

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

DONATO MARANGI, INC.,  
COTTAGE CARTING, INC., AND  
ADVANCED WASTE SYSTEMS, INC.

and

Case 02-CA-098752

RECYCLING & GENERAL INDUSTRIAL  
LABORERS, LOCAL 108, AFL-CIO

DECISION AND ORDER

Statement of the Case

On December 23, 2014, Donato Marangi, Inc., Cottage Carting, Inc., and Advanced Waste Systems, Inc. (the Respondents), Recycling & General Industrial Laborers, Local 108, AFL-CIO (the Union), and the 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 and the Board's Rules and Regulations, and the Respondents waived their 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 Respondents' businesses

At all material times, Donato Marangi, Inc. (Respondent Donato Marangi), a New York State corporation with an office and place of business located at 175 Route 303, Valley Cottage, New York, and a place of business located at 366 Highland Avenue Ext., Middletown, New York, is engaged in the non-retail collection of waste, recycling, and other debris from residential and commercial customers.

At all material times, Cottage Carting, Inc. (Respondent Cottage Carting), a New York State corporation with an office and place of business located at 175 Route 303, Valley Cottage, New York, and a place of business located at 366 Highland Avenue Ext., Middletown, New York, is engaged in the non-retail collection of waste, recycling, and other debris from residential and commercial customers.

At all material times, Advanced Waste Systems, Inc. (Respondent Advanced Waste), a New York State corporation with an office and place of business located at 175 Route 303, Valley Cottage, New York, and a place of business located at 366 Highland Avenue Ext., Middletown, New York, is engaged in the non-retail collection of waste, recycling, and other debris from residential and commercial customers.

Annually, Respondent Donato Marangi, in conducting its business operations described above, provided services valued in excess of \$50,000 to Rockland County Solid Waste Authority, Waste Management of New York, and West Point Transfer Station, enterprises within the State of New York that are each directly engaged in interstate commerce.

Annually, Respondent Cottage Carting, in conducting its business operations described above, provided services valued in excess of \$50,000 to Rockland County Solid Waste Authority, Waste Management of New York, and West Point Transfer Station, enterprises.

Annually, Respondent Advanced Waste Systems, in conducting its business operations described above, provided services valued in excess of \$50,000 to Rockland County Solid Waste Authority, Waste Management of New York, and West Point Transfer Station, enterprises.

Respondent Donato Marangi, Respondent Cottage Carting, and Respondent Advanced Waste are now, and have been at all material times, employers engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

2. The labor organization involved

Recycling & General Industrial Laborers, Local 108, AFL-CIO (the Union), is 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, the National Labor Relations Board orders that the Respondents, Donato Marangi, Inc., Cottage Carting, Inc., and Advanced Waste Systems, Inc., Valley Cottage and Middletown, New York, their officers, agents, successors, and assigns, shall jointly and severally

1. Cease and desist from

(a) Unilaterally implementing policies affecting the terms and conditions of employment of employees in the following appropriate unit (the bargaining unit) without providing the Union prior notice and an opportunity to bargain, including but not limited to implementing a policy that any employees who are deemed to be at fault for vehicular accidents will be terminated unless they agree to pay for the damages:

All regular full-time and part-time employees employed by Respondents in and out of the facilities located at 175 Route 303, Valley Cottage, New York and/or 366 Highland Ave. Ext., Middletown, New York, or such employees performing work in Orange and Rockland Counties, New York, or in New Jersey.

(b) Making midterm modifications to the collective-bargaining agreement between the Respondents and the Union without the Union's consent, including but not limited to deducting monies from the paychecks of employees in the bargaining unit for health benefit contributions for a time when employees were not required to make any contributions toward their health benefits.

(c) Bypassing the Union and dealing directly with employees in the bargaining unit regarding their terms and conditions of employment, including but not limited to the manner in which the Respondents would deduct monies from their paychecks for health benefit contributions.

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

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

(a) To the extent that they have not already done so, within 14 days of the Board's Order, rescind the policy that employees in the bargaining unit who are deemed to be at fault for vehicular accidents will be terminated unless they agree to pay for the damages.

(b) To the extent that they have not already done so, within 14 days of the Board's Order, make whole bargaining unit employees for any monies withheld from their paychecks to pay for damage they may have caused to the Respondents' vehicles.

(c) To the extent that they have not already done so, within 14 days of the Board's Order, make whole unit employees for any monies withheld from the paychecks of employees in the bargaining unit to pay for health benefit contributions for a time when employees were not required to make any contributions toward their health benefits.

(d) Within 14 days of service by the Region, post at its facility copies of the attached Notice to Employees (notice). Copies of the notice, on forms provided by Region 2, after being signed by the Respondents' authorized representatives, shall be posted by the Respondents and maintained for 60 consecutive days in conspicuous places. The Respondents 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 Respondents have gone out of business or closed its facility, the Respondents shall duplicate and mail, at their own expense, a copy of the notice to all employees employed by the Respondents at any time during the period February 1, 2013 to the present.

(e) Within 21 days after service by the Region of the notice, file with the Regional Director for Region 2 a sworn certification of a responsible official on a form provided by the Region attesting to the steps that the Respondents have taken to comply.

Dated, Washington, D.C., February 18, 2015

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Philip A. Miscimarra, Member

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Kent Y. Hirozawa, Member

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Harry I. Johnson, III, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD

## 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 a representative 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 unilaterally and without notice to the Union or affording the Union an opportunity to bargain, change the terms and conditions of employment of employees in the following appropriate bargaining unit:

All regular full-time and part-time employees employed by Respondents in and out of the facilities located at 175 Route 303, Valley Cottage, New York and/or 366 Highland Ave. Ext., Middletown, New York, or such employees performing work in Orange and Rockland Counties, New York, or in New Jersey.

WE WILL NOT modify the terms of the collective-bargaining agreement between us and the Union without obtaining the consent of the Union.

WE WILL NOT bypass your Union and deal directly with you concerning changes in your terms and conditions of employment.

WE WILL NOT in any manner, interfere with, restrain, or coerce our employees in the exercise of the rights listed above.

WE WILL, to the extent that we have not already done so, rescind the policy that unit employees who are deemed to be at fault for vehicular accidents will be terminated unless they agree to pay for the damages.

WE WILL, to the extent that we have not already done so, reimburse employees for any monies withheld from their pay checks for damages caused to our vehicles.

WE WILL, to the extent that we have not already done so, reimburse employees for any monies withheld from their pay checks for health benefit contributions for a time when employees were not required to make any contributions toward their health benefits.

DONATO MARANGI, INC.  
(Employer)

COTTAGE CARTING, INC.  
(Employer)

ADVANCED WASTE SYSTEMS, INC.  
(Employer)

The Board's decision can be found at [www.nlr.gov/case/02-CA-098752](http://www.nlr.gov/case/02-CA-098752) or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1099 14th Street, N.W., Washington, D.C. 20570, or by calling (202) 273-1940.

