



UNITED STATES GOVERNMENT

**NATIONAL LABOR RELATIONS BOARD**

**OFFICE OF THE GENERAL COUNSEL**

Washington, D.C. 20570

May 2, 2019

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. United States Postal Service*,  
(6th Cir.) Board Case Nos. 08-CA-213645  
and 08-CA-219955

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 address appears 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/ David Habenstreit

David Habenstreit  
Assistant General Counsel  
NATIONAL LABOR RELATIONS BOARD  
1015 Half St. S.E.  
Washington, D.C. 20570  
(202) 273-2960

cc & documents to: Service List

## SERVICE LIST

### RESPONDENT:

Sharon Young, Dist. Mgr.  
United States Post Office  
Northern Ohio District  
2200 Orange Ave., Rm. 210  
Cleveland, OH 44101-9993

Phone: (216) 443-4573  
Email: sharon.m.young@usps.gov

### CHARGING PARTY:

Martin Lopez Ramirez  
APWU Iocal 170  
PO Box 695  
Toledo, OH 43697-0695

Phone: (419) 243-0156  
Fax: (419) 243-0156  
Email: mcdirector@apwulocal170.org:

### REGIONAL DIRECTOR:

Allen Binstock, Regional Director  
National Labor Relations Board  
1240 East 9th St., Rm. 1695  
Cleveland, OH 44199-2086

### RESPONDENT'S COUNSEL:

Roderick D. Eves, Dpty Mgr Counsel  
United States Postal Service  
Law Department - NLRB Unit  
1720 Market St Rm 2400  
St. Louis, MO 63155-9948

Phone: (314) 345-5864  
Fax: (314) 345-5893  
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### COPY TO:

Arthur G. Roxas, NLRB Specialist  
United States Postal Service  
Law Department - NLRB Unit  
1720 Market St. Rm. 2400  
St. Louis, MO 63155-9948

Phone: (314) 345-5824  
Fax: (314) 345-5893  
Email: arthur.g.roxas@usps.gov

### COPY TO:

Stephan Boardman, Chief Counsel  
Appellate and Commercial Litigation  
USPS Law Department  
475 L'Enfant Plaza SW  
Washington, DC 20260

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

NATIONAL LABOR RELATIONS BOARD	:	
	:	
Petitioner	:	Nos.
v.	:	
	:	Board Case Nos.:
UNITED STATES POSTAL SERVICE	:	08-CA-213645
	:	08-CA-219955
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 United States Postal Service (“Respondent”), issued in Board Case Nos. 08-CA-213645 and 08-CA-219955, on April 26, 2019. 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 the activities

giving rise to this proceeding occurred in Ohio. The Board's final order issued on April 26, 2019.

**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 2nd day of May 2019

/s/ David Habenstreit  
David Habenstreit  
Assistant General Counsel  
National Labor Relations Board  
1015 Half St. S.E.  
Washington, D.C. 20570

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

NATIONAL LABOR RELATIONS BOARD	:	
	:	
Petitioner	:	No.
v.	:	
	:	Board Case Nos.:
UNITED STATES POSTAL SERVICE	:	08-CA-213645
	:	08-CA-219955
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, United States Postal Service, its officers, agents, successors, and assigns, on April 26, 2019, in Board Case Nos. 08-CA-213645 and 08-CA-219955; 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, United States Postal Service, 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

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Clerk

NATIONAL LABOR RELATIONS BOARD

v.

UNITED STATES POSTAL SERVICE

**ORDER**

United States Postal Service, Toledo, Ohio, its officers, agents, successors, and assigns, shall

1. Cease and desist from the following in connection with the Respondent's employees employed in the Respondent's facilities in the Toledo, Ohio area
  - (a) Failing or refusing to bargain collectively and in good faith with the Union by failing and refusing to furnish the Union with requested information that is relevant and necessary to the APWU and the Union's performance its functions as the collective bargaining representative of employees in the following appropriate unit (Unit):

All maintenance employees, motor vehicle employees, postal clerks, the special delivery messengers, mail equipment shops employees, material distribution centers employees, and operating •services and facilities services employees; and excluding managerial and supervisory personnel, professional employees. employees engaged in personnel work in other than a purely non-confidential clerical capacity, security guards as defined in Public Law 91-375, 1201(2), all Postal Inspection Service employees, employees in the supplemental work forces as defined in Article 7 of the Collective-Bargaining Agreement, rural letter carriers, mail handlers, and letter carriers.
  - (b) Refusing to bargain collectively and in good faith with the Union by unreasonably delaying in furnishing the Union with requested information that is relevant and necessary to the APWU and the Union's performance of its functions as the collective bargaining representative of employees in the Unit.
  - (c) Unreasonably delaying in informing the Union that requested information that is relevant and necessary to the Union's performance of

its functions as the collective- bargaining representative of employees in the Unit does not exist.

- (d) 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) Bargain collectively and in good faith with the APWU and the Union as the exclusive collective-bargaining representative of the Unit.
  - (b) Conduct annual training with each manager and supervisor at the Toledo, Ohio P&DC (Processing and Distribution Center) who is designated to receive and respond to the Union's requests for information related to Unit employees on how to maintain information and tender requested information to the APWU and the Union.
  - (c) Within 14 days of service by the Region (1) post at the locations listed in Appendix A; and (2) send to all its managers and supervisors in those facilities copies of the attached notice marked Appendix B. Copies of the notice, on forms provided by the Region, after being signed and dated 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. The Respondent will take reasonable steps to ensure that the notices are not altered, defaced, or covered by any other material. 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.
  - (d) 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 Respondent has taken to comply.

## **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**

Toledo P&DC - 435 S. St. Clair Street, Toledo, Ohio 43601  
Toledo VMF - 435 S. St. Clair Street. Toledo, Ohio 43601  
Bowling Green - 111 West Washington Street, Bowling Green, Ohio 43402  
Clyde - 131 W. Buckeye Street, Clyde, Ohio 43410  
Fremont - 2121 Enterprise Street, Fremont, Ohio 43420  
Oak Harbor - 126 Church Street, Oak Harbor, Ohio 43449  
Port Clinton - 1231 West 2nd Street, Port Clinton, Ohio 43452  
Rossford - 313 Glenwood. Rossford. •Ohio 43460  
Bryan - 142 N. Main Street, Bryan, Ohio 43506  
Defiance - 420 W.2d Street, Defiance, Ohio 43512  
Delta - 6660 US-20 ALT, Delta, Ohio 43515  
Holland - 6923 Angola Road. Holland. Ohio 43528  
Montpelier - 209 Empire Street, Montpelier, Ohio 43543  
Maumee - 1375 Ford St., Maumee, Ohio 43537  
Napoleon - 206 W. Washington St., Napoleon, Ohio 43545  
Perrysburg - 1205 Louisiana Ave., Perrysburg, Ohio 43551  
Swanton - 250 S. Hallett Ave., Swanton, Ohio 43558  
Sylvania - 5745 Post Office Way, Sylvania. Ohio 43560  
Wauseon - 124 Elm St Wauseon, Ohio 43567  
Central Retail - 235 N. Erie St, Toledo, Ohio •43604  
Central Annex - 430 Broadway St.,. Toledo. Ohio 43604  
Kenwood Station - 2941 Houghton Dr., Toledo, Ohio 43606  
Manhattan - 553 E. Manhattan Blvd.. Toledo, Ohio 43608  
Midtown -1609 Door St., Toledo, Ohio 43607  
Point Place Station - 4445 N. Summit St., Toledo, Ohio 43611  
Reynolds Corners - 6020 W. Bancroft St. Toledo, Ohio 43615  
Oregon Branch - 3054 Dustin Rd.. Oregon, Ohio 43616  
Old West End - 2280 Ashland Ave., Toledo. Ohio 43620  
Franklin Park Station - 5151 Monroe St., Toledo, Ohio 43623  
South Toledo - 1144 S. Detroit, Toledo, Ohio 43614  
Station A - 618 2nd Street, Toledo. Ohio 43605  
West Toledo - 1568 W. Sylvania, Toledo, Ohio 43612  
Wernerts Station - 2618 Tremainsville Road Toledo, Ohio 43613

## APPENDIX B

### 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 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** do anything to prevent you from exercising the above rights.

**The American Postal Workers Union, Local 170 (Local Union)**, the agent of the American Postal Workers Union, AFL-CIO (National Union) is the exclusive collective-bargaining representative of the following employees at our facilities in the Toledo, Ohio area, listed in Appendix A (herein called the Unit):

All maintenance employees, motor vehicle employees, postal clerks, the special delivery messengers, mail equipment shops employees, material distribution centers employees, and operating •services and facilities services employees; and excluding managerial and supervisory personnel, professional employees. employees engaged in personnel work in other than a purely non-confidential clerical capacity, security guards as defined in Public Law 91-375, 1201(2), all Postal Inspection Service employees, employees in the supplemental work forces as defined in Article 7 of the Collective-Bargaining Agreement, rural letter carriers, mail handlers, and letter carriers.

**WE WILL NOT** fail or refuse to furnish the Local Union, in a timely manner, with requested information that it needs to represent the Unit employees.

**WE WILL NOT** unreasonably delay in furnishing the Local Union with requested information that it needs to represent the Unit employees.

**WE WILL NOT** unreasonably delay in informing the Local Union that the information it has requested does not exist.

**WE WILL** bargain collectively and in good faith with the Local Union, the agent of the National Unit, as the exclusive collective-bargaining representative of the Unit employees.

**WE HAVE** furnished the Local Union with requested information concerning staffing packages, and in the future, **WE WILL** furnish the Local Union, in a timely manner, with requested information that it needs to represent the Union employees.

**WE WILL** conduct annual training with each manager and supervisor designated to receive and respond to information requests from the Local Union on how to maintain information and tender relevant information to the Local Union.

**WE WILL NOT** in any like or related manner, interfere with your rights under the Federal law listed above.

**UNITED STATES POSTAL SERVICE  
Northern Ohio District**

The Board's decision can be found at [www.nlrb.gov/case/08-CA-213645](http://www.nlrb.gov/case/08-CA-213645) 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.



UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

NATIONAL LABOR RELATIONS BOARD :  
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 :  
 : Petitioner : No.  
 v. :  
 : Board Case Nos.:  
 UNITED STATES POSTAL SERVICE : 08-CA-213645  
 : 08-CA-219955  
 :  
 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 Nos. 08-CA-213645 and 08-CA-219955.

The attached documents are as follows:

<u>Date</u>	<u>Document Description</u>	<u>Pages</u>
04/26/2019	Decision and Order, <i>United States Postal Service and American Postal Workers Union, Local 170</i> , Case Nos. 08-CA-213645 and 08-CA-219955	7
10/31/2018	Formal Settlement Stipulation, <i>United States Postal Service and American Postal Workers Union, Local 170</i> , Case Nos. 08-CA-213645 and 08-CA-219955 w/exhibit 1	53

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 this 2nd day of May 2019.

/s/ Roxanne Rothschild

Roxanne Rothschild

Executive Secretary

NATIONAL LABOR RELATIONS BOARD

(seal)

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

NATIONAL LABOR RELATIONS BOARD :  
 :  
 :  
 Petitioner : No.  
 v. :  
 : Board Case Nos.:  
 UNITED STATES POSTAL SERVICE : 08-CA-213645  
 : 08-CA-219955  
 Respondent :

CERTIFICATE OF SERVICE

The undersigned certifies that one copy each of the Board's application for enforcement, proposed judgment, 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:

Sharon Young, Dist. Mgr.  
United States Post Office  
Northern Ohio District  
2200 Orange Ave., Rm. 210  
Cleveland, OH 44101-9993

Roderick D. Eves, Dpty Mgr Counsel  
United States Postal Service  
Law Department - NLRB Unit 1720  
Market St Rm 2400  
St. Louis, MO 63155-9948

/s/ David Habenstreit  
David Habenstreit  
Assistant General Counsel  
National Labor Relations Board  
1015 Half St. S.E.  
Washington, D.C. 20570

Dated in Washington, D.C.  
this this 2nd day of May 2019

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

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NATIONAL LABOR RELATIONS BOARD

Petitioner

v.

UNITED STATES POSTAL SERVICE

Respondent

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