

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

UNITED STATES POSTAL SERVICE

and

**NATIONAL POSTAL MAIL HANDLERS UNION,
LOCAL 305, a/w NATIONAL POSTAL MAIL
HANDLERS UNION, A DIVISION OF THE LABORERS'
INTERNATIONAL UNION OF NORTH AMERICA, AFL-CIO**

**Cases 05-CA-213750
05-CA-213758
05-CA-214801
05-CA-214867
05-CA-216501
05-CA-216510
05-CA-217566
05-CA-217578
05-CA-217586
05-CA-220280
05-CA-220320**

DECISION AND ORDER

Statement of the Cases

On December 7, 2018, the United States Postal Service (the Respondent); National Postal Mail Handlers Union, Local 305, a/w National Postal Mail Handlers Union, a Division of the Laborers' International Union of North America, AFL-CIO (the Union); and the General Counsel of the National Labor Relations Board entered into a Formal Settlement Stipulation, subject to Board approval, providing for the entry of a consent order by the Board and a consent judgment by any appropriate United States Court of Appeals. The parties waived all further and other proceedings before the Board to which they may be entitled under the National Labor Relations Act and the Board's Rules and Regulations, and the Respondent waived its right to contest the entry of a consent judgment or to receive further notice of the application therefor.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.¹

The Formal Settlement Stipulation is approved and made a part of the record, and the proceeding is transferred to and continued before the Board in Washington, D.C., for the entry of a Decision and Order pursuant to the provisions of the Formal Settlement Stipulation.²

¹ Chairman Ring is recused and took no part in the consideration of this case.

² We note that the remedy to which the parties have agreed differs in some respects from previous broad orders that the Board has issued against the Respondent in cases

Based on the Formal Settlement Stipulation and the entire record, the Board makes the following

Findings of Fact

1. The Respondent's business

The Respondent provides postal services for the United States and operates various facilities throughout the United States in the performance of that function, including its Processing and Distribution Center (P&DC), at 900 East Fayette Street, Baltimore, Maryland, the only facility involved in this proceeding. The Board has jurisdiction over the Respondent and this matter by virtue of Section 1209 of the Postal Reorganization Act (39 U.S.C. § 101 et seq.).

2. The labor organizations involved

At all material times, the National Postal Mail Handlers Union, Local 305 (the Charging Party) has been a labor organization within the meaning of Section 2(5) of the National Labor Relations Act (the Act).

At all material times, the National Postal Mail Handlers Union, a Division of the Laborers' International Union of North America, AFL-CIO (the National Union) has been a labor organization within the meaning of Section 2(5) of the Act.

ORDER

Based on the above findings of fact, the Formal Settlement Stipulation, and the entire record, and pursuant to Section 10(c) of the National Labor Relations Act, the National Labor Relations Board orders that:

The Respondent, United States Postal Service, Baltimore, Maryland, its officers, agents, successors, and assigns, shall

1. Cease and desist from:

(a) Refusing to bargain collectively and in good faith with the National Union by unduly delaying furnishing the Charging Party with requested information that is

alleging that the Respondent has violated Sec. 8(a)(5) of the Act by failing and refusing to provide relevant information. See, e.g., *United States Postal Service*, 345 NLRB 426 (2005), enfd. 486 F.3d 683 (10th Cir. 2007); *United States Postal Service*, 28-CA-017383 et al., unpublished order issued November 4, 2002, enfd. Case 02-9587 (10th Cir. 2003). These broad orders, as enforced by the United States Courts of Appeals, remain in effect, and the Board's approval of this stipulation does not modify these orders in any respect.

necessary and relevant to the Charging Party in performing its duties for the National Union, the exclusive collective-bargaining representative of the bargaining unit.

(b) In any like or related manner interfering with, restraining, or coercing its employees in the exercise of the rights guaranteed them by the National Labor Relations Act.

2. Take the following affirmative action necessary to effectuate the policies of the Act:

(a) Within 14 days of service by the Region, post at its Processing and Distribution Center facility currently located at 900 East Fayette Street in Baltimore, Maryland (the Baltimore P&DC) copies of the attached Notice to Employees, marked "Appendix A." The Respondent shall post and maintain copies of the notice, which may include notices in more than one language as deemed appropriate by the Regional Director, on forms provided by Region 5, and signed by the Respondent's authorized representative, 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.

(b) Within 21 days of the Board's approval of this stipulation, file with the Regional Director for Region 5 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 with the Order.

Dated, Washington, D.C., May 30, 2019.

Lauren McFerran, Member

Marvin E. Kaplan, Member

William J. Emanuel, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD

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 refuse to bargain collectively and in good faith with National Postal Mail Handlers Union, a Division of Laborers' International Union of North America, AFL-CIO (the National Union), by unduly delaying furnishing National Postal Mail Handlers Union, Local 305 (the Union) with requested information that is necessary and relevant to the Union in performing its duties for the National Union, the exclusive collective-bargaining representative of the bargaining unit.

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

UNITED STATES POSTAL SERVICE

The Board's decision can be found at www.nlr.gov/case/05-CA-213750 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.

