



UNITED STATES GOVERNMENT

NATIONAL LABOR RELATIONS BOARD

OFFICE OF THE GENERAL COUNSEL

Washington, D.C. 20570

July 13, 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. Alcoa, Inc. - Cleveland Works*,
(6th Cir.) Board Case No. 08-CA-164890

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:

Adam Armendariz, Labor Rel. Mgr.
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1600 Harvard Ave
Newburg Heights, OH 44105-3092

Email: adam.armendariz@alcoa.com

RESPONDENT'S COUNSEL:

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201 Isabella St
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CHARGING PARTY:

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REGIONAL DIRECTOR:

Allen Binstock, Regional Dir.
National Labor Relations Board
1240 East 9th Street – Room 1695
Cleveland, OH 44199-2086

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

NATIONAL LABOR RELATIONS BOARD	:	
	:	
Petitioner	:	No.
v.	:	Board Case No.:
	:	08-CA-164890
ALCOA, INC. - CLEVELAND WORKS	:	
	:	
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 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 Alcoa, Inc. - Cleveland Works (“Respondent”), issued in Board Case No. 08-CA-164890 , on July 6, 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 Ohio. The Board's final order issued on July 6, 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.

/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 13th day of July, 2016

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

NATIONAL LABOR RELATIONS BOARD	:	
	:	
Petitioner	:	No.
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ALCOA, INC. - CLEVELAND WORKS	:	
	:	
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, Alcoa, Inc. - Cleveland Works, its officers, agents, successors, and assigns, on July 6, 2016, in Board Case No. 08-CA-164890; 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, Alcoa, Inc. - Cleveland Works, 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.

ALCOA, INC. - CLEVELAND WORKS

ORDER

Alcoa, Inc. - Cleveland Works, Cleveland, Ohio, its officers, agents, successors, and assigns, shall

1. Cease and desist from
 - (a) Refusing to bargain collectively with the Union by failing and refusing to furnish the Union with requested information that is relevant and necessary to the Union's performance of its functions as the collective-bargaining representative of employees in the Unit.
 - (b) Refusing to bargain collectively with the Union by unreasonably delaying in furnishing it with requested information that is relevant and necessary to the Union's performance of its functions as the collective-bargaining representative of employees in the Unit.
 - (c) Unreasonably delaying in informing the Union that requested information that is relevant and necessary to the Union's performance of its functions as the collective-bargaining representative of employees in the Unit does not exist.
 - (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, provide the Union with any available job and lot numbers for work contracted out from the test lab as first requested in the Union's June 25, 2015 request, and that were not provided in the Employer's March 17, 2016 and April 6, 2016 responses.

- (b) Within 14 days of service by the Region, post at its Cleveland, Ohio plant copies of the attached notice marked “Appendix A.” Copies of the notice, on forms provided by Region 8, 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.

- (c) Within 21 days after service by the Region, file with the Regional Director for Region 8, 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, including the locations that the attached notice marked “Appendix A” was posted.

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.

WE WILL NOT refuse to bargain collectively with United Auto Workers, Local 1050 (the Union) by failing and refusing to provide it with requested information that is relevant and necessary to its role as the exclusive bargaining representative of employees in the following unit:

Those employees of the Company at its Cleveland, Ohio plant for which the Union has heretofore been certified by the National Labor Relations Board, or for whom the Company has recognized the Union as the exclusive collective-bargaining agency including all production, maintenance and skilled trades employees.

WE WILL NOT unreasonably delay in furnishing the Union with requested information that is relevant and necessary to its role as the exclusive bargaining representative of employees in the above unit.

WE WILL NOT unreasonably delay in informing the Union that the information it has requested does not exist.

WE HAVE provided the Union with a partial response to its June 25, 2015 request for the job and lot numbers for work contracted out from the test lab, and **WE WILL** provide any additional relevant job and lot numbers that we acquire.

WE HAVE provided the Union with the information related to the type, quantity, price per piece, time period, and shipping costs of work being contracted out from the test lab, as that information was first requested in the Union's June 25, 2015 information request.

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.

ALCOA, INC. - CLEVELAND WORKS

The Board's decision can be found at www.nlrb.gov/case/08-CA-164890 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 SIXTH CIRCUIT

NATIONAL LABOR RELATIONS BOARD :
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 Petitioner : No.
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 ALCOA, INC. - CLEVELAND WORKS :
 :
 :
 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. 08-CA-164890 .

The attached documents are as follows:

<u>Date</u>	<u>Document Description</u>	<u>Pages</u>
07/06/2016	Decision and Order, <i>Alcoa, Inc. - Cleveland Works and United Automobile Aerospace and Agricultural Implement Workers of America, UAW, Local 1050</i> , Case No. 08-CA-164890	5
04/29/2016	Formal Settlement Stipulation, <i>Alcoa, Inc. - Cleveland Works and United Automobile Aerospace and Agricultural Implement Workers of America, UAW, Local 1050</i> , Case No. 08-CA-164890 w/exhibits (Union signed copy)	17

<u>Date</u>	<u>Document Description</u>	<u>Pages</u>
04/29/2016	Formal Settlement Stipulation, <i>Alcoa, Inc. - Cleveland Works and United Automobile Aerospace and Agricultural Implement Workers of America, UAW, Local 1050</i> , Case No. 08-CA-164890 w/exhibits (Employer signed copy)	17

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 13th day of July, 2016.

/s/ Gary Shiners
 Gary Shiners
 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, 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:

Adam Armendariz, Labor Rel. Mgr.
Alcoa, Inc.
1600 Harvard Ave
Newburg Heights, OH 44105-3092

Scott Dietrich, Attorney
ALCOA, Inc.
201 Isabella St
Pittsburgh, PA 15212-5827

Dated in Washington, D.C.
this this 13th day of July, 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 SIXTH CIRCUIT

NATIONAL LABOR RELATIONS BOARD

Petitioner

v.

ALCOA, INC. - CLEVELAND WORKS

Respondent

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