

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

WEYERHAEUSER NR COMPANY

and

Cases 19-CA-033069
19-CA-033095

**ASSOCIATION OF WESTERN PULP
AND PAPER WORKERS**

**JOINT MOTION TO REMAND CASES TO
THE REGIONAL DIRECTOR OF REGION 19**

Pursuant to Section 102.47 of the Board's Rules and Regulations, as amended, Counsel for the General Counsel hereby moves on behalf of all parties to this case that the Board remand the above captioned cases to the Regional Director of Region 19 for the purpose of approving and overseeing compliance with a settlement among all parties that remedies the violations found by Administrative Law Judge (ALJ) Eleanor Laws on January 30, 2012. The facts underlying this Motion are as follows.

1. Based upon charges filed by Association of Western Pulp and Paper Workers (Charging Party), the Regional Director of Region 19, on August 30, 2011, issued an Order Consolidating Cases, Consolidated Complaint and Notice of Hearing (Consolidated Complaint) in the above-captioned matter alleging that Respondent Weyerhaeuser NR Company (Respondent Weyerhaeuser) violated Section 8(a)(1) of the National Labor Relations Act (Act) by maintaining an overly restrictive rule, its June 15, 2010 Company Informational Notice, and by disciplining its employee Gerald Gilliam pursuant to that rule.

2. After a full hearing on the merits of the Consolidated Complaint, ALJ Laws issued her Decision on January 30, 2012, finding, in pertinent part, that Respondent

Weyerhaeuser violated Section 8(a)(1) of the Act by maintaining its June 15, 2010 Company Informational Notice, and by disciplining employee Gerald Gilliam pursuant to that rule, in a manner that interferes with activity protected by Section 7 of the Act. Respondent Weyerhaeuser thereafter filed timely Exceptions to that ALJ Decision (ALJD) with the National Labor Relations Board (Board or NLRB).

3. On June 20, 2013, the Board issued a Decision and Order, reported as 359 NLRB No. 138, consistent with the ALJD. Respondent Weyerhaeuser and Charging Party filed petitions for review of that Order in United States Courts of Appeals on June 25 and June 27, 2013, respectively. The Board filed its cross-application for enforcement on July 15, 2013.

4. Following the decision of the United States Supreme Court in *NLRB v. Noel Canning*, No. 12-1281, ___ S. Ct. ___ 2014 WL 2882090 (June 26, 2014), the Board issued an Order on June 27, 2014, setting aside its June 20, 2013 Order. On September 2, 2014 the Court cases were dismissed.

5. During the period of time encompassing the issuance of the ALJD through the dismissal by the Court of Appeals, essentially January 30, 2012, through September 2, 2014, Respondent Weyerhaeuser addressed its conduct and actions underlying the Consolidated Complaint by rescinding the June 15, 2010, Company Informational Notice and removing the discipline of Gerald Gilliam.

6. On March 18, 2015, Respondent Weyerhaeuser, the Charging Party, and the Regional Director of Region 19 agreed to settle this matter. As set forth in the NLRB Informal Settlement Agreement (Settlement) attached hereto, Respondent Weyerhaeuser agrees to: post the appended Notice to Employees at its Longview,

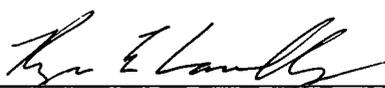
Washington, facility for the standard 60 consecutive day period; and comply with the terms of the Agreement subject to default, should it fail to do so.

7. The Settlement Notice, which modifies the ALJ's recommended Notice slightly, is substantially similar to that Notice and effectuates the purposes and policies of the Act in that it remedies the Consolidated Complaint allegations consistent with the remedial provisions of Board orders in cases involving such violations. Moreover, it meets the requirements of *Independent Stave Co.*, 287 NLRB 740 (1987). All parties have agreed to the Settlement and freely join in this Motion to the Board submitted by Counsel for the General Counsel.

8. Based on the above, Charged Party Weyerhaeuser, Charging Party, and the Regional Director of Region 19 jointly request that the Board remand the above-captioned matter to the Regional Director of Region 19 so that he may approve and oversee compliance with the Settlement described herein.

Dated at Seattle, Washington, this 18th day of March, 2015.

Respectfully submitted,

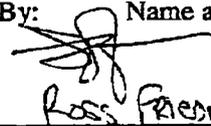
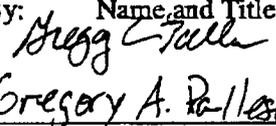
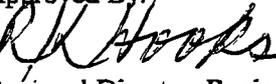


Ryan E. Connolly, Counsel for the General Counsel
National Labor Relations Board, Region 19
2948 Jackson Federal Building
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(206) 220-6326

PERFORMANCE — Performance by the Charged Party with the terms and provisions of this Agreement shall commence immediately after the Agreement is approved by the Regional Director, or if the Charging Party does not enter into this Agreement, performance shall commence immediately upon receipt by the Charged Party of notice that no review has been requested or that the General Counsel has sustained the Regional Director.

The Charged Party agrees that in case of non-compliance with any of the terms of this Settlement Agreement by the Charged Party, and after 14 days notice from the Regional Director of the National Labor Relations Board of such non-compliance without remedy by the Charged Party, the Regional Director will reissue the complaint previously issued on August 30, 2011 in the instant case(s). Non-compliance as used herein only includes non-compliance involving policies issued or employees at Charged Party's facility located at 3401 Industrial Way, Longview, WA 98632, during the one-year period immediately following the date of approval of this Settlement Agreement. Thereafter, the General Counsel may file a motion for default judgment with the Board on the allegations of the complaint. The Charged Party understands and agrees that the allegations of the aforementioned complaint will be deemed admitted and its Answer to such complaint will be considered withdrawn. The only issue that may be raised before the Board is whether the Charged Party defaulted on the terms of this Settlement Agreement. The Board may then, without necessity of trial or any other proceeding, find all allegations of the complaint to be true and make findings of fact and conclusions of law consistent with those allegations adverse to the Charged Party on all issues raised by the pleadings. The Board may then issue an order providing a full remedy for the violations found as is appropriate to remedy such violations. The parties further agree that a U.S. Court of Appeals Judgment may be entered enforcing the Board order ex parte, after service or attempted service upon Charged Party/Respondent at the last address provided to the General Counsel.

NOTIFICATION OF COMPLIANCE — Each party to this Agreement will notify the Regional Director in writing what steps the Charged Party has taken to comply with the Agreement. This notification shall be given within 5 days, and again after 60 days, from the date of the approval of this Agreement. If the Charging Party does not enter into this Agreement, initial notice shall be given within 5 days after notification from the Regional Director that the Charging Party did not request review or that the General Counsel sustained the Regional Director's approval of this agreement. No further action shall be taken in the above captioned case(s) provided that the Charged Party complies with the terms and conditions of this Settlement Agreement and Notice.

Charged Party WEYERHAEUSER NR COMPANY		Charging Party ASSOCIATION OF WESTERN PULP AND PAPER WORKERS	
By:  Name and Title Attorney FOR WEYERHAEUSER NR COMPANY	Date 2/26/15	By:  Name and Title AWPPW Vice President	Date 3-13-2015
Recommended By:  Field Attorney	Date 3/17/15	Approved By:  Regional Director, Region	Date 3/18/15

(To be printed and posted on official Board notice form)

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 maintain or enforce the June 15, 2010 Company Informational Notice, which instructs that if the communications it previously allowed pertaining to contract administration and Standing Committee matters are to continue to be allowed, they "should be focused on the process that needs to take place rather than protracted dissertations or arguments composed and sent during working hours of the Union representatives" and threatens to reassess allowing any Union business to take place on Company email "regardless of when."

WE WILL NOT discipline employees for violating the June 15, 2010 Company Informational Notice or for engaging in protected concerted activity.

WE HAVE rescinded the June 15, 2010 Company Informational Notice.

WE HAVE rescinded the letter of expectation issued to Gerald Gilliam on November 29, 2010.

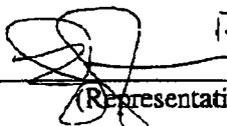
WE HAVE removed from our files any reference to the unlawful discipline of Gerald Gilliam and **WE WILL** notify him in writing that this has been done and that the discipline will not be used against him in any way.

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

WEYERHAEUSER NR COMPANY

(Employer)

Dated: 01/26/15

By: 

(Representative)

ROSS FRIEDMAN

(Title)

ATTORNEY FOR
WEYERHAEUSER NR
COMPANY

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. We conduct secret-ballot elections to determine whether employees want union representation and we investigate and remedy unfair labor

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Joint Motion to Remand Case to the Regional Director of Region 19 was served on the 18th day of March, 2015, on the following parties:

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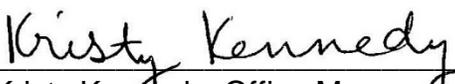
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