

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

RELCO LOCOMOTIVES, INC.

and

**Cases 18-CA-153845
18-CA-156999**

**INTERNATIONAL ASSOCIATION OF SHEET
METAL, AIR, RAIL, AND TRANSPORTATION
WORKERS**

DECISION AND ORDER

On December 22, 2015, RELCO Locomotives, Inc. (the Respondent), the International Association of Sheet Metal, Air, Rail, and Transportation Workers (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 Respondent waived its 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 Respondent's business

At all material times, the Respondent, an Illinois corporation with an office and place of business in Albia, Iowa (the Respondent's facility), has been engaged in repairing and rebuilding locomotives.

In conducting its operations at the Respondent's facility during the past calendar year, the Respondent sold and shipped goods valued in excess of \$50,000 directly to points outside the State of Iowa.

The Respondent is now, and has been at all material times, an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

2. The labor organization

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 Respondent, RELCO Locomotives, Inc., Albia, Iowa, its officers, agents, successors, and assigns, shall

1. Cease and desist from:

- (a) Threatening employees with discipline for attending hearings of the National Labor Relations Board pursuant to subpoena, during their work hours;
- (b) Requiring employees to use accrued paid or unpaid leave hours to testify in a Board hearing as union-subpoenaed witnesses;
- (c) Discharging or refusing to reinstate any of its employees or in any other manner discriminating in regard to hire or tenure of employment or any other term or condition of employment, in order to discourage membership in the International Association of Sheet Metal, Air, Rail and Transportation Workers or in any other labor organization;
- (d) Discharging or refusing to reinstate any of its employees or in any other manner discriminating in regard to hire or tenure of employment or any other term or condition of employment, because he or she testified on behalf of the Union in a Board proceeding;
- (e) In any other manner interfering with, restraining or coercing its employees in the exercise of their right to self-organization, to form labor organizations, to join or assist the International Association of Sheet Metal, Air, Rail and Transportation Workers or any other labor organization, to bargain collectively through representatives of their own choosing and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, or to refrain from any and all such activities.

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

- (a) Within 14 days from the date of the Board's Order, remove from the Respondent's files any reference to the discharge of Michael Vajda and within three days thereafter, notify Vajda, in writing, that this was done and that the discharge will not be used against him in any way;
- (b) Make whole employee Michael Vajda, who does not desire reinstatement, for any loss of pay he may have suffered by reason of the discrimination against him, by payment to him in the amount of backpay and interest set forth below:

Backpay: \$15,997.00

Interest: \$135.00

- (c) Within 14 days of service by the Region, post at its Albia, Iowa facility copies of the attached notice marked "Appendix A." Copies of the notice, on forms provided by the Region, 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, the Respondent shall distribute notices electronically, by email, posting on an intranet or internet site, and/or other electronic means, if the Respondent customarily communicates with its employees by such means. The Respondent 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 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 May 26, 2015.
- (d) 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.

Dated, Washington, D.C., February 22, 2016

Philip A. Miscimarra, Member

Kent Y. Hirozawa, Member

Lauren McFerran, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD

APPENDIX A

**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 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 threaten employees with discipline for attending hearings of the National Labor Relations Board pursuant to subpoena, during their work hours.

WE WILL NOT require employees to use accrued paid or unpaid leave hours to testify in a Board hearing as union-subpoenaed witnesses.

WE WILL NOT discharge or refuse to reinstate any of our employees or in any other manner discriminate in regard to hire or tenure of employment or any other term or condition of employment, in order to discourage membership in the International Association of Sheet Metal, Air, Rail and Transportation Workers or in any other labor organization.

WE WILL NOT discharge or refuse to reinstate any of our employees or in any other manner discriminate in regard to hire or tenure of employment or any other term or condition of employment, because he or she testified on behalf of the Union in a Board proceeding.

WE WILL NOT in any other manner interfere with, restrain or coerce our employees in the exercise of their right to self-organization, to form labor organizations, to join or assist the International Association of Sheet Metal, Air, Rail and Transportation Workers or any other labor organization, to bargain collectively through representatives of their own choosing and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, or to refrain from any and all such activities.

WE WILL remove from our files any reference to the discharge of Michael Vajda and notify Vajda, in writing, that this was done and the discharge will not be used against him in any way.

WE WILL make whole employee Michael Vajda, who does not desire reinstatement, for any loss of pay he may have suffered by reason of the discrimination against, as set forth in the formal settlement agreement.

RELCO LOCOMOTIVES, INC.

The Board's decision can be found at www.nlr.gov/case/18-CA-153845 or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1015 Half Street, S.E., Washington, D.C. 20570, or by calling (202) 273-1940.

