

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

UNITED STATES POSTAL SERVICE

and

**Cases 09-CA-061074
09-CA-061086
09-CA-074653**

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

DECISION AND ORDER

Statement of the Cases

On August 21, 2012, United States Postal Service (the Respondent), American Postal Workers Union, Radcliff Local 6662, AFL-CIO (the 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 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 See, e.g., *United States Postal Service*, 28-CA-17383 et al., unpublished order issued November 4, 2002, enfd.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 Employer's business

The United States Postal Service 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.

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 organization involved

At all material times, the American Postal Workers Union, Radcliff Local 6662, AFL-CIO has 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, Radcliff, Kentucky, its officers, agents, successors, and assigns shall

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 action 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 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 closed its 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 any time since June 28, 2011.

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

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

Mark Gaston Pearce, Chairman

Brian E. Hayes, Member

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

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;
- 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 delay in providing the 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 on June 28, October 21, and December 13, 2011.

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, 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 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.

UNITED STATES POSTAL SERVICE

(Employer)

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