who are organized in the corporate or other forms of ownership association substantially burdens and affects the flow of commerce, and tends to aggravate recurrent business depressions, by depressing wage rates and the purchasing power of wage earners in industry and by preventing the stabilization of competitive wage rates and working conditions within and between industries.

Experience has proved that protection by law of the right to employees to organize and bargain collectively safeguards commerce from injury, impairment, or interruption, and promotes the flow of commerce by removing certain recognized sources of industrial strife and unrest, by encouraging practices fundamental to the friendly adjustment of industrial disputes arising out of differences as to

wages, hours, or other working conditions, and by restoring equality of bargaining power between employers and employees.

It is hereby declared to be the policy of the United States to eliminate the causes of certain substantial obstructions to the free flow of commerce and to mitigate and eliminate these obstructions when they have occurred 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.

Definitions

SEC. 2. When used in this Act—

(1) The term "person" includes one or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, or receivers.

(2) The term "employer" includes any person acting in the interest of an employer, directly or indirectly, but shall not include the United States, or any State or political subdivision thereof, or any person subject to the Railway Labor Act, as amended from time to time, or any labor organization (other than when acting as an employer), or anyone acting in the capacity of officer or agent of such labor organization.

(3) The term "employee" shall include any employee, and shall not be limited to the employees of a particular employer, unless the Act explicitly states otherwise, and shall include any individual whose work has ceased as a consequence of, or in connection with any current labor dispute or because of any unfair labor practice, and who has not obtained any other regular and substantially equivalent employment, but shall not include any individual employed as an agricultural laborer, or in the domestic service of any family or person at his home or any individual employed by his parent or spouse.

(4) The term "representatives" includes any individual or labor organization.

(5) The term "labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

(6) The term "commerce" means trade, traffic, commerce, transportation, or communication among the several States, or between

the District of Columbia or any Territory of the United States and any State or other Territory, or between any foreign country and any State, Territory, or the District of Columbia, or within the District of Columbia or any Territory, or between points in the same State but through any other State or any Territory or the District of Columbia or any foreign country.

(7) The term "affecting commerce" means in commerce, or burdening or obstructing commerce or the free flow of commerce, or having led or tending to lead to a labor dispute burdening or obstructing commerce or the free flow of commerce.

(8) The term "unfair labor practice" means any unfair labor practice listed in section 8.

(9) The term "labor dispute" includes any controversy concerning terms, tenure, or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of employment, regardless of whether the disputants stand in the proximate relation of employer and employee.

(10) The term "National Labor Relations Board" means the National Labor Relations Board, created by section 3 of this Act.

(11) The term "old Board" means the National Labor Relations Board established by Executive Order Numbered 6763 of the President on June 29, 1934, pursuant to Public Resolution Numbered 44, approved June 19, 1934 (48 Stat. 1183), and reestablished and continued by Executive Order Numbered 7074 of the President of June 15, 1935, pursuant to Title I of the National Industrial Recovery Act (48 Stat. 195) as amended and continued by Senate Joint Resolution 133¹ approved June 14, 1935.

National Labor Relations Board

SEC. 3. (a) There is hereby created a board, to be known as the "National Labor Relations Board" (hereinafter referred to as the "Board"), which shall be composed of three members, who shall be appointed by the President, by and with the advice and consent of the Senate. One of the original members shall be appointed for a term of one year, one for a term of three years, and one for a term of five years, but their successors shall be appointed for terms of five years each, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as the chairman of the Board. Any member of the Board may be

¹ So in original.

removed by the President, upon notice and hearing, for neglect of duty or malfeasance in office, but for no other cause.

(b) A vacancy in the Board shall not impair the right of the remaining members to exercise all the powers of the Board, and two members of the Board shall, at all times, constitute a quorum. The Board shall have an official seal which shall be judicially noticed.

(c) The Board shall at the close of each fiscal year make a report in writing to Congress and to the President stating in detail the cases it has heard, the decisions it has rendered, the names, salaries, and duties of all employees and officers in the employ or under the supervision of the Board, and an account of all moneys it has disbursed.

SEC. 4. (a) Each member of the Board shall receive a salary of \$10,000 a year, shall be eligible for reappointment, and shall not engage in any other business, vocation, or employment. The Board shall appoint, without regard for the provisions of the civil-service laws but subject to the Classification Act of 1923, as amended, an executive secretary, and such attorneys, examiners, and regional directors, and shall appoint such other employees with regard to existing laws applicable to the employment and compensation of officers and employees of the United States, as it may from time to time find necessary for the proper performance of its duties and as may be from time to time appropriated for by Congress. The Board may establish or utilize such regional, local, or other agencies, and utilize such voluntary and uncompensated services, as may from time to time be needed. Attorneys appointed under this section may, at the direction of the Board, appear for and represent the Board in any case in court. Nothing in this Act shall be construed to authorize the Board to appoint individuals for the purpose of conciliation or mediation (or for statistical work), where such service may be obtained from the Department of Labor.

(b) Upon the appointment of the three original members of the Board and the designation of its chairman, the old Board shall cease to exist. All employees of the old Board shall be transferred to and become employees of the Board with salaries under the Classification Act of 1923, as amended, without acquiring by such transfer a permanent or civil-service status. All records, papers, and property of the old Board shall become records, papers, and property of the Board, and all unexpended funds and appropriations for the use and maintenance of the old Board shall become funds and appropriations available to be expended by the Board in the exercise of the powers, authority, and duties conferred on it by this Act.

(c) All of the expenses of the Board, including all necessary traveling and subsistence expenses outside the District of Columbia incurred by the members or employees of the Board under its orders, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the Board or by any individual it designates for that purpose.

SEC. 5. The principal office of the Board shall be in the District of Columbia, but it may meet and exercise any or all of its powers at any other place. The Board may, by one or more of its members or by such agents or agencies as it may designate, prosecute any inquiry necessary to its functions in any part of the United States. A member who participates in such an inquiry shall not be disqualified from subsequently participating in a decision of the Board in the same case.

SEC. 6. (a) The Board shall have authority from time to time to make, amend, and rescind such rules and regulations as may be necessary to carry out the provisions of this Act. Such rules and regulations shall be effective upon publication in the manner which the Board shall prescribe.

Rights of Employees

SEC. 7. Employees shall have 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 purpose of collective bargaining or other mutual aid or protection.

SEC. 8. It shall be an unfair labor practice for an employer—

(1) To interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in section 7.

(2) To dominate or interfere with the formation or administration of any labor organization or contribute financial or other support to it: *Provided*, That subject to rules and regulations made and published by the Board pursuant to section 6 (a), an employer shall not be prohibited from permitting employees to confer with him during working hours without loss of time or pay.

(3) By discrimination in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization: *Provided*, That nothing in this Act, or in the National Industrial Recovery Act (U. S. C., Supp. VII, title 15, secs. 701-712), as amended from time to time, or in any code or agreement approved or prescribed thereunder, or in any other statute of the United States, shall preclude an employer from making an agreement with a labor organization (not established, maintained, or

assisted by any action defined in this Act as an unfair labor practice) to require, as a condition of employment, membership therein, if such labor organization is the representative of the employees as provided in section 9 (a), in the appropriate collective bargaining unit covered by such agreement when made.

(4) To discharge or otherwise discriminate against an employee because he has filed charges or given testimony under this Act.

(5) To refuse to bargain collectively with the representatives of his employees, subject to the provisions of section 9 (a).

Representatives and Elections

SEC. 9. (a) Representatives designated or selected for the purposes of collective bargaining by the majority of the employees in a unit appropriate for such purposes, shall be the exclusive representatives of all the employees in such unit for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, or other conditions of employment: *Provided*, That any individual employee or a group of employees shall have the right at any time to present grievances to their employer.

(b) The Board shall decide in each case whether, in order to insure to employees the full benefit of their right to self-organization and to collective bargaining, and otherwise to effectuate the policies of this Act, the unit appropriate for the purposes of collective bargaining shall be the employer unit, craft unit, plant unit, or subdivision thereof.

(c) Whenever a question affecting commerce arises concerning the representation of employees, the Board may investigate such controversy and certify to the parties, in writing, the name or names of the representatives that have been designated or selected. In any such investigation, the Board shall provide for an appropriate hearing upon due notice, either in conjunction with a proceeding under section 10 or otherwise, and may take a secret ballot of employees, or utilize any other suitable method to ascertain such representatives.

(d) Whenever an order of the Board made pursuant to section 10 (c) is based in whole or in part upon facts certified following an investigation pursuant to subsection (c) of this section, and there is a petition for the enforcement or review of such order, such certification and the record of such investigation shall be included in the transcript of the entire record required to be filed under subsections 10 (e) or 10 (f), and thereupon the decree of the court enforcing, modifying, or setting aside in whole or in part the order of the Board

shall be made and entered upon the pleadings, testimony, and proceedings set forth in such transcript.

Prevention of Unfair Labor Practices

SEC. 10. (a) The Board is empowered, as hereinafter provided, to prevent any person from engaging in any unfair labor practice (listed in section 8) affecting commerce. This power shall be exclusive, and shall not be affected by any other means of adjustment or prevention that has been or may be established by agreement, code, law, or otherwise.

(b) Whenever it is charged that any person has engaged in or is engaging in any such unfair labor practice, the Board, or any agent or agency designated by the Board for such purposes, shall have power to issue and cause to be served upon such person a complaint stating the charges in that respect, and containing a notice of hearing before the Board or a member thereof, or before a designated agent or agency, at a place therein fixed, not less than five days after the serving of said complaint. Any such complaint may be amended by the member, agent, or agency conducting the hearing or the Board in its discretion at any time prior to the issuance of an order based thereon. The person so complained of shall have the right to file an answer to the original or amended complaint and to appear in person or otherwise and give testimony at the place and time fixed in the complaint. In the discretion of the member, agent, or agency conducting the hearing or the Board, any other person may be allowed to intervene in the said proceeding and to present testimony. In any such proceeding the rules of evidence prevailing in courts of law or equity shall not be controlling.

(c) The testimony taken by such member, agent, or agency or the Board shall be reduced to writing and filed with the Board. Thereafter, in its discretion, the Board upon notice may take further testimony or hear argument. If upon all the testimony taken the Board shall be of the opinion that any person named in the complaint has engaged in or is engaging in any such unfair labor practice, then the Board shall state its findings of fact and shall issue and cause to be served on such person an order requiring such person to cease and desist from such unfair labor practice, and to take such affirmative action, including reinstatement of employees with or without back pay, as will effectuate the policies of this Act. Such order may further require such person to make reports from time to time showing the extent to which it has complied with the order. If upon all the testimony taken the Board shall be of the opinion that no person named

in the complaint has engaged in or is engaging in any such unfair labor practice, then the Board shall state its findings of fact and shall issue an order dismissing the said complaint.

(d) Until a transcript of the record in a case shall have been filed in a court, as hereinafter provided, the Board may at any time, upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any finding or order made or issued by it.

(e) The Board shall have power to petition any circuit court of appeals of the United States (including the Court of Appeals of the District of Columbia), or if all the circuit courts of appeals to which application may be made are in vacation, any district court of the United States (including the Supreme Court of the District of Columbia), within any circuit or district, respectively, wherein the unfair labor practice in question occurred or wherein such person resides or transacts business, for the enforcement of such order and for appropriate temporary relief or restraining order, and shall certify and file in the court a transcript of the entire record in the proceeding, including the pleadings and testimony upon which such order was entered and the findings and order of the Board. Upon such filing, the court shall cause notice thereof to be served upon such person, and thereupon shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Board. No objection that has not been urged before the Board, its member, agent, or agency, shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances. The findings of the Board as to the facts, if supported by evidence, shall be conclusive. If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Board, its member, agent, or agency, the court may order such additional evidence to be taken before the Board, its member, agent, or agency, and to be made a part of the transcript. The Board may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which, if supported by evidence shall be conclusive, and shall file its recommenda-

tions, if any, for the modification or setting aside of its original order. The jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the appropriate circuit court of appeals if application was made to the district court as hereinabove provided, and by the Supreme Court of the United States and upon writ of certiorari or certification as provided in sections 239 and 240 of the Judicial Code, as amended (U. S. C., title 28, secs. 346 and 347).

(f) Any person aggrieved by a final order of the Board granting or denying in whole or in part the relief sought may obtain a review of such order in any circuit court of appeals of the United States in the circuit wherein the unfair labor practice in question was alleged to have been engaged in or wherein such person resides or transacts business, or in the Court of Appeals of the District of Columbia, by filing in such a court a written petition praying that the order of the Board be modified or set aside. A copy of such petition shall be forthwith served upon the Board, and thereupon the aggrieved party shall file in the court a transcript of the entire record in the proceeding, certified by the Board, including the pleading and testimony upon which the order complained of was entered and the findings and order of the Board. Upon such filing, the court shall proceed in the same manner as in the case of an application by the Board under subsection (e), and shall have the same exclusive jurisdiction to grant to the Board such temporary relief or restraining order as it deems just and proper, and in like manner to make and enter a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Board; and the findings of the Board as to the facts, if supported by evidence, shall in like manner be conclusive.

(g) The commencement of proceedings under subsection (e) or (f) of this section shall not, unless specifically ordered by the court, operate as a stay of the Board's order.

(h) When granting appropriate temporary relief or a restraining order, or making and entering a decree enforcing, modifying, and enforcing as so modified or setting aside in whole or in part an order of the Board, as provided in this section, the jurisdiction of courts sitting in equity shall not be limited by the Act entitled "An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes," approved March 23, 1932 (U. S. C., Supp. VII, title 29, secs. 101-115).

(i) Petitions filed under this Act shall be heard expeditiously, and if possible within ten days after they have been docketed.

Investigatory Powers

SEC. 11. For the purpose of all hearings and investigations, which, in the opinion of the Board, are necessary and proper for the exercise of the powers vested in it by section 9 and section 10—

(1) The Board, or its duly authorized agents or agencies, shall at all reasonable times have access to, for the purpose of examination, and the right to copy any evidence of any person being investigated or proceeded against that relates to any matter under investigation or in question. Any member of the Board shall have power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation or in question, before the Board, its member, agent, or agency conducting the hearing or investigation. Any member of the Board, or any agent or agency designated by the Board for such purposes, may administer oaths and affirmations, examine witnesses, and receive evidence. Such attendance of witnesses and the production of such evidence may be required from any place in the United States or any Territory or possession thereof, at any designated place of hearing.

(2) In case of contumacy or refusal to obey a subpoena issued to any person, any District Court of the United States or the United States courts of any Territory or possession, or the Supreme Court of the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Board shall have jurisdiction to issue to such person an order requiring such person to appear before the Board, its member, agent, or agency, there to produce evidence if so ordered, or there to give testimony touching the matter under investigation or in question; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

(3) No person shall be excused from attending and testifying or from producing books, records, correspondence, documents, or other evidence in obedience to the subpoena of the Board, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

(4) Complaints, orders, and other process and papers of the Board, its member, agent, or agency, may be served either personally or by registered mail or by telegraph or by leaving a copy thereof at the principal office or place of business of the person required to be served. The verified return by the individual so serving the same setting forth the manner of such service shall be proof of the same, and the return post office receipt or telegraph receipt therefor when registered and mailed or telegraphed as aforesaid shall be proof of service of the same. Witnesses summoned before the Board, its member, agent, or agency, shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

(5) All process of any court to which application may be made under this Act may be served in the judicial district wherein the defendant or other person required to be served resides or may be found.

(6) The several departments and agencies of the Government, when directed by the President, shall furnish the Board, upon its request, all records, papers, and information in their possession relating to any matter before the Board.

SEC. 12. Any person who shall willfully resist, prevent, impede, or interfere with any member of the Board or any of its agents or agencies in the performance of duties pursuant to this Act shall be punished by a fine of not more than \$5,000 or by imprisonment for not more than one year, or both.

Limitations

SEC. 13. Nothing in this Act shall be construed so as to interfere with or impede or diminish in any way the right to strike.

SEC. 14. Wherever the application of the provisions of section 7 (a) of the National Industrial Recovery Act (U. S. C., Supp. VII, title 15, sec. 707 (a), as amended from time to time, or of section 77 B, paragraphs (1) and (m) of the Act approved June 7, 1934, entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of bankruptcy throughout the United States' approved July 1, 1898, and Acts amendatory thereof and supplementary thereto" (48 Stat. 922, pars. (1) and (m)), as amended from time to time, or of Public Resolution Numbered 44, approved June 19, 1934 (48 Stat. 1183), conflicts with the application of the provisions of this Act, this Act shall prevail: *Provided*, That in any situation where the provisions

of this Act cannot be validly enforced, the provisions of such other Acts shall remain in full force and effect.

SEC. 15. If any provision of this Act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

SEC. 16. This Act may be cited as the "National Labor Relations Act."

Approved, July 5, 1935.



APPENDIX F
NATIONAL LABOR RELATIONS BOARD
RULES AND REGULATIONS

Series 2, as Amended

Effective October 28, 1942

APPENDIX F

NATIONAL LABOR RELATIONS BOARD

Rules and Regulations

Series 2, as Amended

(Effective October 28, 1942)

These Rules and Regulations—Series 2—as amended, were published in the Federal Register on July 14, 1939, January 27, 1940, March 13, 1940, April 22, 1941, September 6, 1941, October 14, 1942, October 16, 1942, October 21, 1942, and on October 28, 1942, pursuant to the provisions of the Federal Register Act, as amended, 49 Stat. 500, 50 Stat. 304, 44 U. S. C., Supp. 4, Chapter 8 (a), Sections 301-314. Pursuant to Section XXI of the Federal Register Regulations, as amended, 3 F. R. 2463 D. I., approved by the President on October 11, 1938, these Rules and Regulations—Series 2—as amended, were published, in codified form, in accordance with the general plan of numbering employed in the preparation of the Code of Federal Regulations. For convenience there is set forth below a comparative table identifying the various sections of these Rules and Regulations as numbered herein and as published in the Federal Register on July 14, 1939, January 27, 1940, March 13, 1940, April 22, 1941, September 6, 1941, October 14, 1942, October 16, 1942, October 21, 1942, and on October 28, 1942.

Numbers appearing herein	Numbers appearing in Federal Register	Numbers appearing herein	Numbers appearing in Federal Register	Numbers appearing herein	Numbers appearing in Federal Register
ARTICLE I		ARTICLE II—Continued		ARTICLE II—Continued	
Section 1	Section 201. 1	Section 12	Section 202. 12	Section 34	202. 34
2	201. 2	13	202. 13	35	202. 35
3	201. 3	14	202. 14	36	202. 36
4	201. 4	15	202. 15	37	202. 37
5	201. 5	16	202. 16	38	202. 38
6	201. 6	17	202. 17		
		18	202. 18	ARTICLE III	
		19	202. 19	Section 1	Section 203. 1
ARTICLE II		20	202. 20		
Section 1	Section 202. 1	21	202. 21	2	203. 2
		22	202. 22	3	203. 3
2	202. 2	23	202. 23	4	203. 4
3	202. 3	24	202. 24	5	203. 5
4	202. 4	25	202. 25	6	203. 6
5	202. 5	26	202. 26	7	203. 7
6	202. 6	27	202. 27	8	203. 8
7	202. 7	28	202. 28	9	203. 9
8	202. 8	29	202. 29	10	203. 10
9	202. 9	30	202. 30	11	203. 11
10	202. 10	31	202. 31		
11	202. 11	32	202. 32		
		33	202. 33		

Numbers appearing herein	Numbers appearing in Federal Register	Numbers appearing herein	Numbers appearing in Federal Register	Numbers appearing herein	Numbers appearing in Federal Register
ARTICLE IV		ARTICLE VI		ARTICLE VIII	
Section 1.....	Section 204.1	Section 1.....	Section 206.1	Section 1.....	Section 208.1
2.....	204.2	2.....	206.2		
3.....	204.3			ARTICLE IX	
4.....	204.4			Section 1.....	Section 209.1
ARTICLE V		ARTICLE VII			
Section 1.....	Section 205.1	Section 1.....	Section 207.1		
2.....	205.2	2.....	207.2		

By virtue of the Authority vested in it by the National Labor Relations Act, approved July 5, 1935, the National Labor Relations Board issued its Rules and Regulations—Series 2 (General Rules and Regulations) on July 11, 1939. These were published in the Federal Register on July 14, 1939, and became effective on that date. On January 25, 1940, March 11, 1940, April 18, 1941, August 28, 1941, October 12, 1942, October 14, 1942, October 19, 1942, and on October 26, 1942, certain amendments thereto were issued by the Board. These were published in the Federal Register on January 27, 1940, March 13, 1940, April 22, 1941, September 6, 1941, October 14, 1942, October 16, 1942, October 21, 1942, and on October 28, 1942, and became effective on those dates. The following, in consolidated form, with headnotes, are those Rules and Regulations—Series 2 (General Rules and Regulations) issued on July 11, 1939, together with the amendments above referred to, issued on January 25, 1940, March 11, 1940, April 18, 1941, August 28, 1941, October 12, 1942, October 14, 1942, October 19, 1942, and October 26, 1942, respectively. These Rules and Regulations—Series 2—as amended (General Rules and Regulations) shall continue in force and effect until amended or rescinded by Rules and Regulations hereafter made and published by the Board.

Signed at Washington this 5th day of November 1942.

H. A. MILLIS, *Chairman*,
WILLIAM M. LEISERSON, *Member*.
GERARD D. REILLY, *Member*.

ARTICLE I

DEFINITIONS

SECTION 1. *Terms defined in section 2 of the Act.*—The terms “person,” “employer,” “employee,” “representatives,” “labor organization,” “commerce,” “affecting commerce,” and “unfair labor practice,” as

used herein, shall have the meanings set forth in Section 2 of the National Labor Relations Act, a copy of which Act is appended hereto.

SEC. 2. *Act, Board.*—The term “Act” as used herein shall mean the National Labor Relations Act, and the term “Board” shall mean the National Labor Relations Board.

SEC. 3. *Region.*—The term “Region” as used herein shall mean that part of the United States or any Territory thereof fixed by the Board as a particular Region.

SEC. 4. *Regional Director.*—The term “Regional Director” as used herein shall mean the agent designated by the Board as Regional Director for a particular Region.

SEC. 5. *Trial Examiner.*—The term “Trial Examiner” as used herein shall mean the Board, its member, agent, or agency conducting the hearing.

SEC. 6. *State.*—The term “State” as used herein shall include all States, Territories, and possessions of the United States and the District of Columbia.

ARTICLE II

PROCEDURE UNDER SECTION 10 OF THE ACT FOR THE PREVENTION OF UNFAIR LABOR PRACTICES

Charge

SECTION 1. *Who may file; withdrawal and dismissal.*—A charge that any person has engaged in or is engaging in any unfair labor practice affecting commerce may be made by any person or labor organization. A charge may be withdrawn only with the consent of the Regional Director with whom such charge was filed or of the Board. Upon withdrawal of any charge, any complaint based thereon shall be dismissed by the Regional Director issuing the complaint, by the Trial Examiner designated to conduct the hearing, or by the Board.

SEC. 2. *Where to file.*—Except as provided in Section 36 of this Article, such charge shall be filed with the Regional Director for the Region in which the alleged unfair labor practice has occurred or is occurring. A charge alleging that an unfair labor practice has occurred or is occurring in two or more Regions may be filed with the Regional Director for any of such Regions.

SEC. 3. *Form; jurat; blank forms provided.*—Such charge shall be in writing, the original being signed and sworn to before any notary public or other person duly authorized by law to administer oaths and take acknowledgments or any agent of the Board authorized to ad-

minister oaths or acknowledgments. Three additional copies of such charge shall be filed.¹

SEC. 4. *Contents.*—Such charge shall contain the following:

(a) The full name and address of the person or labor organization making the charge.

(b) The full name and address of the person against whom the charge is made (hereinafter referred to as the “respondent”).

(c) A clear and concise statement of the facts constituting the alleged unfair labor practices affecting commerce.

Complaint

SEC. 5. *When and by whom issued; contents; service.*—After a charge has been filed, if it appears to the Regional Director that formal proceedings in respect thereto should be instituted, he shall issue and cause to be served upon the respondent and the person or labor organization making the charge (hereinafter referred to as the “parties”) a formal complaint in the name of the Board stating the charges and containing a notice of hearing before a Trial Examiner at a place therein fixed and at a time not less than ten days after the service of the complaint. A copy of the charge upon which the complaint is based shall be attached to the complaint.

Whenever the complaint contains allegations under Section 8 (2) of the Act, any labor organization referred to in such allegations shall be duly served with a copy of the complaint and notice of hearing. Whenever any labor organization, not the subject of any 8 (2) allegation in the complaint, is a party to any contract with the respondent the legality of which is put in issue by any allegation of the complaint, such labor organization shall be made a party to the proceeding.

SEC. 6. *Hearing; extension.*—Upon his own motion or upon proper cause shown by any of the parties the Regional Director issuing the complaint may extend the date of such hearing.

SEC. 7. *Amendment.*—Any such complaint may be amended upon such terms as may be deemed just; prior to the hearing by the Regional Director issuing the complaint; at the hearing and until the case has been transferred to the Board pursuant to Section 32 of this Article, upon motion, by the Trial Examiner designated to conduct the hearing; and after the case has been transferred to the Board pursuant to Section 32 of this Article at any time prior to the issuance of an order based thereon, by the Board.

SEC. 8. *Withdrawal.*—Any such complaint may be withdrawn before the hearing by the Regional Director on his own motion.

¹ A blank form for making a charge will be supplied by the Regional Director upon request.

SEC. 9. *Review by Board of refusal to issue.*—If, after the charge has been filed, the Regional Director declines to issue a complaint, the person or labor organization making the charge may obtain a review of such action by filing a request therefor with the Board in Washington, D. C., and filing a copy of such request with the Regional Director. This request shall contain a complete statement setting forth the facts and reasons upon which the request is based.

Answer

SEC. 10. *Answer to complaint; time for filing; contents; allegations not denied deemed admitted.*—The respondent shall have the right, within ten days from the service of the complaint, to file an answer thereto. Such answer shall contain a short and simple statement of the facts which constitute the grounds of defense. The respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless the respondent is without knowledge, in which case the respondent shall so state, such statement operating as a denial. Any allegation in the complaint not specifically denied in the answer, unless the respondent shall state in the answer that the respondent is without knowledge, shall be deemed to be admitted to be true and may be so found by the Board.

SEC. 11. *Where to file; form; jurat; service upon other parties.*—The answer shall be filed with the Regional Director issuing the complaint. It shall be in writing, the original being signed and sworn to by the respondent or by a duly authorized agent with appropriate power of attorney affixed, and shall contain the post-office address of the respondent. The respondent shall file three additional copies of the answer. Immediately upon filing his answer the respondent shall serve a copy thereof upon each of the other parties.

SEC. 12. *Extension of time for filing.*—Upon his own motion or upon proper cause shown by the respondent the Regional Director issuing the complaint may by written order extend the time within which the answer shall be filed.

SEC. 13. *Amendment.*—The respondent may amend his answer at any time prior to the hearing. During the hearing or subsequent thereto, he may amend his answer in any case where the complaint has been amended, within such period as may be fixed by the Trial Examiner or the Board. Whether or not the complaint has been amended, the answer may, in the discretion of the Trial Examiner or the Board, upon motion, be amended upon such terms and within such periods as may be fixed by the Trial Examiner or the Board.

Motions

SEC. 14. *Motions; where to file prior to hearings and during hearing; contents; service on other parties.*—All motions made prior to the hearing shall be filed in writing with the Regional Director issuing the complaint, and shall briefly state the order or relief applied for and the grounds for such motion. The moving party shall file an original and four additional copies of all such motions. Immediately upon the filing of such motion, the moving party shall serve a copy thereof upon each of the other parties. All motions made at the hearing (except motions to intervene, as provided in Section 19 of this Article) shall be made in writing to the Trial Examiner or stated orally on the record.

SEC. 15. *Rulings on motions; where to file motion after hearing and before transfer of case to Board.*—The Trial Examiner designated to conduct the hearing shall rule upon all motions (except as provided in Sections 6, 12, 19, and 34 of this Article). The Trial Examiner may, before the hearing, rule on motions filed prior to the hearing, and shall file his ruling, and any order in connection therewith, with the Regional Director issuing the complaint. The Regional Director shall cause copies thereof to be served upon the parties. All motions filed subsequent to the hearing, but before the transfer of the case to the Board pursuant to Section 32 of this Article, shall be filed with the Trial Examiner by filing with the Chief Trial Examiner in Washington, D. C., and a copy thereof shall be served upon each of the parties. Rulings by the Trial Examiner on motions, and any orders in connection therewith, if announced at the hearing, shall be stated orally on the record; in all other cases such rulings and orders shall be issued in writing and filed with the Regional Director, who shall cause a copy of the same to be served upon each of the parties, or shall be contained in the Intermediate Report. Whenever the Trial Examiner has reserved his ruling on any motion, and the proceeding is thereafter transferred to and continued before the Board pursuant to Section 36 of this Article, the Board shall rule on such motion.

SEC. 16. *Motions; rulings and orders part of record; rulings not to be appealed directly to Board without special permission.*—All motions, rulings, and orders shall become part of the record. Rulings by the Regional Director and by the Trial Examiner on motions, and by the Trial Examiner on objections, and orders in connection therewith, shall not be appealed directly to the Board except by special permission of the Board, but shall be considered by the Board in reviewing the record, if exception is taken to the rulings or order when made and included in the statement of exceptions filed with the Board pursuant to Section 33 of this Article.

SEC. 17. *Review of granting of motion to dismiss entire complaint; reopening of record.*—If any motion in the nature of a motion to dismiss the complaint in its entirety is granted by the Trial Examiner, the party making the charge may obtain a review of such action by filing a request therefor with the Board in Washington, D. C., stating the grounds for review, and filing a copy of such request with the Regional Director and serving copies upon the parties. Unless such request for review is filed within ten days from the date of the order of dismissal, the case shall be considered closed. The Board may, upon motion made within a reasonable period and for good cause shown, reopen the record for further proceedings.

SEC. 18. *Filing of answer or other participation in proceeding not a waiver of rights.*—The right to make motions or to make objection to rulings upon motions shall not be deemed waived by the filing of an answer or by other participation in the proceedings before the Trial Examiner or the Board.

Intervention

SEC. 19. *Intervention; requisites; rulings on motions to intervene.*—Any person or labor organization desiring to intervene in any proceeding shall file a motion in writing setting out the grounds upon which such person or organization claims to be interested. Prior to the hearing such motion shall be filed with the Regional Director issuing the complaint; during the hearing such motion shall be filed with the Trial Examiner. The original of such motion shall be signed and sworn to by the person or labor organization filing the motion, and shall be accompanied by four additional copies. Immediately upon filing such motion, the moving party shall serve a copy thereof upon each of the other parties. The Regional Director shall rule upon all such motions filed prior to the hearing, and shall cause a copy of said ruling to be served upon each of the parties, or shall refer the motion to the Trial Examiner for ruling. The Trial Examiner shall rule upon all such motions filed at the hearing, or referred to him by the Regional Director, in the manner set forth in Section 15 of this Article. The Regional Director or the Trial Examiner, as the case may be, may by order permit intervention in person or by counsel to such extent and upon such terms as he shall deem just.

Witnesses, Depositions, and Subpenas

SEC. 20. *Examination of witnesses; depositions.*—Witnesses shall be examined orally under oath, except that for good cause shown, after the issuance of a complaint, testimony may be taken by deposition.

(a) Applications to take depositions shall be in writing setting forth the reasons why such depositions should be taken, the name and post-office address of the witness, the matters concerning which it is expected the witness will testify, and the time and place proposed for the taking of the deposition, together with the name and address of the person before whom it is desired that the deposition be taken (for the purposes of this section hereinafter referred to as the "officer"). Such application shall be made to the Regional Director prior to the hearing, to the Trial Examiner during and subsequent to the hearing but before transfer of the case to the Board pursuant to sections 32 or 36 of this Article. Such application shall be served upon the Regional Director or the Trial Examiner, as the case may be, and upon the other parties, not less than seven days (when the deposition is taken within the continental U. S., and fifteen days (if the deposition is to be taken elsewhere) prior to the time when it is desired that the deposition be taken. The Regional Director or Trial Examiner, as the case may be, shall, upon receipt of the application, if in his discretion good cause has been shown, make and serve upon the parties an order which will specify the name of the witness whose deposition is to be taken, the time when, the place where, and shall contain a designation of the officer before whom the witness is to testify, who may or may not be the same officer as that specified in the application. Such order shall be served upon all parties by the Regional Director or the Trial Examiner.

(b) Such deposition may be taken before any officer authorized to administer oaths by the laws of the United States or of the place where the examination is held, including any agent of the Board authorized to administer oaths. If the examination is held in a foreign country, it may be taken before any Secretary of Embassy or Legation, Consul General, Consul, Vice Consul, or Consular Agent of the United States.

(c) At the time and place specified in said order the officer designated to take such deposition shall permit the witness to be examined and cross-examined under oath by all the parties appearing, and his testimony shall be reduced to typewriting by the officer or under his direction. All objections to questions or evidence shall be deemed waived unless made at the examination. The officer shall not have power to rule upon any objections but he shall note them upon the deposition. The testimony shall be subscribed by the witness in the presence of the officer who shall

attach his certificate stating that the witness was duly sworn by him, that the deposition is a true record of the testimony and exhibits given by the witness and that said officer is not of counsel or attorney to any of the parties nor interested in the event of the proceeding or investigation. If the deposition is not signed by the witness because he is ill, dead, cannot be found, or refuses to sign it, such fact shall be included in the certificate of the officer and the deposition may then be used as fully as though signed. The officer shall immediately deliver an original and two copies of said transcript, together with his certificate, in person or by registered mail to the Regional Director or the Trial Examiner, care of the Chief Trial Examiner, Washington, D. C., as the case may be.

(d) The Trial Examiner shall rule upon the admissibility of the deposition or any part thereof.

(e) All errors or irregularities in compliance with the provisions of this section shall be deemed waived unless a motion to suppress the deposition or some part thereof is made with reasonable promptness after such defect is or, with due diligence, might have been ascertained.

(f) If the parties so stipulate in writing, depositions may be taken before any person at any time or place, upon any notice and in any manner, and when so taken may be used like other depositions.

SEC. 21. *Issuance of subpoenas; requisites of application for.*—Any member of the Board may issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence, including books, records, correspondence, or documents that relate to any matter under investigation or in question, before the Board, its member, agent, or agency, conducting the hearing or investigation. Applications for subpoenas may be filed by any party prior to the hearing with the Regional Director. The Regional Director may grant or deny the application, or may refer it to the Trial Examiner, who may thereafter grant or deny the application. Application for subpoenas made during the hearing shall be made to the Trial Examiner who may grant or deny the application. Such applications shall be timely, and shall specify the name of the witness and the nature of the facts to be proved by him, and, if calling for documents, must specify the same with such particularity as will enable them to be identified for purposes of production.

SEC. 22. *Payment of witness fees and mileage; fees of persons taking depositions.*—Witnesses summoned before the Trial Examiner shall be

paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance the witnesses appear and the person taking the deposition shall be paid by the party at whose instance the deposition is taken.

Hearing

SEC. 23. *Who shall conduct; to be public unless otherwise ordered.*—The hearing for the purpose of taking evidence upon a complaint shall be conducted by a Trial Examiner designated by the Board or the Chief Trial Examiner. At any time a Trial Examiner may be designated to take the place of the Trial Examiner previously designated to conduct the hearing. Such hearings shall be public, unless otherwise ordered by the Trial Examiner.

SEC. 24. *Duty of Trial Examiner; powers of Board Counsel and Trial Examiners.*—It shall be the duty of the Trial Examiner to inquire fully into the facts as to whether the respondent has engaged in or is engaging in an unfair labor practice affecting commerce as set forth in the complaint, or amended complaint. Counsel for the Board, and the Trial Examiner, shall have power to call, examine, and cross-examine witnesses, and to introduce into the record documentary or other evidence.

SEC. 25. *Rights of parties.*—Any party shall have the right to appear at such hearing in person, by counsel, or otherwise, to call, examine, and cross-examine witnesses, and to introduce into the record documentary or other evidence.

SEC. 26. *Rules of evidence not controlling.*—In any such proceeding the rules of evidence prevailing in courts of law or equity shall not be controlling.

SEC. 27. *Stipulations of fact admissible.*—In any such proceeding stipulations of fact may be introduced in evidence with respect to any issue.

SEC. 28. *Objection to conduct of hearing; how made; objections not waived by further participation.*—Any objection with respect to the conduct of the hearing, including any objection to the introduction of evidence, may be stated orally or in writing, accompanied by a short statement of the grounds of such objection, and included in the record. No such objection shall be deemed waived by further participation in the hearing.

SEC. 29. *Filing of briefs with Trial Examiner and oral argument at hearing.*—Any party shall be entitled, upon request, to a reasonable

period at the close of the hearing for oral argument, which shall not be included in the stenographic report of the hearing unless the Trial Examiner so directs. Any party shall be entitled, upon request made at or before the close of the hearing, to file a brief with the Trial Examiner, who may fix the time for such filing.

SEC. 30. *Continuance and adjournment.*—In the discretion of the Trial Examiner, the hearing may be continued from day to day, or adjourned to a later date or to a different place, by announcement thereof at the hearing by the Trial Examiner, or by other appropriate notice. The Chief Trial Examiner may, at any time prior to the service of the Intermediate Report, upon appropriate notice to the parties, direct that the hearing be reopened.

SEC. 31. *Contemptuous conduct; refusal of witness to answer questions.* Contemptuous conduct at any hearing before a Trial Examiner or before the Board shall be ground for exclusion from the hearing. The refusal of a witness at any such hearing to answer any question which has been ruled to be proper shall, in the discretion of the Trial Examiner, be ground for the striking out of all testimony previously given by such witness on related matters.

Intermediate Report and Transfer of Case to the Board

SEC. 32. *Intermediate report; contents; service; transfer of case to Board.*—After a hearing for the purpose of taking evidence upon a complaint, the Trial Examiner shall prepare an Intermediate Report. Such report shall contain (a) findings of fact, and (b) recommendations as to what disposition of the case should be made, which may include, if it be found that the respondent has engaged in or is engaging in the alleged unfair labor practice, a recommendation for such affirmative action by the respondent as will effectuate the policies of the Act. The Intermediate Report shall be transmitted to the Chief Trial Examiner, who shall thereupon file the original of the Intermediate Report with the Board, and cause a copy thereof to be served upon each of the parties. Upon the filing of the Intermediate Report, the Board shall enter an order transferring the case to the Board and shall serve copies of the order, setting forth the date of such transfer, upon each of the parties and the Regional Director.

The charge upon which the complaint was issued and any amendments thereto, the complaint and any amendments thereto, notice of hearing, answer and any amendments thereto, motions, rulings, orders, the stenographic report of the hearing, stipulations, exhibits, documentary evidence, and depositions, together with the Intermediate Report and exceptions, shall constitute the record in the case.

Exceptions to the Record and Proceeding

SEC. 33. *Exceptions; time for filing; where to file; service on parties; extension of time; effect of failure to include matter in exception.*—Within fifteen days from the date of the entry of the order transferring the case to the Board, pursuant to Section 32 of this Article, any party may file with the Board at Washington, D. C., an original and four copies of a statement in writing setting forth such exceptions to the Intermediate Report or to any other part of the record or proceeding (including rulings upon all motions or objections) as he relies upon, together with the original and four copies of a brief in support thereof. Immediately upon the filing of the statement of exceptions and brief, the party filing the same shall serve a copy thereof upon each of the other parties and shall file a copy with the Regional Director. Upon proper cause shown, the Board may extend the period within which to file a statement of exceptions or brief.

No matter not included in a statement of exceptions may thereafter be objected to before the Board, and failure to file a statement of exceptions shall operate as a submission of the case to the Board on the record.

Should any party desire permission to argue orally before the Board, request therefor must be made in writing to the Board within ten days after the date of the entry of the order transferring the case to the Board (or in Board cases the date of filing the Intermediate Report), pursuant to Section 32 of this Article. The Board shall notify the parties of the time and place for oral argument, if such permission is granted.

SEC. 34. *Filing of motion after transfer of case to Board.*—All motions filed after the case has been transferred to the Board, pursuant to Section 32 of this Article, shall be filed with the Board in Washington, D. C., by transmitting an original and three copies thereof and serving additional copies upon the Regional Director and upon each of the parties.

Procedure Before the Board

SEC. 35. *Action of Board upon expiration of time to file exceptions to Intermediate Report; oral arguments before and filing of briefs with Board; action of Board where Trial Examiner finds no unfair labor practices and no exceptions filed; reopening of record.*—Upon the expiration of the period for filing a statement of exceptions and brief, as provided in Section 33 of this Article, the Board may decide the matter forthwith upon the record, or after oral argument, or may reopen the record and receive further evidence before a member of

the Board or other agent or agency, or may close the case upon compliance with the recommendations of the Intermediate Report, or may make other disposition of the case.

Where the Trial Examiner has found in his Intermediate Report that the respondent has not engaged in and is not engaging in any of the alleged unfair labor practices affecting commerce, and no exceptions have been filed within the period for filing a statement of exceptions as provided for in Section 33 of this Article, the case shall be considered closed. The Board may, upon motion made within a reasonable period and upon proper cause shown, reopen the record for further proceedings in accordance with this Section.

SEC. 36. *Proceedings before Board; filing charges with Board; transfer of charge and proceeding from Region to Board or to another Region; consolidation of proceedings in same Region; severance.*—Whenever the Board deems it necessary in order to effectuate the purposes of the Act, it may permit a charge to be filed with it in Washington, D. C., or may, at any time after a charge has been filed with a Regional Director pursuant to Section 2 of this Article, order that such charge, and any proceeding which may have been instituted in respect thereto—

(a) be transferred to and continued before it, for the purpose of consolidation with any other proceeding which may have been instituted by the Board, or for any other purpose; or

(b) be consolidated for the purpose of hearing, or for any other purpose, with any other proceeding which may have been instituted in the same Region; or

(c) be transferred to and continued in any other Region, for the purpose of consolidation with any proceeding which may have been instituted in or transferred to such other Region, or for any other purposes.

(d) be severed from any other proceeding with which it may have been consolidated pursuant to this Section.

The provisions of Sections 3 to 31, inclusive, of this Article shall, insofar as applicable, apply to proceedings before the Board pursuant to this Section, and the powers granted to Regional Directors in such provisions shall, for the purpose of this Section, be reserved to and exercised by the Board. After the transfer of any charge and any proceeding which may have been instituted in respect thereto from one Region to another pursuant to this Section, the provisions of Sections 3 to 35, inclusive, of this Article, shall apply to such charge and such proceeding as if the charge had originally been filed in the Region to which the transfer is made.

SEC. 37. *Procedure before Board in cases over which it has assumed jurisdiction.*—After a hearing for the purpose of taking evidence upon the complaint in any proceeding over which the Board has assumed jurisdiction in accordance with Section 36 of this Article, the Board may—

- (a) direct that the Trial Examiner prepare an Intermediate Report, in which case the provisions of Sections 32 to 35, inclusive, of the Article shall insofar as applicable govern subsequent procedure, and the powers granted to Regional Directors in such provisions shall for the purpose of this section be reserved to and exercised by the Board; or
- (b) reopen the record and receive further evidence before a member of the Board, or other agent or agency; or
- (c) issue proposed findings of fact, proposed conclusions of law, and proposed order; or
- (d) make other disposition of the case.

Within fifteen days from the date of filing the Intermediate Report pursuant to paragraph (a) of this Section, or from the date of issuance of proposed findings of fact, proposed conclusions of law, and proposed order, pursuant to paragraph (c) of this Section, any party may file with the Board at Washington, D. C., an original and four copies of a statement in writing setting forth such exceptions to the Intermediate Report, or to the proposed findings, conclusions, and order, as the case may be, or to any other part of the record or proceeding (including rulings upon all motions or objections) as he relies upon, together with the original and four copies of a brief in support thereof. Immediately upon the filing of the statement of exceptions and brief the party filing the same shall serve copies with the Regional Director. Upon proper cause shown, the Board may extend the period within which to file a statement of exceptions or brief.

Should any party desire permission to argue orally before the Board, request therefor must be made in writing to the Board within ten days after the date of the Intermediate Report or the date of the proposed findings, conclusions, and order, as the case may be. The Board shall notify the parties of the time and place for the oral argument, if such permission is granted. Thereafter the Board shall forthwith decide the matter or make other disposition of the case.

SEC. 38. *Modification or setting aside of order of Board before record filed in court; action thereafter.*—Until a transcript of the record in a case shall have been filed in a court, within the meaning of Section 10 of the Act, the Board may at any time upon reasonable notice modify

or set aside, in whole or in part, any findings of fact, conclusions of law, or order made or issued by it. Thereafter the Board may proceed pursuant to Section 36 or 37 of this Article, or make any other disposition of the case.

ARTICLE III

PROCEDURE UNDER SECTION 9 (c) OF THE ACT FOR THE INVESTIGATION AND CERTIFICATION OF REPRESENTATIVES

SEC. 1. *Who may file; where to file; withdrawal of petition; form; jurat; blank forms provided.*—A petition to investigate and certify under Section 9 (c) of the Act the name or names of representatives designated or selected for the purpose of collective bargaining may be filed by an employee or any person or labor organization acting on behalf of employees, or by an employer. Prior to the issuance of a notice of hearing pursuant to Section 3 of this Article a petition may be withdrawn only with the consent of the Board or of the Regional Director with whom such petition was filed. Thereafter a petition may be withdrawn only with the consent of the Board. Whenever the Board or the Regional Director approves the withdrawal of any petition the case shall be closed. Except as provided in Section 11 of this Article, such petition shall be filed with the Regional Director for the Region wherein the contemplated bargaining unit exists, or, if the contemplated bargaining unit exists in two or more Regions, with the Regional Director for any of such Regions. Such petition shall be in writing, the original being signed and sworn to before any notary public or other person duly authorized by law to administer oaths and take acknowledgments or any agent of the Board authorized to administer oaths or acknowledgments. Three copies of the petition shall be filed.²

SEC. 2. *Same; contents.*—(a) Such petition, when filed by an employee or any person or labor organization acting on behalf of employees, shall contain the following:

- (1) The name and address of the petitioner.
- (2) The name and address of the employer or employers involved, the general nature of their businesses, and the approximate number of their employees.
- (3) A description of the bargaining unit which petitioner claims is appropriate and the approximate number of employees in such unit.
- (4) The number or percentage of employees in such unit who have designated or selected petitioner to be their representative for collective bargaining.

² Blank forms for filing such petitions will be supplied by the Regional Director upon request.

(5) The names of any other known individuals or labor organizations which claim to represent any of the employees in the alleged bargaining unit.

(6) A brief statement setting forth the nature of the question that has arisen concerning representation.

(7) Any other relevant facts.

(b) Such petition, when filed by an employer, shall contain the following:

(1) The name and address of the petitioner.

(2) The general nature of the business and the approximate number of employees.

(3) A description of the bargaining unit or units claimed by competing labor organizations to be appropriate, and the approximate number of employees in such unit or units.

(4) The names of all known individuals or labor organizations which claim to represent any of the employees in the claimed bargaining unit or units.

(5) A brief statement setting forth that a question or controversy affecting commerce has arisen concerning the representation of employees in that two or more such labor organizations have presented to the employer conflicting claims that each represents a majority of the employees in the unit or units set forth above in paragraph (b) (3).

(6) Any other relevant facts.

SEC. 3. *Same; investigation by Regional Director; definition of parties; notice of hearing; service of notice.*—After a petition has been filed, if it appears to the Regional Director that an investigation should be instituted he shall institute such investigation by issuing a notice of hearing, provided that the Regional Director shall not institute an investigation on a petition filed by an employer unless it appears to the Regional Director that two or more labor organizations have presented to the employer conflicting claims that each represents a majority of the employees in the bargaining unit or units claimed to be appropriate. The Regional Director shall prepare and cause to be served upon the petitioners and upon the employer or employers involved (all of whom are hereinafter referred to as “the parties”), and upon any known individuals or labor organizations purporting to act as representatives of any employees directly affected by such investigation, a notice of hearing upon the question of representation before a Trial Examiner at a time and place fixed therein, provided that when the petition is filed by an employer the Regional Director shall serve the notice of hearing

on the employer petitioner and on the labor organizations named in the petition (all of whom are hereinafter referred to as "the parties"), and upon any known individuals or labor organizations purporting to act as representatives of any employees directly affected by such investigation. A copy of the petition shall be served with such notice of hearing.

SEC. 4. *Appeals to Board by petitioner from action of Regional Director.*—If, after a petition has been filed, the Regional Director declines to institute an investigation, the employee, person, labor organization or employer filing the petition may obtain a review of such action by filing a request therefor with the Board in Washington, D. C., and filing a copy of such request with the Regional Director. This request shall contain a complete statement setting forth the facts and reasons upon which the request is based.

SEC. 5. *Same; motions; intervention; witnesses; subpoenas.*—All matters relating to motions, intervention, witnesses, and subpoenas shall be governed by the provisions of Sections 14 to 22 of Article II, inclusive, of these Rules and Regulations insofar as applicable, except that the references to "the Regional Director issuing the complaint" shall for the purposes of this Article, mean the Regional Director issuing the notice of hearing, and references to the "complaint" shall for the purposes of this Article mean the petition. Motions to dismiss petitions if made prior to the hearing, shall be filed with the Regional Director, and if made during the hearing, with the Trial Examiner, and shall be referred to the Board for appropriate action.

SEC. 6. *Conduct of hearing.*—The hearing upon the question of representation shall be conducted by a Trial Examiner designated by the Board or the Chief Trial Examiner, and shall be open to the public unless otherwise ordered by the Trial Examiner. At any time a Trial Examiner may be designated to take the place of the Trial Examiner previously designated to conduct the hearing. It shall be the duty of the Trial Examiner to inquire fully into the question of representation. Counsel for the Board, and the Trial Examiner, shall have power to call, examine, and cross-examine witnesses and to introduce into the record documentary and other evidence.

SEC. 7. *Introduction of evidence and rights of parties at hearing.*—The introduction of evidence at the hearing and the rights of the parties shall be governed by Sections 25, 26, 27, 28, 30, and 31 of Article II of these Rules and Regulations, insofar as applicable.

SEC. 8. *Record; what constitutes; transmission to Board.*—Upon the close of the hearing the Regional Director shall forward to the Board in Washington, D. C., the petition, notice of hearing, motions, rulings,

orders, the stenographic report of the hearing, stipulations, exhibits, documentary evidence, and depositions, all of which shall constitute the record in the proceeding.

SEC. 9. *Proceeding before Board; briefs; further hearing; direction of election; certification of representatives.*—The Board shall thereupon proceed, either forthwith upon the record, or after oral argument or the submission of briefs, or after further hearing, as it may determine, to direct a secret ballot of the employees in order to complete the investigation, or to certify to the parties the name or names of the representatives that have been designated or selected, or to make other disposition of the matter. Should any party desire to file a brief with the Board, the original and three copies thereof shall be filed with the Board at Washington, D. C., within seven days after the close of the hearing. Immediately upon such filing, the party filing the same shall serve a copy thereof upon each of the other parties.

SEC. 10. *Election procedure; election report; objections; Report on Objections; hearing on Objections; contents of record; action of Board on Objections and hearing.*—Where the Board determines that a secret ballot should be taken, it shall direct such ballot to be conducted by a designated agent upon such terms as it may specify. Upon the conclusion of such ballot the agent conducting the ballot shall prepare an Election Report containing a tally of the ballots, his rulings, if any, upon challenged ballots, and his findings and recommendations, which he shall cause to be served upon the parties. Within five days thereafter the parties may file with the agent conducting the ballot an original and three copies of Objections to the conduct of the ballot or the Election Report. Copies thereof shall be served upon each of the other parties.

If no objections are filed, the agent conducting the ballot shall forward to the Board in Washington, D. C., his Election Report, which, together with the record previously made, shall constitute the record in the case.

If Objections are duly filed, the agent conducting the ballot shall investigate the matters contained in the Objections and shall prepare and serve upon the parties his Report on Objections based upon such investigation which, together with the Election Report and Objections, he shall forward to the Board in Washington, D. C.

If it appears to the Board that any such Objections raise substantial and material issues with respect to the conduct of the ballot, the Board shall direct the agent conducting the ballot to issue and cause to be served upon the parties a notice of hearing on said Objections before a Trial Examiner designated by the Board or the Chief Trial Examiner. The hearing shall be conducted in accordance with the

provisions of Sections 5, 6, and 7 of this Article, insofar as applicable. Upon the close of the hearing, the agent conducting the ballot shall forward to the Board in Washington, D. C., the notice of hearing, motions, rulings, orders, stenographic report of the hearing, stipulations, exceptions, documentary evidence, all of which, together with the Election Report, the Objections, the Report on Objections, and the record previously made, shall constitute the record in the case. The Board shall thereupon proceed pursuant to Section 9 of this Article.

SEC. 11. *Proceedings before Board; filing petition with Board; investigation upon motion of Board; transfer of petition and proceeding from Region to Board or to another Region; consolidation of proceedings in same Region; severance; procedure before Board in cases over which it has assumed jurisdiction.*—Whenever the Board deems it necessary in order to effectuate the purposes of the Act, it may—

(a) permit a petition requesting an investigation and certification to be filed with it, and may upon the filing of such petition proceed to conduct an investigation under Section 9 (c) of the Act, or direct a Regional Director, or other agent or agency to conduct such an investigation; or

(b) upon its own motion conduct, or direct any member, Regional Director, or other agent or agency to conduct an investigation under Section 9 (c) of the Act; or

(c) at any time after a petition has been filed with a Regional Director pursuant to Section 1 of this Article, order that such petition and any proceeding which may have been instituted in respect thereto—

(1) be transferred to and continued before it, for the purpose of consolidation with any proceeding which may have been instituted by the Board, or for any other purpose; or

(2) be consolidated, for the purpose of hearing, or for any other purpose, with any other proceeding which may have been instituted in the same Region; or

(3) be transferred to and continued in any other Region, for the purpose of consolidation with any proceeding which may have been instituted in such other Region, or for any other purpose,

(4) be severed from any other proceeding with which it may have been consolidated.

The provisions of this Article shall insofar as applicable, apply to proceedings conducted pursuant to subsections (a), (b), and (c)

(1) of this section, and the powers granted to the Regional Director in such provisions shall for the purpose of this section be reserved to and exercised by the Board, or by the Regional Director, or other agent or agency, directed to conduct the investigation. After the transfer of any petition and any proceeding which may have been instituted in respect thereto from one region to another pursuant to subsection (c) (3) of this section, the provisions of this Article shall apply to such proceedings as if the petition had originally been filed in the region to which the transfer is made.

ARTICLE IV

DESIGNATION OF REGIONAL DIRECTORS, EXAMINERS, AND ATTORNEYS AS AGENTS OF THE BOARD

SECTION 1. *Powers and duties of Regional Directors.*—All Regional Directors now or hereafter in the employ of the Board are herewith designated by the Board as its agents:

(a) To prosecute any inquiry necessary to the functions of the Board, in accordance with Section 5 of the Act.

(b) To investigate concerning the representation of employees (including the taking of secret ballots of employees) and conduct hearings in connection with such investigations, in accordance with Section 9 (c) of the Act.

(c) To issue and cause to be served complaints, to amend complaints, and to conduct hearings upon such complaints, in accordance with Section 10 (b) of the Act.

(d) To have access to and the right to copy evidence, to administer oaths and affirmations, to examine witnesses, and to receive evidence, in accordance with Section 11 (1) of the Act.

SEC. 2. *Powers and duties of Examiners.*—All Examiners now or hereafter in the employ of the Board are herewith designated by the Board as its agents:

(a) To prosecute any inquiry necessary to the functions of the Board, in accordance with Section 5 of the Act.

(b) To investigate concerning the representation of employees (including the taking of secret ballots of employees), in accordance with Section 9 (c) of the Act.

(c) To have access to and the right to copy evidence, and to administer oaths and affirmations, in accordance with Section 11 (1) of the Act.

SEC. 3. *Powers and duties of attorneys.*—All attorneys now or hereafter in the employ of the Board are herewith designated by the Board as its agents:

(a) To prosecute any inquiry necessary to the functions of the Board, in accordance with Section 5 of the Act.

(b) To investigate concerning the representation of employees (including the taking of secret ballots of employees) and conduct hearings in connection with such investigation, in accordance with Section 9 (c) of the Act.

(c) To amend complaints issued under Section 10 (b) of the Act and to conduct hearings upon complaints issued in accordance with Section 10 (b) of the Act.

(d) To have access to and the right to copy evidence, to administer oaths and affirmations, to examine witnesses, and to receive evidence, in accordance with Section 11 (1) of the Act.

SEC. 4. *Special designation of agents.*—The foregoing designations shall not be construed to limit the power of the Board to make such special designation of agents as may in its discretion be necessary or proper to effectuate the purposes of the Act.

ARTICLE V

SERVICE OF PAPERS

SECTION 1. *Service of process and papers; proof of service.*—Complaints, orders, and other process and papers of the Board, its member, agent, or agency, may be served personally or by registered mail or by telegraph or by leaving a copy thereof at the principal office or place of business of the person required to be served. The verified return by the individual so serving the same, setting forth the manner of such service shall be proof of the same, and the return post-office receipt or telegraph receipt therefor when registered and mailed or telegraphed as aforesaid shall be proof of service of the same.

SEC. 2. *Same; by parties; proof of service.*—Service of papers by a party on other parties shall be made by registered mail or in any manner provided for the service of papers in a civil action by the law of the State in which the hearing is pending. When service is made by registered mail, the return post-office receipt shall be proof of service. When service is made in any manner provided by such law, proof of service shall be made in accordance with such law.

ARTICLE VI

CERTIFICATION AND SIGNATURE OF DOCUMENTS

SECTION 1. *Certification of papers and documents.*—The Executive Secretary of the Board, or in the event of his absence or disability, the Director of Field Division of the Board, shall certify copies of all papers and documents which are a part of any of the files or records of the Board as may be necessary or desirable from time to time.

SEC. 2. *Signatures of orders and complaints.*—The Executive Secretary of the Board, or in the event of his absence or disability, the Director of Field Division of the Board, is hereby authorized to sign all orders of the Board, and sign and issue all complaints authorized to be issued by the Board.

ARTICLE VII

PRACTICE BEFORE THE BOARD OF FORMER EMPLOYEES

SECTION 1. *Prohibition of practice before Board of its former Regional employees in cases pending in Region during employment.*—No person who has been an employee of the Board and attached to any of its Regional offices shall engage in practice before the Board or its agents in any respect or in any capacity in connection with any case or proceeding which was pending in any Regional office to which he was attached during the time of his employment with the Board.

SEC. 2. *Same; application to former employees of Washington staff.*—No person who has been an employee of the Board and attached to the Washington staff shall engage in practice before the Board or its agents in any respect or in any capacity in connection with any case or proceeding pending before the Board or any of the Regional offices during the time of his employment with the Board.

ARTICLE VIII

CONSTRUCTION OF RULES

SECTION 1. *Rules to be liberally construed.*—These Rules and Regulations shall be liberally construed to effectuate the purposes and provisions of the Act.

ARTICLE IX

AMENDMENTS

SECTION 1. *Amendment or rescission of rules.*—Any rule or regulation may be amended or rescinded by the Board at any time.



APPENDIX G
REGIONAL OFFICES

APPENDIX G

REGIONAL OFFICES

Regional Offices—location	Territory	Directing personnel
Region 1, Old South Building, Boston, Mass.	Maine; New Hampshire; Vermont; Massachusetts; Rhode Island; Windham, New London, Tolland, Hartford, and Middlesex Counties in Connecticut.	A. Howard Myers, director; Samuel G. Zack, attorney.
Region 2, 120 Wall St., New York, N. Y.	Litchfield, New Haven, and Fairfield Counties in Connecticut; Clinton, Essex, Washington, Warren, Saratoga, Schenectady, Albany, Rensselaer, Columbia, Greene, Dutchess, Ulster, Sullivan, Orange, Putnam, Rockland, Westchester, Bronx, New York, Richmond, Kings, Queens, Nassau, and Suffolk Counties in New York State; Sussex, Passaic, Bergen, Warren, Morris, Essex, Hudson, Union, Middlesex, Somerset, Monmouth, and Hunterdon Counties in New Jersey.	Charles T. Douds, director; Alan Perl, attorney.
Region 3, Federal Building, Buffalo, N. Y.	New York State, except for those counties included in the second Region.	Meyer S. Ryder, director; Peter J. Crotty, attorney.
Region 4, 1500 Bankers Securities Building, Philadelphia, Pa.	Mercer, Ocean, Burlington, Atlantic, Camden, Gloucester, Salem, Cumberland, and Cape May Counties in New Jersey; New Castle County in Delaware; all of Pennsylvania lying east of the eastern borders of Potter, Clinton, Centre, Mifflin, Huntingdon, and Franklin Counties.	Bennet F. Schaffner, director; Robert H. Kleeb, attorney.
Region 5, 601 American Building, Baltimore, Md.	Kent and Sussex Counties in Delaware; Maryland; District of Columbia; Virginia; North Carolina; Jefferson, Berkeley, Morgan, Mineral, Hampshire, Grant, Hardy, and Pendleton Counties in West Virginia.	William M. Aicher, director; Earle K. Shawe, attorney.
Region 6, 2107 Clark Building, Pittsburgh, Pa.	All of Pennsylvania lying west of the eastern borders of Potter, Clinton, Centre, Mifflin, Huntingdon, and Franklin Counties; Hancock, Brooke, Ohio, Marshall, Wetzel, Monongalia, Marion, Harrison, Taylor, Doddridge, Preston, Lewis, Barbour, Tucker, Upshur, Randolph, Webster, and Pocahontas Counties in West Virginia.	John F. LeBus, director; Henry Shore, attorney.
Region 7, 1342 National Bank Building, Detroit, Mich.	Michigan, exclusive of Gogebic, Ontonagon, Houghton, Keweenaw, Baraga, Iron, Dickinson, Marquette, Menominee, Delta, Ackerly, Schoolcraft, Luce, Chippewa, and Mackinac Counties.	Frank H. Bowen, director; Harold Craneheld, attorney.
Region 8, 713 Public Square Building, Cleveland, Ohio.	Ohio, north of the southern borders of Darke, Miami, Champaign, Union, Delaware, Licking, Muskingum, Guernsey, and Belmont Counties.	Walter E. Taag, director; Max W. Johnstone, attorney.
Region 9, 445 U. S. Post Office and Court House, Cincinnati, Ohio.	West Virginia, west of the western borders of Wetzel, Doddridge, Lewis, and Webster Counties and southwest of the southern and western borders of Pocahontas County; Ohio, south of the southern borders of Darke, Miami, Champaign, Union, Delaware, Licking, Muskingum, Guernsey, and Belmont Counties; Kentucky, east of the western borders of Hardin, Hart, Barren, and Monroe Counties.	Phillip G. Phillips, director.
Region 10, 10 Forsyth Street Building, Atlanta, Ga.	South Carolina; Georgia; Florida, east of the eastern borders of Franklin, Liberty, and Jackson Counties; Alabama, north of the northern borders of Choctaw, Marengo, Dallas, Lowndes, Montgomery, Macon, and Russell Counties; Tennessee, east of the eastern borders of Hardin, Decatur, Benton, and Henry Counties.	Howard F. LeBaron, director; Jerome I. Macht, attorney.
Region 11, Architects Building, Indianapolis, Ind.	Indiana, except for Lake, Porter, La Porte, St. Joseph, Elkhart, Lagrange, Noble, Steuben, and De Kalb Counties; Kentucky, west of the western borders of Hardin, Hart, Barren, and Monroe Counties.	James C. Clark, director; Arthur Donovan, attorney.

Regional Offices—location	Territory	Directing personnel
Region 12, Madison Building, Milwaukee, Wis.	Wisconsin; Gogebic, Ontonagon, Houghton, Keweenaw, Baraga, Iron, Dickinson, Marquette, Menominee, Delta, Alger, Schoolcraft, Luce, Chippewa, and Mackinac Counties in Michigan.	John E. Johnson, director; Robert Ackerberg, attorney.
Region 13, Midland Building, 176 West Adams Street, Chicago, Ill.	Lake, Porter, La Porte, St. Joseph, Elkhart, Lagrange, Noble, Steuben, and De Kalb Counties in Indiana; Illinois, north of the northern borders of Edgar, Coles, Shelby, Christian, Montgomery, Macoupin, Greene, Scott, Brown, and Adams Counties.	George J. Bott, director; Lester Asher, attorney.
Region 14, International Building, Chestnut & 8th Streets, St. Louis, Mo.	Illinois, south of the northern borders of Edgar, Coles, Shelby, Christian, Montgomery, Macoupin, Greene, Scott, Brown, and Adams Counties; Missouri, east of the western borders of Scotland, Knox, Shelby, Monroe, Audrian, Callaway, Osage, Maries, Phelps, Dent, Shannon, and Oregon Counties.	Ross M. Madden, director; Jack G. Evans, attorney.
Region 15, 820 Union Building, New Orleans, La.	Louisiana; Arkansas; Mississippi; Tennessee, west of the eastern borders of Hardin, Decatur, Benton, and Henry Counties; Alabama, south of the northern borders of Choctaw, Marengo, Dallas, Lowndes, Montgomery, Macon, and Russell Counties; Florida, west of the eastern borders of Franklin, Liberty, and Jackson Counties.	Charles H. Logan, director; C. Paul Barker, attorney.
Region 16, Federal Court Building, Fort Worth, Tex.	Oklahoma, Texas.....	Edwin A. Elliott, director; Elmer P. Davis, attorney.
Region 17, 903 Grand Ave., Kansas City, Mo.	Missouri, west of the western borders of Scotland, Knox, Shelby, Monroe, Audrian, Callaway, Osage, Maries, Phelps, Dent, Shannon, and Oregon Counties; Kansas; Nebraska.	Joseph E. Watson, director; Paul F. Nachtman, attorney.
Region 18, Wesley Temple Building, Minneapolis, Minn.	Minnesota, North Dakota, South Dakota, Iowa.	Robert Rissman, director; Stephen M. Reynolds, attorney.
Region 19, 812 Vance Building, Seattle, Wash.	Washington, Oregon, Idaho, Territory of Alaska.	Thomas P. Graham, Jr., director; William A. Babcock, Jr., attorney.
Region 20, 1095 Market St., San Francisco, Calif.	Nevada; California, north of the southern borders of Monterey, Kings, Tulare, and Inyo Counties.	Mrs. Alice M. Rosseter, director; Richard A. Perkins, attorney.
Region 21, 808 United States Post Office and Court House, Los Angeles, Calif.	Arizona; California, south of the southern borders of Monterey, Kings, Tulare, and Inyo Counties.	Elwyn J. Eagen, director; Guy Farmer, attorney.
Region 22, 312 Colorado Building, 16th & California Streets, Denver, Colo.	Montana, Utah, Wyoming, Colorado, New Mexico.	Louis J. Disser, director; Willard Y. Morris, attorney.
Region 23, 341 Federal Building, Honolulu, T. H.	Territory of Hawaii.....	Arnold L. Wills, director.
Region 24, Post Office Box 4507, San Juan, P. R.	Puerto Rico.....	Melton Boyd, director.

LIST OF TABLES AND CHARTS

Tables Appearing in Chapters III, IV, and V

TABLE	Page
1. Number of cases filed, 1936-1942.....	17
2. Comparison of distribution of Board cases and the distribution of workers covered by unemployment compensation in the 12 leading States.....	18
3. Industries with preponderance of representation cases.....	20
4. Industries with preponderance of unfair labor practice cases.....	20
5. Number of cases received and workers involved in cases received during 1942, by union or party filing.....	21
6. Unfair labor practice cases closed during 1942 compared with cases filed, by union or party filing.....	27
7. Representation cases closed during 1942 compared with cases filed, by type of petitioner.....	31
8. Comparison of the distribution of workers and the distribution of valid votes cast in 12 leading manufacturing industries.....	36
9. Results of elections and pay-roll checks conducted during 1942, by participating union.....	38

CHARTS

CHART	Page
1. How cases were disposed of during the fiscal year 1942.....	22
2. Comparison of the origin of cases closed and cases filed during the fiscal year 1942.....	23
3. Disposition of unfair labor practice cases closed during the fiscal year 1942.....	25
4. Disposition of representation cases closed during the fiscal year 1942..	29

APPENDIX TABLES

TABLE	Page
1. Number of cases received, closed, and pending during the fiscal year 1942, by party filing.....	76
2. Number of workers in cases received, closed, and pending during the fiscal year 1942, by party filing.....	76
3. Distribution of cases and workers involved in cases received during the fiscal year 1942, by month.....	77
4. Types of unfair labor practices alleged in charges received during the fiscal year 1942.....	77
5. Distribution of cases received during the fiscal year 1942, by State..	78
6. Distribution of cases received during the fiscal year 1942, by industry..	79
7. Disposition of all cases closed during the fiscal year 1942, by stage and method, by party filing.....	80
8. Percentage distribution of all cases closed during the fiscal year 1942, by stage and method.....	81
9. Disposition of unfair labor practice cases closed during the fiscal year 1942, by stage and method, by party filing.....	82

	Page
10. Percentage distribution of unfair labor practice cases closed during the fiscal year 1942, by stage and method.....	83
11. Disposition of representation cases closed during the fiscal year 1942, by stage and method, by party filing.....	84, 85
12. Percentage distribution of representation cases closed during the fiscal year 1942, by stage and method.....	86
13. Forms of remedy in unfair labor practice cases closed during the fiscal year 1942, by party filing.....	87
14. Number of cases pending before the National Labor Relations Board June 30, 1942, by status.....	87
15. Types of formal action taken by the National Labor Relations Board during the fiscal year 1942.....	87
16. Number of elections and pay-roll checks and number of votes cast for participating unions during the fiscal year 1942.....	88
17. Number of elections and pay-roll checks and number of votes cast for participating unions during the fiscal year 1942, by petitioning union.....	89
18. Number of elections and pay-roll checks and number of valid votes cast during the fiscal year 1942, by industry.....	90-91

