

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

**UNITED STATES POSTAL SERVICE**

**and**

**Case 07-CA-078907**

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

**DECISION AND ORDER**

**Statement of the Case**

On September 12, 2012, United States Postal Service (the Respondent), 480-481 Area Local, American Postal Workers Union (APWU), AFL-CIO, (the local 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.<sup>1</sup>

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<sup>1</sup> Chairman Pearce notes 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 See, e.g., *United States Postal Service*, 28-CA-17383 et al., unpublished order issued November 4, 2002, enfd.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, he has 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 Respondent'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 its Michigan Metroplex Processing & Distribution Center (P&DC) facility located at 711 North Glenwood Avenue, in Pontiac, Michigan.

The National Labor Relations 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.

#### 2. The labor organization involved

At all material times, the American Postal Workers Union, AFL-CIO (the National Union) and 480-481 Area Local, APWU have each been a labor organization within the meaning of Section 2(5) of the Act.

#### 3. The appropriate unit

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

Since at least 1990, and at all material times, the 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.

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.

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

### **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, 711 North Glenwood Avenue, Pontiac, Michigan, its officers, agents, successors, and assigns shall:

1. Cease and desist from

(a) Unreasonably delaying in furnishing the local 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 local 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 local 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 local Union.

(b) Within 14 days of service by the Region, 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 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. The 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 7, file with the Regional Director a sworn certification by a responsible official of the Respondent on a form provided by the Region attesting to the steps that the Respondent has taken to comply.

Dated, Washington, D.C., October 5, 2012.

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Mark Gaston Pearce, Chairman

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Brian E. Hayes, Member

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Richard F. Griffin, Jr., 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

**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** unreasonably delay in providing information to 480-481 Area Local, American Postal Workers Union (APWU), AFL-CIO (the local Union), 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 American Postal Workers Union (APWU), AFL-CIO, 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 local Union as the servicing representative of the unit.

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

UNITED STATES POSTAL SERVICE  
(Employer)

DATE: \_\_\_\_\_ BY: \_\_\_\_\_  
(Representative) (Title)

