

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

AUG 20 2018

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NATIONAL LABOR RELATIONS
BOARD,

Petitioner,

INTERNATIONAL ASSOCIATION OF
BRIDGE, STRUCTURAL,
ORNAMENTAL, AND REINFORCING
IRON WORKERS, LOCAL 229, AFL-CIO,

Intervenor-Pending,

v.

PRO WORKS CONTRACTING, INC.,

Respondent.

No. 18-71213

NLRB Nos. 21-CA-120477

21-CA-121946

National Labor Relations Board

ORDER

Before: SCHROEDER, SILVERMAN, and M. SMITH, Circuit Judges.

The motion to intervene by International Association of Bridge, Structural, Ornamental, and Reinforcing Iron Workers, Local 229, AFL-CIO (Docket Entry No. 5) is granted.

The National Labor Relations Board’s (“NLRB”) motion for leave to file a corrected proposed judgment (“Motion”) (Docket Entry No. 6) is granted. The Clerk shall file the corrected proposed judgment attached to the NLRB’s Motion.

The application (Docket Entry No. 1) of the NLRB for enforcement of its January 4, 2018 order is granted. Unless objections as to form are received within

fourteen days of the date of this order, the form of the corrected proposed judgment submitted at Docket Entry No. 6 will be the judgment of the court.

The Clerk will serve the corrected proposed judgment submitted at Docket Entry No. 6 on respondent.

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

NATIONAL LABOR RELATIONS BOARD	:	
	:	
Petitioner	:	No.
v.	:	
	:	Board Nos.
PRO WORKS CONTRACTING, INC.	:	21-CA-120477
	:	21-CA-121946
Respondent	:	

CORRECTED JUDGMENT ENFORCING A SUPPLEMENTAL ORDER
OF THE NATIONAL LABOR RELATIONS BOARD

Before:

This Court having on March 3, 2017, in No. 16-73079, entered its judgment enforcing in full the Order of the National Relations Board in Board Case Nos. 21-CA-120477 and 21-CA-121946, the Board on January 4, 2018, issued its Supplemental Decision and Order and having thereafter applied to this Court for summary entry of a judgment:

IT IS HEREBY ORDERED AND ADJUDGED by the Court that the Respondent, Pro Works Contracting, Inc., its officers, agents, successors, and assigns, shall make whole discriminatees Michael Choma, Robert Whitman, and Ismael Covarrubias, by paying them the amounts following their names, plus interest accrued to the date of payment, as prescribed in *New Horizons*, 283 NLRB 1173 (1987), compounded daily as prescribed in *Kentucky River Medical Center*,

356 NLRB 6 (2010), and minus tax withholdings required by Federal and State Laws.¹

<u>Employee</u>	<u>Backpay owed</u>
Michael Choma	\$8,200
Robert Whitman	\$2,240
Ismael Covarrubias	<u>\$2,128</u>
Total amount due:	\$12,568

Endorsed, Judgment Filed and Entered

/s/ Molly Dwyer
Molly Dwyer
Clerk

¹ This amount does not yet include any excess tax. As set forth in the Board's compliance specification, the Respondent is also liable for the adverse tax consequences for any discriminatee receiving a lump-sum backpay award. These amounts may be updated to reflect the actual date of payment. Any adverse tax consequences shall be reported in accordance with *AdvoServ of New Jersey, Inc.*, 363 NLRB No. 143 (2016); *Don Chavas, LLC d/b/a Tortillas Don Chavas*, 361 NLRB 101 (2014).

EXHIBIT 1

**Pro Works Contracting, Inc. and Iron Workers Local
229, International Association of Bridge, Struc-
tural, Ornamental and Reinforcing Iron Work-
ers, AFL-CIO.** Cases 21-CA-120477 and 21-
CA-121946

CORRECTION

On January 4, 2018, the National Labor Relations Board issued a Decision and Order in this proceeding in which an inadvertent error appears. On page 1, column 2, the decision has been changed in the Order to correct the Respondent's name from Pro Contracting Works, Inc. to Pro Works Contracting, Inc.

The decision is corrected to reflect the above changes and substituted for the one that previously issued.

Dated, Washington, D.C., May 2, 2018

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	:	
Petitioner	:	No. 18-71213
v.	:	
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	:	21-CA-121946
Respondent	:	

CERTIFICATE OF SERVICE

The undersigned certifies that one copy each of the Board’s motion for leave to file a corrected proposed judgment, the corrected judgment and Exhibit 1, in the above-captioned case, has this day been served by first class mail upon the following parties at the addresses listed below:

Earl Register
3442 Gird Rd.
Fallbrook, CA 92028

Earl Register, President
Pro Works Contracting, Inc.
10612 Prospect Ave., Ste. 105
Santee, CA 92071

Pro Works Contracting, Inc.
303 Industrial Way # 4
Fallbrook, CA 92028

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

Dated in Washington, D.C.
this 3rd day of May, 2018