

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

UNITED STATES POSTAL SERVICE

and

BRADFORD R. LOUIS

**Cases 20-CA-065948
20-CA-094161
20-CA-104400**

DECISION AND ORDER

Statement of the Cases

On July 22, 2013, United States Postal Service (the Respondent), Bradford Louis (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.

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

Findings of Fact

1. The Respondent's business

The Respondent provides postal service for the United States of America and, in the performance of that function, operates various facilities throughout the United States, including its facility at 1400 Pine Street in San Francisco, California (the Pine Street facility), the only facility involved in this case.

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

2. The labor organization involved

At all material times, National Association of Letter Carriers, Branch 214 (the Union) has been an organization in which employees participate and that exists, in whole or in part, for the purpose of representing employees in dealings with persons and employers regarding labor disputes and bargaining collectively with respect to employee wages, hours and working conditions for certain of the Respondent's employees.

At all material times, the Union has been 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, United States Postal Service, 1400 Pine Street, San Francisco, California, its officers, agents, successors, and assigns at its Pine Street facility, shall:

1. Cease and desist from

(a) Threatening employees with discipline, suspension, discharge, or unspecified reprisals because they engaged in Union activities or because they have filed unfair labor practice charges and/or cooperated with the National Labor Relations Board.

(b) Informing employees that their filing of unfair labor practice charges with the National Labor Relations Board affected how managers handled matters involving them.

(c) Instructing employees that they cannot discuss Union business on the workroom floor.

(d) Disciplining employees because they engaged in Union activities or because they filed unfair labor practice charges and/or cooperated with the National Labor Relations Board.

(e) Interrogating employees regarding their cooperation with the National Labor Relations Board.

(f) In any like or related manner interfering with, restraining or coercing employees in the exercise of their Section 7 rights.

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

(a) Within 14 days of service by the Region, post at its Pine Street facility in San Francisco copies of the attached notice marked "Appendix." Copies of the notice, on forms provided by Region 20, after being signed by the Respondent's authorized representative, shall be posted for a period of sixty (60) days, in conspicuous places, including all places where notices to its employees are normally posted. 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 the facility 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 the Respondent at the Pine Street facility at any time since August 2011.

(b) Within twenty (20) days of the issuance of the Board's Order, file with the Regional Director of Region 20 of the Board, a sworn affidavit from a responsible official describing with specificity the manner in which the Respondent has complied with the terms of the Board's Order, including the locations of the posted documents.¹

Dated, Washington, D.C., January 8, 2014.

Mark Gaston Pearce, Chairman

Harry I. Johnson, III, Member

Nancy Schiffer, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD

¹ If, after five consecutive years from the date of the Board's order approving this Stipulation, there has been no violation of Sec. 8(a)(4) of the Act at the Respondent's Pine Street facility, or at any other facility involving the Charging Party, the Respondent will be deemed to have fully satisfied its obligations under the Board's Order and any judicial decree enforcing that order. Thereafter, if the Respondent moves for relief from such judgment or decree, neither the Charging Party nor the Board will oppose that motion.

APPENDIX

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 do anything to prevent you from exercising the above rights.

WE WILL NOT tell employees that their filing of unfair labor practice charges with the National Labor Relations Board affected how managers handled matters involving them.

WE WILL NOT threaten employees with discipline, suspension, discharge, or unspecified reprisals because of their union support or activities or because they filed charges and/or cooperated with the National Labor Relations Board.

WE WILL NOT instruct employees that they cannot discuss union business on the workroom floor.

WE WILL NOT interrogate employees regarding their cooperation with the National Labor Relations Board.

WE WILL NOT discipline employees because they engaged in union activities and **WE WILL NOT** discipline employees because they file unfair labor practice charges and/or cooperate with the National Labor Relations Board.

WE HAVE, through the grievance procedure, rescinded and removed from our files the Letters of Warning that we issued to Bradford Louis on August 25, 2011, October 2, 2012 and November 28, 2012, and the Letter of Suspension that we issued to Bradford Louis on November 30, 2012, and **WE WILL NOT** use any of those Letters or the Suspension against him in the future.

WE HAVE, through the grievance procedure, rescinded the Letters of Warning issued to Leonard Cruz on October 6, 2011, and we will not use it against him in the future.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce you in the exercise of your rights under Section 7 of the Act.

UNITED STATES POSTAL SERVICE
(Employer)