

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

IRONWORKERS LOCAL UNION 401

and

Case 04-CB-108655

HAGEN CONSTRUCTION, INC.

DECISION AND ORDER

Statement of the Case

On September 18, 2013, Ironworkers Local Union 401 (the Respondent), Hagen Construction, Inc. (the Charging Party), and the 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.

Based on the Formal Settlement Stipulation and the entire record, the Board makes the following:

Findings of Fact

1. The Employer's business

Hagen Construction, Inc., a Pennsylvania corporation based in Bensalem, Pennsylvania, has been engaged in general commercial construction.

In conducting its business operations in the past year, Hagen Construction, Inc. performed services valued in excess of \$50,000 outside the Commonwealth of Pennsylvania.

At all material times, Hagen Construction, Inc. has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

2. The labor organization involved

The Respondent is 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, Ironworkers Local Union 401, Philadelphia, Pennsylvania, its officers, agents and representatives shall

1. Cease and desist from:

(a) Restraining or coercing employees of Hagen Construction, Inc. in the exercise of the rights guaranteed in Section 7 of the National Labor Relations Act, as amended, by (1) threatening employees with unspecified violence, (2) threatening employees with specific violence, including threats to throw employees down a stairwell, (3) removing tools, equipment and materials used by employees and scattering them about employees' work areas, and (4) blocking employees from accessing their work areas.

(b) In any like or related manner restraining or coercing employees of Hagen Construction, Inc. in the exercise of the rights guaranteed in Section 7 of the National Labor Relations Act, as amended.

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

(a) Ensure that during the period starting on the date of issuance of a Board Order in this matter and continuing for six months, City Business Agent Edward F. Sweeney will refrain from entering or remaining at any jobsite where employees of Hagen Construction, Inc. (Hagen) are performing services, when Edward F. Sweeney knows, should know, or is advised that Hagen's employees are performing services at the site.

(b) Within 14 days of service by the Region, post at the Respondent's business office in Philadelphia, Pennsylvania copies of the attached Notice marked "Appendix A." Copies of the Notice, on forms provided by Region 4, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and be maintained for 60 consecutive days in conspicuous places, including all places where notices to employees and members are customarily posted. In addition to the physical posting of paper Notices, the Respondent shall distribute the Notice electronically, by

email, posting on an intranet or internet site, or by other electronic means, if the Respondent customarily communicates with employees and members by such means. The Respondent will take reasonable steps to ensure that the Notices are not altered, defaced, or covered by any other material.

(c) Mail to the Regional Director for Region 4 six (6) signed copies of the Notice for posting, if Hagen is willing, at Hagen's office in Bensalem, Pennsylvania in the places where notices to employees are customarily posted. Copies of the Notice, on forms provided by the Regional Director for Region 4, after having been signed by the Respondent's representative, shall be forthwith returned to the Regional Director for such posting by Hagen.

(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 the Respondent has taken to comply.

Dated, Washington, D.C. February 6, 2014

Mark Gaston Pearce, Chairman

Philip A. Miscimarra, Member

Nancy Schiffer, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD

APPENDIX A

NOTICE TO EMPLOYEES AND MEMBERS

**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 a representative to bargain with your employer 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 do anything to prevent you from exercising the above rights.

WE WILL NOT threaten employees of Hagen Construction, Inc. with specified or unspecified physical violence, block them or attempt to interfere with their work or access to their work areas, or scatter their tools, equipment or materials to prevent them from working.

WE WILL NOT in any like or related manner restrain or coerce you in the exercise of the rights listed above.

WE WILL ensure that, during the period starting on the date of issuance of a Board Order in this matter and continuing for six months, our City Business Agent Edward F. Sweeney will refrain from entering or remaining at or on any jobsite where employees of Hagen Construction, Inc. are performing services, when Edward F. Sweeney knows, should know, or is advised that Hagen's employees are performing services at the site.

IRONWORKERS LOCAL UNION 401

(Labor Organization)