

**UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
REGION 8**

FIRST STUDENT, INC.

**CASES 08-CA-062611
08-CA-064827**

and

**TEAMSTERS LOCAL UNION NO. 413
AFFILIATED WITH THE INTERNATIONAL
BROTHERHOOD OF TEAMSTERS**

MOTION TO REMAND CASE

Counsel for the Acting General Counsel respectfully moves that the Board remand the above-captioned cases to the Regional Director for Region 8 for the purposes of effectuating a settlement that substantially remedies the violations found by Administrative Law Judge (ALJ) Mark Carissimi in his decision in JD-41-12.

On August 10, 2012, ALJ Carissimi issued his Decision and Order in the instant cases in which he found that Respondent violated the Act in certain respects including the termination of Pennie Ingram and the discriminatory selection of Gary Warnick to return to layoff status. On the same date, these matters were transferred to the Board. They remain before the Board and the parties have requested and received extensions of time for the filing of exceptions, with the current extension running through September 21, 2012.

After the issuance of ALJ Carissimi's Decision and the Board's Order Transferring the Proceeding, Respondent expressed a desire to enter into a settlement agreement. On September 13, 2012, Respondent executed an Informal Board Settlement Agreement that substantially complies with the Judge's Order and provides full backpay for discriminatees Ingram and Warnick as well as the posting of a Notice to Employees. On September 19, 2012, the Charging

Party Union filed objections to the terms of the proposed Informal Settlement Agreement, primarily because it does not include a reinstatement remedy for discriminatee Ingram. Discriminatee Ingram, however, has informed the Region, both verbally and in writing, that she does not desire reinstatement and that she is satisfied with the terms of the settlement.

Upon receipt of the Informal Board Settlement Agreement, its terms were reviewed by the Regional Director and submitted for approval to the Office of the General Counsel. On September 11, 2012, the Region was informed by the Injunction Litigation Branch (a Section 10(j) petition is pending) that the Acting General Counsel approves of the settlement and has determined that the Agreement substantially complies with the ALJ's Order.

Accordingly, it is hereby requested that the above-captioned matters be remanded to the Regional Director so that he may entertain and approve the Settlement Agreement reached by the parties. As part of this Motion, the Regional Director gives notice to all concerned that pursuant to the settlement which is to be implemented, Counsel for the Acting General Counsel will reserve the right to resubmit these matters directly to the Board in the event that Respondent fails to comply with its terms.

Dated at Cleveland, Ohio this 20th day of September 2012.

Respectfully submitted,

/s/ Rudra Choudhury

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National Labor Relations Board, Region 8

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CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of September 2012, I electronically filed the foregoing motion with the Executive Secretary of the Board using the Agency's e-filing system and served copies of it by email upon:

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