

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

UNITED STATES POSTAL SERVICE

and

**Cases 07-CA-076394
07-CA-079605
07-CA-079609
07-CA-079614**

**BRANCH 654, NATIONAL ASSOCIATION
OF LETTER CARRIERS, AFL-CIO**

DECISION AND ORDER

Statement of the Case

On July 13, 2012, United States Postal Service, (the Respondent), Branch 654, National Association of Letter Carriers, AFL-CIO (the Charging 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 National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

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 Block 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 See, e.g., *United States Postal Service*, 28-CA-17383 et al., unpublished order issued November 4, 2002, enfd.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 agreed to the terms of this Formal Settlement Stipulation, they 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.

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

Findings of Fact

1. The Employer's business

At all material times, the Respondent has provided postal services for the United States and has operated various facilities throughout the United States in the performance of that function, including facilities located at 155 South Main Street, Mt. Clemens, Michigan, (the Mt. Clemens Main facility), and 15285 Samohin Dr., Macomb Township, Michigan, (the Mt. Clemens Annex), and collectively called the Respondent's Mt. Clemens facilities.

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

2. The labor organizations involved

At all material times, the National Union of Letter Carriers, AFL-CIO, (the National Union), and the Charging Union have each been 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, United States Postal Service, Mt. Clemens, Michigan, its officers, agents, successors, and assigns shall:

1. Cease and desist from

(a) Unreasonably delaying in furnishing the Charging Union with relevant requested information, or in any like or related manner interfering with, restraining, or coercing its employees in the exercise of the rights guaranteed in Section 7 of the Act.

(b) In any like or related manner refusing to bargain collectively and in good faith with the Charging Union as the servicing representative of the exclusive collective-bargaining representative of the unit.

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

(a) Promptly provide the Charging Union with relevant information that it requests and, if unable to locate any of the requested information, explain the reasons for the unavailability to the Charging Union.

(b) Within 14 days of service by the Region, post at its Mt. Clemens facilities, copies of the attached notice marked as "Appendix A." Copies of the notice, on forms provided by Region 7, 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, the Respondent shall distribute notices electronically, by email, posting on an intranet or internet site, and/or other electronic means, if the Respondent customarily communicates with its employees by such means. The Respondent will take reasonable steps 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 any of the facilities 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 March 19, 2012.

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

Dated, Washington, D.C., August 29, 2012

Mark Gaston Pearce, Chairman

Brian E. Hayes, Member

Sharon Block, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD

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

We are posting this Notice to inform you of the rights guaranteed to you by the National Labor Relations Act

FEDERAL LAW GIVES YOU THE RIGHT TO:

- 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 assure you that:

WE WILL NOT refuse to provide timely responses to requests from Branch 654, National Association of Letter Carriers, AFL-CIO (the Union) for information that is necessary for and relevant to the Union's performance of its duties as the designated servicing representative of the exclusive collective- bargaining representative of certain of our employees.

WE WILL NOT in any like or related manner interfere with, restrain or coerce you in the exercise of the rights guaranteed you by Section 7 of the Act.

WE WILL promptly provide the Union with the relevant information that it requests and, if we are unable to locate any of the requested information, **WE WILL** explain the reasons for the unavailability to the Union.

UNITED STATES POSTAL SERVICE

(Employer)