



UNITED STATES GOVERNMENT

NATIONAL LABOR RELATIONS BOARD

OFFICE OF THE GENERAL COUNSEL

Washington, D.C. 20570

September 30, 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. Northeast Ohio College
Preparatory School and I CAN Schools,
joint employers*, (6th Cir.) Board Case Nos.
08-CA-162121, 08-CA-164606 and 08-CA-
168874

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. Respondents 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 Respondents, 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

RESPONDENTS' COUNSEL:

Jamie Callender
The Callender Law Group, LLC
100 East Broad Street, Suite 690
Columbus, Ohio 43215

Tel: (440) 299-8500
Fax: (440) 299-8520
Email: jamie@callender.com

RESPONDENTS:

Northeast Ohio College Preparatory
School, University of Cleveland
Preparatory School and ICAN Schools,
Joint and/or Single Employers
2357 Tremont Avenue
Cleveland, OH 44113

CHARGING PARTY COUNSEL:

Channing Cooper
Alliance of Charter School Employees
AFT-PA, AFL-CIO
AFT Legal Department
555 New Jersey Avenue, N.W.
Washington, D.C. 20001

Tel: (202) 393-7473
Fax: (202) 393-6385
Email: ccooper@aft.org

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	:	
	:	No.
Petitioner	:	
v.	:	Board Case Nos.:
	:	08-CA-162121
NORTHEAST OHIO COLLEGE PREPARATORY	:	08-CA-164606
SCHOOL AND I CAN SCHOOLS, JOINT EMPLOYERS	:	08-CA-168874
	:	
Respondents	:	

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 Northeast Ohio College Preparatory School and I CAN Schools, joint employers (“Respondents”), issued in Board Case Nos. 08-CA-162121, 08-CA-164606 and 08-CA-168874, on September 13, 2016. The Board is entitled to enforcement because Respondents have expressly consented to entry of this judgment in a stipulation that Respondents 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 September 13, 2016.

B. The Respondents 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 Respondents 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 Respondents "waive 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 Respondents, 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 30th day of September, 2016

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

NATIONAL LABOR RELATIONS BOARD	:	
	:	No.
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v.	:	Board Case Nos.:
	:	08-CA-162121
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	:	
Respondents	:	

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 Respondents, Northeast Ohio College Preparatory School and I CAN Schools, joint employers, its officers, agents, successors, and assigns, on September 13, 2016, in Board Case Nos. 08-CA-162121, 08-CA-164606 and 08-CA-168874; 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 Respondents, Northeast Ohio College Preparatory School and I CAN Schools, joint employers, 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.

NORTHEAST OHIO COLLEGE PREPARATORY SCHOOL
AND I CAN SCHOOLS, JOINT EMPLOYERS

ORDER

Northeast Ohio College Preparatory School (NEO) and I CAN Schools (ICAN), Cleveland, Ohio, their officers, agents, successors, and assigns shall

1. Cease and desist from
 - (a) Interfering with, restraining, or coercing employees in the exercise of rights guaranteed by Section 7 of the National Labor Relations Act.
 - (b) Prohibiting employees from talking about their employment agreements, whether they received an employment agreement, and their terms and conditions of work.
 - (c) Watching or making it appear to employees that the Respondents are watching out for their union activities.
 - (d) Coercively increasing scrutiny of employees performing their work because of their union sympathies and activities.
 - (e) In any other manner interfering with, restraining, or coercing employees in the exercise of their rights to self-organization, to form a labor organization, to join or assist the Union.
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, hold a mandatory meeting or meetings, on working time when the Respondents would customarily hold meetings, scheduled to ensure the widest possible attendance by NEO employees, and have Executive Director of School Accountability Heather Stevens read the Order in English in a Board

agent's presence, or alternatively, have a Board agent read the Order in English in the presence of Stevens.

- (b) Within 14 days after service by the Region, post at the NEO Upper building copies of the attached notice marked "Appendix A." Copies of the notice, on forms provided by the Region, after being signed by the Respondents' authorized representatives, shall be posted by the Respondents and maintained for 60 consecutive days in conspicuous places where notices to employees are customarily posted. In addition to physical posting of paper notices, the Respondents shall distribute notices electronically, by email, to all employees who work at the NEO facility. The Respondents 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 certification of a responsible official on a form provided by the Region attesting to the steps that the Respondents have taken to comply, including the locations to which the attached notice marked "Appendix A" was emailed.

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 tell you that you cannot discuss your terms and conditions of employment with other employees.

WE WILL NOT prohibit you from sharing any individual employment agreement that you received with other employees or prohibit you from discussing any terms and conditions of employment contained in these agreements with other employees.

WE WILL NOT watch or make it appear to you that we are watching you in order to discover your union and/or protected activities.

WE WILL NOT coercively increase scrutiny of employees performing their work because of their support for the Cleveland Alliance of Charter Teachers and Staff affiliated with the Ohio Federation of Teachers, American Federation of Teachers, AFL-CIO, or for any other union and/or protected activities.

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

**NORTHEAST OHIO COLLEGE PREPARATORY SCHOOL
AND I CAN SCHOOLS, JOINT EMPLOYERS**

The Board's decision can be found at www.nlr.gov/case/08-CA-162121 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 :
 : No.
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 Petitioner :
 :
 v. : Board Case Nos.:
 : 08-CA-162121
 : 08-CA-164606
 NORTHEAST OHIO COLLEGE PREPARATORY : 08-CA-168874
 SCHOOL AND I CAN SCHOOLS, JOINT EMPLOYERS :
 :
 Respondents :

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 Nos. 08-CA-162121, 08-CA-164606 and 08-CA-168874 .

The attached documents are as follows:

<u>Date</u>	<u>Document Description</u>	<u>Pages</u>
09/13/2016	Decision and Order, <i>Northeast Ohio College Preparatory School and I CAN Schools, joint employers and Cleveland Alliance of Charter Teachers and Staff, affiliated with Ohio Federation of Teachers, American Federation of Teachers, AFL-CIO</i> , Case Nos. 08-CA-162121, 08-CA-164606 and 08-CA-168874	6

<u>Date</u>	<u>Document Description</u>	<u>Pages</u>
05/20/2016	Formal Settlement Stipulation, <i>Northeast Ohio College Preparatory School and I CAN Schools, joint employers and Cleveland Alliance of Charter Teachers and Staff, affiliated with Ohio Federation of Teachers, American Federation of Teachers, AFL-CIO</i> , Case Nos. 08-CA-162121, 08-CA-164606 and 08-CA-168874 w/exhibits	43

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 30th day of September, 2016.

Gary Shinnors
Executive Secretary
NATIONAL LABOR RELATIONS BOARD

(seal)

UNITED STATES COURT OF APPEALS
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	:	
Respondents	:	

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:

Northeast Ohio College Preparatory School, Univ. of Cleveland Preparatory School and ICAN Schools, Joint and/or Single Employers 2357 Tremont Avenue Cleveland, OH 44113	Jamie Callender The Callender Law Group, LLC 100 East Broad Street, Suite 690 Columbus, Ohio 43215
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/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 30th day of September, 2016

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

NATIONAL LABOR RELATIONS BOARD

Petitioner

v.

NORTHEAST OHIO COLLEGE PREPARATORY SCHOOL AND I
CAN SCHOOLS, JOINT EMPLOYERS

Respondents

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