

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

COMMERCIAL TRADE SOURCE, INC.

and

**INDIANA STATE PIPE TRADES
ASSOCIATION AND U.A. LOCAL 440,
AFL-CIO**

**Cases 25-CA-124973
25-CA-124996
25-CA-129941
25-CA-156165
25-CA-156202
25-CA-156208**

DECISION AND ORDER

On February 17, 2016, Commercial Trade Source, Inc. (the Respondent), Indiana State Pipe Trades Association and U.A. Local 440, AFL-CIO (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

The Respondent is an Indiana corporation with an office and place of business in Indianapolis, Indiana (the Respondent's facility), and is engaged in leasing skilled construction labor to commercial contractors.

In conducting its business operations at the Respondent's facility during the calendar year ending May 31, 2015, the Respondent performed service in excess of \$50,000 in States other than the State of Indiana.

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, Commercial Trade Source, Inc., Indianapolis, Indiana, its officers, agents, successors, and assigns shall

1. Cease and desist from

(a) Maintaining an overly broad and discriminatory “Non Disclosure” rule prohibiting discussions about compensation data and labor relations strategies.

(b) Maintaining an overly broad and discriminatory distribution rule prohibiting employees from distributing and posting literature of any kind on any part of company property or jobsite.

(c) Maintaining an overly broad and discriminatory rule interfering with employee rights to wear union tee-shirts and other union insignia while working.

(d) In any like or related 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 any 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 fourteen (14) days from the date of the Board’s Order, rescind the rules set forth above from the Policies and Procedures Handbook and furnish all employees with a notice that (1) advises that these rules have been rescinded, or (2) provides the language of lawful rules; or publish and distribute to all employees a revised handbook that (1) does not contain the unlawful rules, or (2) provides the language of lawful rules.

(b) Within fourteen (14) days after service by the Region, post at its facilities in Indianapolis, Indiana, and mail to all current employees employed by the Respondent, copies of the attached notice marked "Appendix A." Copies of the notice, on forms provided by Region 25, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days on the wall across from the restrooms in the Respondent's Indianapolis, Indiana headquarters. The Respondent will take reasonable steps to ensure that the notices are not altered, defaced or covered by any other material.

(c) Within 21 days after service by the Region, file with the Regional Director 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.

Dated, Washington, D.C., April 13, 2016.

Mark Gaston Pearce, Chairman

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 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 stop you from discussing compensation data and labor relations strategies and **WE WILL** repeal the rule in our Policy and Procedures Handbook on that subject.

WE WILL NOT stop you from distributing and posting literature of any kind on any part of company property or jobsite and **WE WILL** repeal the rule in our Policy and Procedures Handbook on that subject.

You have the right to wear union tee-shirts and other union insignia while working, and **WE WILL NOT** stop you from doing so and **WE WILL** repeal the rule in our Policy and Procedures Handbook on that subject.

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

COMMERCIAL TRADE SOURCE, INC.

The Board's decision can be found at www.nlrb.gov/case/25-CA-124973 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.

