

1974 WL 27154 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 11, 1974

**\*1 Re: Labor Matters**

Mr. Paul Rowland  
Conciliation  
S. C. Department of Labor  
P. O. Box 11329  
Columbia, South Carolina 29211

Dear Paul:

I have reviewed your letter together with enclosures relating to the failure to recall the A & P employee after her lay-off. As I understand the facts, the complainant was a checker with A & P Food Store, and due to a curtailment in employment, was laid off and not recalled when the store began rehiring laid off employees.

From your enclosures and the information which you have furnished me, it appears that A & P has collective bargaining contracts in some of their food stores with the retail clerks; it further appears that A & P follows the terms and conditions of the collective bargaining contract in their non-unionized stores. The question which I was presented is whether or not A & P can require its non-union employees to abide by the terms of union contracts in other stores.

Although I find the practice utilized by A & P unusual and novel, I cannot find that it violates any State statute or regulation and can see no basis for legal action against A & P to compel them to recall the employee involved.

If I can be of any further assistance, please do not hesitate to contact me.

Very truly yours,

Ellison D. Smith, IV  
Assistant Attorney General

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