

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

ALONSO & CARUS IRON WORKS, INC.

and

Case 24-CA-11558

**UNITED STEEL WORKERS AFL-CIO,
LOCAL 6873**

DECISION AND ORDER

Statement of the Case

On August 23, 2011, Alonso & Carus Iron Works, Inc. (the Respondent), United Steelworkers AFL-CIO, Local 6873 (the Charging Party), and the Acting General Counsel of the National Labor Relations Board entered into a Formal Settlement Stipulation, subject to the Board's approval, providing for the entry of a consent order by the Board and a consent judgment by any appropriate United States Court of Appeals. The parties waived all further and other proceedings before the Board to which they may be entitled under the National Labor Relations Act, as amended, and the Board's Rules and Regulations, and the Respondent waived its right to contest the entry of a consent judgment or to receive further notice of the application therefor.

The Formal Settlement Stipulation is approved and made a part of the record, and the proceeding is transferred to and continued before the Board in Washington, D.C., for the entry of a Decision and Order pursuant to the provisions of the Formal Settlement Stipulation.¹

Based on the Formal Settlement Stipulation and the entire record, the Board makes the following:

Findings of Fact

1. The Employer's business

¹ On Mar. 10, 2011, administrative law judge Michael A. Rosas issued a Decision in the above-captioned case. On Apr. 7, 2011, the Respondent filed exceptions to the judge's decision, and on Apr. 29, the Acting General Counsel filed an answering brief. On Sept. 14, 2011, the Acting General Counsel and the Respondent filed a joint motion requesting withdrawal of the Respondent's exceptions and the Acting General Counsel's answering brief, and further requesting that the Board issue an Order as provided for in the parties' formal settlement stipulation. The motion is granted. We note that the formal settlement stipulation also provides that the above pleadings and the Respondent's Oct. 11, 2010 answer to the complaint have been withdrawn.

The Respondent, a Puerto Rico corporation, with an office and place of business in Cataño, Puerto Rico, has been engaged in the manufacturing and production of iron and steel products.

The Respondent, in conducting its operations described above, annually purchases and receives at its Cataño, Puerto Rico facility goods valued in excess of \$50,000 directly from points outside the Commonwealth of Puerto Rico.

At all material times the Respondent has been an employer engaged in commerce within the meaning of Sections 2(2), (6) and (7) of the Act.

2. The labor organization involved

United Steel Workers AFL-CIO, Local 6873, is a labor organization within the meaning of Section 2(5) of the Act.

ORDER

Based on the above findings of fact, the Formal Settlement Stipulation, and the entire record, and pursuant to Section 10(c) of the National Labor Relations Act, as amended, the National Labor Relations Board orders that

The Respondent, Alonso & Carus Iron Works, Inc., Cataño, Puerto Rico, its officers, agents, successors, and assigns, shall

1. Cease and desist from

(a) Denying employees' requests to be represented by a shop steward or union official at interviews when they reasonably believe that the interview might result in disciplinary action against them.

(b) Threatening with discharge any shop steward or union officials who accompany employees during interviews or meetings where such employees have a reasonable belief that the interview might result in disciplinary action against them.

(c) Maintaining in its employee handbook and enforcing the following rule regarding solicitation: Rule 46: "[holding] meetings and/or activities related to the union during working hours and without prior notification to management."

(d) In any like or related manner interfering with, restraining, or coercing employees in the exercise of the rights guaranteed them by Section 7 of the Act.

2. Take the following affirmative action necessary to effectuate the policies of the Act.

(a) Rescind in its employee handbook Rule 46, which prohibits employees from “[holding] meetings and/or activities related to the Union during working hours and without prior notification to management,” and notify employees that this action has been taken and that they do not have to request permission to engage in solicitation on employees’ own time in a non-work area.

(b) Within 14 days after service by the Region, post at its Cataño, Puerto Rico facility copies of the attached notice.² Copies of the notice, on forms provided by the Regional Director for Region 24, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places including all places where notices to employees are customarily posted. In addition to physical posting of paper notices, notices shall be distributed electronically, such as by email, posting on an intranet or an internet site, and/or other electronic means, if the Respondent customarily communicates with its employees by such means. Reasonable steps shall be taken by the Respondent to ensure that the notices are not altered, defaced, or covered by any other material. In the event that, during the pendency of these proceedings, the Respondent has gone out of business or closed the facility involved in these proceedings, the Respondent shall duplicate and mail, at its own expense, a copy of the notice to all current employees and former employees employed by the Respondent at any time since February 18, 2010.

(c) Within 21 days after service by the Region, file with the Regional Director a sworn certification of a responsible official on a form provided by the Region attesting to the steps that Respondent has taken to comply.

Dated, Washington, D.C., November 9, 2011.

Mark Gaston Pearce, Chairman

Craig Becker, Member

Brian E. Hayes, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD

² If this Order is enforced by a judgment of a United States court of appeals, the words in the notice reading "Posted by Order of the National Labor Relations Board" shall read "Posted Pursuant to a Judgment of the United States Court of Appeals Enforcing an Order of the National Labor Relations Board."

NOTICE TO EMPLOYEES

**Posted by Order of the
National Labor Relations Board
An Agency of the United States Government**

PURSUANT TO A STIPULATION PROVIDING FOR A BOARD ORDER
AND A CONSENT JUDGMENT OF ANY APPROPRIATE
UNITED STATES COURT OF APPEALS

FEDERAL LAW GIVES YOU THE RIGHT TO:

Section 7 of the National Labor Relations Act gives you as employees these rights:

- Form, join, or assist a union;
- Choose representatives to bargain with us on your behalf;
- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.

WE WILL NOT deny your requests to be represented by a shop steward or union official at an interview when you reasonably believe that the interview might result in disciplinary action against you.

WE WILL NOT threaten with discharge any shop steward or union official that accompanies an employee during an interview or meeting where that employee has reasonable belief that the interview might result in disciplinary action against him/her.

WE WILL NOT maintain a rule prohibiting any of our employees from engaging in union or other protected solicitation/distribution during non-work time and in non-work areas.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce employees in the exercise of the rights listed above.

WE WILL rescind Rule 46 from our employee handbook and any other rule prohibiting any employee from engaging in union or other protected solicitation/distribution during non-work time and in non-work areas, and we will inform you in writing that this has been done.

WE WILL permit you to be presented by a union official or shop steward at an interview or meeting which you reasonably believe might result in disciplinary action taken against you.

ALONSO & CARUS IRON WORKS, INC.
(Employer)

DATE: _____ BY: _____
(Representative) (Title)