

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

Deborah S. Hunt
Clerk

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Filed: July 13, 2017

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

Mr. Robert C. Pivonka
Rolf Goffman Martin Lang
30100 Chagrin Boulevard
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Cleveland, OH 44124-5705

Re: Case No. 17-1497, *NLRB v. Ohio V.I., Inc*
Originating Case No. : 08-CA-181629 : 08-CA-181658

Dear Counsel:

The Court issued the enclosed Order today in this case.

Sincerely yours,

s/Amy E. Gigliotti
Case Manager
Direct Dial No. 513-564-7012

Enclosure

No mandate to issue

No. 17-1497

UNITED STATES COURT OF APPEALS
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FILED
Jul 13, 2017
DEBORAH S. HUNT, Clerk

NATIONAL LABOR RELATIONS BOARD,)
)
Petitioner,)
)
v.)
)
OHIO V.I., INC., d/b/a Little Caesars,)
)
Respondent.)

J U D G M E N T

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

The National Labor Relations Board (the “Board”) applies for summary enforcement by consent of its April 11, 2017 Decision and Order in Case Nos. 08-CA-181629 and 08-CA-181658 against Respondent, Ohio V.I., Inc., d/b/a Little Caesars (“Little Caesars”), its officers, agents, successors, and assigns. In a stipulation entered before the Board, Little Caesars 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-181629 and 08-CA-181658 is hereby **ENFORCED**, and Little Caesars, its officers, agents, successors, and assigns, shall abide by and perform the directions of the Board set forth therein. (See attached Order and Appendix).

ENTERED BY ORDER OF THE COURT



Deborah S. Hunt, Clerk

NATIONAL LABOR RELATIONS BOARD

v.

OHIO V.I., INC. D/B/A LITTLE CAESARS

ORDER

Ohio V.I., Inc. d/b/a Little Caesars, Lorain, Ohio, its 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 Act.
 - (b) Retaliating against employees for talking about their terms and conditions of employment, including scheduling and shift exchange practices or engaging in other concerted activities with respect to their terms and conditions of employment.
 - (c) Removing employees from their schedule and discharging employees in retaliation for their concerted activities.
 - (d) In any other manner, interfering with, restraining or coercing employees in the exercise of their Section 7 rights under the Act.
2. Take the following affirmative actions necessary to effectuate the policies of the Act.
 - (a) Within 14 days from the date of the Board's Order, make Leirimar Rodriguez and Luis Ramos whole for their loss of earnings resulting from the Respondent's July 24, 2016 action of removing them from the schedule and discharging them on July 25, 2016 because Rodriguez and Ramos engaged in concerted activities. Rodriguez is to be paid \$500.00. Ramos is to be paid \$1,100.00. Rodriguez and Ramos are not seeking reinstatement to their former positions.

- (b) Within 14 days from the date of the Board's Order, provide Rodriguez and Ramos with written confirmation that any records of their removal from the schedule and their discharges have been expunged from all of the Respondent's files.
- (c) Within 14 days of service by the Region, post at the Respondent's facility copies of the attached notice, marked Appendix A. Copies of the notice, on forms provided by the Region, after being signed by the Respondent's authorized representatives, 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. The Respondent will take reasonable steps to ensure that the notices are not altered, defaced or covered by any other material.
- (d) Within 21 days after service by the Region, file with the Regional Director for Region 8 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.

WE WILL NOT retaliate against employees who have engaged in protected concerted activities such as concertedly complaining about scheduling and shift swapping practices or questioning the fairness of our scheduling practices and our approvals of shift swapping.

WE WILL NOT remove employees from the schedule or discharge employees in retaliation for their protected concerted activities, including their concerted complaints regarding their terms and conditions of employment.

WE WILL NOT, in any other manner, interfere with your rights under Section 7 of the Act.

WE WILL MAKE Leirimar Rodriguez and Luis Ramos whole for losses suffered as a result of our action in removing Rodriguez and Ramos from the schedule and terminating their employment. Rodriguez and Ramos are not seeking reinstatement. **WE WILL** provide Rodriguez and Ramos with written confirmation that records of

their unlawful removal from the schedule and termination have been expunged from our files.

OHIO V.I., INC. D/B/A LITTLE CAESARS

The Board's decision can be found at www.nlr.gov/case/08-CA-181629 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 St., S.E., Washington, D.C. 20570, or by calling (202) 273-1940.

