

No. 16-2367

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

**FILED**  
Jan 05, 2017  
DEBORAH S. HUNT, Clerk

NATIONAL LABOR RELATIONS BOARD, )  
 )  
Petitioner, )  
 )  
v. )  
 )  
NORTHEAST OHIO COLLEGE )  
PREPARATORY SCHOOL and I CAN )  
SCHOOLS, joint employers, )  
 )  
Respondents.

J U D G M E N T

Before: NORRIS, BATCHELDER, and GIBBONS, Circuit Judges.

The National Labor Relations Board (the “Board”) applies for summary enforcement by consent of its September 13, 2016 Decision and Order in Case Nos. 08-CA-162121, 08-CA-164606, and 08-CA-168874 against Respondents Northeast Ohio College Preparatory School and I CAN Schools, joint employers, their officers, agents, successors, and assigns. In a stipulation entered before the Board, Respondents expressly consented to the entry of a judgment enforcing the Decision and Order of the Board. Upon review of the materials submitted,

It is ORDERED and ADJUDGED that the Board’s Order in Case Nos. 08-CA-162121, 08-CA-164606, and 08-CA-168874 is hereby ENFORCED, and Respondents Northeast Ohio College Preparatory School and I CAN Schools, their officers, agents, successors, and assigns,

No. 16-2367

-2-

shall abide by and perform the directions of the Board set forth therein. (See attached Order and Appendix).

ENTERED BY ORDER OF THE COURT

A handwritten signature in black ink, appearing to read "Deborah S. Hunt", written in a cursive style.

---

Deborah S. Hunt, 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](http://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**

Deborah S. Hunt  
Clerk

100 EAST FIFTH STREET, ROOM 540  
POTTER STEWART U.S. COURTHOUSE  
CINCINNATI, OHIO 45202-3988

Tel. (513) 564-7000  
[www.ca6.uscourts.gov](http://www.ca6.uscourts.gov)

Filed: January 05, 2017

Mr. James S. Callender Jr.  
McNamara & Loxterman  
8440 Station Street  
Mentor, OH 44060-0000

Ms. Linda Dreeben  
National Labor Relations Board  
Appellate and Supreme Court Litigation Branch  
1015 Half Street, S.E.  
Washington, DC 20570

Re: Case No. 16-2367, *NLRB v. NE OH College Prep School, et al*  
Originating Case No. : 08-CA-162121 : 08-CA-164608 : 08-CA-  
168874

Dear Counsel,

The Court issued the enclosed (Order/Opinion) today in this case.

Sincerely yours,

s/Roy G. Ford  
Case Manager  
Direct Dial No. 513-564-7016

cc: Mr. Allen Binstock

Enclosure

Mandate to issue