



UNITED STATES GOVERNMENT

**NATIONAL LABOR RELATIONS BOARD**

**OFFICE OF THE GENERAL COUNSEL**

Washington, D.C. 20570

November 10, 2020

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

Re: *NLRB v. United States Postal Service*,  
Board Case No. 07-CA-248849

Dear Clerk:

I am enclosing an application of the National Labor Relations Board for enforcement of its order in this case, and a proposed judgment. Respondent expressly consented to the entry of this judgment in a stipulation contained in the record. I am also enclosing the certified record.

Please serve a copy of the application on Respondent, whose addresses appear on the service list. I have served a copy of the Board's application and proposed judgment on each party admitted to participate in the Board proceedings, and their names and addresses also appear on the service list.

I am counsel of record for the Board, and all correspondence should be addressed to me.

Very truly yours,

/s/ David Habenstreit

David Habenstreit  
Assistant General Counsel  
NATIONAL LABOR RELATIONS BOARD  
1015 Half St. S.E.  
Washington, D.C. 20570  
(202) 273-2960

cc & documents to: Service List

## SERVICE LIST

### RESPONDENT'S COUNSEL:

Mark F. Wilson, Attorney  
United States Postal Service  
1300 Evans Avenue Room 217  
San Francisco, CA 94188-5547

Tel: (415) 550-5443  
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Email: uspsnlrb@usps.gov

### RESPONDENT'S COUNSEL:

Roderick D. Eves, Dpty Mgng Counsel  
United States Postal Service  
Law Dept. - NLRB Unit  
1720 Market St, Rm. 2400  
Saint Louis, MO 63155-9948

Tel: (314) 345-5864  
Fax: (314) 345-5893  
Email: uspsnlrb@usps.gov

### RESPONDENT:

United States Postal Service  
7755 22 Mile Road  
Shelby Township, MI 48317-9992

Phone: (586) 843-2139  
Fax: (586) 731-8703

### REGIONAL DIRECTOR:

Terry A. Morgan, Regional. Dir.  
National Labor Relations Board  
477 Michigan Ave., Rm. 05-200  
Detroit, MI 48226-2569

### CHARGING PARTY:

Nicole Wheatley, Steward  
Branch 4374, National Association of  
Letter Carriers (NALC), AFL-CIO  
8124 East 10 Mile  
Centerline, MI 48015

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### CHARGING PARTY'S COUNSEL:

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Cohen, Weiss and Simon, LLP  
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### ADDITIONAL COPY:

Tonya L. Kennish, NLRB Specialist  
United States Postal Service Law  
Department's NLRB Unit  
1720 Market St Rm 2400  
St. Louis, MO 63155-9948

### ADDITIONAL COPY:

Stephan J. Boardman  
Office of the General Counsel  
United States Postal Service  
475 L'Enfant Plaza, SW  
Washington, DC 20260

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

NATIONAL LABOR RELATIONS BOARD	:	
	:	
Petitioner	:	No.
v.	:	
	:	Board Case No.:
UNITED STATES POSTAL SERVICE	:	07-CA-248849
	:	
Respondent	:	

APPLICATION FOR ENFORCEMENT OF AN ORDER  
OF THE NATIONAL LABOR RELATIONS BOARD  
UPON STIPULATION OF THE PARTIES FOR CONSENT JUDGMENT

To the Honorable, the Judges of the United States  
Court of Appeals for the Sixth Circuit:

The National Labor Relations Board (the “Board”), pursuant to Section 10(e) of the National Labor Relations Act, as amended (29 U.S.C. §§ 151, 160(e)), applies to this Court for enforcement of its order against United States Postal Service (“Respondent”), issued in Board Case No. 07-CA-248849, on October 28, 2020. The Board is entitled to enforcement because Respondent has expressly consented to entry of this judgment in a stipulation that Respondent entered into during the proceedings before the Board. In support, the Board shows:

**A. Jurisdiction of this Court**

This Court has jurisdiction over this application under Section 10(e) of the Act (29 U.S.C. § 160(e)). Venue is proper in this Circuit because the activities giving rise to this proceeding occurred in Michigan. The Board’s final order

issued on October 28, 2020.

**B. The Respondent Entered into a Stipulation  
Providing for Entry of an Order by the  
Board and a Consent Judgment by the Court**

1. The Board entered an order against Respondent pursuant to a stipulation authorizing the Board to enter an order embodying its terms. The Board's order does not vary from those terms.

2. Paragraph VII of the stipulation authorized the Board to apply to an appropriate U.S. Court of Appeals for a judgment enforcing the Board's order, and provided that Respondent "waives all defenses to the entry of the judgment . . . ."

3. In support of this application, the Board is certifying and filing with this Court the record of proceedings before the Board, including the stipulation, findings of fact, and order of the Board.

WHEREFORE, the Board respectfully requests that the Court, after serving a copy of this application upon Respondent, enter a consent judgment enforcing the Board's order in full. A copy of the proposed consent judgment is attached.

/s/ David Habenstreit  
David Habenstreit  
Assistant General Counsel  
National Labor Relations Board  
1015 Half St. S.E.  
Washington, D.C. 20570

Dated in Washington, D.C.  
this 10th day of November 2020

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

NATIONAL LABOR RELATIONS BOARD	:	
	:	
Petitioner	:	No.
v.	:	
	:	Board Case No.:
UNITED STATES POSTAL SERVICE	:	07-CA-248849
	:	
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 October 28, 2020, in Board Case No. 07-CA-248849; 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 Sixth Circuit that the order of the National Labor Relations Board be, and the same is hereby enforced; and that the Respondent, United States Postal Service, its officers, agents, successors, and assigns, abide by and perform the directions of the Board set forth in its order. (See Attached Order and Appendix)

ENTERED BY ORDER OF THE COURT

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Clerk

NATIONAL LABOR RELATIONS BOARD

v.

UNITED STATES POSTAL SERVICE

**ORDER**

United States Postal Service, Shelby Township, Michigan, its officers, agents, successors and assigns, shall:

1. Cease and desist from:

- (a) Unreasonably delaying in furnishing the Charging Party with relevant requested information, or in any other manner interfering with, restraining, or coercing its employees in the exercise of rights guaranteed in Section 7 of the Act;
- (b) Unreasonably delaying in furnishing the Charging Party with relevant requested information, or in any other manner refusing to bargain collectively and in good faith with the Charging Party as the designated servicing agent of the exclusive collective-bargaining representative.

2. Take the following affirmative action:

- (a) Within 14 days of service by Region 7, post copies of the attached notice marked Appendix A at all facilities located at 7755 22 Mile Road, Shelby Township, Michigan; 7007 Metropolitan Parkway, Sterling Heights, Michigan; and 3785 Hall Road, Utica, Michigan. Copies of the notice, on forms provided by Region 7, after being signed by the Respondent's authorized representative, shall be posted by the Respondent immediately upon receipt 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.
- (b) Within 21 days after service by Region 7, file with the Regional Director a sworn certification by a responsible Respondent official on a form provided by the Region attesting to the steps that the Respondent has taken to comply.

## **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**

#### **SECTION 7 OF THE NATIONAL LABOR RELATIONS ACT, A 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** do anything to prevent you from exercising the above rights.

**WE WILL NOT** refuse to bargain collectively and in good faith with Branch 4374, National Association of Letter Carriers, AFL-CIO (the Union) as the designated servicing representative of the exclusive collective-bargaining representative of our employees in the following appropriate Unit at our Shelby Township facility:

All full-time and regular part-time city letter carriers employed by Respondent at various facilities throughout the United States, but excluding professional employees, employees engaged in personnel work in other than a purely non-confidential clerical capacity, postal inspection service employees, employees in the supplemental work force, rural letter carriers, mail handlers, maintenance employees, special delivery messengers, motor vehicle employees, postal clerks, managerial employees, supervisory personnel, and security guards as defined in Public Law 9-375, 1201(2).

**WE WILL NOT** unreasonably delay in providing necessary and relevant information requested by the Union to perform its responsibilities as the servicing representative of the exclusive collective-bargaining representative of our

employees in the Unit or by any other labor organization that represents employees at that facility.

**WE WILL NOT** in any other manner interfere with, restrain or coerce you in the exercise of your rights under Section 7 of the Act.

**WE WILL NOT** in any other manner fail and refuse to bargain collectively and in good faith with the Union as the designated servicing representative of the exclusive collective-bargaining representative of our employees in the Unit at our Shelby Township facility or with any other labor organization that represents our employees at that facility.

**WE WILL**, upon request, bargain collectively and in good faith with the Union as the designated servicing representative of the exclusive collective-bargaining representative of our employees in the Unit at our Shelby Township facility, or with any other labor organization that represents our employees at that facility.

## **UNITED STATES POSTAL SERVICE**

The Board's decision can be found at [www.nlr.gov/case/07-CA-248849](http://www.nlr.gov/case/07-CA-248849) 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.



UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

NATIONAL LABOR RELATIONS BOARD	:	
	:	
Petitioner	:	No.
v.	:	
	:	Board Case No.:
UNITED STATES POSTAL SERVICE	:	07-CA-248849
	:	
Respondent	:	

CERTIFICATE OF THE NATIONAL LABOR RELATIONS BOARD

The National Labor Relations Board, by its Executive Secretary, authorized by Section 102.115, Rules and Regulations of the National Labor Relations Board, Series 8 (29 C.F.R.), certifies that the documents annexed hereto constitute the entire record of a proceeding had before the Board and known upon its records as Case No. 07-CA-248849.

The attached documents are as follows:

<u>Date</u>	<u>Document Description</u>	<u>Pages</u>
10/28/2020	Decision and Order, <i>United States Postal Service and Branch 4374, National Association of Letter Carriers (NALC), AFL-CIO</i> , Case No. 07-CA-248849	5
09/18/2020	Formal Settlement Stipulation, <i>United States Postal Service and Branch 4374, National Association of Letter Carriers (NALC), AFL-CIO</i> , Case No. 07-CA-248849 w/exhibits	16

IN TESTIMONY WHEREOF, the Executive Secretary of the National Labor Relations Board, being duly authorized, has hereunto set his hand and affixed the

seal of the National Labor Relations Board in the city of Washington, District of  
Columbia, this 10th day of November 2020.

/s/ Roxanne Rothschild

Roxanne Rothschild

Executive Secretary

NATIONAL LABOR RELATIONS BOARD

(seal)

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

NATIONAL LABOR RELATIONS BOARD	:	
	:	
Petitioner	:	No.
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	:	Board Case No.:
UNITED STATES POSTAL SERVICE	:	07-CA-248849
	:	
Respondent	:	

CERTIFICATE OF SERVICE

The undersigned certifies that one copy each of the Board's application for enforcement, proposed judgment, and certificate of record, in the above case, has this day been served by first class mail upon the following parties at the addresses listed below:

Roderick D. Eves, Dpty Mgng Counsel  
United States Postal Service  
Law Dept. - NLRB Unit  
1720 Market St, Rm. 2400  
Saint Louis, MO 63155-9948

Mark F. Wilson, Attorney  
United States Postal Service  
1300 Evans Avenue Room 217  
San Francisco, CA 94188-5547

/s/ David Habenstreit  
David Habenstreit  
Assistant General Counsel  
National Labor Relations Board  
1015 Half St. S.E.  
Washington, D.C. 20570

Dated in Washington, D.C.  
this 10th day of November 2020