

**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

Filed: April 25, 2018

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

Mr. Charles R. Kiser
IUOE Local 150
Legal Department
6140 Joliet Road
Countryside, IL 60525

Re: Case No. 18-1264, *NLRB v. Int. Union of Oper. Engineers*
Originating Case No. : 07-CB-177422

Dear Counsel:

The Court issued the enclosed Order today in this case.

Sincerely yours,

s/Jeanine R. Hance
Case Manager
Direct Dial No. 513-564-7037

Enclosure

No. 18-1264

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

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DEBORAH S. HUNT, Clerk

NATIONAL LABOR RELATIONS BOARD,)
)
Petitioner,)
)
v.)
)
INTERNATIONAL UNION OF OPERATING)
ENGINEERS LOCAL 150, AFL-CIO,)
)
Respondent.)

J U D G M E N T

Before: SILER and THAPAR, Circuit Judges; HOOD, District Judge.*

The National Labor Relations Board (the “Board”) applies for summary enforcement of its December 19, 2017 Order in Case No. 07-CB-177422 against International Union of Operating Engineers Local 150, AFL-CIO (“Respondent”). Respondent filed an answer to the application, and the Board replied.

Upon review of the materials submitted, it is **ORDERED** and **ADJUDGED** that the Board’s Order in Case No. 07-CB-177422 is hereby **ENFORCED**, and Respondent, International Union of Operating Engineers Local 150, AFL-CIO, 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

* The Honorable Joseph M. Hood, United States District Judge for the Eastern District of Kentucky, sitting by designation.

NATIONAL LABOR RELATIONS BOARD

v.

INTERNATIONAL UNION OF OPERATING ENGINEERS
LOCAL 150, AFL-CIO

ORDER

International Union of Operating Engineers Local 150, AFL-CIO, its officers, agents, and representatives shall

1. Cease and desist from
 - a. Threatening, charging, and fining Local 324 members who refuse to honor picket lines, in violation of the no-strike provision in Local 324's labor contract with MacAllister.
 - b. Prompting Local 324 members to ask MacAllister to stop assigning them Indiana runs for refusing to honor picket lines, in violation of the no-strike provision in Local 324's labor agreement with MacAllister.
 - c. Causing Local 324 members to withdraw as union members for refusing to honor picket lines, in violation of the no-strike provision in Local 324's labor agreement with MacAllister.
 - d. In any like or related manner restraining, or coercing employees in the exercise of the rights guaranteed them by Section 7 of the Act.
2. Take the following affirmative action necessary to effectuate the policies of the Act
 - a. Make Grishaber, Groning, Ritchie, Noblitt, Haisley, Chastain, and Zoerner whole for any lost wages and benefits, plus interest, as set forth in the remedy.
 - b. Make Grishaber, Chastain, Zoerner, Noblitt, and Groning whole for any losses associated with their withdrawal as Local 324 members, as set forth in the remedy.
 - c. Within 14 days after service by the Region, post at all places where notices to members are posted copies of the attached notice marked "Appendix." Copies of the notice, on forms provided by the Regional Director for Region 7, after being signed by Local 150's authorized representative, shall be posted by it and maintained for 60 consecutive

days in conspicuous places, including all places where notices to members are customarily posted. In addition to the 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 it customarily communicates with its members by such means. Reasonable steps shall be taken by it to ensure that the notices are not altered, defaced, or covered by any other material.

- d. Within 14 days after service by the Region, deliver to the Regional Director for Region 7 signed copies of the notice in sufficient numbers for posting by MacAllister, if the employer wishes to do so, at its Niles, Michigan facility in all places where notices to employees and members are customarily posted.
- e. Within 14 days after service by the Region, duplicate and mail, at its own expense, a copy of the Notice to all employees of MacAllister, who were represented by Local 324 at any time since December 31, 2015.
- f. Within 21 days after service by the Region, file with the Regional Director for Region 7 a sworn certification of a responsible official on a form provided by the Region attesting to the steps that it has taken to comply.

APPENDIX

NOTICE TO MEMBERS

**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**

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 threaten, charge or fine Local 324, International Union of Operating Engineers, AFL–CIO members (Local 324) who refuse to honor our picket lines, in violation of the no-strike clause in Local 324’s labor agreement with MacAllister Machinery Co., Inc. (MacAllister).

WE WILL NOT cause Local 324 members to ask MacAllister to stop assigning them dispatches into Indiana and cause them to lose wages and benefits for refusing to honor our picket lines, in violation of the no-strike clause in Local 324’s labor agreement with MacAllister.

WE WILL NOT cause Local 324 members to withdraw their union membership, in order to avoid our threats, charges, and fines for refusing to honor our picket lines, in violation of the no-strike clause in Local 324’s labor agreement with MacAllister.

WE WILL NOT in any like or related manner restrain or coerce you in the exercise of the rights guaranteed to you by Section 7 of the Act.

WE WILL reimburse Mark Grishaber, Thomas Groning, Ryan Ritchie, Eric Noblitt, Robert Haisley, Charles Chastain, and Robert Zoerner for any lost wages and benefits associated with us causing them to request MacAllister to no longer assign them Indiana dispatches, plus interest.

WE WILL reimburse Mark Grishaber, Charles Chastain, Robert Zoerner, Eric

Noblitt, and Thomas Groning for any lost union benefits associated with their withdrawal of their Local 324 membership, plus interest.

**LOCAL 150, INTERNATIONAL UNION OF
OPERATING ENGINEERS (IUOE), AFL-CIO**

(Labor Organization)

Dated _____ By _____
(Representative) (Title)

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. It conducts secret-ballot elections to determine whether employees want union representation and it investigates and remedies unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below. You may also obtain information from the Board's website: www.nlr.gov.

477 Michigan Avenue, Room 300, Detroit, MI 48226-2543
(313) 226-3200, Hours: 8:15 a.m. to 4:45 p.m.

The Administrative Law Judge's decision can be found at www.nlr.gov/case/07-CB-177422 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.



THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE

THIS NOTICE MUST REMAIN POSTED FOR 60 CONSECUTIVE DAYS FROM THE DATE OF POSTING AND MUST NOT BE ALTERED, DEFACED, OR COVERED BY ANY OTHER MATERIAL. ANY QUESTIONS CONCERNING THIS NOTICE OR COMPLIANCE WITH ITS PROVISIONS MAY BE DIRECTED TO THE ABOVE REGIONAL OFFICE'S COMPLIANCE OFFICER, (313) 335-8042.