

SUPREME COURT OF THE UNITED STATES

Communications Workers of America, AFL-CIO v. National Labor Relations Board

362 U.S. 479 (1960) · No. No. 418 · Decided June 27, 1960

SUMMARY

The Supreme Court reviewed an NLRB cease-and-desist order finding that petitioner unions violated § 8(b)(1)(A) of the National Labor Relations Act. The Court held that extending the order to employees of “any other employer” was unwarranted because the violations found involved only Ohio Consolidated Telephone Company, and it modified and affirmed the judgment.

CASE DETAILS

COURT	Supreme Court of the United States
JURISDICTION	Federal
DECIDED	June 27, 1960
DOCKET	No. 418
DISPOSITION	other
PROCEDURAL POSTURE	The unions petitioned for review of a National Labor Relations Board order, and the Court granted certiorari to review the Sixth Circuit's enforcement of the order after modifying it.
STANDARD OF REVIEW	The Supreme Court reviewed the validity and permissible scope of the NLRB's remedial order.
PRECEDENTIAL VALUE	published precedential Supreme Court opinion
PARTIES	Communications Workers of America, AFL-CIO, et al. v. National Labor Relations Board

TOPICS

- unfair labor practices
- labor law
- administrative law
- judicial review of agency action
- appellate procedure

PRACTICE AREAS

- labor law
- administrative law
- unfair labor practices

QUESTIONS PRESENTED

1. Whether the NLRB could extend its cease-and-desist order to conduct involving employees of any other employer when the unions had been found to have violated the Act only with respect to Ohio Consolidated Telephone Company.
2. Whether the order, after deletion of the phrase "in any manner" by the Sixth Circuit, was valid as applied to the phrase "or any other employer."

HOLDINGS

1. The NLRB may not generally restrain unlawful practices involving other employers that it neither found to have occurred nor persuasively related to the proven unlawful conduct.
2. The phrase "or any other employer" was unwarranted and had to be deleted from the NLRB's order; the order was affirmed as so modified.

KEY QUOTATIONS

"It would seem . . . clear that the authority conferred on the Board to restrain the practice which it has found . . . to have [been] committed is not an authority to restrain generally all other unlawful practices which it has neither found to have been pursued nor persuasively to be related to the proven unlawful conduct." (362 U.S. at 480-81)

"We therefore conclude that the inclusion in the order of the words "or any other employer" was unwarranted and the order is modified by striking the same therefrom. As so modified, the judgment is affirmed." (362 U.S. at 481)

FACTUAL BACKGROUND

During a strike against Ohio Consolidated Telephone Company, the petitioner unions coerced employees in exercising their rights to refrain from or discontinue participation in the strike. The NLRB found a violation of § 8(b)(1)(A) and issued a cease-and-desist order covering coercion of employees of Ohio Consolidated or any other employer. The record did not establish violations against employees of any employer other than Ohio Consolidated, although employees loaned from affiliated companies were involved at the struck plant.

PROCEDURAL HISTORY

The NLRB found that the petitioner unions violated § 8(b)(1)(A) of the National Labor Relations Act by coercing employees during a strike. The Sixth Circuit enforced the Board's order after deleting the words "in any manner," and the Supreme Court granted certiorari based on an asserted conflict with a Fifth Circuit decision. The Supreme Court further modified the order by striking the phrase "or any other employer" and affirmed it as modified.

DISPOSITION

other

REMAND INSTRUCTIONS

The order was modified by striking the words "or any other employer" and, as modified, affirmed. No remand was ordered.

CASES CITED

- Labor Board v. Local 926, International Union of Operating Engineers, 267 F.2d 418 (5th Cir. 1959)
- Labor Board v. Express Publishing Co., 312 U.S. 426, 433 (1941)
- May Stores Co. v. Labor Board, 326 U.S. 376 (1945)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/federal/us-supreme-court/1960/communications-workers-of-america-afl-cio-v-national-labor-ciagxp00>