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ADT Security Services, Inc. and its officers, agents, successors, and assigns, ADT LLC, and Tyco Integrated Security LLC and Local 131, International Brotherhood of Electrical Workers (IBEW), AFL-CIO. Case 07-CA-051288

September 16, 2013

SUPPLEMENTAL DECISION AND ORDER

BY CHAIRMAN PEARCE AND MEMBERS MISCIMARRA
AND HIROZAWA

On September 30, 2010, the National Labor Relations Board issued a Decision and Order¹ that, among other things, ordered ADT Security Services, Inc. (Respondent ADT Security) to make whole its employees for any loss of earnings and other benefits suffered as a result of the Respondent's unfair labor practices in violation of Section 8(a)(5) and (1) of the Act. On August 3, 2012, the United States Court of Appeals for the Sixth Circuit entered its judgment enforcing the Board's Order.²

A controversy having arisen over the amount of backpay due the discriminatees under the terms of the Board's Order, on May 16, 2013, the Regional Director for Region 7 issued a compliance specification and notice of hearing to Respondent ADT Security, ADT LLC (Respondent ADT), and Tyco Integrated Security LLC (Respondent Tyco) (collectively called the Respondents), setting forth the amounts due, and notifying the Respondents that an answer should be filed complying with the Board's Rules and Regulations. On June 5, 2013, the Respondents filed an answer admitting all of the allegations in the compliance specification, and agreeing that the Board may issue a remedial order against them consistent with those allegations.³

¹ 355 NLRB 1388.

² No. 10-2549.

³ The compliance specification alleges that at all material times until about June 29, 2012, Respondent ADT Security was a corporation with an office and facility in Wyoming, Michigan, and was engaged in the sales, service, and installation of commercial and residential security systems; that on about June 29, 2012, through various acts of corporate restructuring, Respondent ADT Security was reorganized into ADT LLC and Tyco Integrated Security LLC; and that at all material times since about June 29, 2012, Respondent ADT and Respondent Tyco have been officers, agents, successors, or assigns of Respondent ADT Security. The Respondents' answer admits these allegations, but specifically states that it admits that Respondent ADT and Respondent Tyco were agents, successors, or assigns of Respondent ADT Security "for purposes of this proceeding."

On July 8, 2013, the Acting General Counsel filed with the Board a Motion for Summary Judgment, with exhibits attached. On July 10, 2013, the Board issued an order transferring the proceeding to the Board and a Notice to Show Cause why the motion should not be granted. The Respondents filed a response on July 24, 2013, stating that they do not object to the granting of the motion. The allegations in the motion and the compliance specification are therefore undisputed.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

Ruling on Motion for Summary Judgment

Accordingly, as the Respondents have admitted that all of the allegations in the compliance specification are true and agree that the Board may issue a remedial order against them consistent with those allegations, we grant the Acting General Counsel's unopposed Motion for Summary Judgment. In addition, we conclude that the amounts due are as set forth in the compliance specification, and we will order the Respondents to pay these amounts, plus interest accrued to the date of payment.

ORDER

The National Labor Relations Board orders that the Respondents, ADT Security Services, Inc., and its officers, agents, successors, and assigns, ADT LLC, and Tyco Integrated Security LLC, Wyoming, Michigan, their officers, agents, successors, and assigns, shall make whole the employees named below for the period June 2, 2008 through July 31, 2012, by paying them the amounts following their names, with interest accrued to the date of payment, as prescribed in *New Horizons for the Retarded*, 283 NLRB 1173 (1987), compounded daily as prescribed in *Kentucky River Medical Center*, 356 NLRB No. 8 (2010), and minus tax withholdings required by Federal and State laws:

EMPLOYEE NAME	TOTAL TRAVEL TIME OWED
Barker, Kendrick	\$ 206.10
Berry, Donald	258.09
Blevins, Kent	53.32
Bowman, Joseph	245.91
Brown, Brad	0.00
Case, Anthony	28.75
Castillo, Jerry	13.13
Castillo, Ricardo	788.78
Fisher, Jeff	39.42
Fletcher, William	607.99
Garcia, Alberto	509.65
Haywood, James	291.42

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Johnson, Trevor	398.54
Just, David	0.00
Korteway, Grant	291.42
Lohroff, Brian	1,003.95
Lowe, Alex	407.64
Lyon, Jeff	447.66
Maurer, Joshua	301.50
Monk, Edward	0.00
Moore, Edward	291.42
Perry, Raymond	528.08
Pizczek, Ken	49.46
Proctor, William	142.20
Riekema, Nate	1,329.16
Rood, Justin	1,547.59
Schmidt, Thomas	0.00
Schmitt, Joseph	15.21
Terhaar, Bradley	276.87
Tyler, Paul	699.71
Walejewski, Thomas	1,443.10
Wojnowski, Edward	0.00

TOTAL AMOUNT DUE: \$12,216.07

Dated, Washington, D.C. September 16, 2013

 Mark Gaston Pearce, Chairman

 Philip A. Miscimarra, Member

 Kent Y. Hirozawa, Member

(SEAL) NATIONAL LABOR RELATIONS BOARD