

OK ASK 8/15/2012

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UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 9

In the Matter of

UNITED STATES POSTAL SERVICE

and

Cases 9-CA-061074  
9-CA-061086  
9-CA-074653

AMERICAN POSTAL WORKERS UNION,  
RADCLIFF LOCAL 6662, AFL-CIO

**FORMAL SETTLEMENT STIPULATION**

I. **INTRODUCTION:**

Through this Formal Settlement Stipulation, the undersigned parties to this proceeding agree that, upon approval of this stipulation by the Board, a Board Order in conformity with its terms will issue and a court judgment enforcing the Order will be entered. The parties also agree to the following.

II. **JURISDICTION:**

1. United States Postal Service (Respondent), provides postal services for the United States and operates facilities throughout the United States in the performance of that function, including its facility in Radcliff, Kentucky, the only facility involved in this proceeding.

2. The Board has jurisdiction over Respondent and this matter by virtue of Section 1209 of the PRA.

III. **LABOR ORGANIZATION STATUS:**

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At all material times, the American Postal Workers Union, Radcliff Local 6662, AFL-CIO, (the Union) has been a labor organization within the meaning of Section 2(5) of the Act.

IV. **PROCEDURE:**

1. **FILING AND RECEIPT OF CHARGES**

a. On July 11, 2011, the Union filed a charge in Case 9-CA-061074, which was served on Respondent on July 12, 2011. Respondent acknowledges receipt of the charge.

b. On July 11, 2011, the Union filed a charge in Case 9-CA-061086, which was served on Respondent on July 12, 2011. Respondent acknowledges receipt of the charge.

c. On February 15, 2012, the Union filed a charge in Case 9-CA-074653, which was served on Respondent on February 16, 2012. Respondent acknowledges receipt of the charge.

d. On April 9, 2012, the Union filed an amended charge in Case 9-CA-074653, which was served on Respondent on April 10, 2012. Respondent acknowledges receipt of the charge.

2. **ISSUANCE OF COMPLAINT**

On May 30, 2012, the Regional Director for Region 9 of the Board issued an Order Vacating and Setting Aside Settlement Agreement, Order Consolidating Cases, Consolidated Complaint and Notice of Hearing in Cases 9-CA-061074, 9-CA-061086 and 9-CA-074653 alleging that Respondent violated the National Labor Relations Act.

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Respondent and the Union each acknowledge receipt of a copy of the document, which was served by certified mail on May 30, 2012.

3. ANSWER

By entering into this stipulation, the parties agree that the Answer to the Order Vacating and Setting Aside Settlement Agreement, Order Consolidating Cases, Consolidated Complaint filed by Respondent on June 13, 2012 is withdrawn.

4. WAIVER

All parties waive the following: (a) filing of answer; (b) hearing; (c) administrative law judge's decision; (d) filing of exceptions and briefs; (e) oral argument before the Board; (f) the making of findings of facts and conclusions of law by the Board; and (g) all other proceedings to which the parties may be entitled under the Act of the Board's Rules and Regulations.

5. THE RECORD

The entire record in this matter consists of the following documents: this stipulation, the charges, and the Order Vacating and Setting Aside Settlement Agreement, Order Consolidating Cases, Consolidated Complaint and Notice of Hearing and Notice of Calendar Call, are attached hereto as Exhibits 1 through 6.

V. ENTIRE AGREEMENT

This stipulation constitutes the entire agreement between the parties and there is no agreement of any kind, verbal or otherwise, that alters or adds to it. It is understood that the signing of this stipulation by Respondent does not constitute an admission that it has violated the Act.

VI. SCOPE OF THE STIPULATION AND RESERVATION OF EVIDENCE

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This stipulation applies only to the facility identified in Section II, above, and settles only the allegations in the above-captioned cases and does not constitute a settlement of any other cases or matters. It does not preclude persons from filing charges, the General Counsel from prosecuting complaints, Respondent from defending allegations, or the Board and courts from finding violations with respect to matters which precede the date of the approval of this stipulation, regardless of whether those matters are known to the General Counsel or are readily discoverable. The General Counsel reserves the right to use the evidence obtained in the investigation and prosecution of the above-captioned cases for any relevant purpose in the litigation of these or any other cases, and a judge, the Board and the courts may make findings of fact and/or conclusions of law with respect to that evidence.

VII. **EFFECTIVE DATE**

This settlement stipulation is subject to the approval of the Board and does not become effective until the Board has approved it. The Regional Director will file with the Board this stipulation and the documents constituting the record as described above. Once the Board has approved the stipulation, Respondent will immediately comply with the provisions of the Order as set below.

VIII. **ORDER:**

Based on this stipulation and the record as described above, and without any further notice of proceedings, the Board may immediately enter an order applicable only to the facility identified in Section II, above, providing as follows:

Respondent, United States Postal Service, its officers, agents, successors, and assigns, shall:

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1. Cease and desist from:

(a) Delaying in providing the Union with information that is relevant and necessary for it to fulfill its role as the collective bargaining representative of its employees in the unit described below.

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

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

(a) On request by the American Postal Workers Union, Radcliff Local 6662, AFL-CIO, furnish the Union information which is necessary for, and relevant to, the Union's performance of its functions as the exclusive collective bargaining representative of the employees in the following appropriate unit:

All full-time and regular part-time maintenance employees, motor vehicle employees, postal clerks, equipment shop employees, material distribution centers employees, and operating services and facilities services employees; but excluding all managerial and supervisory employees, all professional employees, employees engaged in personnel work in other than a purely non-confidential clerical capacity, all security guards as defined in Public Law 91-375, 1201(2), all Postal Inspection Service employees, and all rural letter carriers, mail handlers and letter carriers.

(b) Within 14 days of service by the Region, post at its Radcliff, Kentucky facility, copies of the attached notice marked Appendix A. Copies of the notice, on forms provided by Region 9, after being signed by Respondent's authorized representative, shall be posted by Respondent immediately upon receipt 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,

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Respondent shall distribute notices electronically, by mail, posting on an intranet or internet site, and/or electronic means, if the Respondent customarily communicates with its employees by such means. 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, Respondent has closed the facility involved in these proceedings, Respondent shall duplicate and mail, at its own expense a copy of the notice to all current employees and former employees employed by Respondent at any time since June 28, 2011.

© 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.

IX. **ENFORCEMENT ORDER**

The United States Court of Appeals for any appropriate circuit may, on application by the Board, enter its judgment enforcing the Order of the Board in the form set forth above. Respondent waives all defenses to the entry of the judgment, including compliance with the order of the Board and its right to receive notice of the filing of an application for the entry of such judgment, provided that the judgment is in the words set forth above. However, Respondent shall be required to comply with the affirmative provisions of the Board's Order after entry of the judgment only to the extent that it has not already done so.

UNITED STATES POSTAL SERVICE

(Respondent)

OR ASK  
8/15/12

By: AWARD SHENNA, Esq.  
AWARD

8/15/2012  
Date

AMERICAN POSTAL WORKERS UNION,  
RADCLIFF LOCAL 6662, AFL-CIO

(Union)

By: [Signature]

8-17-2010  
Date

Approval recommended:  
Eric J. Gill  
Eric J. Gill  
Attorney

Date: 8/20/12

Approved:  
Gary W. Muffley  
Gary W. Muffley, Regional Director  
National Labor Relations Board, Region 9  
3003 John Weld Peck Federal Building  
550 Main Street  
Cincinnati, Ohio 45202

Date: 8/21/12

APPENDIX A

Pursuant to a stipulation for a Board order and consent judgment of any appropriate United States Court of Appeals, the National Labor Relations Board has ordered us to post and abide by this notice.

And in order to effectuate the policies of the National Labor Relations Act, as amended, we hereby notify you that:

**FEDERAL LAW GIVES YOU THE RIGHT TO:**

Form, join, or assist a union;

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Choose a representative 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**, on request by the Union, furnish the Union information which is necessary for, and relevant to, the performance of its function as the exclusive collective-bargaining representative of the employees in the appropriate unit:

All full-time and regular part-time maintenance employees, motor vehicle employees, postal clerks, equipment shops employees, material distribution centers employees, and operating services and facilities services employees; but excluding all managerial and supervisory employees, all professional employees, employees engaged in personnel work in other than a purely non-confidential clerical capacity, all security guards as defined in Public Law 91-375, 1201(2), all Postal Inspection Service employees, and all rural letter carriers, mail handlers and letter carriers.

**WE WILL NOT** delay in providing American Postal Workers Union, Radcliff Local 6662, AFL-CIO, with information that is relevant and necessary to the Union's representational duties and **WE HAVE** furnished the Union with the information it requested by or on June 28, 2011, October 21, 2011 and December 13, 2011. it relates to these charges.

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

**UNITED STATES POSTAL SERVICE**

(Employer)

Dated: \_\_\_\_\_ By: \_\_\_\_\_  
(Representative) (Title)

The National Labor Relations Board is an independent 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 or you may call the Board's toll-free number 1-866-667-NLRB (1-866-667-6572). Hearing impaired employees may contact the Agency's TTY service at 1-866-315-NLRB. You may also obtain information from the Board's website: [www.nlr.gov](http://www.nlr.gov).

550 Main St.

Telephone (513) 684-3686

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p.m.

Cincinnati, Ohio 45202-3222

Hours of Operation: 8:30 a.m. to 5