

UNITED STATES COURT OF APPEALS FOR
THE DISTRICT OF COLUMBIA CIRCUIT

UNITED STATES POSTAL SERVICE	:	
	:	
Petitioner/Cross-Respondent	:	Nos. 16-1313,
v.	:	16-1383
	:	
NATIONAL LABOR RELATIONS BOARD	:	
	:	
Respondent/Cross-Petitioner	:	
and	:	Board Case No.:
	:	05-CA-119507
AMERICAN POSTAL WORKERS UNION, AFL-CIO	:	
	:	
Intervenor	:	

**UNOPPOSED MOTION FOR ENFORCEMENT OF AN ORDER OF
THE NATIONAL LABOR RELATIONS BOARD
UPON STIPULATION OF THE PARTIES FOR CONSENT JUDGMENT**

The National Labor Relations Board (the Board) respectfully moves this Court for entry of consent judgment in the above-captioned case. The Board, the United States Postal Service (the Postal Service), and the American Postal Workers Union, AFL-CIO (the Union) have stipulated to the entry of a consent judgment. In support of its motion, the Board states:

1. On June 16, 2016, the National Labor Relations Board (the Board) issued a Decision and Order against the United States Postal Service (the Postal Service) in Board Case 05-CA-119507, reported at 364 NLRB No. 27.
2. On September 7, the Postal Service filed a petition with this Court to review the Board's Order. The Board cross-applied for application for enforcement

of its Order on November 4. On October 25, the American Postal Workers Union, AFL-CIO (the Union) joined the case as an Intervenor.

3. As part of a resolution of the case, the parties have agreed to entry of a consent judgment, which will obviate the need for any further proceedings in this matter.

4. Each party is to bear its own costs.

WHEREFORE, the Board respectfully requests that this motion be granted, and that the Court approve and enter the proposed consent judgment submitted with this motion, enforcing the Board's Order in full, with each side to bear its own costs.

Respectfully submitted,

/s/ Linda Dreeben
Linda Dreeben
Deputy Associate General Counsel
National Labor Relations Board
1015 Half Street S.E.
Washington DC 20570
(202) 273-2960

Dated at Washington, D.C.
this 6th day of April, 2017

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 : Intervenor :
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CERTIFICATE OF COMPLIANCE

Pursuant to Federal Rule of Appellate Procedure 27(d)(2), the Board certifies that this motion contains 323 words of proportionally-spaced, 14-point type, and the word processing system used was Microsoft Word 2010.

s/Linda Dreeben
Linda Dreeben
Deputy Associate General Counsel
National Labor Relations Board
1015 Half Street SE
Washington, DC 20570-0001
(202) 273-2960

Dated at Washington, DC
this 6th day of April, 2017

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	:	
Intervenor	:	

CERTIFICATE OF SERVICE

I hereby certify that on April 6, 2017, I filed the foregoing document with the Clerk of the Court for the United States Court of Appeals for the D.C. Circuit by using the CM/ECF system. I certify that the foregoing document will be served via the CM/ECF system on all counsel, who are registered CM/ECF users.

/s/ Linda Dreeben
Linda Dreeben
Deputy Associate General Counsel
National Labor Relations Board
1015 Half Street SE
Washington, DC 20570-0001

Dated at Washington, D.C.
this 6th day of April, 2017

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	:	
Intervenor	:	

STIPULATION FOR ENTRY OF CONSENT JUDGMENT

To the Honorable, the Judges of the United States
Court of Appeals for the D.C. Circuit:

Subject to the approval of the Court, the parties to the above proceeding
stipulate and agree to the following:

1. On June 16, 2016, the National Labor Relations Board (the Board) issued a Decision and Order against the United States Postal Service (the Postal Service) in Board Case 05-CA-119507, reported at 364 NLRB No. 27. On September 7, the Postal Service filed a petition with this Court to review the Board's Order. The Board cross-applied for application for enforcement of its Order on November 4. On October 25, the American Postal Workers Union, AFL-CIO (the Union) joined the case as an Intervenor.

2. The parties have executed a settlement agreement providing for entry of the attached consent judgment by this Court enforcing the Board's Order. *See* attached Consent Judgment and Appendix.

3. The Postal Service's counsel, Michelle Windmueller and Stephan Boardman, and the Union's counsel, Michael Anderson, have authorized the Board to sign this stipulation on their behalves.

/s/ Linda Dreeben
National Labor Relations Board

Linda Dreeben
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National Labor Relations Board
1015 Half Street, SE
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appellatecourt@nlrb.gov

Dated this 6th day of April 2017

/s/ Michael Anderson
American Postal Workers Union

Michael Anderson
Murphy Anderson, PLLC
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Washington, DC 20005
(202) 223-2620
manderson@murphypllc.com

Dated this 6th day of April 2017

/s/ Stephan J. Boardman
United States Postal Service

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Dated this 6th day of April 2017

/s/ Michelle A. Windmueller
United States Postal Service

Michelle A. Windmueller
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Michelle.A.Windmueller@usps.gov

Dated this 6th day of April 2017

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	:	
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CONSENT JUDGMENT

THIS CAUSE came to be heard upon a petition filed by United States Postal Service, for review of an Order of the National Labor Relations Board (the Board) in Board Case No. 05-CA-119507, issued on June 15, 2016, reported at 364 NLRB No. 27, and a cross-petition by the Board for enforcement of its order. On October 25, 2016, the American Postal Workers Union, AFL-CIO joined the case as an Intervenor. The parties and the Intervenor having advised this Court of their desire to dispose of this matter by entry of a consent judgment enforcing the Board's Order;

IT IS HEREBY ORDERED AND ADJUDGED by the Court that the said Order of the National Labor Relations Board is hereby enforced and that the United States Postal Service, its officers, agents, successors, and assigns, shall abide by and perform the directions of the Board set forth in its Order. (See attached Order and Appendix.)

Judge, United States Court of Appeals
for the District of Columbia Circuit

Judge, United States Court of Appeals
for the District of Columbia Circuit

Judge, United States Court of Appeals
for the District of Columbia Circuit

UNITED STATES POSTAL SERVICE.

v.

NATIONAL LABOR RELATIONS BOARD

ORDER

United States Postal Service (Respondent), its officers, agents, successors, and assigns, shall

1. Cease and desist from:
 - (a) Refusing to bargain collectively with the American Postal Workers Union by refusing to furnish it or delaying in furnishing it with information that it requests that is relevant and necessary to the Union's performance as the collective-bargaining representative of the Respondent's bargaining unit employees.
 - (b) In any like or related manner interfering with, restraining, or coercing employees in the exercise of rights guaranteed them by Section 7 of the Act.
2. Take the following affirmative action necessary to effectuate the policies of the Act.
 - (a) Promptly furnish the Union with the information requested in paragraphs 1, 2, 4, 9, 11, 17, and 25 of the Union's November 22, 2013 information request relating to the Respondent's 1-year pilot program with Staples, Inc. in the manner described in the remedy section of the judge's decision as amended in this decision.
 - (b) Within 14 days after service by the Region, post at its locations where bargaining unit members represented by the American Postal Workers Union work who are working within a two mile radius from any Staples store or facility performing contract work for Respondent copies of the attached notice marked "Appendix." Copies of the notice, on forms provided by the Regional Director for Region 5, 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. Reasonable steps shall be taken by the Respondent 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 closed any of the described facilities, the Respondent shall duplicate and mail, at its own expense, a copy of the notice to all bargaining unit employees and former employees employed by the facility in question any time on or after November 22, 2013. 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 to all bargaining unit employees represented by the American Postal Workers Union.

- (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 Respondents have taken to comply.

APPENDIX

NOTICE TO EMPLOYEES

POSTED PURSUANT TO A JUDGMENT OF THE UNITED STATES
COURT OF APPEALS ENFORCING AN ORDER OF THE
NATIONAL LABOR RELATIONS BOARD
An Agency of the United States Government

The National Labor Relations Board had found that we violated Federal labor law and has ordered us to post and obey this notice.

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 refuse to bargain collectively with the American Postal Workers Union by refusing to furnish it or delaying in furnishing it with requested information that is relevant and necessary to the Union's performance as the collective-bargaining representative of our unit employees.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce you in the exercise of the rights listed above.

WE WILL promptly furnish the Union with the information requested in paragraphs 1, 2, 4, 9, 11, 17, and 25 of the Union's November 22, 2013 information request relating to our 1-year pilot program with Staples, Inc.

UNITED STATES POSTAL SERVICE

The Administrative Law Judge's decision can be found at www.nlr.gov/case/05-CA-119507 or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1099 14th Street, N.W., Washington, D.C. 20570, or by calling (202) 273-1940.

