



UNITED STATES GOVERNMENT

NATIONAL LABOR RELATIONS BOARD

OFFICE OF THE GENERAL COUNSEL

Washington, D.C. 20570

June 6, 2018

Clerk, United States Court of
Appeals for the Sixth Circuit
540 Potter Stewart U.S. Courthouse
100 East Fifth Street
Cincinnati, OH 45202-3988

*Re: NLRB v. North Jackson Specialty Steel,
LLC, a wholly-owned subsidiary of
Universal Stainless & Alloy Products, Inc.,
Board Case No. 08-CA-199945*

Dear Ms. Hunt:

I am enclosing an application of the National Labor Relations Board for enforcement of its order in this case, and a proposed judgment. Respondent expressly consented to the entry of this judgment in a stipulation contained in the record. I am also enclosing the certified record.

Please serve a copy of the application on Respondent, whose addresses appear on the service list. I have served a copy of the Board's application and proposed judgment on each party admitted to participate in the Board proceedings, and their names and addresses also appear on the service list.

I am counsel of record for the Board, and all correspondence should be addressed to me. I would appreciate your furnishing the Board's Regional Director, whose name and address also appear on the service list, with a copy of all

correspondence the Court sends to counsel in this case, and a certified copy of the judgment issued.

Very truly yours,

/s/ Linda Dreeben

Linda Dreeben
Deputy Associate General Counsel
NATIONAL LABOR RELATIONS BOARD
1015 Half Street, S.E.
Washington, D.C. 20570
(202) 273-2960

cc & documents to: Service List

SERVICE LIST

RESPONDENT:

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RESPONDENT'S COUNSEL:

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REGIONAL DIRECTOR:

Allen Binstock, Regional Director
National Labor Relations Board
1240 East 9th Street, Room 1695
Cleveland, Ohio 44119-2086

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

NATIONAL LABOR RELATIONS BOARD	:	
	:	
Petitioner	:	No.
v.	:	
	:	
NORTH JACKSON SPECIALTY STEEL, LLC, A	:	Board Case No.:
WHOLLY-OWNED SUBSIDIARY OF UNIVERSAL	:	08-CA-199945
STAINLESS & ALLOY PRODUCTS, INC.	:	
	:	
Respondent	:	

APPLICATION FOR ENFORCEMENT OF AN ORDER
OF THE NATIONAL LABOR RELATIONS BOARD
UPON STIPULATION OF THE PARTIES FOR CONSENT JUDGMENT

To the Honorable, the Judges of the United States
Court of Appeals for the Sixth Circuit:

The National Labor Relations Board (the “Board”), pursuant to Section 10(e) of the National Labor Relations Act, as amended (29 U.S.C. §§ 151, 160(e)), applies to this Court for enforcement of its order against North Jackson Specialty Steel, LLC, a wholly-owned subsidiary of Universal Stainless & Alloy Products, Inc. (“Respondent”), issued in Board Case No. 08-CA-199945, on May 16, 2018. The Board is entitled to enforcement because Respondent has expressly consented to entry of this judgment in a stipulation that Respondent entered into during the proceedings before the Board. In support, the Board shows:

A. Jurisdiction of this Court

This Court has jurisdiction over this application under Section 10(e) of the Act (29 U.S.C. § 160(e)). Venue is proper in this Circuit because Respondent is a

company with its primary place of business in Ohio. The Board's final order issued on May 16, 2018.

**B. The Respondent Entered into a Stipulation
Providing for Entry of an Order by the
Board and a Consent Judgment by the Court**

1. The Board entered an order against Respondent pursuant to a stipulation authorizing the Board to enter an order embodying its terms. The Board's order does not vary from those terms.

2. Paragraph VII of the stipulation authorized the Board to apply to an appropriate U.S. Court of Appeals for a judgment enforcing the Board's order, and provided that Respondent "waives all defenses to the entry of the judgment"

3. In support of this application, the Board is certifying and filing with this Court the record of proceedings before the Board, including the pleadings, stipulation, findings of fact, and order of the Board.

WHEREFORE, the Board respectfully requests that the Court, after serving a copy of this application upon Respondent, enter a consent judgment enforcing the Board's order in full. A copy of the proposed consent judgment is attached.

Dated in Washington, D.C.
this 6th day of June, 2018

/s/ Linda Dreeben
Linda Dreeben
Deputy Associate General Counsel
National Labor Relations Board
1015 Half Street, S.E.
Washington, D.C. 20570

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

NATIONAL LABOR RELATIONS BOARD	:	
	:	
Petitioner	:	No.
v.	:	
	:	
NORTH JACKSON SPECIALTY STEEL, LLC, A	:	Board Case No.:
WHOLLY-OWNED SUBSIDIARY OF UNIVERSAL	:	08-CA-199945
STAINLESS & ALLOY PRODUCTS, INC.	:	
	:	
Respondent	:	

JUDGMENT

THIS CAUSE was submitted upon the application of the National Labor Relations Board for the enforcement of a certain order on consent issued by it against Respondent, North Jackson Specialty Steel, LLC, a wholly-owned subsidiary of Universal Stainless & Alloy Products, Inc., its officers, agents, successors, and assigns, on May 16, 2018, in Board Case No. 08-CA-199945; and upon the record in that proceeding, certified and filed in this Court enforcing the order.

ON CONSIDERATION WHEREOF, it is ordered and adjudged by the United States Court of Appeals for the Sixth Circuit that the order of the National Labor Relations Board be, and the same is hereby enforced; and that the Respondent, North Jackson Specialty Steel, LLC, a wholly-owned subsidiary of Universal Stainless & Alloy Products, Inc., its officers, agents, successors, and assigns, abide by and perform the directions of the Board set forth in its order. (See Attached Order and Appendix)

ENTERED BY ORDER OF THE COURT

Clerk

NATIONAL LABOR RELATIONS BOARD

v.

NORTH JACKSON SPECIALTY STEEL, LLC, A WHOLLY-OWNED
SUBSIDIARY OF UNIVERSAL STAINLESS & ALLOY PRODUCTS, INC.

ORDER

North Jackson Specialty Steel, LLC, a wholly-owned subsidiary of Universal Stainless & Alloy Products, Inc., North Jackson, Ohio, its officers, agents, successors and assigns, shall

1. Cease and desist from
 - (a) Failing and refusing to bargain collectively and in good faith with the Union by issuing discretionary suspensions and discharges to unit employees without first providing the Union with notice and an opportunity to bargain over those discretionary actions.
 - (b) 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. Take the following affirmative action necessary to effectuate the policies of the Act.
 - (a) Before issuing discretionary disciplinary actions to unit employees which have an immediate impact on their tenure, status, or earnings, notify and, on request, bargain with the Union over those discretionary actions.
 - (b) Within 14 days of service by the Region, post at its North Jackson, Ohio facility copies of the attached notice marked "Appendix A." Copies of the notice, on forms provided by Region 8, 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. In addition to physical posting of paper notices, the notices shall be distributed electronically such as by email, posting on an intranet or

internet site, and/or other electronic means, if the Respondent customarily communicates with its employees by such means. The Respondent will take reasonable steps 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 has gone out of business or closed the facility involved in these proceedings, the Respondent shall duplicate and mail, at its own expense, a copy of the notice to all current employees and former employees employed by the Respondent at any time since March 7, 2017.

- (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 the Respondent has taken to comply, including stating the locations that the attached notice marked "Appendix A" was posted.

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 a representative 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.

The United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied-Industrial and Service Workers International Union, AFL-CIO/CLC (the Union) is your exclusive collective-bargaining representative in dealing with us regarding wages, hours, and other working conditions of the employees in the following appropriate unit:

All full-time and regular part-time production and maintenance employees, employed by the Employer at its facility located at 2058 S. Bailey Road, North Jackson, Ohio, but excluding all office clerical employees, professional employees, guards and supervisors as defined in the Act.

WE WILL NOT issue discretionary suspensions, discharges, or other forms of discretionary discipline on you which have an immediate impact on your tenure, status, or earnings without first providing the Union with notice and an opportunity to bargain over those discretionary actions.

WE WILL NOT in any like or related manner interfere with your rights under Section 7 of the Act.

WE WILL provide the Union with notice and an opportunity to bargain over discretionary disciplinary actions having an immediate impact on your tenure, status, or earnings.

**NORTH JACKSON SPECIALTY STEEL, LLC,
a wholly-owned subsidiary of
UNIVERSAL STAINLESS & ALLOY PRODUCTS, INC.**

The Board's decision can be found at www.nlrb.gov/case/08-CA-199945 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.



UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

NATIONAL LABOR RELATIONS BOARD	:	
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Petitioner	:	No.
v.	:	
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NORTH JACKSON SPECIALTY STEEL, LLC, A	:	Board Case No.:
WHOLLY-OWNED SUBSIDIARY OF UNIVERSAL	:	08-CA-199945
STAINLESS & ALLOY PRODUCTS, INC.	:	
	:	
Respondent	:	

CERTIFICATE OF THE NATIONAL LABOR RELATIONS BOARD

The National Labor Relations Board, by its Executive Secretary, authorized by Section 102.115, Rules and Regulations of the National Labor Relations Board, Series 8 (29 C.F.R.), certifies that the documents annexed hereto constitute the entire record of a proceeding had before the Board and known upon its records as Case No. 08-CA-199945.

The attached documents are as follows:

<u>Date</u>	<u>Document Description</u>	<u>Pages</u>
05/16/2018	Decision and Order, <i>North Jackson Specialty Steel, LLC, a wholly-owned subsidiary of Universal Stainless & Alloy Products, Inc. and United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied-Industrial and Service Workers International Union, AFL-CIO/CLC</i> , Case No. 08-CA-199945	5

<u>Date</u>	<u>Document Description</u>	<u>Pages</u>
3/23/2018	Formal Settlement Stipulation, <i>North Jackson Specialty Steel, LLC, a wholly-owned subsidiary of Universal Stainless & Alloy Products, Inc. and United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied-Industrial and Service Workers International Union, AFL-CIO/CLC</i> , Case No. 08-CA-199945 w/exhibits A thru E	26

IN TESTIMONY WHEREOF, the Executive Secretary of the National Labor Relations Board, being duly authorized, has hereunto set his hand and affixed the seal of the National Labor Relations Board in the city of Washington, District of Columbia, this 6th day of June, 2018.

/s/ Gary Shiners
 Gary Shiners
 Executive Secretary
 NATIONAL LABOR RELATIONS BOARD

(seal)

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

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STAINLESS & ALLOY PRODUCTS, INC.	:	
	:	
Respondent	:	

CERTIFICATE OF SERVICE

The undersigned certifies that one copy each of the Board's application for enforcement, proposed judgment, appearance of counsel forms, and certificate of record, in the above case, has this day been served by first class mail upon the following parties at the addresses listed below:

Paul A. McGrath
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Bridgeville, PA 15017-2705

John Arminas, Counsel
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600 Mayer Street
Bridgeville, PA 15017-2705

Paul A. McGrath
Universal Stainless & Alloy
Products, Inc.
2058 S. Bailey Rd.
North Jackson, OH 44451-9639

/s/ Linda Dreeben
Linda Dreeben
Deputy Associate General Counsel
National Labor Relations Board
1015 Half Street, S.E.
Washington, D.C. 20570

Dated in Washington, D.C.
this 6th day of June, 2018

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

NATIONAL LABOR RELATIONS BOARD

Petitioner

v.

NORTH JACKSON SPECIALTY STEEL, LLC,
A WHOLLY-OWNED SUBSIDIARY OF
UNIVERSAL STAINLESS & ALLOY PRODUCTS, INC.

Respondent

ITEMS SHOWN ON BOARD'S CERTIFICATE
OF RECORD ARE CONTAINED HEREIN