United States Government

NATIONAL LABOR RELATIONS BOARD
REGION 7

MEMORANDUM

TO: Lester A. Heltzer, Executive Secretary

FROM: Terry A. Morgan, Director
Region 7 - Detroit

RE: United States Postal Service
Case 07-CA-078907

DATE: September 12, 2012

TRANSMITTAL OF SETTLEMENT STIPULATION

Pursuant to CHM 10164.8, we are forwarding, electronically, this memorandum, the approved Settlement Stipulation and the documents constituting the record in this matter.

The Settlement Stipulation, a bilateral agreement, fully remedies all operative allegations of the Complaint and Notice of Hearing (Exhibit C), including Respondent's unreasonable delay in providing the Charging Party with requested relevant and necessary information. Also, the Settlement Stipulation provides for a narrow cease-and-desist order, a notice posting, and contains an enforcement provision (page 6) with the United States Court of Appeals.

The Region approved an informal settlement agreement in prior Case 7-CA-53099 on December 13, 2010 involving, in part, Respondent's failure to provide the Charging Union with requested relevant and necessary information. Accordingly, we believe that the Settlement Stipulation provides adequate assurances against further violations of the Act, including instances of both Respondent's failure and delay in providing information.

T.A.M.

cc:

Joan A. Sullivan, Deputy Assistant General Counsel

William B. Cowen, Solicitor

The following are the addresses and phone numbers of the parties.

Representative for Respondent:
David F. Wightman, Esquire
United States Postal Service Law Department
433 West Harrison Street, 7th Floor
Chicago, IL 60699-7000
312-669-5927
312-669-5981 (fax)
david.f.wightman@usps.gov

Charging Union:
Joseph G. Wrobel, APWU Motor Vehicle Services Craft Dir.
480-481 Local, American Postal Workers Union (APWU), AFL-CIO
810 Livernois
Ferndale, MI 48220-2309
248-543-3262
248-543-2750 (fax)
yrubnu@hotmail.com

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

UNITED STATES POSTAL SERVICE

Respondent

and **CASE 07-CA-078907**

480-481 AREA LOCAL, AMERICAN POSTAL WORKERS UNION (APWU), AFL-CIO

Charging Union

FORMAL SETTLEMENT STIPULATION

I. INTRODUCTION

Through this formal settlement stipulation, the undersigned parties and Counsel for the Acting General Counsel of the National Labor Relations Board, 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. Respondent provides postal services for the United States and operates various facilities throughout the United States in the performance of that function, including its Michigan Metroplex Processing & Distribution Center (P&DC) facility located at 711 North Glenwood Avenue, in Pontiac, Michigan.

2. The Board has jurisdiction over Respondent and this matter by virtue of Section 1209 of the Postal Reorganization Act, U.S.C. Sec 101 et. seq., herein called PRA.

III. LABOR ORGANIZATION STATUS

At all material times, the American Postal Workers Union, AFL-CIO, herein called the National Union, and the Charging Union, have each been a labor organization within the meaning of Section 2(5) of the Act.

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IV. PROCEDURE

1. **FILING AND RECEIPT OF CHARGES**. On April 12, 2012, the Charging Union filed a charge in Case 07-CA-078907, which was served on Respondent by regular mail on April 17, 2012. On June 12, 2012, the Charging Union filed an amended charge in Case 07-CA-078907, which was served on Respondent by regular mail on the same date. Respondent acknowledges receipt of the original charge and the amended charge.

2. **ISSUANCE OF COMPLAINT**. On June 13, 2012, the Regional Director for Region Seven of the Board issued a Complaint and Notice of Hearing in Case 07-CA-078907 alleging that Respondent violated the National Labor Relations Act. Respondent and the Charging Union each acknowledge receipt of a copy of the Complaint and Notice of Hearing which was served by certified mail and regular mail on Respondent and the Charging Union, respectively, on June 13, 2012.

3. By entering into this Formal Settlement Stipulation, the parties agree that the Answer to the Complaint filed by Respondent on or about July 2, 2012, is withdrawn.

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

5. **THE RECORD**. The entire record in this matter consists of the following documents: this stipulation, the charge, amended charge, and Complaint and Notice of Hearing. Copies of the charge, amended charge, and Complaint and Notice of Hearing are attached as Exhibits A through C, respectively.

6. **ENTIRE AGREEMENT**. This stipulation constitutes the entire agreement between the parties; there is no agreement of any kind, verbal or otherwise, that alters or adds to it.

7. **SCOPE OF THE STIPULATION AND RESERVATION OF EVIDENCE**. This stipulation settles only the allegations in the above-captioned case and does not constitute a settlement of any other cases or matters. It does not preclude persons from filing charges, the Acting General Counsel from prosecuting complaints, or the Board and the courts from finding violations with respect to matters that precede the date of the approval of this stipulation, regardless of whether those matters were known to the Acting General Counsel or were readily discoverable. The Acting General Counsel reserves the right to use the evidence obtained in the investigation and prosecution of the above-

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captioned case for any relevant purpose in the litigation of this 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.

8. **EFFECTIVE DATE**. This stipulation is subject to approval by the Board and it 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 forth below.

V. FACTS

1. (a). The employees of Respondent as described in Article 39, Motor Vehicle Services, of the collective-bargaining agreement described below in paragraph 1(b), herein called the Unit, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act.

(b). Since at least 1990, and at all material times, Respondent has recognized the National Union as the exclusive collective-bargaining representative of the Unit. This recognition has been embodied in successive collective-bargaining agreements, the most recent of which is effective from November 21, 2010, to May 20, 2015.

(c). At all material times, the National Union has been the exclusive collective-bargaining representative of the Unit based on Section 9(a) of the Act.

d). At all material times, the Charging Union has been the servicing agent of the exclusive collective-bargaining representative for the employees in the Unit at Respondent's Michigan Metroplex Processing & Distribution Center (P&DC) facility.

2. On about February 13 and February 16, 2012, the Charging Union requested, in writing, that Respondent furnish, among other things, the following information:

(a). all cases where postal leased equipment (Z Trailers) are used for the month of February 2012;

(b). copies of all 5397 sheets for the month of February 2012;

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(c). a copy of the expiration date for the emergency contract given to ADS for the work formerly done by Bobby Moore/Moore Transportation, including the contract number.

3. On about February 16, 2012, the Charging Union requested, in writing, that Respondent furnish, among other things, the following information:

(a). the name of the person or persons and their location, email addresses, and phone numbers, who can provide the information described above in paragraphs 2(a) and (b), regarding the Flint and Saginaw Loads;

(b). the name of the person or persons and their location, email addresses, and phone numbers, who can provide the information described above in paragraph 2(c), regarding the HCR contract currently being done by ADS and previously done by Bobby Moore/Moore Transportation, covering runs including P1-Warren, Roseville, Mount Clemens, Mount Clemens Annex, Port Huron, St. Clair, St. Clair Annex, Anchorville, Fair Haven, Algonac and Marine City.

4. On about March 6, March 7 and March 14, 2012, the Charging Union requested, in writing, that Respondent furnish it with copies of any and all information, forms, statements, emails, and any other information regarding the termination or discontinuation of the contract(s) of the contractor H & S, including but not limited to:

(a). how the new contractor ADS was selected;

(b). the name or names of the persons making the decisions to award this work to the new contractor ADS;

(c). a copy of ADS' new contract.

5. The information requested by the Charging Union, as described in paragraphs 2 through 4 is necessary for, and relevant to, the Charging Union's performance of its duties as the designated servicing agent of the National Union for the employees in the Unit described in paragraph 1.

6. From about February 13, 2012, to about May 2, 2012, Respondent unreasonably delayed in furnishing the Charging Union with information described in paragraph 2.

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7. From about February 16, 2012, to about March 7, 2012, Respondent unreasonably delayed in furnishing the Charging Union with information described in paragraph 3.

8. From about March 6, 2012, to about April 26, 2012, Respondent unreasonably delayed in furnishing the Charging Union with information described in paragraphs 4(a) and 4(c).

9. From about March 6, 2012, to about June 1, 2012, Respondent unreasonably delayed in furnishing the Charging Union with the information described in paragraph 4(b).

10. By the conduct described in paragraphs 6 through 9, Respondent has been failing and refusing to bargain collectively and in good faith with the Charging Union as the servicing agent of the exclusive collective-bargaining representative of the Unit described in paragraph 1, in violation of Section 8(a)(1) and (5) of the Act, and within the meaning of the PRA.

VI. 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 providing as follows:

Respondent, United States Postal Service, 711 North Glenwood Avenue, Pontiac, Michigan, its officers, agents, successors and assigns, shall:

1. Cease and desist from:

(a) unreasonably delay in furnishing the Charging Union with relevant requested information, or in any like or related manner interfering with, restraining, or coercing employees in the exercise of the rights guaranteed in Section 7 of the Act; and

(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.

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(b) Within 14 days of service by Region Seven, post copies of the attached Notice (Appendix A) at the Michigan Metroplex Processing & Distribution Center (P&DC) facility, Pontiac, Michigan. Copies of the notice, on forms provided by Region Seven, 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. Respondent will take reasonable steps to ensure that the notices are not altered, defaced, or covered by any other material.

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

VII. ENFORCEMENT OF 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

By [signature] Attorney 8-27-12
(Name) (Title) (Date)

433 Harrison 7th Fl
(Street)

Chicago IL 60699-7000
(City) (State) (Zip Code)

[signature] 8-27-12

480-481 AREA LOCAL,
AMERICAN POSTAL WORKERS UNION
(APWU), AFL-CIO
Charging Union

By: X Joseph G. Weobel JOSEPH G. WEOBEL APWU MVS CRAFT DIR. 8/28/12
(Name) (Title) (Date)

X 810 LIVERNOIS
(Street)

X FERNDALE MI 48220
(City) (State) (Zip Code)

Approval Recommended:

Eric S. Cockrell 9-5-12
Eric S. Cockrell, Counsel for the Acting General Counsel (Date)
National Labor Relations Board, Seventh Region
Patrick V. McNamara Federal Building
Room 300, 477 Michigan Avenue
Detroit, Michigan 48226-2569

Approved:

Terry Morgan 9/12/2012
Terry Morgan, Regional Director (Date)
National Labor Relations Board, Seventh Region
Patrick V. McNamara Federal Building
Room 300, 477 Michigan Avenue
Detroit, Michigan 48226-2569

Initials: JW
Date: 8/28/12

480-481 AREA LOCAL,
AMERICAN POSTAL WORKERS UNION
(APWU), AFL-CIO
Charging Union

By:_____
(Name) (Title) (Date)

_____
(Street)

_____
(City) (State) (Zip Code)

Approval Recommended:

_____ _____
Eric S. Cockrell, Counsel for the Acting General Counsel (Date)
National Labor Relations Board, Seventh Region
Patrick V. McNamara Federal Building
Room 300, 477 Michigan Avenue
Detroit, Michigan 48226-2569

Approved:

_____ _____
Terry Morgan, Regional Director (Date)
National Labor Relations Board, Seventh Region
Patrick V. McNamara Federal Building
Room 300, 477 Michigan Avenue
Detroit, Michigan 48226-2569

27-12

FORM NLRB-501 (11-88)

FORM EXEMPT UNDER 44 U.S.C. 3512

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
07-CA-078907	4-12-2012

INSTRUCTIONS:
File an original and 4 copies of this charge with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer: United States Postal Service

b. Number of workers employed: 100 + (plus)

c. Address (street, city, state, ZIP code): MICH METROPLEX, 711 N GLENWOOD AVE, PONTIAC MI 48340

d. Employer Representative: BARB LAUDEMAN / CHUCK MOWE

e. Telephone No.: 248-758-5620
Fax No.:

f. Type of Establishment (factory, mine, wholesaler, etc.): Postal Service

g. Identify principal product or service: Mail Delivery

h. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (5) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act of 1970.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

During the past six months, the above-named Employer has failed and refuse to bargain in good faith with the Union by refusing to provide relevant and necessary requested information as follows:

1. Date of the request: 3/6/2012, 3/7/2012, AND 3/14/2012 & 2/13/12 & 2/16/12 MVS CRAFT DIR
2. Name and title of the person requesting the information: MIKE BURELLE, STEWARD / JOE WROBEL
3. Name and title of the person to whom the information request was submitted: DESIREE KAUFFMAN SDO / BARB LAUDEMAN A/FRANK MAN
4. Was the request made orally or in writing? YES/BOTH & EMAILED
5. Describe generally the requested information that has not been provided: COPIES OF LOCAL CONTRACT TO TRUCKING COMPANIES / SUBCONTRACTORS, PROSSESS AND SELECTION, CONTACT NAMES & OFFICES WHO SIGNED CONTRACTS
6. Explain the reason for the request (e.g., contract administration, grievance processing, collective bargaining, etc.): GRIEVANCE PROCESSING / COLLECTIVE BARGAINING

By the above and other acts, the above-named employer has interfered with, restrained, and coerced employees in the exercise of the rights guaranteed in Section 7 of the Act.

3. Full name of party filing charge (if labor organization, give full name, including local name and number): AMERICAN POSTAL WORKERS UNION 480-481 AREA LOCAL

4a. Address (street and number, city, state, and ZIP code): 810 LIVERNOIS, FERNDALE, MI 48220

4b. Telephone No.: 248-543-3262
Fax No.: 248-543-2750

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization): AMERICAN POSTAL WORKERS UNION

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

Joseph G Wrobel
(signature of representative or person making charge)

MVS CRAFT DIRECTOR
(print/type title or office, if any)

Address: 810 LIVERNOIS, FERNDALE MI 48220

(fax) (248) 543-2750
248 543-3262
(Telephone No.)

3/27/2012
(date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

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EXHIBIT A

8-27-12

FORM NLRB-501 (11-89)

FORM APPROVED UNDER 44 U.S.C. 3512

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
FIRST AMENDED CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
07-CA-078907	6-12-2012

INSTRUCTIONS:
File an original and 4 copies of this charge with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer: United States Postal Service

b. Number of workers employed: 1000's

c. Address (street, city, state, ZIP code): Michigan Metroplex, 711 North Glenwood Avenue, Pontiac, MI 48340

d. Employer Representative: Barbara Lauderman, Chuck Howe

e. Telephone No.: 248-758-5620
Fax No.:

f. Type of Establishment (factory, mine, wholesaler, etc.): Postal Service

g. Identify principal product or service: Mail Delivery

h. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (5) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

During the past six months, the above-named Employer has failed and refuse to bargain in good faith with the Union by unreasonably delaying the provision of relevant and necessary information, as follows:

1. Date of the requests: 2/13/12, 2/16/12, 3/6/12, 3/7/12 and 3/14/12

2. Name and title of the person requesting the information: Mike Burelle (Steward), Joe Wrobel (MVS Craft Director)

3. Name and title of the person to whom the information request was submitted: Desiree Kauffman (STO), Barbara Lauderman (Acting Transportation Manager)

4. Was the request made orally or in writing? Both orally and in writing, and emailed

5. Describe generally the requested information that has been unreasonably delayed: all cases where postal leased equipment (Z Trailers) are used; copies of all 5397 sheets; a copy of the expiration date for the emergency contract given to ADS for the work formerly done by Bobby Moore/Moore Transportation, including the contract number; the names/contact information of person(s) who can provide the above information; how the new contractor ADS was selected; the name or names of the persons making the decisions to award this work to the new contractor ADS; a copy of ADS' new contract.

6. Explain the reason for the request (e.g., contract administration, grievance processing, collective bargaining, etc.): Grievance Processing/ Collective Bargaining regarding Article 32-Subcontracting

By the above and other acts, the above-named employer has interfered with, restrained, and coerced employees in the exercise of the rights guaranteed in Section 7 of the Act.

3. Full name of party filing charge (if labor organization, give full name, including local name and number): American Postal Workers Union, 480-481 Area Local

4a. Address (street and number, city, state, and ZIP code): 810 Livernois, Ferndale, MI 48220

4b. Telephone No.: 248-543-3262
Fax No.: 248-543-2750

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization): American Postal Workers Union

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

Joseph H. Wrobel
(Signature of representative or person making charge)

MVS Craft Director
(Print/type title or office, if any)

Address: 810 Livernois, Ferndale, MI 48220

(fax) 248-543-2750
248-543-3262
(Telephone No.)

6/11/2012
(date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U. S. CODE, TITLE 18, SECTION 1001)

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EXHIBIT
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UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION SEVEN

UNITED STATES POSTAL SERVICE

Respondent

and **CASE 07-CA-078907**

480-481 AREA LOCAL, AMERICAN POSTAL WORKERS UNION (APWU), AFL-CIO

Charging Union

COMPLAINT AND NOTICE OF HEARING

This Complaint and Notice of Hearing, which is based on a charge filed by the Charging Union, is issued pursuant to Section 10(b) of the National Labor Relations Act, 29 U.S.C. § 151et seq. (the Act), the Postal Reorganization Act, 39 U.S.C. § 101, et seq. (PRA), and Section 102.15 of the Rules and Regulations of the National Labor Relations Board, and alleges that Respondent has violated the Act by engaging in the following unfair labor practices:

1. (a). The charge in this proceeding was filed by the Charging Union on April 12, 2012, and a copy was served by regular mail on Respondent on April 17, 2012.

(b). The first amended charge in this proceeding was filed by the Charging Union on June 12, 2012, and a copy was served by regular mail on Respondent on the same date.

2. Respondent provides postal services for the United States and operates various facilities throughout the United States in performing that function, including its Michigan Metroplex Processing & Distribution Center (P&DC) facility, located at 711 North Glenwood Avenue, Pontiac, Michigan.

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

4. At all material times, the American Postal Workers Union, AFL-CIO, herein called the National Union, and the Charging Union, have each been a labor organization within the meaning of Section 2(5) of the Act.

8-27-12

EXHIBIT
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5. At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the Act and agents of Respondent within the meaning of Section 2(13) of the Act:

Desiree Kauffman	Acting Supervisor, Transportation Operations
Barbara Laudeman	Acting Transportation Manager
Karin Flood	Acting In-Plant Support Manager

6. (a). The employees of Respondent as described in Article 39, Motor Vehicle Services, of the collective-bargaining agreement described below in paragraph 6(b), herein called the Unit, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act.

(b). Since at least 1990, and at all material times, Respondent has recognized the National Union as the exclusive collective bargaining representative of the Unit. This recognition has been embodied in successive collective bargaining agreements, the most recent of which is effective from November 21, 2010, to May 20, 2015.

(c). At all material times, the National Union has been the exclusive collective-bargaining representative of the Unit based on Section 9(a) of the Act.

(d). At all material times, the Charging Union has been the servicing agent of the exclusive collective bargaining representative for the employees in the Unit at Respondent's Michigan Metroplex Processing & Distribution Center (P&DC) facility.

7. On about February 13 and February 16, 2012, the Charging Union requested, in writing, that Respondent furnish, among other things, the following information:

(a). all cases where postal leased equipment (Z Trailers) are used for the month of February 2012;

(b). copies of all 5397 sheets for the month of February 2012;

(c). a copy of the expiration date for the emergency contract given to ADS for the work formerly done by Bobby Moore/Moore Transportation, including the contract number.

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8. On about February 16, 2012, the Charging Union requested, in writing, that Respondent furnish, among other things, the following information:

(a). the name of the person or persons and their location, email addresses, and phone numbers, who can provide the information described above in paragraphs 7(a) and (b), regarding the Flint and Saginaw Loads;

(b). the name of the person or persons and their location, email addresses, and phone numbers, who can provide the information described above in paragraph 7(c), regarding the HCR contract currently being done by ADS and previously done by Bobby Moore/Moore Transportation, covering runs including P1-Warren, Roseville, Mount Clemens, Mount Clemens Annex, Port Huron, St. Clair, St. Clair Annex, Anchorville, Fair Haven, Algonac and Marine City.

9. On about March 6, March 7 and March 14, 2012, the Charging Union requested, in writing, that Respondent furnish it with copies of any and all information, forms, statements, emails, and any other information regarding the termination or discontinuation of the contract(s) of the contractor H & S, including but not limited to:

(a). how the new contractor ADS was selected;

(b). the name or names of the persons making the decisions to award this work to the new contractor ADS;

(c). a copy of ADS' new contract.

10. The information requested by the Charging Union, as described in paragraphs 7, 8 and 9 is necessary for, and relevant to, the Charging Union's performance of its duties as the designated servicing agent for the exclusive collective-bargaining representative of the Unit.

11. From about February 13, 2012, to about May 2, 2012, Respondent unreasonably delayed in furnishing the Charging Union with information described in paragraph 7.

12. From about February 16, 2012, to about March 7, 2012, Respondent unreasonably delayed in furnishing the Charging Union with information described in paragraph 8.

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13. From about March 6, 2012, to about April 26, 2012, Respondent unreasonably delayed in furnishing the Charging Union with information described in paragraphs 9(a) and 9(c).

14. From about March 6, 2012, to about June 1, 2012, Respondent unreasonably delayed in furnishing the Charging Union with the information described in paragraph 9(b).

15. By the conduct described in paragraphs 11 through 14, Respondent has been failing and refusing to bargain collectively and in good faith with the Charging Union as the servicing agent of the exclusive collective-bargaining representative of the Unit in violation of Section 8(a)(1) and (5) of the Act and within the meaning of the PRA.

WHEREFORE, it is prayed that Respondent be ordered to:

1. Cease and desist from:

(a) engaging in the conduct described in paragraphs 11 through 15, or in any other manner interfering with, restraining, or coercing its employees in the exercise of rights guaranteed in Section 7 of the Act;

(b) engaging in the conduct described in paragraphs 11 through 15, or in any other manner refusing to bargain collectively and in good faith with the Charging Union as the servicing agent of the exclusive collective-bargaining representative of the Unit.

2. Take the following affirmative action:

(a) Upon request, bargain collectively and in good faith with the Charging Union as the servicing agent of the exclusive collective-bargaining representative of the Unit.

(b) Post appropriate notices.

The Acting General Counsel further prays for such other relief as may be just and proper to remedy the unfair labor practices herein alleged.

8-27-12

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the complaint. The answer must be **received by this office on or before June 27, 2012, or postmarked on or before June 26, 2012.** Respondent should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties.

An answer may also be filed electronically through the Agency's website. To file electronically, go to www.nlrb.gov, click on **File Case Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing.

Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on August 9, 2012, at 10:00 a.m., in Room 300, Patrick V. McNamara Federal Building, 477 Michigan Avenue, Detroit, Michigan, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing,

8-27-12

Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated at Detroit, Michigan, June 13, 2012.

/s/ Terry Morgan

Terry Morgan, Regional Director
National Labor Relations Board, Region 7
Patrick V. McNamara Federal Building
477 Michigan Avenue, Room 300
Detroit, Michigan 48226

8-27-12

FORM NLRB-4668
(4-05)

(C CASES)

SUMMARY OF STANDARD PROCEDURES IN FORMAL HEARINGS HELD BEFORE THE NATIONAL LABOR RELATIONS BOARD IN UNFAIR LABOR PRACTICE PROCEEDINGS PURSUANT TO SECTION 10 OF THE NATIONAL LABOR RELATIONS ACT

The hearing will be conducted by an administrative law judge of the National Labor Relations Board who will preside at the hearing as an independent, impartial finder of the facts and applicable law whose decision in due time will be served on the parties. The offices of the administrative law judges are located in Washington, DC; San Francisco, California; New York, N.Y.; and Atlanta, Georgia.

At the date, hour, and place for which the hearing is set, the administrative law judge, upon the joint request of the parties, will conduct a "prehearing" conference, prior to or shortly after the opening of the hearing, to ensure that the issues are sharp and clearcut; or the administrative law judge may independently conduct such a conference. The administrative law judge will preside at such conference, but may, if the occasion arises, permit the parties to engage in private discussions. The conference will not necessarily be recorded, but it may well be that the labors of the conference will be evinced in the ultimate record, for example, in the form of statements of position, stipulations, and concessions. Except under unusual circumstances, the administrative law judge conducting the prehearing conference will be the one who will conduct the hearing; and it is expected that the formal hearing will commence or be resumed immediately upon completion of the prehearing conference. No prejudice will result to any party unwilling to participate in or make stipulations or concessions during any prehearing conference.

(This is not to be construed as preventing the parties from meeting earlier for similar purposes. To the contrary, the parties are encouraged to meet prior to the time set for hearing in an effort to narrow the issues.)

Parties may be represented by an attorney or other representative and present evidence relevant to the issues. All parties appearing before this hearing who have or whose witnesses have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603, and who in order to participate in this hearing need appropriate auxiliary aids, as defined in 29 C.F.R. 100.603, should notify the Regional Director as soon as possible and request the necessary assistance.

An official reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the administrative law judge for approval.

All matter that is spoken in the hearing room while the hearing is in session will be recorded by the official reporter unless the administrative law judge specifically directs off-the-record discussion. In the event that any party wishes to make off-the-record statements, a request to go off the record should be directed to the administrative law judge and not to the official reporter.

Statements of reasons in support of motions and objections should be specific and concise. The administrative law judge will allow an automatic exception to all adverse rulings and, upon appropriate order, an objection and exception will be permitted to stand to an entire line of questioning.

All exhibits offered in evidence shall be in duplicate. Copies of exhibits should be supplied to the administrative law judge and other parties at the time the exhibits are offered in evidence. If a copy of any exhibit is not available at the time the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the administrative law judge before the close of hearing. In the event such copy is not submitted, and the filing has not been waived by the administrative law judge, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

Any party shall be entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. In the absence of a request, the administrative law judge may ask for oral argument if, at the close of the hearing, it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.

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In the discretion of the administrative law judge, any party may, on request made before the close of the hearing, file a brief or proposed findings and conclusions, or both, with the administrative law judge who will fix the time for such filing. Any such filing submitted shall be double-spaced on 8½ by 11 inch paper.

Attention of the parties is called to the following requirements laid down in Section 102.42 of the Board's Rules and Regulations, with respect to the procedure to be followed before the proceeding is transferred to the Board·

No request for an extension of time within which to submit briefs or proposed findings to the administrative law judge will be considered unless received by the Chief Administrative Law Judge in Washington, DC (or, in cases under the branch offices in San Francisco, California; New York, New York; and Atlanta, Georgia, the Associate Chief Administrative Law Judge) at. least 3 days prior to the expiration of time fixed for the submission of such documents. Notice of request for such extension of time must be served simultaneously on all other parties, and proof of such service furnished to the Chief Administrative Law Judge or the Associate Chief Administrative Law Judge, as the case may be. A quicker response is assured if the moving party secures the positions of the other parties and includes such in the request. All briefs or proposed findings filed with the administrative law judge must be submitted in triplicate, and may be printed or otherwise legibly duplicated with service on the other parties.

In due course the administrative law judge will prepare and file with the Board a decision in this proceeding, and will cause a copy thereof to be served on each of the parties. Upon filing of this decision, the Board will enter an order transferring this case to itself, and will serve copies of that order, setting forth the date of such transfer, on all parties. At that point, the administrative law judge's official connection with the case will cease.

The procedure to be followed before the Board from that point forward, with respect to the filing of exceptions to the administrative law judge's decision, the submission of supporting briefs, requests for oral argument before the Board, and related matters, is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be served on the parties together with the order transferring the case to the Board.

Adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations. If adjustment appears possible, the administrative law judge may suggest discussions between the parties or, on request, will afford reasonable opportunity during the hearing for such discussions.

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APPENDIX A

(To be printed and posted on official Board Notice Form)

Posted 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:

- Form, join, or assist a union;
- 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 assure you that:

WE WILL NOT unreasonably delay in providing information to 480-481 Area Local, American Postal Workers Union (APWU), AFL-CIO, the designated servicing representative of the exclusive collective-bargaining representative of the employees (the Unit) as described in Article 39, Motor Vehicle Services, of our collective bargaining agreement with the APWU, effective from November 21, 2010 to May 20, 2015.

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

WE WILL NOT in any like or related manner refuse to bargain collectively and in good faith with the Charging Union as the servicing representative of the Unit

WE WILL promptly provide to the Union information it requests that is relevant and necessary to its role as the servicing representative of the Unit.

_____

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UNITED STATES POSTAL SERVICE

_____
(Employer)

Dated: _____ By: _____
(Representative) (Title)

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 petitions, 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 persons may contact the Agency's TTY service at 1-866-315-NLRB. You may also obtain information from the Board's website: www.nlrb.gov.

477 MICHIGAN AVENUE
RM 300
DETROIT, MI 48226-2543

Telephone: (313) 226-3200
Hours of Operation: 8:15 a.m. to 4:45 p.m

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