

**UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD**

**MEMORANDUM**

**DATE:** March 22, 2013

**TO** : Office of Executive Secretary  
National Labor Relations Board

**FROM** : M. Kathleen McKinney  
Regional Director  
Region 15

**SUBJECT:** United States Postal Service  
New Orleans, Louisiana  
Case Number 15-CA-093761

**TRANSMITTAL MEMORANDUM**

The undersigned submits the Formal Settlement Stipulation in the above-captioned case to the National Labor Relations Board for approval pursuant to the Unfair Labor Practice Casehandling Manual Sections 10164-10170.

The Formal Settlement resulted from the resolution of an 8(a)(5) information request charge in New Orleans, Louisiana. The charge was found meritorious by the Regional Agenda Committee. Pursuant to OMs-03-18 and 08-67, the Region sought a formal settlement because the violations occurred in a recidivist Postal facility. This Formal Settlement contains the usual remedies, including a Formal Settlement Stipulation and a Notice posting.

The Formal Settlement Stipulation provides for a complete remedy to all allegations in Case No. 15-CA-093761.

Enclosed, please find the charge, signed Formal Settlement Stipulation and Notice, and the Complaint and Notice of Hearing in Case No. 15-CA-093761.

The parties' contact information is as follows:

Glenda Garnett, Alternate Steward  
P.O. Box 51864  
New Orleans, LA 70151-1864

National Association of Letter  
Carriers, Local 124  
4200 Elysian Fields Avenue  
New Orleans, LA 70122

Roderick Eves  
Deputy Managing Counsel  
United States Postal Service  
Law Department- NLRB Unit  
1720 Market Street, Room 2400  
St. Louis, MO 63155-9948

United States Postal Service  
701 Loyola Avenue  
New Orleans, LA 70113-1952

MKM

2013 MAR 21 AM 11:43

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 15**

REGION 15  
NEW ORLEANS, LA 70100-8400

\*\*\*\*\*

UNITED STATES POSTAL SERVICE \*

and \*

Case Nos. 15-CA-093761

NATIONAL ASSOCIATION OF LETTER \*

CARRIERS, LOCAL 124 \*

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**FORMAL SETTLEMENT STIPULATION**

I. INTRODUCTION

Through this formal settlement stipulation, the parties to this proceeding -- United States Postal Service (Respondent); National Association of Letter Carriers, Local 124 (Local Union) as the local agent of the exclusive bargaining representative and National Union known as the National Association of Letter Carriers, AFL-CIO, and the Acting General Counsel of the National Labor Relations Board (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 the facility located at 701 Loyola Avenue, New Orleans, Louisiana 70113 (Respondent's facility).

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

### III. LABOR ORGANIZATION STATUS

The National Association of Letter Carriers, AFL-CIO (National Union), the exclusive bargaining representative, is a labor organization within the meaning of Section 2(5) of the National Labor Relations Act, 29 U.S.C. §151 *et seq.*, (Act), and the Local Union acts as the local agent of the exclusive bargaining representative.

### IV. PROCEDURE

#### 1) FILING AND RECEIPT OF CHARGE

The charge in this matter was filed by the Local Union on November 27, 2012, and a copy was served by regular mail on Respondent on the same date. Respondent acknowledges receipt of the charge in this matter.

#### 2) ISSUANCE OF COMPLAINT

On February 22, 2013, Acting Regional Director for Region 15 of the Board (Regional Director) issued a Complaint and Notice of Hearing (Complaint) in this matter alleging Respondent violated the Act. Respondent and the Local Union each acknowledge receipt of a copy of the Complaint, which was served by certified mail on February 22, 2013. By entering into this stipulation, the parties agree the Answer to the Complaint filed by Respondent on or about March 7, 2013, is withdrawn.

#### 3) WAIVER

All parties waive the following: (a) filing of answers; (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.

RECEIVED  
NATIONAL LABOR  
RELATIONS BOARD

2013 MAR 21 AM 11:43

REGION 16  
NEW ORLEANS, LA 70139-3407

4) THE RECORD

The entire record in this matter consists of the following documents: this stipulation; the charge in this matter, and the Complaint. Copies of the charge and complaint are attached as Exhibits A and B, respectively.

5) 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.

6) 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 which precede the date of the approval of this stipulation, regardless of whether those matters are known to the Acting General Counsel or are readily discoverable. The Acting General Counsel reserves the right to use the evidence obtained in the investigation and prosecution of the above-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.

7) EFFECTIVE DATE

This stipulation is subject to the approval of 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<sup>1</sup> comply with the provisions of the order as set forth below.

V. 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, 701 Loyola Avenue, New Orleans, Louisiana 70113, its officers, agents, successors and assigns, shall:

1. Cease and desist from:

(a) Failing and refusing to bargain in good faith with the exclusive representative of its National Association of Letter Carriers represented employees in a unit appropriate for collective bargaining by failing and refusing to furnish the Local Union, in a timely manner, information requested by the Local Union which is relevant to and necessary for the Local Union's representation of employees as local agent of the National Union.

(b) In any like or related manner interfering with, restraining or coercing employees in the exercise of the rights to self-organization, to form, join, or assist any labor organization, to bargain collectively through representatives of their own choosing, to file charges with or give testimony before the Board, or to engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection, or to refrain from any and all such activities.

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

(a) Within 14 days from the date of the Board's Order bargain in good faith with the exclusive representative of its National Association of Letter Carriers represented employees by informing the Local Union, in writing, as local agent of the National Union that Respondent will

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<sup>1</sup> Immediately is defined as within 14 days from the date of the Board's Order.

timely provide the Local Union with relevant requested information in the future and will timely notify the Local Union when relevant requested information does not exist.

(b) Preserve and, within 14 days of request, make available to the Board or its agents for examination and copying, all records necessary to determine that the terms of this Order have been complied with.

(c) Within 14 days of service by the Region, post at its 701 Loyola Avenue, New Orleans, Louisiana 70113 facility copies of the attached notice marked "Appendix A." Copies of the notice, on forms provided by Region 15, 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, notices shall be distributed electronically, such as by email, posting on an intranet or an internet site, and/or other 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 gone out of business or 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 the closed facility at any time since August 1, 2012.

(d) 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.

VI. 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 of 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



Roderick Eves  
Deputy Managing Counsel  
United States Postal Service  
Law Department-NLRB Unit  
1720 Market Street, Room 2400  
St. Louis, MO 63155-9948

3/19/13  
Date

National Association of Letter Carriers, Local 124

Charging Party

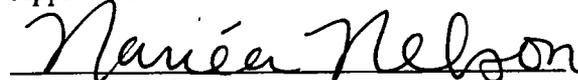
By



Glenda Garnett, Union Steward  
P.O. Box 51864  
New Orleans, LA 70151-1864

3/22/2013  
Date

Approval Recommended:



Nariea K. Nelson  
Attorney, Region 15

3/22/13  
Date

National Labor Relations Board  
600 South Maestri Place, 7<sup>th</sup> Floor  
New Orleans, LA 70130

Approved:

  
\_\_\_\_\_  
M. Kathleen McKinney  
Regional Director  
Region 15

3/22/13  
\_\_\_\_\_  
Date

UNITED STATES OF AMERICA  
 NATIONAL LABOR RELATIONS BOARD  
**CHARGE AGAINST EMPLOYER**

**INSTRUCTIONS:**

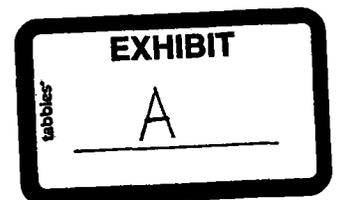
DO NOT WRITE IN THIS SPACE	
Case	Date Filed
15-CA-093761	November 27, 2012

File an original of this charge with NLRB Regional Director 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. Tel. No. (504)589-1036
		c. Cell No.
d. Address (street, city, state ZIP code) 701 LOYOLA AVENUE, NEW ORLEANS, LA 70113-1952	e. Employer Representative Postmaster	f. Fax No.
		g. e-Mail
		h. Dispute Location (City and State) New Orleans, LA
i. Type of Establishment (factory, nursing home, hotel) Postal service	j. Principal Product or Service Delivery of mail	k. Number of workers at dispute location 100 plus
l. The above-named employer has engaged in and is engaging unfair labor practices within the meaning of section 8(a), subsections (1) and (5) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)		
See Attachment A		
3. Full name of party filing charge (if labor organization, give full name, including local name and number) GLENDA GARNETT		
4a. Address (street and number, city, state, and ZIP code) 7301 SHEFFIELD ST. NEW ORLEANS, LA 70126		4b. Tel. No.
		4c. Cell No. 504-430-9161
		4d. Fax No.
		4e. e-Mail g.garnett@yahoo.com
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) N/A		
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.		Tel. No.
By: <i>Glenda Garnett</i>	Glenda Garnett/Shop Steward	Office, if any, Cell No. same as 4c
(signature of representative or person making charge)	Print Name and Title	Fax No.
Address: 7301 SHEFFILED ST. NEW ORLEANS, LA 70126	Date:	e-Mail same as 4e

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

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes. 1-716669816



## **ATTACHMENT A**

Since on or about August 10, 2012, the Employer, via Marlon Allen, failed to provide the Union with information relevant and necessary to performing its duties as the collective bargaining representative. Specifically, the Union requested, in writing, that the Employer provide it with clock rings for Leave Carriers Karen Butler, Joseph Cagnoletti, Greg Malone, and Glenda Garnett for the week of 8/4/12 through 8/10/12.

Since on or about October 3, 2012 and October 12, 2012, the Employer, via Marlon Allen, failed to provide the Union with information relevant and necessary to performing its duties as the collective bargaining representative. Specifically, the Union requested, in writing, that the Employer provide it with a copy of the unit daily record for 9/16/12 through 10/3/12 and clock rings for 9/16/12 through 10/3/12 for Nathan Chapuis, Karen Butler, Greg Malone, Joseph Cagnoletti, and Glenda Garnett.

Since on or about November 9, 2012, the Employer, via Marlon Allen, failed to provide the Union with information relevant and necessary to performing its duties as the collective bargaining representative. Specifically, the Union requested, in writing, that the Employer provide it with the clock rings for Stephen Colar, Dwight Lowe, and Glenda Garnett for 11/8/12 and for PS-Form 3996 for Colar, Lowe, and Garnett.

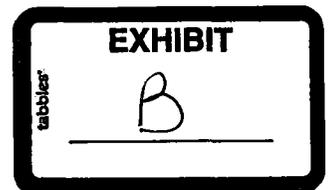
**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 15**

\*\*\*\*\*  
UNITED STATES POSTAL SERVICE \*  
\*  
and \* Case No. 15-CA-093761  
\*  
NATIONAL ASSOCIATION OF LETTER CARRIERS, \*  
LOCAL 124 \*  
\*\*\*\*\*

**COMPLAINT AND NOTICE OF HEARING**

This Complaint and Notice of Hearing is based on a charge filed by NATIONAL ASSOCIATION OF LETTER CARRIERS, LOCAL 124 (Local Union). It is issued pursuant to Section 10(b) of the National Labor Relations Act, 29 U.S.C. § 151 et 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 (the Board), and alleges that UNITED STATES POSTAL SERVICE (Respondent) has violated the Act as described below:

1. The charge in this proceeding was filed by the Local Union on November 27, 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 of that function, including its facility at 701 Loyola Ave., New Orleans, Louisiana 70113 (Respondent's facility).
3. The Board has jurisdiction over Respondent and this matter by virtue of Section 1209 of the PRA.
- 4(a) At all material times, the Local Union has been a labor organization within the meaning of Section 2(5) of the Act.



(b) At all material times, the National Association of Letter Carriers, AFL-CIO, (National Union), has been a labor organization within the meaning of Section 2(5) of the Act.

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:

Marlon Allen	-	Supervisor
George Arnett	-	Supervisor
Norwood Spencer	-	Supervisor-in-Training

6. The following employees of Respondent (the Unit) constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

**Included:** All city letter carriers.

**Excluded:** All Managerial and supervisory personnel; Professional employees; Employees engaged in personnel work in other than a purely non-confidential clerical capacity; Security guards; all Postal Inspection Service employees; Rural letter carriers; Mail handlers; Maintenance Employees, Special Delivery Messengers; Motor Vehicle Employees; or Postal Clerks.

7(a) Since about 1971, and at all material times, the Respondent has recognized the National Union as the exclusive collective-bargaining representative of the Unit and since then the Local Union has been recognized as the representative by Respondent. This recognition has been embodied in successive collective-bargaining agreements, the most recent of which is effective from January 10, 2013 to May 20, 2016.

(b) Since about 1971, and at all material times, the Local Union has been recognized by Respondent as the National Union's agent for administering the collective-bargaining agreement at Respondent's facility.

8(a) At all times since about 1971, based on Section 9(a) of the Act, the National Union has been the exclusive collective-bargaining representative of the Unit.

(b) At all times since about 1971, the Local Union has been the National Union's agent for administering the collective-bargaining agreement at Respondent's facility.

9. Since about August 10, 2012, the Local Union, by hand-delivered letter, requested that Respondent furnish the Local Union with clock rings for Karen Butler, Joseph Cagnoletti, Greg Malone, and Glenda Garnett for the week of 8/4/2012 through 8/10/2012.

10. On or about October 3, 2012, and again on October 10, 2012, the Local Union, by hand-delivered letter, requested that the Respondent furnish the Local Union with the following information:

(a) copies of the unit daily record for 9/16/2012 through 10/3/2012, and

(b) clock rings for 9/16/2012 through 10/3/2012, for Nathan Chapuis, Karen Butler, Greg Malone, Joseph Cagnoletti, and Glenda Garnett.

11. On or about November 9, 2012, the Local Union, by hand-delivered letter, requested that the Respondent provide the Local Union with the following information:

(a) clock rings for Stephen Colar, Dwight Lowe, and Glenda Garnett for 11/8/2012, and

(b) copies of PS-Form 3996 for Stephen Colar, Dwight Lowe, and Glenda Garnett.

12. The information requested by the Local Union, as described above in paragraphs 9 through 11 is necessary for, and relevant to, the Local Union's performance of its duties as the

National Union's agent for administering the collective-bargaining agreement at Respondent's facility.

13(a) From about August 10, 2012 to about December 11, 2012, Respondent unreasonably delayed in providing the Local Union with the information requested by it, as described above in paragraph 9.

(b) From about October 3, 2012 to about December 11, 2012, Respondent unreasonably delayed in providing the Local Union with the information requested by it, as described above in paragraph 10.

(c) From about November 9, 2012 to about December 11, 2012, Respondent unreasonably delayed in providing the Local Union with the information requested by it, as described above in paragraph 11(a).

(d) From about November 9, 2012 to about January 29, 2013, Respondent unreasonably delayed in notifying the Local Union that the information requested by it, as described above in paragraph 11(b) does not exist.

14. By the conduct described above in paragraphs 9 through 13, Respondent has been failing and refusing to bargain collectively and in good faith with the exclusive collective-bargaining representative of its employees in violation of Sections 8(a)(1) and (5) of the Act and within the meaning of the PRA.

#### **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 March 8, 2013, or postmarked on or before March 7, 2013.** 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.nlr.gov](http://www.nlr.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 **April 29, 2013, at 10:00 a.m. (CDT)** at **Courtroom, Regional Office, National Labor Relations Board, 600 S. Maestri Place, 7<sup>th</sup> Floor, New Orleans, Louisiana**, 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, 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: February 22, 2013

/s/

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M. KATHLEEN MCKINNEY  
REGIONAL DIRECTOR  
NATIONAL LABOR RELATIONS BOARD  
REGION 15  
600 S MAESTRI PL  
FL 7  
NEW ORLEANS, LA 70130-3414

Attachments

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 15**

**UNITED STATES POSTAL SERVICE**

**and**

**Case 15-CA-093761**

**NATIONAL ASSOCIATION OF LETTER  
CARRIERS, LOCAL 124**

**AFFIDAVIT OF SERVICE OF: Complaint and Notice of Hearing (with forms NLRB-4338 and NLRB-4668 attached)**

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on , I served the above-entitled document(s) by **certified mail**, as noted below, upon the following persons, addressed to them at the following addresses:

RODERICK EVES  
DEPUTY MANAGING COUNSEL  
UNITED STATES POSTAL SERVICE  
LAW DEPARTMENT- NLRB UNIT  
1720 MARKET STREET, ROOM 2400  
ST. LOUIS, MO 63155-9948

**CERTIFIED MAIL, RETURN RECEIPT  
REQUESTED**

UNITED STATES POSTAL SERVICE  
701 LOYOLA AVENUE  
NEW ORLEANS, LA 70113-1952

**CERTIFIED MAIL, RETURN RECEIPT  
REQUESTED**

NATIONAL ASSOCIATION OF LETTER  
CARRIERS, LOCAL 124  
4200 ELYSIAN FIELDS AVENUE  
NEW ORLEANS, LA 70122

**CERTIFIED MAIL, RETURN RECEIPT  
REQUESTED**

GLENDA GARNETT  
PO BOX 51864  
NEW ORLEANS, LA 70151-1864

**CERTIFIED MAIL, RETURN RECEIPT  
REQUESTED**

February 22, 2013

Donna M. Simmons  
Designated Agent of NLRB

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name

\_\_\_\_\_  
/s/

\_\_\_\_\_  
Signature

UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD  
NOTICE

Case 15-CA-093761

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements *will not be granted* unless good and sufficient grounds are shown *and* the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in *detail*;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

RODERICK EVES  
DEPUTY MANAGING COUNSEL  
UNITED STATES POSTAL SERVICE  
LAW DEPARTMENT- NLRB UNIT  
1720 MARKET STREET, ROOM 2400  
ST. LOUIS, MO 63155-9948

GLENDIA GARNETT  
PO BOX 51864  
NEW ORLEANS, LA 70151-1864

UNITED STATES POSTAL SERVICE  
701 LOYOLA AVENUE  
NEW ORLEANS, LA 70113-1952

NATIONAL ASSOCIATION OF LETTER  
CARRIERS, LOCAL 124  
4200 ELYSIAN FIELDS AVENUE  
NEW ORLEANS, LA 70122

**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.

(OVER)

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 8 1/2 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.

# APPENDIX A NOTICE TO EMPLOYEES

**POSTED PURSUANT TO A SETTLEMENT AGREEMENT  
APPROVED BY A REGIONAL DIRECTOR OF THE  
NATIONAL LABOR RELATIONS BOARD  
AN AGENCY OF THE UNITED STATES GOVERNMENT**

**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 WILL NOT** in any like or related manner interfere with, restrain, or coerce you in regards to the exercise of these rights. More specifically,

**WE WILL NOT** refuse to bargain in good faith with the National Association of Letter Carriers (National Union) as the exclusive collective-bargaining representative of our employees in the following appropriate unit:

[A]ll employees in the bargaining unit for which the National Association of Letter Carriers, AFL-CIO, has been recognized and certified at the national level, excluding managerial and supervisory personnel, professional employees, employees engaged in personnel work in other than a purely non-confidential clerical capacity, security guards, all Postal Inspection Service Employees, Rural Letter Carriers, Mail Handlers, Maintenance Employees, Special Delivery Messengers, Motor Vehicle Employees, and Postal Clerks.

**WE WILL NOT** refuse to bargain in good faith with the National Association of Letter Carriers, Local 124 (Local Union) as the National Union's local agent for administering the collective-bargaining agreement at the Employer's facility located at 701 Loyola Ave., New Orleans, Louisiana 70113.

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3/22/13

**WE WILL NOT** fail and refuse to provide the Local Union with requested information that is relevant and necessary to its responsibilities as the local agent for the collective-bargaining representative of NALC-represented employees.

**WE WILL NOT** delay in providing the Local Union with relevant requested information in our possession.

**WE WILL NOT** delay in informing the Local Union that relevant requested information does not exist.

**WE WILL**, upon request, bargain in good faith with the Local Union as the National Union's local agent for administering the collective-bargaining agreement at your facility.

**WE WILL** furnish in a timely manner, when requested by the Local Union, information relevant and necessary for it to perform its duties as the National Union's local agent for administering the collective-bargaining agreement at your facility.

**WE WILL** timely notify the Local Union when information requested by it does not exist.

**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 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 persons 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).*

600 S MAESTRI PL  
FL 7  
NEW ORLEANS, LA 70130-3414

Telephone: (504) 589-6361  
Hours of Operation: 8 a.m. to 4:30 p.m.

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NEW ORLEANS, LA 70109-3461