March 31, 2015

CCO-052

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

NATIONAL LABOR RELATIONS BOARD	:	
	:	
Petitioner	:	No. 15-1582
v.	:	
	:	Board Case No.:
ALTURA CONCRETE CORPORATION	:	22-CA-075740
	:	
Respondent	:	

JUDGMENT ENFORCING AN ORDER OF THE
NATIONAL LABOR RELATIONS BOARD

Before: Fuentes, Greenaway, Jr., and Vanaskie, Circuit Judges

This cause was submitted upon the application of the National Labor Relations Board for summary entry of a judgment against Respondent, Altura Concrete Corporation, its officers, agents, and representatives, enforcing its order dated November 19, 2014, in Case No. 22-CA-075740, and the Court having considered the same, it is hereby

ORDERED AND ADJUDGED by the Court that the Respondent, Altura Concrete Corporation, its officers, agents, and representatives, shall abide by said order (see attached order and appendix).

Mandate shall issue forthwith.

BY THE COURT

s/Joseph A. Greenaway, Jr.

Circuit Judge

DATED: 4/30/15

NATIONAL LABOR RELATIONS BOARD

v.

ALTURA CONCRETE CORPORATION

ORDER

Altura Concrete Corporation, Little Ferry, New Jersey, its officers, agents, successors, and assigns, shall

1. Cease and desist from
   (a) Discharging or otherwise discriminating against employees for supporting Local 455, Ironworkers, or any other union.
   (b) In any like or related manner interfering with, restraining, or coercing employees in the exercise of the rights guaranteed them in Section 7 of the Act.

2. Take the following affirmative action necessary to effectuate the policies of the Act.
   (a) Within 14 days from the date of this Order, offer George Patunas full reinstatement to his former job, or if that job no longer exists, to a substantially equivalent position, without prejudice to his seniority or any other rights or privileges previously enjoyed.
   (b) Make George Patunas whole for any loss of earnings and other benefits suffered as a result of the discrimination against him, in the manner set forth in the remedy section of this decision.
   (c) Compensate George Patunas for the adverse tax consequences, if any, of receiving a lump-sum backpay award, and file a report with the Social Security Administration allocating the backpay award to the appropriate calendar quarters.
   (d) Within 14 days from the date of this Order, remove from its files any reference to the unlawful discharge of George Patunas, and within 3 days thereafter notify him in writing that this has been done and that the discharge will not be used against him in any way.
   (e) Preserve and, within 14 days of a request, or such additional time as the Regional Director may allow for good cause shown, provide at a reasonable place designated by the Board or its agents, all payroll records, social security payment records, timecards, personnel records and reports, and all other records including an electronic copy of such

records if stored in electronic form, necessary to analyze the amount of backpay due under the terms of this Order.

(f) Within 14 days after service by the Region, post at its Little Ferry, New Jersey facility copies of the attached notice marked "Appendix." Copies of the notice, on forms provided by the Regional Director for Region 22, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places including all places where notices to employees are customarily posted. In addition to physical posting of paper notices, notices shall be distributed electronically, such as by email, posting on an intranet or an internet site, and/or other electronic means, if the Respondent customarily communicates with its employees by such means. Reasonable steps shall be taken by the Respondent 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 any time since February 29, 2012.

(g) Within 21 days after service by the Region, file with the Regional Director a sworn certification of a responsible official on a form provided by the Region attesting to the steps that the Respondent has taken to comply.

APPENDIX

NOTICE TO EMPLOYEES

POSTED PURSUANT TO A JUDGMENT OF THE UNITED STATES COURT OF APPEALS ENFORCING AN ORDER OF THE NATIONAL LABOR RELATIONS BOARD
An Agency of the United States Government

The National Labor Relations Board has found that we violated Federal labor law and has ordered us to post and obey this notice.

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 discharge or otherwise discriminate against employees for supporting Local 455, Ironworkers, or any other union.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce you in the exercise of the rights listed above.

WE WILL, within 14 days from the date of the Board's Order, offer George Patunas full reinstatement to his former job, or if that job no longer exists, to a substantially equivalent position, without prejudice to his seniority or any other rights or privileges previously enjoyed.

WE WILL make George Patunas whole for any loss of earnings and other benefits resulting from his discharge, less any net interim earnings, plus interest.

WE WILL compensate George Patunas for the adverse tax consequences, if any, of receiving a lump-sum backpay award, and WE WILL file a report with the Social Security Administration allocating the backpay award to the appropriate calendar quarters.

WE WILL, within 14 days from the date of the Board's Order, remove from our files any reference to the unlawful discharge of George Patunas, and WE WILL, within 3 days thereafter notify him in writing that this has been done and that the discharge will not be used against him in any way.

ALTURA CONCRETE CORP.