

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

UNITED STATES POSTAL SERVICE

and

Cases 15-CA-19932
15-CA-20023

**AMERICAN POSTAL WORKERS UNION,
LOCAL 83**

and

**AMERICAN POSTAL WORKERS UNION,
NORTHWEST LOUISIANA AREA
LOCAL 418**

DECISION AND ORDER

Statement of the Cases

On September 7, 2011, United States Postal Service, (the Respondent); American Postal Workers Union, Local 83 (Local 83), and Northwest Louisiana Area Local 418 (Local 418) (collectively, the Local Unions), as local agents of the exclusive bargaining representative and National Union, American Postal Workers Union, AFL-CIO (APWU or National Union); 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

¹ Chairman Pearce and Member Becker note that the remedy to which the parties have agreed is not fully consistent with previous broad orders that the Board has issued against the Respondent in cases alleging that the Respondent has violated Sec. 8(a)(5) of the Act by failing and refusing to provide relevant information. See, e.g., *United States Postal Service*, 28-CA-17383 et al., unpublished order issued November 4, 2002, enfd. Case 02-9587 (10th Cir. 2003); and *United States Postal Service*, 345 NLRB 426 (2005), enfd. 486 F.3d 683 (10th Cir. 2007). These broad orders, as enforced by the United States Courts of Appeals, remain in effect. However, because all parties have

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

Findings of Fact

1. The Employer's business

The Respondent provides postal services for the United States and operates various facilities throughout the United States in the performance of that function, including the facilities located at 701 Loyola Ave., New Orleans, Louisiana and 2400 Texas Ave., Shreveport, Louisiana.

The Board has jurisdiction over the Respondent and these matters by virtue of Section 1209 of the Postal Reorganization Act, 39 U.S.C. Section 101 et seq. (PRA).

2. The labor organizations involved

The American Postal Workers Union, AFL-CIO, the exclusive bargaining representative, is a labor organization within the meaning of Section 2(5) of the Act, 29 U.S.C. §151 et seq., and Local 83 and Local 418 act as local agents of the National Union.

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, United States Postal Service, its officers, agents, successors, and assigns at 701 Loyola Ave, New Orleans, Louisiana and 2400 Texas Ave, Shreveport, Louisiana, shall:

1. Cease and desist from:

(a) Failing and refusing to bargain in good faith with the exclusive bargaining representative of its APWU-represented employees in a unit appropriate for collective bargaining by failing and refusing to furnish Local 83 or Local 418, in a timely manner, information requested by Local 83 or Local 418 which is relevant to and necessary for

agreed to the terms of this Formal Settlement Stipulation, Chairman Pearce and Member Becker have determined that approval of the parties' settlement will effectuate the purposes of the Act. The Board's approval of this stipulation does not modify these orders in any respect.

Local 83 or Local 418's representation of employees as local agents of the National Union.

(b) In any like or related manner interfering with, restraining or coercing employees in the exercise of the rights to self-organization, to form, join, or assist any labor organization, to bargain collectively through representatives of their own choosing, to file charges with or give testimony before the Board, or to engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection, or to refrain from any and all such activities.

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

(a) Within 14 days from the date of this Order, bargain in good faith with the exclusive representative of the Respondent's APWU-represented employees by informing Local 83 and Local 418, in writing, as local agents of the National Union, that the Respondent will timely provide them with relevant requested information in the future and that Local 83 or Local 418 may request relevant information from the Respondent.

(b) Preserve and, within 14 days of a request, make available to the Board or its agents for examination and copying, all records necessary to determine that the terms of this Order have been complied with.

(c) Within 14 days after service by the Region, post at its facility located at 701 Loyola Ave., New Orleans, Louisiana, 70113, copies of the attached notice marked "Appendix A."² Copies of the notice, on forms provided by the Regional Director for Region 15, 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 the closed facility at any time since January 1, 2011.

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."

(d) Within 14 days after service by the Region, post at its facility located at 2400 Texas Ave., Shreveport, Louisiana, 71102, copies of the attached notice marked "Appendix B."³ Copies of the notice, on forms provided by the Regional Director for Region 15, 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 the closed facility at any time since January 1, 2011.

(e) 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 the Respondent has taken to comply.

Dated, Washington, D.C., October 17, 2011.

Mark Gaston Pearce, Chairman

Craig Becker, Member

Brian E. Hayes, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD

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APPENDIX A

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 interfere with, restrain or coerce you in regards to the exercise of these rights. More specifically,

WE WILL NOT refuse to bargain in good faith with the American Postal Workers Union, AFL-CIO (National Union) as the exclusive collective-bargaining representative of our employees in the following appropriate unit:

[A]ll employees in the bargaining unit for which the American Postal Workers Union, AFL-CIO, has been recognized and certified at the national level, excluding managerial and supervisory personnel, professional employees, employees engaged in personnel work in other than a purely non-confidential clerical capacity, security guards as defined in Public Law 91-375, 1201(2), all Postal Inspection Service Employees, employees in the supplemental work force as defined in Article 7, Rural Letter Carriers, Mail handlers, and Letter carriers.

WE WILL NOT refuse to bargain in good faith with the American Postal Workers Union, Local 83 (Local Union) as the National Union's local agent for administering the collective-bargaining agreement at the employer's facility located at 701 Loyola Ave., New Orleans, Louisiana, 70113.

WE WILL NOT fail and refuse to provide the Local Union with requested information that is relevant and necessary to its responsibilities as the local agent for the collective-bargaining representative of APWU-represented employees.

WE WILL NOT delay in providing the Local Union with requested information in our possession.

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

WE WILL, upon request, bargain in good faith with the Local Union as the National Union's local agent for administering the collective-bargaining agreement at your facility.

WE WILL furnish in a timely manner, when requested by the Local Union, information relevant and necessary for it to perform its duties as the National Union's local agent for administering the collective-bargaining agreement at your facility.

UNITED STATES POSTAL SERVICE
(Employer)

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

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE

This notice must remain posted for 60 consecutive days from the date of posting and must not be altered, defaced or covered by any other material.

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. We conduct secret-ballot elections to determine whether employees want union representation and we investigate and remedy unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below. You may also obtain information from the Board's website: www.nlrb.gov

600 S. Maestri Place, 7th Floor
New Orleans, LA 70130

Telephone: (504) 589-6361
Hours of Operation: 8:00 a.m. to 4:30 p.m.

APPENDIX B

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WE WILL NOT interfere with, restrain or coerce you in regards to the exercise of these rights. More specifically,

WE WILL NOT refuse to bargain in good faith with the American Postal Workers Union, AFL-CIO (National Union) as the exclusive collective-bargaining representative of our employees in the following appropriate unit:

[A]ll employees in the bargaining unit for which the American Postal Workers Union, AFL-CIO, has been recognized and certified at the national level, excluding managerial and supervisory personnel, professional employees, employees engaged in personnel work in other than a purely non-confidential clerical capacity, security guards as defined in Public Law 91-375, 1201(2), all Postal Inspection Service Employees, employees in the supplemental work force as defined in Article 7, Rural Letter Carriers, Mail handlers, and Letter carriers.

WE WILL NOT refuse to bargain in good faith with the American Postal Workers Union, Northwest Louisiana Area Local 418 (Local Union) as the National Union's local agent for administering the collective-bargaining agreement at the employer's facility located at 2400 Texas Ave., Shreveport, Louisiana, 71102.

WE WILL NOT fail and refuse to provide the Local Union with requested information that is relevant and necessary to its responsibilities as the local agent for the collective-bargaining representative of APWU-represented employees.

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