

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

**LABORERS' INTERNATIONAL UNION
OF NORTH AMERICA, LOCAL 872, AFL-CIO**

and

Case 28-CB-118809

STEPHANIE SHELBY

ORDER¹

Charging Party Stephanie Shelby's Request for Special Permission to Appeal Administrative Law Judge Mary Miller Cracraft's ruling approving a unilateral Settlement by Consent Order is granted, and the appeal is denied on the merits.² We find that the Settlement by Consent Order substantially remedies the violations alleged in the complaint. See *Independent Stave Co.*, 287 NLRB 740, 741 (1987).

Dated, Washington, D.C., January 12, 2015.

MARK GASTON PEARCE,	CHAIRMAN
PHILIP A. MISCIMARRA,	MEMBER
KENT Y. HIROZAWA,	MEMBER

¹ The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

² As noted by Judge Cracraft, the resolution of an unfair labor practice by a unilateral agreement proffered by a respondent and approved by a judge is in the nature of a consent order, and not a true "settlement" between parties to the dispute. See *Electrical Workers IUE Local 201 (General Electric Co.)*, 188 NLRB 855, 857 (1971). When evaluating proposed consent orders, the Board has applied the factors set forth in *Independent Stave Co.*, 287 NLRB 740 (1987). See, e.g., *Food Lion, Inc.*, 304 NLRB 602, 602 fn. 4 (1991); *Copper State Rubber*, 301 NLRB 138, 138 (1991).