

FILED: September 1, 2020

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 20-1792  
(10-CA-239552)

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NATIONAL LABOR RELATIONS BOARD

Petitioner

v.

UNITED STATES POSTAL SERVICE

Respondent

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J U D G M E N T

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The Board's proposed judgment and order are attached hereto and are adopted as the judgment of this court enforcing an order of the National Labor Relations Board.

The court's mandate shall issue forthwith.

/s/ PATRICIA S. CONNOR, CLERK

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

NATIONAL LABOR RELATIONS BOARD :  
:  
Petitioner : No.  
v. :  
: Board Case No.:  
UNITED STATES POSTAL SERVICE : 10-CA-239552  
:  
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 July 14, 2020, in Board Case No. 10-CA-239552; 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 Fourth Circuit that the order of the National Labor Relations Board be hereby enforced; and that the Respondent, United States Postal Service, Raleigh, Greensboro, and Rocky Mount, North Carolina, its officers, agents, successors, and assigns, shall abide by and perform the directions of the Board set forth in its order. (See Attached Order and Appendix)

Mandate shall issue forthwith

## NATIONAL LABOR RELATIONS BOARD

v.

## UNITED STATES POSTAL SERVICE

**ORDER**

United States Postal Service, Greenville, South Carolina, 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 Greenville Processing and Distribution Center.
  - (a) Refusing to bargain collectively and in good faith with the American Postal Workers Union, AFL-CIO, by failing to furnish, or by unduly delaying furnishing, information that is relevant and necessary to the American Postal Workers Union, AFL-CIO, Local 168 in performing its duties for the American Postal Workers Union, AFL-CIO, the exclusive bargaining representative of the unit.
  - (b) In any like or related manner interfering with, restraining, or coercing 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) Upon request, furnish the American Postal Workers Union, AFL-CIO, American Postal Workers Union, AFL-CIO, Local 168, or any other union with which the Respondent has an exclusive collective-bargaining relationship, or its servicing representative, at its Greenville Processing and Distribution Center, with necessary and relevant information in a timely and appropriate manner.
  - (b) Waive, for 30 days following issuance of the Board's Order, any contractual deadlines for filing and pursuing grievances, including supplementing the grievance record, related to the requested information that the American Postal Workers Union, AFL-CIO, Local 168 missed due to the Respondent's delay in providing the information requested as

described in Paragraph 9 of the April 2, 2020 Amended Complaint.

- (c) Maintain a log at its Greenville Processing and Distribution Center, in which the Respondent will immediately record each information request that the American Postal Workers Union, AFL-CIO, American Postal Workers Union, AFL-CIO, Local 168 or any other union with which the Respondent has an exclusive collective-bargaining relationship, or its servicing representative, at its Greenville Processing and Distribution Center, tendered to the Respondent orally or in writing. These logs shall include the following information: a brief description of the information requested; the name of the individual who is making the request; the union and unit involved; the name of the manager or supervisor who received the request; the date the request was made; and the date that the Respondent's manager or supervisor provided the American Postal Workers Union, AFL-CIO or American Postal Workers Union, AFL-CIO, Local 168 or other such union with which the Respondent has an exclusive collective-bargaining relationship, or its servicing representative, with the requested information. If the manager or supervisor, having reviewed the documents requested, believes that the Respondent will need additional time to furnish the information, the manager or supervisor will inform the American Postal Workers Union, AFL-CIO, or American Postal Workers Union, AFL-CIO, Local 168 or any other such union or its servicing representative, in writing, requesting additional time and explaining the need for additional time. Union stewards will be granted reasonable access to the logs, upon request.
- (d) Provide for each manager and supervisor who is designated to receive union requests for information at its Greenville Processing and Distribution Center, annual training that encompasses how to maintain the log and how to tender the relevant information the American Postal Workers Union, AFL-CIO, American Postal Workers Union, AFL-CIO, Local 168 or any other such union, or its servicing representative, requested; require that each such manager and supervisor sign an acknowledgment form attesting to the fact that he or she has completed this training. A copy of this acknowledgment form shall be maintained in the manager's or supervisor's training and history files. Managers or supervisors who fail to supply relevant information, or who unreasonably delay in supplying such information to the American Postal Workers Union, AFL-CIO, American Postal Workers Union,

AFL-CIO, Local 168 or other such union, or its servicing representative, will have this fact mentioned in the “corrective action” column of the semi-annual audit report provided to the district manager and district manager of human resources. The Respondent shall take disciplinary action, up to and including termination, for any managers or supervisors who repeatedly fail to respond appropriately or timely to union requests for information.

- (e) Provide to union stewards of any union with which the Respondent has an exclusive collective-bargaining relationship, or its servicing representative, at its Greenville Processing and Distribution Center, the name of the manager or supervisor in each location who is designated to receive union requests for information at the facility, and when that designated manager or supervisor has changed.
- (f) Require the Respondent’s legal or labor relations department to conduct semi-annual audits of the logs at the Respondent’s Greenville Processing and Distribution Center to ensure that the information requests of the American Postal Workers Union, AFL-CIO, American Postal Workers Union, AFL-CIO, Local 168 and other such unions, or their servicing representatives, are being handled in a timely and appropriate manner, and to ensure the logs are being properly maintained. Following the audit, the legal or labor relations department shall tender, in writing, a written report that will be forwarded to the district manager and district manager of human resources.
- (g) Within 14 days of service by the Region:
  - (i) Post at the Respondent’s Greenville Processing and Distribution Center, copies of the Notice to Employees that the Acting Regional Director for Region 10 shall provide to the Respondent for posting. The Region will provide copies of the notice that the Respondent will be required to duplicate in color, at its own expense, before posting. The duplicated copies 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;
  - (ii) Electronically post the Notice to Employees for employees at the Respondent’s Greenville Processing and Distribution Center, if the

Respondent customarily uses electronic means such as an electronic bulletin board, email, website, or intranet to communicate with those employees;

- (iii) Send a copy of any Board Order and Notice to Employees to all its managers and supervisors at the Respondent's Greenville Processing and Distribution Center.
- (h) Within 60-day Notice posting period, hold a meeting or meetings, scheduled to ensure the widest possible attendance on each shift, at which a responsible management official will read the Notice to Employees for employees at the Respondent's Greenville Processing and Distribution Center, in front of a union official for the American Postal Workers Union, AFL-CIO, Local 168. The reading will take place at a time when the Respondent would customarily hold meetings and must be completed prior to the completion of the 60-day Notice posting period. The dates and times of the reading, and the management official who will read the notice, must be approved by the Acting Regional Director. The announcement of the meeting will be in the same manner the Respondent normally announces meetings and must be approved by the Acting Regional Director.
- (i) Within 21 days after service, file with the Acting Regional Director a signed and sworn Certification of Compliance, Part I form certifying that it has complied with this Order. The certification shall include a copy of the documents signed by a responsible official attesting to the dates that the notices were received at each facility, the dates that the notices were posted, where the notices were posted, and date(s), time(s), and the management official who read the Notice to Employees; the certification shall also include the dates the Respondent sent the Board Order and Notice to its managers and supervisors, a list of the names and job titles of the individuals to whom the Respondent sent them, and the method the Respondent employed to send them.
- (j) Upon request, provide to the Acting Regional Director of Region 10, or his designee, copies of the logs described above in subparagraph (c); the acknowledgment forms, audit reports, and discipline described above in subparagraph (d); and the semi-annual audits and reports from the Respondent's legal or labor relations department described above in subparagraph (f).

## APPENDIX

## 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** interfere with, restrain, or coerce you in the exercise of the above rights.

**The American Postal Workers Union, AFL-CIO**, is the exclusive collective-bargaining representative of the employees in the bargaining unit set forth below. **American Postal Workers Union, AFL-CIO, Local 168** services certain employees at the South Carolina facilities listed below on behalf of the National Union.

All employees in the bargaining unit for which each has been recognized and certified at the national level, including 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; 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 to provide, or unreasonably delay in providing, the American Postal Workers Union, AFL-CIO, or American Postal Workers Union, AFL-CIO, Local 168 or any other union with which we have an exclusive collective-

bargaining relationship, or its servicing representative, at the Greenville Processing and Distribution Center located at 204 Fairforest Way in Greenville, South Carolina, with information that they or their National Unions need to represent you.

**WE WILL NOT** in any like or related manner interfere with your rights under the National Labor Relations Act.

**WE HAVE** provided the American Postal Workers Union, AFL-CIO, Local 168 with the information it initially requested on January 22, 2019.

**WE WILL**, upon request, provide any union with which we have an exclusive collective-bargaining relationship or its servicing representative with necessary and relevant information in a timely and appropriate manner.

**WE WILL** waive for 30 days following the issuance of the Board's Order, any contractual deadlines for filing and pursuing grievances related to the requested information that the American Postal Workers Union, AFL-CIO, Local 168 missed due to our delay in providing the information requested.

**WE WILL** maintain a log in which we will immediately record each information request that any union with which we have an exclusive collective-bargaining relationship, or its servicing representative, make, either orally or in writing, at the Greenville Processing and Distribution Center.

**WE WILL** provide union stewards with reasonable access to those logs that pertain to their requests.

**WE WILL** provide annual training for each manager and supervisor who is designated to receive requests for information at the Greenville Processing and Distribution Center. Such training will encompass how to maintain the log and how to tender the relevant information to any union with which we have an exclusive collective-bargaining relationship, or its servicing representative, at the Greenville Processing and Distribution Center.

**WE WILL** take disciplinary action, up to and including termination, for any managers or supervisors who repeatedly fail to respond appropriately or timely to union requests for information.

**WE WILL** provide union stewards for any union the name of the manager or supervisor who is designated to receive union requests for information at the Greenville Processing and Distribution Center and when that designated manager or supervisor has changed.

**WE WILL** require our legal or labor relations department to conduct semi-annual audits of the logs to ensure that the information requests of any union with which

we have an exclusive collective-bargaining relationship, or its servicing representative, are being handled in a timely and appropriate manner and to ensure the logs are being properly maintained.

### **UNITED STATES POSTAL SERVICE**

The Board's decision can be found at [www.nlr.gov/case/10-CA-239552](http://www.nlr.gov/case/10-CA-239552) 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.



FILED: September 1, 2020

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

No. 20-1792, NLRB v. USPS  
10-CA-239552

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NOTICE OF JUDGMENT

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Judgment was entered on this date in accordance with Fed. R. App. P. 36. Please be advised of the following time periods:

**PETITION FOR WRIT OF CERTIORARI:** To be timely, a petition for certiorari must be filed in the United States Supreme Court within 90 days of this court's entry of judgment. The time does not run from issuance of the mandate. If a petition for panel or en banc rehearing is timely filed, the time runs from denial of that petition. Review on writ of certiorari is not a matter of right, but of judicial discretion, and will be granted only for compelling reasons.

([www.supremecourt.gov](http://www.supremecourt.gov))

**VOUCHERS FOR PAYMENT OF APPOINTED OR ASSIGNED**

**COUNSEL:** Vouchers must be submitted within 60 days of entry of judgment or denial of rehearing, whichever is later. If counsel files a petition for certiorari, the 60-day period runs from filing the certiorari petition. (Loc. R. 46(d)). If payment is being made from CJA funds, counsel should submit the CJA 20 or CJA 30 Voucher through the CJA eVoucher system. In cases not covered by the Criminal Justice Act, counsel should submit the Assigned Counsel Voucher to the clerk's office for payment from the Attorney Admission Fund. An Assigned Counsel Voucher will be sent to counsel shortly after entry of judgment. Forms and instructions are also available on the court's web site, [www.ca4.uscourts.gov](http://www.ca4.uscourts.gov), or from the clerk's office.

**BILL OF COSTS:** A party to whom costs are allowable, who desires taxation of costs, shall file a [Bill of Costs](#) within 14 calendar days of entry of judgment. (FRAP 39, Loc. R. 39(b)).

**PETITION FOR REHEARING AND PETITION FOR REHEARING EN**

**BANC:** A petition for rehearing must be filed within 14 calendar days after entry of judgment, except that in civil cases in which the United States or its officer or agency is a party, the petition must be filed within 45 days after entry of judgment. A petition for rehearing en banc must be filed within the same time limits and in the same document as the petition for rehearing and must be clearly identified in the title. The only grounds for an extension of time to file a petition for rehearing are the death or serious illness of counsel or a family member (or of a party or family member in pro se cases) or an extraordinary circumstance wholly beyond the control of counsel or a party proceeding without counsel.

Each case number to which the petition applies must be listed on the petition and included in the docket entry to identify the cases to which the petition applies. A timely filed petition for rehearing or petition for rehearing en banc stays the mandate and tolls the running of time for filing a petition for writ of certiorari. In consolidated criminal appeals, the filing of a petition for rehearing does not stay the mandate as to co-defendants not joining in the petition for rehearing. In consolidated civil appeals arising from the same civil action, the court's mandate will issue at the same time in all appeals.

A petition for rehearing must contain an introduction stating that, in counsel's judgment, one or more of the following situations exist: (1) a material factual or legal matter was overlooked; (2) a change in the law occurred after submission of the case and was overlooked; (3) the opinion conflicts with a decision of the U.S. Supreme Court, this court, or another court of appeals, and the conflict was not addressed; or (4) the case involves one or more questions of exceptional importance. A petition for rehearing, with or without a petition for rehearing en banc, may not exceed 3900 words if prepared by computer and may not exceed 15 pages if handwritten or prepared on a typewriter. Copies are not required unless requested by the court. (FRAP 35 & 40, Loc. R. 40(c)).

**MANDATE:** In original proceedings before this court, there is no mandate. Unless the court shortens or extends the time, in all other cases, the mandate issues 7 days after the expiration of the time for filing a petition for rehearing. A timely petition for rehearing, petition for rehearing en banc, or motion to stay the mandate will stay issuance of the mandate. If the petition or motion is denied, the mandate will issue 7 days later. A motion to stay the mandate will ordinarily be denied, unless the motion presents a substantial question or otherwise sets forth good or probable cause for a stay. (FRAP 41, Loc. R. 41).