UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JUN 23 2020

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NATIONAL LABOR RELATIONS BOARD, Petitioner, v. COPPER STATE BOLT & NUT COMPANY, INC., Respondent.	No. 19-72801 NLRB No. 28-CA-232050 National Labor Relations Board ORDER

Before: GRABER, WARDLAW, and R. NELSON, Circuit Judges.

The application (Docket Entry No. 1) of the National Labor Relations Board for enforcement of its September 9, 2019 order is granted. Unless objections as to form are received within fourteen days of the date of this order, the form of judgment submitted at Docket Entry No. 3 will be the judgment of the court.

The Clerk will serve the proposed judgment submitted at Docket Entry No. 3 on respondent.

AC/MOATT

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

NATIONAL LABOR RELATIONS BOARD	:	
	:	
Petitioner	:	No.
v.	:	
	:	Board Case No.
COPPER STATE BOLT & NUT COMPANY, INC.	:	28-CA-232050
	:	
Respondent	:	

JUDGMENT ENFORCING AN ORDER OF THE
NATIONAL LABOR RELATIONS BOARD

Before:

This cause was submitted upon the application of the National Labor Relations Board for summary entry of a judgment against Respondent, Copper State Bolt & Nut Company, Inc., its officers, agents, successors, and assigns, enforcing its order dated September 9, 2019, in Case No. 28-CA-232050, reported at 368 NLRB No. 69, and the Court having considered the same, it is hereby

ORDERED AND ADJUDGED by the Court that the Respondent, Copper State Bolt & Nut Company, Inc., its officers, agents, successors, and assigns, shall abide by said order (See Attached Order and Appendix).

Endorsed, Judgment Filed and Entered

/s/ Molly Dwyer
Molly Dwyer
Clerk

NATIONAL LABOR RELATIONS BOARD

v.

COPPER STATE BOLT & NUT COMPANY, INC.

ORDER

Copper State Bolt & Nut Company, Inc., Phoenix, Arizona, its officers, agents, successors, and assigns, shall

1. Cease and desist from

   (a) Promulgating, maintaining, or enforcing a rule or directive requiring employees to bring job-related concerns exclusively to Robert Berry or any other agent of Copper State Bolt & Nut Company, Inc.

   (b) Threatening employees with unspecified reprisals if they fail to bring job-related concerns exclusively to Robert Berry or any other agent of Copper State Bolt & Nut Company, Inc.

   (c) Coercively interrogating or threatening to interrogate employees about their protected concerted activities and the protected concerted activities of other employees.

   (d) Promulgating, maintaining, or enforcing a rule or directive prohibiting employees from discussing pay.

   (e) Threatening employees with discharge for engaging in protected concerted activities.

   (f) Suspending, discharging, or otherwise discriminating against employees because they discuss pay or other terms and conditions of employment, engage in protected concerted activities, or fail to bring job-related concerns exclusively to Robert Berry or any other agent of Copper State Bolt & Nut Company, Inc.

   (g) Refusing to consider for hire or to hire employee-applicants because they discuss pay or other terms and conditions of employment, engage in protected concerted activities, or fail to bring job-related concerns exclusively to Robert Berry or any other agent of Copper State Bolt & Nut Company, Inc.

   (h) 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) Rescind the unlawful rules or directives requiring employees to bring job-related concerns exclusively to Robert Berry and prohibiting employees from discussing pay.

   (b) Within 14 days from the date of this Order, offer Charus Ryce full reinstatement to his former job or, if that job no longer exists, to a substantially equivalent position, without prejudice to his seniority or any other rights or privileges previously enjoyed.

   (c) Make Charus Ryce whole for any loss of earnings and other benefits suffered as a result of the discrimination against him in the manner set forth in the remedy section of this Decision and Order.

   (d) Compensate Charus Ryce for the adverse tax consequences, if any, of receiving a lump-sum backpay award, and file with the Regional Director for Region 28, within 21 days of the date the amount of backpay is fixed, either by agreement or Board order, a report allocating the backpay award to the appropriate calendar year.

   (e) Within 14 days from the date of this Order, remove from its files any reference to the unlawful suspension, discharge, refusal to consider for hire, and refusal to hire Charus Ryce, and within 3 days thereafter notify him in writing that this has been done and that the unlawful suspension, discharge, refusal to consider for hire, and refusal to hire will not be used against him in any way.

   (f) 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.

   (g) Within 14 days after service by the Region, post at its facility in Phoenix, Arizona, copies of the attached notice marked "Appendix." Copies of the notice, on forms provided by the Regional Director for Region 28, 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, notices shall be distributed electronically, such as by email, posting on an intranet or internet site, and/or other electronic means, if the Respondent customarily communicates with its employees by such means. 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 September 25, 2018.

(h) Within 21 days after service by the Region, file with the Regional Director for Region 28 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 benefit and protection
Choose not to engage in any of these protected activities.

WE WILL NOT promulgate, maintain, or enforce a rule or directive requiring you to bring job-related concerns exclusively to Robert Berry or any other agent of Copper State Bolt & Nut Company, Inc.

WE WILL NOT threaten you with unspecified reprisals if you fail to bring job-related concerns exclusively to Robert Berry or any other agent of Copper State Bolt & Nut Company, Inc.

WE WILL NOT promulgate, maintain, or enforce a rule or directive prohibiting you from discussing pay or any other term and condition of employment.

WE WILL NOT coercively interrogate or threaten to interrogate you about your protected concerted activities or the protected concerted activities of other employees.

WE WILL NOT suspend, discharge, or otherwise discriminate against you because you discuss pay or other terms and conditions of employment, engage in protected concerted activities, or fail to bring job-related concerns exclusively to Robert Berry or any other agent of Copper State Bolt & Nut Company, Inc.

WE WILL NOT refuse to consider for hire or refuse to hire employee-applicants because they discuss pay or other terms and conditions of employment, engage in protected concerted activities, or fail to bring job-related concerns exclusively to Robert Berry or any other agent of Copper State Bolt & Nut Company, Inc.

WE WILL 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.

WE WILL rescind our unlawful rules or directives requiring employees to bring job-related concerns exclusively to Robert Berry and prohibiting employees from discussing pay.

WE WILL, within 14 days from the date of the Board's Order, offer Charus Ryce full reinstatement to his former job or, if that job no longer exists, to a substantially equivalent position, without prejudice to his seniority or any other rights or privileges previously enjoyed.

WE WILL make Charus Ryce whole for any loss of earnings and other benefits suffered as a result of the discrimination against him, less any net interim earnings, plus interest, and WE WILL also make him whole for reasonable search-for-work and interim employment expenses, plus interest.

WE WILL compensate Charus Ryce for the adverse tax consequences, if any, of receiving a lump-sum backpay award, and WE WILL file with the Regional Director for Region 28, within 21 days of the date the amount of backpay is fixed, either by agreement or Board order, a report allocating the backpay award to the appropriate calendar years.

WE WILL, within 14 days from the date of the Board's Order, remove from our files any reference to the unlawful suspension, discharge, refusal to consider for hire, and refusal to hire Charus Ryce, and WE WILL, within 3 days thereafter, notify him in writing that this has been done and that the suspension, discharge, refusal to consider for hire, and refusal to hire will not be used against him in any way.

COPPER STATE BOLT & NUT COMPANY, INC.

The Board's decision can be found at https://www.nlrb.gov/case/28-CA-232050 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.

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