15-3231

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

NATIONAL LABOR RELATIONS BOARD	:	
	:	No. 15-3231
Petitioner	:	BCO-003
v.	:	
	:	Board Case No.:
CASWORTH ENTERPRISES, INC.	:	04-CA-142471
	:	
Respondent	:	

JUDGMENT ENFORCING AN ORDER OF THE
NATIONAL LABOR RELATIONS BOARD

Before: FUENTES, KRAUSE and SCIRICA, Circuit Judges

This cause was submitted upon the application of the National Labor Relations Board for summary entry of a judgment against Respondent, Casworth Enterprises, Inc., its officers, successors, and assigns, enforcing its order dated June 24, 2015, in Case No. 04-CA-142471, and the Court having considered the same, it is hereby

ORDERED AND ADJUDGED by the Court that the Respondent Casworth Enterprises, Inc., its officers, successors, and assigns, shall abide by said order (See Attached Order and Appendix).

Mandate shall issue forthwith.

BY THE COURT

s/Julio M. Fuentes
Circuit Judge

DATED: October 22, 2015

NATIONAL LABOR RELATIONS BOARD

v.

CASWORTH ENTERPRISES, INC.

ORDER

Casworth Enterprises, Inc., Westville, New Jersey, its officers, agents, successors, and assigns, shall

1 Cease and desist from

(a) Interrogating employees concerning the union sympathies and activities of other employees.
(b) More closely scrutinizing and monitoring the work of employees because they support Teamsters Union Local No. 115 a/w International Brotherhood of Teamsters, or any other labor organization.
(c) Discharging or otherwise discriminating against employees for supporting Teamsters Union Local No. 115 a/w International Brotherhood of Teamsters, or any other labor organization.
(d) In any like or related manner interfering with, restraining, or coercing employees in the exercise of the rights guaranteed them by 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 Pedro A. Mendez 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 Mendez whole for any loss of earnings and other benefits he may have suffered as a result of the discrimination against him in the manner set forth in the remedy section of this decision.
(c) Compensate Mendez 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 references to the unlawful scrutiny, monitoring, and discharge of Mendez and, within 3 days thereafter, notify him in writing that this has been done and that its unlawful conduct 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 facility in Westville, New Jersey, copies of the attached notice marked "Appendix." Copies of the notice, on forms provided by the Regional Director for Region 4, 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. If 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 November 13, 2014.

(g) Within 21 days after service by the Region, file with the Regional Director for Region 4 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 interrogate you concerning the union sympathies and activities of our other employees.

WE WILL NOT more closely scrutinize and monitor the work you do because you support Teamsters Union Local No. 115 a/w International Brotherhood of Teamsters, or any other labor organization.

WE WILL NOT discharge or otherwise discriminate against you for supporting Teamsters Union Local No. 115 a/w International Brotherhood of Teamsters, or any other labor organization.

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 Pedro A. Mendez 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 Pedro A. Mendez whole for any loss of earnings and other benefits he may have suffered as a result of our unlawful conduct, plus interest.

WE WILL compensate Pedro A. Mendez 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 scrutiny, monitoring, and discharge of Pedro A.

Mendez, and WE WILL, within 3 days thereafter, notify him in writing that this has been done and that our unlawful conduct will not be used against him in any way.

CASWORTH ENTERPRISES, INC.

The Board's decision can be found at www.nlrb.gov/case/04-CA-142471 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.

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NATIONAL LABOR RELATIONS BOARD	:	
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	:	Board Case No.:
CASWORTH ENTERPRISES, INC.	:	04-CA-142471
	:	
Respondent	:	

CERTIFICATE OF SERVICE

The undersigned certifies that one copy each of the Board's application for summary entry of judgment, appearance of counsel form, docketing statement, and proposed judgment, in the above-captioned case, has this day been served by first class mail upon the following parties at the addresses listed below:

John Casciano
Casworth, Inc.
449 Caulfield Ave
Deptford, NJ 08096-5525

John Casciano
Casworth, Inc.
605 Ryan Avenue
Westville, NJ 08093-1581

Frank Holzworth
449 Caulfield Avenue
Deptford, NJ 08096-5525

Linda Dreeben
Deputy Associate General Counsel
National Labor Relations Board
1015 Half Street, S.E.
Washington, D.C. 20570

Dated at Washington, D.C.
this 10th day of September, 2015