

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

LION ELASTOMERS LLC

and

UNITED STEEL, PAPER AND FORESTRY,
RUBBER, MANUFACTURING, ENERGY,
ALLIED INDUSTRIAL AND SERVICE
WORKERS INTERNATIONAL UNION,
LOCAL 228

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Cases 16-CA-190681
16-CA-127259
16-CA-225153

**CHARGING PARTY LOCAL 228'S BRIEF
TO THE ADMINISTRATIVE LAW JUDGE**

Pursuant to Section 102.42 of the Board's Rules and Regulations, Charging Party United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, Local 228 ("Local 228" or "Union") files this brief in support of the allegations made against Lion Elastomers LLC ("Respondent") in Cases 16-CA-190681, 16-CA-127259, and 16-CA-225153.

I. Adoption of the General Counsel's Brief, Arguments and Authorities to the Administrative Law Judge

The USW adopts, in full, the General Counsel's Brief to the Administrative Law Judge, including all arguments and authorities submitted by the General Counsel in support of the General Counsel's allegations in Cases 16-CA-190681, 16-CA-127259, and 16-CA-225153.

II. An Extraordinary Remedy Is Warranted

The NLRB has applied extraordinary remedies where an employer has committed pervasive or outrageous unfair labor practices. *Federated Logistics & Operations*, 340 NLRB 255, 256 (2003) (extraordinary remedies are appropriate where “necessary ‘to dissipate fully the coercive effects of the unfair labor practice found’”).

In light of the Respondent’s pervasive violations of the employees’ Section 7 rights, the USW respectfully submits the following extraordinary remedy is warranted:

- (1) Hold meetings, during working time, scheduled to ensure the widest possible attendance, at which the notice is to be read to the employees assembled for this purpose, by Trudy Lord, while a representative of the Board is present for each such reading or, at by a representative of the Board while Trudy Lord is present. *Latino Express, Inc.*, 360 NLRB No. 112 at 2 (2014); *Carey Salt Co.*, 360 NLRB No. 38 at 2-3 (2014) (“The Respondent’s violations of the Act are sufficiently serious and widespread that the reading is necessary to enable the employees to exercise their Section 7 rights free from coercion.”); *Homer D. Bronson Co.*, 349 NLRB No. 50, at 4 (2007) (“The notice must be read by the Respondent’s president of manufacturing, Blancato (who was directly and personally involved in many of the violations) or, at the Respondent’s option, by a Board agent in the presence of Blancato.”); *Federated Logistics & Operations*, 340 NLRB 255, 258 (2003) (Similar order issued “so that employees will fully perceive that the Respondent and its managers are bound by the requirements of the Act”; the reading of the notice “will ensure that the important information set forth in the notice is

disseminated to all employees, including those who do not consult the Respondent's bulletin boards"); *Harbor Cruises, LTD*, 319 NLRB 822 (1995).

Respectfully submitted,



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United Steel, Paper and Forestry, Rubber,
Manufacturing, Energy, Allied Industrial and
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April 2, 2019

CERTIFICATE OF SERVICE

This is to certify that a true copy of the Charging Party USW's Post-Hearing Brief to the Administrative Law Judge was served by electronic mail this 2nd day of April, 2019, upon:

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