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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

BROOKLYN OFFICE

KATHY DREW KING, Regional Director of
Region 29 of the National Labor Relations Board,
for and on behalf of the NATIONAL LABOR
RELATIONS BOARD

Petitioner

ORDER

v.

-CV-

THERMO FISHER SCIENTIFIC INC.

CV 18 399

Respondent

BIANCO, J.

BROWN, M. J.

ORDER GRANTING INJUNCTION

This matter is before the Court pursuant to the verified petition of Kathy Drew King, Regional Director of Region 29 of the National Labor Relations Board, herein called the Board, by Attorney Brady Francisco-FitzMaurice. Upon notice to Thermo Fisher Scientific Inc., herein called Respondent, and its counsel, and in consideration of the petition, the entire record, the papers filed concerning the petition, the arguments of counsel, and having found reasonable cause to believe that Respondent violated Sections 8(a)(1) and (3) of the National Labor Relations Act, as amended, herein called the Act, and having found that injunctive relief is just and proper,

It hereby is

ORDERED that the application by Petitioner for an injunction pursuant to Section 10(j) of the National Labor Relations Act against Respondent is granted, and it is further

ORDERED, ADJUDGED AND DECREED that Respondent, its officers, agents, representatives, servants, employees, attorneys, and all members and persons acting in concert or

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participation with them, are enjoined and restrained, pending the final disposition of the matters involved herein pending before the National Labor Relations Board, from, in any manner, or by any means:

A. Respondent Thermo Fisher Scientific Inc., its officers, agents, successors and assigns, shall:

1. Cease and desist from:

(a) Discharging, failing to reinstate, or otherwise discriminating against its employees because of their activities on behalf of Printing Pressmen of Clintrak ("the Union");

(b) Disciplining its employees because of their Union activities;

(c) Issuing unfavorable performance appraisals to its employees because of their Union activities;

(d) Imposing more onerous working conditions on its employees, such as by increasing their workload, because of their Union activities;

(e) Changing employees' terms and conditions of employment in order to discourage support for the Union;

(f) In any like or related manner interfering with, restraining, or coercing employees in the exercise of the rights guaranteed them by Section 7 of the Act.

2. Further, Respondent, its officers, agents and representatives shall:

a) Within five (5) days from the date of the District Court's Order, offer, in writing, Herman Isaza immediate reinstatement to his former position, or, only if his position no longer exists, to a substantially equivalent position, without prejudice to his seniority or any other rights, benefits and privileges that he previously enjoyed and displacing, if necessary, any person who has been hired or reassigned to replace him;

- b) Rescind the more onerous working conditions imposed on Isaza since June 8, 2017;
- c) Rescind the written warnings issued to Isaza on July 28, 2017, August 7, 2017, and August 23, 2017 and assure Isaza, in writing, that Respondent will not use the disciplinary actions against him in any way;
- d) Rescind the mid-year performance appraisal issued to Isaza on August 16, 2017;
- e) Within ten (10) days from the date of the District Court's Order: (i) hold a mandatory employee meeting or meetings, on working time and at times when Respondent customarily holds meetings, and scheduled to ensure the widest possible employee attendance, at which the District Court's order will be read to employees by a responsible Respondent official in the presence of a Board agent and Isaza or, at Respondent's option, have a Board agent read the Order in the presence of a responsible Respondent official and Isaza; (ii) announce the meeting(s) for the Order reading in the same manner it would customarily announce a meeting of employees; and (iii) require that all employees at the facility involved in this proceeding attend the meeting(s);
- f) Within seven (7) days from the date of the District Court's Order, post copies of the District Court's Order in this matter at all locations where Respondent's notices to employees are customarily posted and maintain such notices free from all obstructions or defacements pending conclusion of the Board's administrative proceeding;
- g) Within twenty (20) days of the issuance of this Order, file with the District Court and serve a copy upon the Regional Director of Region 29 of the Board, a sworn

affidavit from a responsible official which describes with specificity how the Respondent has complied with the terms of this decree, including the exact locations where the Respondent has posted the materials required under this Order;

f) That the Court grant such further other relief as may be just and proper.

Issued at Brooklyn, New York, this ____ day of _____

So Ordered:

U.S.D.J.