

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

NATIONAL LABOR RELATIONS BOARD)	
)	
Petitioner/Cross-Respondent)	
)	Nos. 17-3522
v.)	17-3680
)	
IMAGEFIRST UNIFORM RENTAL SERVICE, INC.)	
)	
Respondent/Cross-Petitioner)	
)	

JUDGMENT

Before: KRAUSE, COWEN, and FUENTES, Circuit Judges.

THIS CAUSE came to be heard upon an application filed by the National Labor Relations Board to enforce an Order of the National Labor Relations Board dated September 22, 2017, in Case No. 04-CA-166319, reported at 365 NLRB No. 132, and upon a cross-petition for review filed by ImageFIRST Uniform Rental Service, Inc. The Court heard argument of the parties and has considered the briefs and agency record filed in this cause. On December 18, 2018, the Court, being fully advised in the premises, handed down its opinion granting in part the application filed by National Labor Relations Board to enforce and granting in part the cross-petition for review filed by ImageFIRST Uniform Rental Service, Inc. In conformity therewith, it is hereby

ORDERED AND ADJUDGED by the Court that ImageFIRST Uniform Rental Service, Inc., its officers, agents, successors, and assigns, shall abide by said order as conformed with the Court’s opinion. (See Attached Order and Appendix).

BY THE COURT,

s/ Robert E. Cowen
Circuit Judge

Dated: January 15, 2019

NATIONAL LABOR RELATIONS BOARD

v.

IMAGEFIRST UNIFORM RENTAL SERVICE, INC.

ORDER

Image First Uniform Service, Inc., Columbia, Pennsylvania, its officers, agents, successors, and assigns, shall

1. Cease and desist from
 - (a) Prohibiting representatives of Philadelphia Joint Board, Workers United, a/w SEIU, or any other labor organization, from distributing union literature to employees in the public right-of-way adjacent to its facility.
 - (b) Attempting to remove representatives of Philadelphia Joint Board, Workers United, a/w SEIU, or of any other labor organization, distributing union literature, from the public right-of-way adjacent to its facility.
 - (c) 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) Within 14 days after service by the Region, post at its Columbia, Pennsylvania facility copies of the attached notice marked "Appendix"³ in English, Spanish, Tagalog, and Vietnamese. Copies of the notice, on forms provided by the Regional Director for Region 4, 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 an internet site, and/or other electronic means, if the Respondent customarily communicates with its employees by such means.

³ If this Order is enforced by a judgment of a United States court of appeals, the words in the notice reading "Posted by Order of the National Labor Relations Board" shall read "Posted Pursuant to a Judgment of the United States Court of Appeals Enforcing an Order of the National Labor Relations Board."

Reasonable steps shall be taken by the Respondent to ensure that the notices are not altered, defaced, or covered by any other material. If 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 December 16, 2015.

- (b) 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.

APPENDIX

NOTICE TO EMPLOYEES

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

The National Labor Relations Board has found that we violated Federal labor law and has ordered us to post and obey this notice.

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 benefits and protection

Choose not to engage in any of these protected activities

WE WILL NOT prohibit representatives and members of Philadelphia Joint Board, Workers United a/w SEIU, or any other labor organization, from peaceful handbilling activities and distributing union literature to our employees in the public right-of-way adjacent to our facility.

WE WILL NOT interfere and attempt to remove representatives of Philadelphia Joint Board, Workers United a/w SEIU, or of any other labor organization, distributing union literature to our employees in the public right-of-way adjacent to our facility by demanding that the representatives and members leave the public right-of-way.

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

IMAGE FIRST UNIFORM SERVICE, INC.