

**UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
DOCKETING STATEMENT--CIVIL/AGENCY CASES**

Directions: Counsel must make a **docketing statement (civil/agency) filed** entry in CM/ECF within 14 days of docketing of the appeal, or within the due date set by the clerk's docketing notice, whichever is later. File with the entry the (1) docketing statement form with any extended answers and (2) any transcript order form. Parties proceeding pro se are not required to file a docketing statement. Opposing counsel who finds a docketing statement inaccurate or incomplete may file any objections within 10 days of service of the docketing statement using the ECF event-**docketing statement objection/correction filed**.

Appeal No. & Caption	20-1792 NLRB v Constellium Rolled Product Ravenswood LLC
Originating No. & Caption	No 09-CA-255275, USPS and Constellium Rolled Product et al
Originating Court/Agency	National Labor Relations Board

Jurisdiction (answer any that apply)	
Statute establishing jurisdiction in Court of Appeals	29 U.S.C. § 160(e)
Time allowed for filing in Court of Appeals	na
Date of entry of order or judgment appealed	October 15, 2020
Date notice of appeal or petition for review filed	October 22, 2020
If cross appeal, date first appeal filed	
Date of filing any post-judgment motion	
Date order entered disposing of any post-judgment motion	
Date of filing any motion to extend appeal period	
Time for filing appeal extended to	
Is appeal from final judgment or order?	<input checked="" type="radio"/> Yes <input type="radio"/> No
If appeal is not from final judgment, why is order appealable? This is a petition to enforce a final agency order pursuant to Section 10(e) of the National Labor Relations Act, as amended (29 U.S.C. §§ 151, 160(e)).	

Settlement (The docketing statement is used by the circuit mediator in pre-briefing review and mediation conducted under Local Rule 33. Counsel may make a confidential request for mediation by calling the Office of the Circuit Mediator at 843-731-9099.)	
Is settlement being discussed?	<input type="radio"/> Yes <input checked="" type="radio"/> No

Transcript (transcript order must be attached if transcript is needed and not yet on file)		
Is transcript needed for this appeal?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Has transcript been filed in district court?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Is transcript order attached?	<input type="radio"/> Yes	<input checked="" type="radio"/> No

Case Handling Requirements (answer any that apply)	
Case number of any prior appeal in same case	
Case number of any pending appeal in same case	
Identification of any case pending in this Court or Supreme Court raising similar issue	
	If abeyance or consolidation is warranted, counsel must file an appropriate motion.
Is expedited disposition necessary?	<input type="radio"/> Yes <input checked="" type="radio"/> No
	If yes, motion to expedite must be filed.
Is oral argument necessary?	<input type="radio"/> Yes <input checked="" type="radio"/> No
Does case involve question of first impression?	<input type="radio"/> Yes <input checked="" type="radio"/> No
Does appeal challenge constitutionality of federal or state statute in case to which federal or state government is not a party	<input type="radio"/> Yes <input checked="" type="radio"/> No
	If yes, notice re: challenge to constitutionality of law must be filed.

Nature of Case (Nature of case and disposition below. Attach additional page if necessary.)
<p>On September 4, 2020, Constellium Rolled Products Ravenswood LLC, United Steel, Paper and Forestry, Rubber Manufacturing, Energy, Allied Industrial and Service Workers International Union, Local 5668, and the General Counsel of the National Labor Relations Board entered into a Formal Settlement Stipulation authorizing the Board to enter an order embodying the stipulation's terms. On October 22, 2020, the Board entered an order pursuant to the terms of the settlement agreement. Paragraph VII of the stipulation authorized the Board to apply to this Court of Appeals for a judgment enforcing the Board's order and provided that the United States Postal Service waived all defenses to the entry of the judgment. The Board now seeks enforcement of its order.</p>

Issues (Non-binding statement of issues on appeal. Attach additional page if necessary)

The parties have an agreement and the Board's order reflects the terms of that agreement. The parties contemplated, and the Board seeks, enforcement of the Board's order which reflects the terms of the agreement.

Adverse Parties (List adverse parties to this appeal and their attorneys; provide party's address if the party is not represented by counsel. Attach additional page if necessary.)

Adverse Party:

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Adverse Party:

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Attorney:
 Address:

E-mail:

Phone:

Adverse Parties (continued)

Adverse Party:

Attorney:
 Address:

E-mail:

Phone:

Adverse Party:

Attorney:
 Address:

E-mail:

Phone:

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

**CONSTELLIUM ROLLED PRODUCTS
RAVENSWOOD, LLC**

and

**Cases 09-CA-255275
 09-CA-257508
 09-CA-257510
 09-CA-257889**

**UNITED STEEL, PAPER AND FORESTRY, RUBBER
MANUFACTURING, ENERGY, ALLIED INDUSTRIAL
AND SERVICE WORKERS INTERNATIONAL UNION,
LOCAL 5668**

DECISION AND ORDER

Statement of the Cases

On September 4, 2020, Constellium Rolled Products Ravenswood (the Respondent); United Steel, Paper and Forestry, Rubber Manufacturing, Energy, Allied Industrial and Service Workers International Union, Local 5668 (the Charging Party or Union); and the General Counsel of the National Labor Relations Board entered into a Formal Settlement Stipulation, subject to the Board's approval, providing for the entry of a consent order by the Board. 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.

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

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.

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 is a limited liability company with an office and place of business in Ravenswood, West Virginia ("the Respondent's facility") and has been engaged in the manufacture of rolled aluminum.

During the 12-month period ending July 1, 2020, Respondent, in conducting its operations described above, sold and shipped from Respondent's facility, goods valued in excess of \$50,000 directly to points outside the State of West Virginia.

At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6) and (7) of the National Labor Relations Act.

2. The labor organization involved

At all material times, the 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, Constellium Rolled Products Ravenswood, LLC, Ravenswood, West Virginia, its officers, agents, successors and assigns, shall

1. Cease and desist from:

(a) Failing or refusing to bargain in good faith with United Steel, Paper and Forestry, Rubber Manufacturing, Energy, Allied Industrial and Service Workers International Union, Local 5668 (the Union) as the exclusive collective-bargaining representative of employees in the following unit (the Unit):

Those employees of the Respondent at its aluminum plant located at Ravenswood, West Virginia, as follows: all production and maintenance employees, but excluding executives, administrative and professional employees, office and clerical employees, guards, full-time first-aid and safety employees, foremen and any other supervisory employees with the authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees or effectively recommend such action.

(b) Failing and refusing to provide the Union with information that is relevant and necessary to its role as the exclusive collective-bargaining representative of the Unit.

(c) Unreasonably delaying in providing the Union with information that is relevant and necessary to its role as the exclusive collective-bargaining representative of the Unit.

(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) Within 14 days of service by the Region, the Respondent will post copies of the attached notice marked as Exhibit E at its Ravenswood facility. Copies of the notice, on forms provided by Region 9, after being signed by the Respondent's authorized representative, shall be posted 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 the event that, during the pendency of these proceedings, the Respondent has gone out of business or closed the Ravenswood facility, the Respondent shall duplicate and mail, at its own expense, copies of the notice to all current employees and former employees employed by the Respondent at its Ravenswood facility at any time since June 1, 2019.

(b) Within 14 days of the Board's approval of this stipulation, the Respondent will provide, where it has not done so already and where such information exists, the following information, without the necessity of the Union making a new request, the information requested by the Union in the requests dated: July 18, 2019, July 24, 2019, July 31, 2019, August 1, 2019, September 6, 2019, and January 15, 2020.

(c) Within 21 days after service of this Order by the Region, the Respondent will file with the Regional Director a sworn certification by a responsible Respondent official attesting to the steps that the Respondent has taken to comply with this Order.

Dated, Washington, D.C., October 15, 2020.

Marvin E. Kaplan, Member

William J. Emanuel, Member

Lauren McFerran, Member

NATIONAL LABOR RELATIONS BOARD

EXHIBIT E**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.

United Steel, Paper and Forestry, Rubber Manufacturing, Energy, Allied Industrial and Service Workers International Union, Local 5668 (the Union) is the employees' representative in dealing with us regarding wages, hours and other working conditions of our employees in the following appropriate unit:

Those employees at our aluminum plant located at Ravenswood, West Virginia, as follows: all production and maintenance employees, but excluding executives, administrative and professional employees, office and clerical employees, guards, full-time first-aid and safety employees, foremen and any other supervisory employees with the authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees or effectively recommend such action.

WE WILL NOT fail or refuse to bargain in good faith with the Union as the exclusive collective-bargaining representative of our unit employees.

WE WILL NOT fail and refuse to provide the Union with information that is relevant and necessary to its role as your collective-bargaining representative.

WE WILL NOT unreasonably delay in providing the Union with information that is relevant and necessary to its role as your collective-bargaining representative

WE WILL provide, to the extent we have not done so already and such information exists, the Union with the information it sought in the requests it made on the following dates: July 18, 24, and 31, 2019; August 1, 2019, September 6, 2019, and January 15, 2020.

WE WILL NOT in any like or related manner interfere with, restrain or coerce employees in the exercise of the rights guaranteed them by Section 7 of the Act.

**CONSTELLIUM ROLLED PRODUCTS
RAVENSWOOD LLC**

The Board's decision can be found at www.nlr.gov/case/09-CA-225275 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 St., S.E., Washington, D.C. 20570, or by calling (202) 273-1940.

