

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

UNITED STATES POSTAL SERVICE

and

**Cases 10-CA-077588(P)
10-CA-077593(P)
10-CA-077638(P)
10-CA-077640(P)
10-CA-077645(P)
10-CA-077650(P)
10-CA-077655(P)
10-CA-078075(P)**

**AMERICAN POSTAL WORKERS UNION,
AFL-CIO, NORTH ALABAMA AREA LOCAL 359**

DECISION AND ORDER

Statement of the Cases

On October 23, 2012, the United States Postal Service (the Respondent), American Postal Workers Union, AFL-CIO, North Alabama Area Local 359 (the Charging Party), 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 On August 29, 2012, Administrative Law Judge Keltner Locke issued a Bench Decision and Certification in the above-captioned case. On October 24, 2012, the Board granted the Joint Motion of the Acting General Counsel and the Respondent requesting that the Board remand the case to the Region for the purpose of the parties' execution of the Formal Settlement Stipulation. The Formal Settlement Stipulation provides that the Acting General Counsel, the Respondent, and the Charging Party

Based on the Formal Settlement Stipulation² and the entire record, the Board makes the following:

Findings of Fact

1. The Respondent's business

The Respondent is and has been, at all material times, an independent establishment of the Executive Branch of the Government of the United States and operates various facilities throughout the United States in the performance of its basic function to provide postal services to the Nation, including its facility located at 400 Well Street, NE, Decatur, Alabama, 35601, the Respondent's Decatur, Alabama facility, the facility involved in this settlement and the underlying proceedings.

The Respondent is now, and has been at all material times, an entity subject to the Board's jurisdiction by virtue of the Postal Reorganization Act (the PRA), 39 U.S.C. Section 1209.

2. The labor organization involved

At all material times, American Postal Workers Union, AFL-CIO, North Alabama Area Local 359, the Charging Party, has been a labor organization within the meaning of Section 2(5) of the Act.

3. The appropriate unit

All maintenance employees, motor vehicle employees, postal clerks, mail equipment shops employees, material distribution centers employees, operating services and facilities services employees, excluding managerial and supervisory personnel, professional employees, employees engaged in personnel work in other than a purely non-confidential clerical capacity, security guards as defined by Public Law 91-375, 1201(2), all postal inspection service employees, employees in the supplemental work force as defined in Article 7, rural letter carriers, mail handlers or letter carriers.

adopt the judge's findings with respect to paragraphs 9(a) through 9(f) of the complaint but it is the intent of the parties that the Board issue an Order as provided for in the Formal Settlement Stipulation in lieu of the judge's recommended Order.

² The Order has been corrected to substitute language applicable to respondent employers ("officers, agents, successors, and assigns").

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, 400 Well Street, NE, Decatur, Alabama, its officers, agents, successors, and assigns shall:

1. Cease and desist from:

(a) Refusing to furnish information to American Postal Workers Union, AFL-CIO, North Alabama Area Local 359, the Charging Party, or unduly delaying furnishing information to the Charging Party which is the exclusive collective-bargaining representative of the employees in the following appropriate bargaining unit:

All maintenance employees, motor vehicle employees, postal clerks, mail equipment shops employees, material distribution centers employees, operating services and facilities services employees, excluding managerial and supervisory personnel, professional employees, employees engaged in personnel work in other than a purely non-confidential clerical capacity, security guards as defined by Public Law 91-375, 1201(2), all postal inspection service employees, employees in the supplemental work force as defined in Article 7, rural letter carriers, mail handlers or letter carriers.

(b) In any other manner interfering with, restraining, or coercing employees in the exercise of the rights guaranteed them by Section 7 of the Act.

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

(a) Upon request, provide the Charging Party with relevant information in a timely and appropriate manner.

(b) Each information request tendered by the Charging Party, orally or in writing, shall be recorded in a log at the postal facility in the Respondent's Decatur Alabama, facility. The log shall include the following information: a brief description of the information requested, the name of the individual who is making the request, the name of the supervisor who received the request, the date the request was made, and the date that the Respondent's manager or supervisor provided the Charging Party with the requested information. If the manager or supervisor, having reviewed the documents requested, believes that the Respondent will need additional time, the manager or supervisor will inform the Charging Party in writing, requesting additional time and explaining the need for the additional time.

(c) Each manager and supervisor at the Respondent's Decatur, Alabama, facility will receive annual training which encompasses how to maintain the log, and how to tender the relevant information requested by the Charging Party; each supervisor and manager will sign an acknowledgement form attesting to the fact that he or she has completed said training. A copy of this acknowledgement form shall be maintained in the supervisor or manager's training and history files. Union stewards will be granted access to the Log, upon request. Supervisors or managers who fail to reasonably supply relevant information to the Charging Party will have this fact mentioned in the "corrective action" column of the semi-annual audit report provided to the district manager and district manager of human resources. A repeated violation could lead to discipline of said supervisor or manager.

(d) The Respondent's legal department and its labor relations department shall conduct semi-annual audits of the logs at the Respondent's Decatur, Alabama facility to ensure that the information requested by the Charging Party is being handled in a timely and appropriate manner, and to ensure the logs are being properly maintained. Following the audit the legal department shall tender, in writing, a written report that will be forwarded to the district manager and district manager of human resources.

(e) Within 14 days after service by the Region, post at its Decatur, Alabama, facility, 400 Well Street NE, Decatur, Alabama, and at its approximately four hundred thirty-one (431) postal facilities located in the State of Alabama, where the Charging Party's bargaining unit members are employed, copies of the attached notice marked "Appendix 1."³ Copies of the notice, on forms provided by the Regional Director for Region 10, after being signed by the Respondent's authorized representative, shall be posted by the Respondent in each of its Alabama facilities and maintained for 60 consecutive days in conspicuous places including all places where notice to employees are customarily posted. The manager in each facility will be electronically mailed the Board's official notice by the Respondent. Upon receipt of the notice, each manager will record the date said notice was received and the date on which the notices were posted at the facility. 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 has gone out of business or closed any of the facilities 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 Respondent since July 5, 2011.

(f) 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 the Respondent has taken to comply. The Regional Director shall be supplied a copy of the documents signed by the district manager of labor relations, attesting to

³ If this Order is enforced by a judgment of a United States court of appeals, the words in the notice reading "Posted By Order of the National Labor Relations Board" shall read "Posted Pursuant to a Judgment of the United States Court of Appeals Enforcing an Order of the National Labor Relations Board."

the date that the notices were received at each facility, and the dates that the notices were posted.

Dated, Washington, D.C. December 10, 2012

Mark Gaston Pearce, Chairman

Richard F. Griffin, Jr., Member

Sharon Block, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD

APPENDIX 1

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 WILL NOT fail and refuse to furnish or unduly delay furnishing information requested by the American Postal Workers Union, AFL-CIO, that is necessary for and relevant to the Union's performance of its duties as the exclusive collective-bargaining representative of the following appropriate bargaining unit:

All maintenance employees, motor vehicle employees, postal clerks, mail equipment shops employees, material distribution centers employees, operating services and facilities services employees, excluding managerial and supervisory personnel, professional employees, employees engaged in personnel work in other than a purely non-confidential clerical capacity, security guards as defined by Public Law 91-375, 1201(2), all postal inspection service employees, employees in the supplemental work force as defined in Article 7, rural letter carriers, mail handlers or letter carriers.

WE WILL NOT in any other manner interfere with, restrain, or coerce you in the exercise of the rights guaranteed you by Section 7 of the Act.

UNITED STATES POSTAL SERVICE