

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 12**

STUDENT TRANSPORTATION OF AMERICA, INC.

and

Case 12-CA-181426

INTERNATIONAL BROTHERHOOD OF TEAMSTERS,  
LOCAL UNION NO. 512

**GENERAL COUNSEL'S REPLY TO  
RESPONDENT'S RESPONSE TO ORDER TO SHOW CAUSE**

On November 28, 2017, Counsel for the General Counsel filed with the Board a motion for default judgment in the instant case based on Respondent's failure to comply with the terms of the bilateral settlement agreement approved by the Regional Director on May 5, 2017. On November 30, 2017, the Board issued an Order to Show Cause why the General Counsel's motion should not be granted by December 14, 2017. On December 15, 2017, Counsel for the General Counsel received notification via the E-Service pilot program that Respondent had filed a Response to the Order to Show Cause.<sup>1</sup>

In its Response, Respondent asserts that it complied with the terms of the settlement agreement and asks that the Board deny the General Counsel's Motion for Default Judgment. In support of its contention, Respondent attached completed Certifications of Compliance dated December 11, 2017, indicating that Respondent posted the Notice to Employees starting on May 23, 2017, for a period of 60 days, rescinded the bus washer positions, restored all bus washers to their former positions, and notified all bus washers that they had been restored to their former position. Respondent also submitted an affidavit from Ms. Murphy in which she states that there

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<sup>1</sup> Respondent's Response to Order to Show Cause, which is undated and does not include a Certificate of Service, appears to be untimely and should be rejected for that reason alone.

were no employees serving in bus washer positions and no need to notify any employee of a change in classification due to the Settlement Agreement.

The Certification of Compliance (Part One), which is dated December 11, 2017, states when and where the Notices to Employees were posted should have been completed and sent to Region 12 when the Notices were first posted, so that the Regional office could so inform the Charging Party Union, and give the Union an opportunity to report whether or not Respondent had posted the Notices as represented by Respondent, and whether there were any other problems with Respondent's compliance with the Notice posting requirement. In addition, Respondent's failure to provide the Certification of Compliance until after the end of the 60 day period during which it claims to have posted the Notices deprived the Regional office of an opportunity to have a Board agent visit Respondent's premises to conduct a check of the Notice posting. By failing to provide the Certification of Compliance (Part One) to the Region in a timely fashion, Respondent has failed to comply with the Notice posting requirement of the Settlement Agreement.

The Certification of Posting (Part Two), states that on or prior to May 5, 2017, Respondent rescinded the bus washer positions, restored all bus washers to their former positions, and notified all bus washers that they have been restored to their former positions. Although Ms. Murphy states in her affidavit that no employees were serving in the classification of bus washer and that there was no need to notify any employee of the rescission of the bus washer position, there is evidence that Respondent informed its employee Charlie Smith, who had been classified as a driver, but was performing non-driving duties, that he was a bus washer. Accordingly, pursuant to the rescission requirement of the Settlement Agreement, Respondent should notify Smith that he is no longer classified as a bus washer and that he has been restored

to his position as a driver performing non-driving duties. By failing to so notify Smith, Respondent failed to comply with the Settlement Agreement.

In summary, Respondent has failed to establish that it has complied with the terms of the Settlement Agreement. Accordingly, the Board should issue a Decisions and Order based on the allegations of the Complaint on Breach of Affirmative Provisions of Settlement, and remedying such unfair labor practices; and specifically Order that Respondent remedy its unfair labor practices by taking the steps set forth in the Settlement Agreement.

Dated: December 18, 2017.

Respectfully submitted,

*/s/ John King* \_\_\_\_\_

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## CERTIFICATE OF SERVICE

I hereby certify that the foregoing document, General Counsel's Reply to Respondent's Response to Order to Show Cause, was electronically filed with the National Labor Relations Board and served upon the below-listed parties by the means specified below, on December 18, 2017.

Electronically filed with:

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