



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
OFFICE OF THE GENERAL COUNSEL
Washington, D.C. 20570

April 21, 2020

Clerk, United States Court of
Appeals for the Sixth Circuit
532 Potter Stewart U.S. Courthouse
100 East Fifth Street
Cincinnati, OH 45202-3988

Re: Docket Nos. 19-2033 and 19-2168,
*United Automobile, Aerospace and
Agricultural Implement Workers of America,
Local 600, AFL-CIO v. NLRB*

Dear Clerk:

On April 13, 2020, the Court issued its opinion granting in part the petition of Local 600, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), AFL-CIO, and granting in part the Board's cross-application for enforcement. Pursuant to Rule 19 of the Federal Rules of Appellate Procedure, I am filing the Board's Proposed Judgment in the above entitled manner.

The Proposed Judgment is identical to the Order appearing in the Board's August 28, 2019 decision. Although the Court reversed the Board's finding of one unfair labor practice, the Court affirmed the portion of the Board's decision holding that the Union breached its duty of fair representation in violation of the Act. As stated in the Board's brief (p. 36), in this case, either violation standing alone compels the same remedy as set forth in the Board's Order. Petitioner's reply brief does not dispute that statement. Thus, enforcement of the full Board Order is warranted.

/s/ David Habenstreit
David Habenstreit
Assistant General Counsel
National Labor Relations Board
1015 Half Street, SE
Washington, DC 20570
(202) 273-2960

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

<hr/>		
UNITED AUTOMOBILE, AEROSPACE)	
AND AGRICULTURAL IMPLEMENT)	
WORKERS OF AMERICA, LOCAL 600,)	
AFL-CIO,)	
)	
)	
Petitioner/Cross-Respondent)	Nos. 19-2033
)	19-2168
v.)	
)	
NATIONAL LABOR RELATIONS BOARD,)	
)	
Respondent/Cross-Petitioner)	
)	
)	
LLOYD STONER,)	
)	
Intervenor)	
)	
<hr/>		

**JUDGMENT ENFORCING IN PART AN ORDER OF
THE NATIONAL LABOR RELATIONS BOARD**

Before: SUHRHEINRICH, BUSH, and MURPHY, Circuit Judges.

THIS CAUSE came to be heard upon a petition filed by Local 600, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), AFL–CIO, for review of an Order of the National Labor Relations Board issued August 28, 2019, in Board Case No. 07-CB-221096, reported at 368 NLRB No. 54 (2019), and upon a cross-application filed by the National Labor Relations Board for enforcement of said Order. The Court has considered the briefs and transcript of record filed in this case. On April 13, 2020, the Court, being fully advised in the premises, handed down its opinion granting in part the petition of Local 600, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), AFL–CIO, and granting in part the Board’s cross-application for enforcement. In conformity therewith, it is hereby

ORDERED AND ADJUDGED by the United States Court of Appeals for the Sixth Circuit that Local 600, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), AFL–CIO, its officers, agents, and representatives, shall abide by said order as modified by the Court. (See attached Order and Appendix).

FOR THE COURT:

NATIONAL LABOR RELATIONS BOARD

v.

UNITED AUTOMOBILE, AEROSPACE AND AGRICULTURAL
IMPLEMENT WORKERS OF AMERICA, LOCAL 600, AFL-CIO

ORDER

Local 600, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), AFL-CIO, Dearborn, Michigan, its officers, agents, and representatives, shall

1. Cease and desist from
 - (a) Failing and refusing to honor the request of employees to resign from membership in the Respondent and to revoke their dues checkoff authorization.
 - (b) In any like or related manner 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) To the extent it has not already done so, if any, honor the request of Lloyd Stoner to resign from membership in the Respondent and to revoke his dues checkoff authorization.
 - (b) Reimburse Lloyd Stoner for the dues deducted from his wages and remitted to the Respondent since March 12, 2018, with interest, in the manner set forth in the remedy section of the administrative law judge's decision as amended in the Board's August 28, 2019 decision.
 - (c) Preserve and, within 14 days of a request, or such additional time as the Regional Director may allow for good cause shown, provide at a reasonable place designated by the Board or its agents, all payroll records, social security payment records, timecards, personnel records and reports, and all other records, including an electronic copy of such records if stored in electronic form, necessary to analyze the amount of backpay due under the terms of this Order.
 - (d) Within 14 days after service by the Region, post at its Dearborn, Michigan facility copies of the attached notice marked "Appendix." Copies of the notice, on forms provided by the Regional Director for

Region 7, 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 and members are customarily posted. In addition to physical posting of paper notices, 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 members by such means. Reasonable steps shall be taken by the Respondent to ensure that the notice is not altered, defaced, or covered by any other material. In addition, within 14 days after service by the Region, the Respondent shall duplicate and mail, at its own expense, a copy of the signed notice to all of its members who have been represented by the Respondent during their employment with Ford Motor Company at its Miller Road truck plant in Dearborn, Michigan, since March 12, 2018.

- (e) Within 14 days after service by the Region, deliver to the Regional Director for Region 7 signed copies of the notice in sufficient number for posting by Ford Motor Company at its Miller Road truck plant in Dearborn, Michigan, if it wishes, in all places where notices to employees are customarily posted.
- (f) Within 21 days after service by the Region, file with the Regional Director for Region 7 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 AND MEMBERS

**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 on your behalf with your employer

Act together with other employees for your benefit and protection

Choose not to engage in any of these protected activities.

WE WILL NOT fail and refuse to honor your request to resign your union membership and to revoke your dues checkoff authorization.

WE WILL NOT in any like or related manner restrain or coerce you in the exercise of the rights listed above.

WE WILL honor the request of Lloyd Stoner to resign from membership and to revoke his dues checkoff authorization.

WE WILL reimburse Lloyd Stoner for the dues deducted from his wages and remitted to us since March 12, 2018, with interest.

**LOCAL 600, UNITED AUTOMOBILE, AEROSPACE AND AGRICULTURAL IMPLEMENT
WORKERS OF AMERICA (UAW), AFL-CIO**

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

<hr/>		
UNITED AUTOMOBILE, AEROSPACE)	
AND AGRICULTURAL IMPLEMENT)	
WORKERS OF AMERICA, LOCAL 600,)	
AFL-CIO,)	
)	
)	
Petitioner/Cross-Respondent)	Nos. 19-2033
)	19-2168
v.)	
)	
NATIONAL LABOR RELATIONS BOARD,)	
)	
Respondent/Cross-Petitioner)	
)	
)	
LLOYD STONER,)	
)	
Intervenor)	
<hr/>		

CERTIFICATE OF SERVICE

I hereby certify that on April 21, 2020, I electronically filed the foregoing document with the Clerk of the Court for the United States Court of Appeals for the Sixth Circuit by using the appellate CM/ECF system. I further certify that the foregoing document was served on all the parties or their counsel of record through the CM/ECF system.

/s/David Habenstreit
David Habenstreit
Acting Deputy Associate General Counsel
National Labor Relations Board

1015 Half Street, SE
Washington, DC 20570

Dated at Washington, DC
this 21st day of April 2020