



UNITED STATES GOVERNMENT

NATIONAL LABOR RELATIONS BOARD

OFFICE OF THE GENERAL COUNSEL

Washington, D.C. 20570

February 25, 2016

Molly Dwyer, Clerk of Court
U.S. Court of Appeals for the Ninth Circuit
P.O. Box 193939
San Francisco, CA 94119-3939

Re: *NLRB v. Air Traffic Management
Consulting Inc.*, Board No. 28-CA-147299

Dear Ms. Dwyer:

I am enclosing an application of the National Labor Relations Board for enforcement of its order in this case, and a proposed judgment. Respondent expressly consented to the entry of this judgment in a stipulation contained in the record. I am also transmitting the certified record, including the order and the underlying stipulation.

Please serve a copy of the application on Respondent, whose address appears on the service list. I have served a copy of the Board's application and proposed judgment on each party admitted to participate in the Board proceedings, and their names and addresses also appear on the service list.

I am counsel of record for the Board, and all correspondence should be addressed to me. I would appreciate your furnishing the Board's Regional Director, whose name and address also appear on the service list, with a copy of all correspondence the Court sends to counsel in this case, and a copy of the judgment issued.

Very truly yours,

/s/ Linda Dreeben

Linda Dreeben
Deputy Associate General Counsel
NATIONAL LABOR RELATIONS BOARD
1015 Half Street, S.E.
Washington, D.C. 20570
(202) 273-2960

cc & documents to: Service List

SERVICE LIST

RESPONDENT:

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CHARGING PARTY:

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REGIONAL DIRECTOR:

Cornele A. Overstreet, Regional Director
National Labor Relations Board
2600 North Central Avenue, Suite 1400
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UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

NATIONAL LABOR RELATIONS BOARD	:	
	:	
Petitioner	:	No.
v.	:	
	:	Board Case No.:
AIR TRAFFIC MANAGEMENT CONSULTING INC.	:	28-CA-147299
	:	
Respondent	:	

APPLICATION FOR ENFORCEMENT OF AN ORDER
OF THE NATIONAL LABOR RELATIONS BOARD
UPON STIPULATION OF THE PARTIES FOR CONSENT JUDGMENT

To the Honorable, the Judges of the United States
Court of Appeals for the Ninth Circuit:

The National Labor Relations Board (the “Board”), pursuant to Section 10(e) of the National Labor Relations Act, as amended (29 U.S.C. §§ 151, 160(e)), applies to this Court for enforcement of its order against Air Traffic Management Consulting Inc. (“Respondent”), issued in Board Case No. 28-CA-147299, on February 12, 2016. The Board is entitled to enforcement because Respondent has expressly consented to entry of this judgment in a stipulation that Respondent entered into during the proceedings before the Board. In support, the Board shows:

A. Jurisdiction of this Court

This Court has jurisdiction over this application under Section 10(e) of the Act (29 U.S.C. § 160(e)). Venue is proper in this Circuit because the activities giving rise to this proceeding occurred in Nevada. The Board’s final order issued

on February 12, 2016.

**B. The Respondent Entered into a Stipulation
Providing for Entry of an Order by the
Board and a Consent Judgment by the Court**

1. The Board entered an order against Respondent pursuant to a stipulation authorizing the Board to enter an order embodying its terms. The Board's order does not vary from those terms.

2. Paragraph VII of the stipulation authorized the Board to apply to an appropriate U.S. Court of Appeals for a judgment enforcing the Board's order, and provided that Respondent "waives all defenses to the entry of the judgment"

3. In support of this application, the Board is certifying and filing with this Court the record of proceedings before the Board, including the pleadings, stipulation, findings of fact, and order of the Board.

WHEREFORE, the Board respectfully requests that the Court, after serving a copy of this application upon Respondent, enter a consent judgment enforcing the Board's order in full. A copy of the proposed consent judgment is attached.

Dated in Washington, D.C.
this 25th day of February, 2016

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

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

NATIONAL LABOR RELATIONS BOARD	:	
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	:	
Respondent	:	

JUDGMENT

THIS CAUSE was submitted upon the application of the National Labor Relations Board for the enforcement of a certain order on consent issued by it against Respondent, Air Traffic Management Consulting Inc., their officers, agents, successors, and assigns, on February 12, 2016, in Board Case No. 28-CA-147299; and upon the record in that proceeding, certified and filed in this Court enforcing the order.

ON CONSIDERATION WHEREOF, it is ordered and adjudged by the United States Court of Appeals for the Ninth Circuit that the order of the National Labor Relations Board be, and the same is hereby enforced; and that the Respondent, Air Traffic Management Consulting Inc., their officers, agents, successors, and assigns, shall abide by and perform the directions of the Board set forth in its order. (See Attached Order and Notice)

Endorsed, Judgment Filed and Entered

/s/ Molly Dwyer
Molly Dwyer
Clerk

NATIONAL LABOR RELATIONS BOARD

v.

AIR TRAFFIC MANAGEMENT CONSULTING INC.

ORDER

Air Traffic Management Consulting Inc., Nellis Air Force Base, Nevada, its officers, agents, successors, and assigns, shall

1. Cease and desist from
 - (a) Refusing to bargain collectively with the International Association of Machinists & Aerospace Workers, AFL-CIO, Local Lodge 845 as the exclusive representative of all its aircraft servicers employed at Nellis Air Force Base, excluding all other employees, guards, and supervisors as defined in the Act.
 - (b) Failing or refusing to provide information requested by the Union, in a timely fashion, that is necessary for and relevant to the Union's performance of its duties as the exclusive collective-bargaining representative of the bargaining unit.
 - (c) In any like or related manner, interfering with, restraining or coercing Unit employees in the exercise of the rights guaranteed to them under Section 7 of the Act.
2. Take the following affirmative action necessary to effectuate the policies of the Act.
 - (a) Upon request, bargain collectively with the International Association of Machinists & Aerospace Workers, AFL-CIO, Local Lodge 845, as the exclusive representative of all its aircraft servicers employed at Nellis Air Force Base, excluding all other employees, guards, and supervisors as defined in the Act, with respect to rates of pay, wages, hours of employment and other conditions of employment, and if an understanding is reached, reduce it to writing and sign it. On resumption of bargaining, the Union's status as the exclusive collective-bargaining

representative of the Unit shall be extended for 12 months thereafter, as if the initial recognition year has not expired.

- (b) Immediately provide to the Union the information it requested on January 28, 2015, and update previously provided information, if needed.
- (c) Within 14 days of service by Region 28 of the National Labor Relations Board (Region 28), post at its Nellis Air Force Base facility copies of the attached notice marked "Appendix A." Copies of the notices, on forms provided by Region 28, after being signed by 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 an 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 facilities involved in these proceedings, the Respondent shall duplicate and mail, at its own expense, a copy of the notices to all current employees and former employees employed by the Respondent at any time since October 1, 2014.
- (d) Within 21 days after service by the Region, file with the Regional Director for Region 28, a sworn certificate of a responsible official on a form provided by the Region attesting to the steps that the Respondent has taken to comply.

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.

**International Association of Machinists & Aerospace Workers, AFL-CIO,
Local Lodge 845** (the Union) is the exclusive collective-bargaining
representative of the following appropriate unit of our employees:

All regular full-time and part-time aircraft servicers employed by Air
Traffic Management Consulting Inc. at the Nellis Air Force Base,
excluding all other employees, guards and supervisors as defined in
the Act.

WE WILL NOT refuse to bargain with the Union as the exclusive collective-
bargaining representative of our employees in the unit of employees described
above.

WE WILL NOT fail or refuse to furnish or unreasonably delay in providing the
Union with information that is relevant and necessary to its role as the exclusive
collective-bargaining representative of our unit employees.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce
you in the exercise of the rights guaranteed you under Section 7 of the Act.

WE WILL upon request, bargain collectively and in good faith with the Union, and **WE WILL** continue to do so for up to one year after we resume bargaining with the Union, reducing any agreements we reach to writing and sign it.

WE WILL respond to the Union's requests for information in a timely fashion, and **WE WILL** provide to the Union the information it requested on January 28, 2015, and update previously provided information if needed.

AIR TRAFFIC MANAGEMENT CONSULTING INC.

The Board's decision can be found at www.nlr.gov/case/28-CA-147299 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.



UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

NATIONAL LABOR RELATIONS BOARD :
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 :
 Petitioner : No.
 v. :
 : Board Case No.:
 AIR TRAFFIC MANAGEMENT CONSULTING INC. : 28-CA-147299
 :
 :
 Respondent :

CERTIFICATE OF THE NATIONAL LABOR RELATIONS BOARD

The National Labor Relations Board, by its Executive Secretary, authorized by Section 102.115, Rules and Regulations of the National Labor Relations Board, Series 8 (29 C.F.R.), certifies that the documents annexed hereto constitute the entire record of a proceeding had before the Board and known upon its records as Case No. 28-CA-147299.

The attached documents are as follows:

<u>Date</u>	<u>Document Description</u>	<u>Pages</u>
02/12/2016	Decision and Order, <i>Air Traffic Management Consulting Inc. and International Association of Machinists & Aerospace Workers, AFL-CIO, Local Lodge 845</i> , Case No. 28-CA-147299	5
11/10/2015	Formal Settlement Stipulation, <i>Air Traffic Management Consulting Inc. and International Association of Machinists & Aerospace Workers, AFL-CIO, Local Lodge 845</i> , Case No. 28-CA-147299 w/exhibits	21

IN TESTIMONY WHEREOF, the Executive Secretary of the National Labor Relations Board, being duly authorized, has hereunto set his hand and affixed the seal of the National Labor Relations Board in the city of Washington, District of Columbia, this 25th day of February, 2016.

/s/ Gary Shinnors
Gary Shinnors
Executive Secretary
NATIONAL LABOR RELATIONS BOARD

(seal)

UNITED STATES COURT OF APPEALS
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	:	
Respondent	:	

CERTIFICATE OF SERVICE

The undersigned certifies that one copy each of the Board's application for enforcement, proposed judgment, certificate of record and mediation questionnaire, in the above case, has this day been served by first class mail upon the following

Wayne MacKenzie
Air Traffic Management Consulting Inc.
4894 West Lone Mountain Road
Las Vegas, NV 89130-2239
parties at the address listed below:

Gregory J. Kamer, Attorney at Law
Kamer Zucker Abbott
3000 West Charleston Blvd, Ste 3
Las Vegas, NV 89102

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

Dated in Washington, D.C.
this 25th day of February, 2016

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

NATIONAL LABOR RELATIONS BOARD

Petitioner

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Respondent

ITEMS SHOWN ON BOARD'S CERTIFICATE
OF RECORD ARE CONTAINED HEREIN