

Defendant's Exhibit No. A-45

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Extra copy

UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS
BOARD Seventeenth Region

Case No, XVII-C-371

In the Matter of

DONNELLY GARMENT COMPANY and INTERNATIONAL LADIES' GARMENT
WORKERS' UNION and DONNELLY GARMENT WORKERS UNION, Party to the
Contract

COMPLAINT

It having been charged by the International Ladies' Garment Workers' Union, hereinafter referred to as the I. L. G. W. U., that Donnelly Garment Company, Kansas City, Missouri, hereinafter referred to as respondent, has engaged in and is now engaging in certain unfair labor practices affecting commerce as set forth and defined in the National Labor Relations Act approved July 5, 1935, (49 Stat.449) the National Labor Relations Board by the Acting Regional Director for the Seventeenth Region, as agent for the National Labor Relations Board, designated by the National Labor Relations Board Rules and Regulations - Series 1, as amended - Article IV, Section 1, hereby issues its complaint and alleges the followings |

1. Respondent is and has been since 1919 a corporation organized under and existing by virtue of the laws of the State of Missouri, having its factory and principal place of business at 1820 Walnut Street, Kansas City, Missouri, and is now and has continuously been engaged in the business of designing, manufacturing, selling and distributing cotton, wool, silk and rayon low and medium- priced garments for women.

2. Respondent, in the course and conduct of its business, causes and has continuously caused substantially all of the materials used in the manufacture of its garments to be purchased and transported from and through states of the United States, other than the State of Missouri, to the Kansas City, Missouri factory of respondent, and causes and has continuously caused a substantial portion of the garments designed, manufactured, sold and distributed, to be sold, transported and distributed from the Kansas City, Missouri factory into and through states of the United States other than the State of Missouri to customers in other states.

3. International Ladies' Garment Workers' Union is a labor organization within the meaning of Section 2(5) of the National Labor Relations Act.

4. Donnelly Garment Workers Union, and its predecessor, Donnelly Loyalty League, are labor organizations within the meaning of Section 2(5) of said Act.

5. Respondent, while engaged at its Kansas City, Missouri plant, as aforesaid, on or about April 27, 1937, and down to and including the date of the filing of this complaint, has dominated and interfered in the formation and administration of a labor organization among its employees, known as "Donnelly Garment Workers Union," and has given financial aid and other support to said organization, in that respondent, among other things:

(a) Did encourage, allow and permit supervisory and other employees acting in the interest of respondent to organize, promote, encourage and coerce membership into the Donnelly Garment Workers union on respondent's time and on respondent's property and at respondent's pay and at its expense*

(b) Did, through its officers and agents acting in the interest of respondent, furnish financial and other support to Donnelly Garment Workers Union, in that supervisory and other employees were allowed to solicit membership, hold meetings and engage in concerted activities in behalf of Donnelly Garment Workers Union during working hours and on company property without loss of pay or other penalty and by various other means contributed financial aid and other support to said Donnelly Garment Workers Union.

(c) Did, through its officers and agents acting in the interest of respondent, form the Donnelly Loyalty League on or about February 12, 1935, for the purpose of impeding and preventing the organization of its employees by the I.L.G.W.U., and said officers and agents of respondent continued to dominate the administration of the Donnelly Loyalty League until on or about April 27, 1937, at which time said Donnelly Loyalty League at a meeting on respondent's property was succeeded by the Donnelly Garment Workers Union created to be a continuation of the Donnelly Loyalty League and to effect and carry out the policies of its predecessor and to be subservient and amenable to the wishes of respondent.

(d) Did enter into a closed-shop agreement with Donnelly Garment Workers Union on or about May 22, 1937, creating as a condition of employment, membership in said Donnelly Garment Workers Union, for the purpose of assisting said Union, compelling

membership therein, depriving its employees of their rights guaranteed under the National Labor Relations Act, and to further manifest its approval of and to lend support to said union.

6. Respondent, by the acts set forth in paragraph five (5), above, and by other acts, has dominated and interfered with the formation and administration of and has contributed financial aid and other support to labor organizations and did thereby engage in and is thereby engaging in unfair labor practices within the meaning of Section 8(2) of said Act.

7. Respondent, by the acts set forth in paragraph five (5), above, has interfered with, restrained and coerced its employees in the exercise of their rights guaranteed in Section 7 of said Act and has thereby engaged in and is thereby engaging in unfair labor practices within the meaning of Section 8(1) of said Act,

8. Respondent, by its officers and agents at its Kansas City, Missouri factory, while engaged in the operations described in paragraphs one (1) and two (2), above, did discharge from its employment Sylvia Hull, on or about April 23, 1937, and May Fike on or about April 26, 1937, for the reasons that they had joined and assisted the I.L.G.W.U. and engaged in concerted activities in its behalf, and thus discouraged membership in the I.L.G.W.U.

9. Respondent, by its discharge of Sylvia Hull and May Fike, and by its refusal to reinstate said employees for the reasons set forth in paragraph eight (8), above, has thereby discriminated and is thereby discriminating in regard to the hire and tenure of employment of said employees and did thereby engage in and is thereby engaging in unfair labor practices within the meaning of Section 8(3) of said Act.

10. Respondent, by the acts set forth in paragraph eight (8), above, has interfered with, restrained and coerced its employees in the exercise of their rights guaranteed in Section 7 of the Act and did thereby engage in and is thereby engaging in unfair labor practices within the meaning of Section 8(1) of said Act.

11. Respondent, by the acts set forth in paragraphs five (5) and eight (8), above, by interfering with, coercing, intimidating and threatening its employees to refrain from becoming members or meetings of I.L.G.W.U. under surveillance, by openly manifesting bitter hostility to the I.L.G.W.U., by the issuance of written and oral statements designed and calculated to discourage membership in the I.L.G.W.U., by showing preference and favoritism to the Donnelly Garment Workers Union, and making membership therein a

condition of employment, by depriving its employees of the opportunity of joining an organization of their own choosing, by discriminating in the allotment of work of members of sympathizers of the I.L.G.W.U., by questioning employees individually and collectively with regard to their union activity and prejudice, by instigating, allowing or permitting violent demonstrations upon its time and property against certain employees of respondent who were members of the I.L.G.W.U., and by various other similar acts and conduct, has interfered with, restrained and coerced and is interfering with, restraining and coercing its employees in the exercise of their rights to form, join and assist labor organizations of their own choosing, and did thereby engage in and is thereby engaging in unfair labor practices within the meaning of Section 8(1) of said Act.

12. The activities of respondent by the acts set forth in paragraphs five (5), eight (8) and eleven (11), above, occurring in connection with the operations of the respondent described in paragraphs one (1) and two (2), above, have a close, intimate and substantial relationship to trade, traffic, and commerce among the several states and tend to lead and have led to labor disputes burdening and obstructing commerce and the free flow of commerce.

13. The aforesaid acts of respondent constitute unfair labor practices affecting commerce within the meaning of Section 8(1), (2) and (3) and Section 2(6) and (7) of said Act.

WHEREFORE, the National Labor Relations Board on the sixth (6th) day of April, nineteen hundred and thirty-nine (1939), issues its complaint against the Donnelly Garment Company, respondent herein.

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NOTICE OF HEARING

PLEASE TAKE NOTICE, that on the thirteenth (13th) day of April, nineteen hundred and thirty-nine (1939), at 10:00 o'clock in the forenoon, at 1016 Scarritt Building, Kansas city, Missouri, a hearing will be conducted before the National Labor Relations Board by a Trial Examiner to be designated by it in accordance with its Rules and Regulations—Series 1, as amended—Article IV and Article II, Section 23, on the allegations set forth in the complaint attached hereto, at which time and place you will have the right to appear in person, or otherwise, and give testimony.

You are further notified that you have the right to file with the Acting Regional Director for the Seventeenth Region acting in this matter as the agent of the National Labor

Relations Board an answer to the complaint attached hereto within five (5) days from the date of service of said complaint.

Enclosed herewith for your information is a copy of Rules and Regulations—Series 1, as amended—made and published by the National Labor Relations Board pursuant to authority granted in the National Labor Relations Act. Your attention is particularly directed to Article II of said Rules and Regulations.

IN WITNESS WHEREOF the National Labor Relations Board has caused this its complaint and notice of hearing to be signed by the Acting Regional Director for the Seventeenth Region on the sixty (6th) day of April, nineteen hundred and thirty-nine (1939).

(N.L.R.B. SEAL)

/s/ Paul F. Broderick

Paul F. Broderick Acting Regional Director Seventeenth Region

National Labor Relations Board

1016 Scarritt Building Kansas City, Missouri