



UNITED STATES GOVERNMENT

NATIONAL LABOR RELATIONS BOARD

OFFICE OF THE GENERAL COUNSEL

Washington, D.C. 20570

May 27, 2016

Clerk, United States Court of
Appeals for the Sixth Circuit
540 Potter Stewart U.S. Courthouse
100 East Fifth Street
Cincinnati, OH 45202-3988

Re: *NLRB v. United States Postal Service*,
(6th Cir.) Board Case Nos. 15-CA-122723,
15-CA-140463, 15-CA-140989, 15-CA-
142354, 15-CA-142572, 15-CA-151413, 15-
CA-153680 and 15-CA-158826

Dear Ms. Hunt:

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 enclosing the certified record.

Please serve a copy of the application on Respondent, whose addresses appear 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 certified 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:

Carlos Moorehead, Mgr.
United States Postal Service
555 South Third Street
Memphis, TN 38101-7500

Tel: (901) 521-2239

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United States Postal Service,
Memphis Network Distr. Ctr.
1921 Elvis Presley Blvd
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Tel: (901) 947-7582
Fax: (901) 947-7678
Email: robert.j.glass@usps.gov

CHARGING PARTY:

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Nat'l Postal Mail Handlers Union,
Local 329
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Memphis, TN 38128-2342

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UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

NATIONAL LABOR RELATIONS BOARD	:	No.
	:	Board Case No.:
Petitioner	:	15-CA-122723
	:	15-CA-140463
v.	:	15-CA-140989
	:	15-CA-142354
	:	15-CA-142572
UNITED STATES POSTAL SERVICE	:	15-CA-151413
	:	15-CA-153680
Respondent	:	15-CA-158826

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 Sixth 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 United States Postal Service (“Respondent”), issued in Board Case Nos. 15-CA-122723, 15-CA-140463, 15-CA-140989, 15-CA-142354, 15-CA-142572, 15-CA-151413, 15-CA-153680 and 15-CA-158826 , on May 23, 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 Tennessee. The Board's final order issued on May 23, 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 VI 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.

/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 27th day of May, 2016

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

NATIONAL LABOR RELATIONS BOARD	:	No.
	:	Board Case No.:
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	:	15-CA-140463
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	:	15-CA-153680
Respondent	:	15-CA-158826

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, United States Postal Service, its officers, agents, successors, and assigns, on May 23, 2016, in Board Case Nos. 15-CA-122723, 15-CA-140463, 15-CA-140989, 15-CA-142354, 15-CA-142572, 15-CA-151413, 15-CA-153680 and 15-CA-158826 ; 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 Sixth Circuit that the order of the National Labor Relations Board be, and the same is hereby enforced; and that the Respondent, United States Postal Service, its officers, agents, successors, and assigns, abide by and perform the directions of the Board set forth in its order. (See Attached Order and Appendix)

ENTERED BY ORDER OF THE COURT

Clerk

NATIONAL LABOR RELATIONS BOARD

v.

UNITED STATES POSTAL SERVICE

ORDER

United States Postal Service, 1921 Elvis Presley Blvd., Memphis TN 18136, its officers, agents, successors, and assigns, shall

1. Cease and desist from:
 - (a) Failing and refusing to bargain in good faith with the exclusive representative of its National Postal Mail Handlers Union Local 329-represented employees in a unit appropriate for collective bargaining by failing and refusing to furnish the Local Union, in a timely manner, information requested by the Local Union which is relevant to and necessary for the Local Union's representation of employees as local agent of the National Union, National Postal Mail Handlers Union (NPMHU).
 - (b) Failing and refusing to bargain in good faith with the exclusive representative of its National Postal Mail Handlers Union Local 329-represented employees in a unit appropriate for collective bargaining by failing and refusing to furnish the Local Union information requested by the Local Union which is relevant to and necessary for the Local Union's representation of employees as local agent of the National Union.
 - (c) In any like or related manner interfering with, restraining or coercing employees in the exercise of the rights guaranteed to them by Section 7 of the Act.
2. Take the following affirmative action necessary to effectuate the policies of the Act:
 - (a) Cease failing and refusing to bargain in good faith with the exclusive representative of its National Postal Mail Handlers Union Local 329-represented employees by informing, in writing, the Local Union as local agent of the National Union that the Respondent will timely provide it with relevant requested information in the future and that the Local Union may request relevant information from the Respondent.

- (b) Conduct a prompt and diligent search for information requested by the Local Union that is relevant and necessary, and timely provide the Local Union as the agent of the National Union with relevant information it requests.
- (c) Waive, for 60 days following issuance of the Board's Order, or the Respondent providing the requested information, whichever is longest, any contractual deadlines for filing and pursuing grievances related to the requested information, where the NPMHU and/or NPMHU Local 329 missed those deadlines due to the Respondent's delay in providing the information and/or informing the NPMHU or NPMHU Local 329 that the information does not exist.
- (d) Preserve and, within 14 days of request, make available to the Board or its agents for examination and copying, all records necessary to determine that the Respondent has complied with the terms of this Order.
- (e) Within 14 days of service by the Region, post at its 1921 Elvis Presley Blvd., Memphis, TN facility, copies of the attached notice marked "Appendix A." Copies of the notice, on forms provided by the Regional Director for Region 15, 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. 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 the closed facility at any time since August 23, 2013.
- (i) Within 21 days after service by the Region, file with the Regional Director for Region 15 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 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 do anything to prevent you from exercising the above rights.

The National Postal Mail Handlers Union (NPMHU) is the employees' representative in dealing with us regarding wages, hours and other working conditions of the employees in the following unit (Unit):

Included: the Employer recognizes the NPMHU as the exclusive bargaining representative of all employees in the bargaining unit for which the NPMHU has been recognized and certified at the national level – Mail Handlers;
Excluded: Managerial and supervisory personnel, Professional employees, Employees engaged in personnel work in other than a purely non-confidential clerical capacity, Security guards as defined in Public Law 91-375, 1201(2), Postal Inspection Service employees, Employees in the supplemental work force as defined in Article 7, Rural Letter Carriers, City Letter Carriers, Maintenance employees, Special Delivery Messengers, Motor Vehicle Employees, Postal Clerks, Mail Equipment Shop employees, and Mail Transport Equipment Centers and Supply Center employees.

WE WILL NOT, upon request, refuse to bargain in good faith with NPMHU Local 329 as the National Union's designated agent for administering the collective-bargaining agreement at the Employer's Memphis, Tennessee facility.

WE WILL NOT refuse to provide NPMHU Local 329 with information that is relevant and necessary to its role as your bargaining representative.

WE WILL NOT unreasonably delay in providing NPMHU Local 329 with information that is relevant and necessary to its role as your bargaining representative.

WE WILL NOT unreasonably delay in responding to NPMHU Local 329 with regard to requested information that is relevant and necessary to its role as your bargaining representative.

WE WILL NOT fail to respond to NPMHU Local 329 with regard to requested information that is relevant and necessary to its role as your bargaining representative.

WE WILL NOT insist that NPMHU Local 329 clarify a request for information when the request is already clear on its face.

WE WILL NOT delay in diligently searching for information requested by NPMHU Local 329 that is relevant and necessary to its role as your bargaining representative.

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

WE WILL, upon request, bargain in good faith with the NPMHU or NPMHU Local 329 as agent for administering the collective-bargaining agreement at the Memphis, Tennessee facility.

WE WILL, within 14 days of the posting of this notice, provide NPMHU Local 329 with the information it requested, if we have not already done so, as alleged in the Third Order Further Consolidating Cases, Third Consolidated Complaint and Notice of Hearing, which information is relevant and reasonably necessary for NPMHU Local 329 to administer the collective-bargaining agreement and to process pending grievances.

WE WILL, in a timely manner, notify NPMHU Local 329 that requested information is not available because it does not exist.

WE WILL waive, for 60 days following issuance of the Board's Order or our

providing the requested information, whichever is longest, any contractual deadlines for filing and pursuing grievances related to the requested information, where the NPMHU or NPMHU Local 329 missed those deadlines due to our delay in providing the requested information and/or informing NPMHU or NPMHU Local 329 that the information does not exist.

WE WILL, if the information NPMHU Local 329 requested as alleged in the Third Order Further Consolidating Cases, Third Consolidated Complaint and Notice of Hearing does not exist, notify NPMHU Local 329 that the requested information does not exist, if we have not already done so.

WE WILL, in a timely manner, diligently search for information requested by NPMHU Local 329 that is relevant and necessary for it to perform its duties as the National Union's agent.

UNITED STATES POSTAL SERVICE

The Board's decision can be found at www.nlr.gov/case/15-CA-122723 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.



<u>Date</u>	<u>Document Description</u>	<u>Pages</u>
03/18/2016	Formal Settlement Stipulation, <i>United States Postal Service and National Postal Mail Handlers Union, Local 329</i> , Case Nos. 15-CA-122723, 15-CA-140463, 15-CA-140989, 15-CA-142354, 15-CA-142572, 15-CA-151413, 15-CA-153680 and 15-CA-158826 w/exhibits	176

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 this 27th day of May, 2016.

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

(seal)

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

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	:	15-CA-153680
Respondent	:	15-CA-158826

CERTIFICATE OF SERVICE

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

Roderick D. Eves, Dpty Mgng Counsel
United States Postal Service
Law Dept. - NLRB Unit
1720 Market St, Rm. 2400
Saint Louis, MO 63155-9948

Kelly E. Elifson, Attorney
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1720 Market St, Rm. 2400
Saint Louis, MO 63155-9948

Robert J. Glass, Mgr.
United States Postal Service,
Memphis Network Distr. Ctr.
1921 Elvis Presley Blvd
Memphis, TN 38136-6947

Carlos Moorehead, Mgr.
United States Postal Service
555 South Third Street
Memphis, TN 38101-7500

/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 this 27th day of May, 2016

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

NATIONAL LABOR RELATIONS BOARD

Petitioner

v.

UNITED STATES POSTAL SERVICE

Respondent

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