

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

NATIONAL LABOR RELATIONS BOARD	:	
	:	
Petitioner	:	Nos.
	:	
v.	:	
	:	
	:	Board Case Nos.:
UNITED STATES POSTAL SERVICE	:	10-CA-256947
	:	10-CA-258263
Respondent	:	10-CA-258720

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 February 16, 2021, in Board Case Nos. 10-CA-256947, 10-CA-258263 and 10-CA-258720; 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, 1040 Dale Earnhardt Boulevard, Kannapolis, 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, 1040 Dale Earnhardt Boulevard, Kannapolis, North Carolina, its officers, agents, successors and assigns, shall

1. Cease and desist from the following:

- (a) Disparaging the Union, including by holding up a union-related document and asking employees, “Would you mind telling me what this nonsense is?”;
- (b) Creating the impression of surveillance of employees’ protected activities by telling employees that the Respondent has “people in here watching” the employees;
- (c) Threatening employees in any way — including telling employees that the Respondent is not playing games with them and that if the employees keep this up, it is not going to be good for them; telling employees that the Respondent cannot believe that the employees had the nerve to file a Labor Board charge; telling employees that they better straighten up and that if the employees did not straighten up and get their act together, the employees would have a long and rocky road ahead of them; telling employees that “all [they] want to do is to try to cause problems”; and making threats of unspecified reprisals and implied threats to retaliate against employees, including that the Respondent has “people in here watching” the employees — because the Respondent’s employees engaged in protected activities under the National Labor Relations Act, or because these employees filed unfair labor practice charges with the Board;
- (d) Retaliating against employees because the Respondent’s employees filed Board charges, including by directing an employee to read an announcement out loud in front of other employees at the Respondent’s stand-up talk;

- (e) In any other manner, interfering with, restraining, or coercing employees in the exercise of their rights under the National Labor Relations Act.
2. Take the following affirmative action necessary to effectuate the policies of the Act:
- (a) Within 14 days of service by the Region:
 - (i) Post at its facility located at 1040 Dale Earnhardt Boulevard in Kannapolis, North Carolina, copies of the attached notice marked "Appendix 1." Copies of the notice, on forms provided by the Region, 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 mail the Board Order and the official notice to all managers and supervisors at the Respondent's facility;
 - (iii) Distribute notices electronically, by email, posting on an intranet or internet site, and any other electronic means, if the Respondent customarily communicates with its employees by such means;
 - (iv) Take reasonable steps to ensure that the notices are not altered, defaced or covered by any other material. In the event, during the pendency of these proceedings, the Respondent closes its 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 February 14, 2020.
 - (b) Within the 60-day Notice posting period, at a meeting or meetings scheduled to ensure the widest possible attendance on each shift, the Respondent's Postmaster Cherald Birch-Davis or, alternatively, a Board agent in the presence of Postmaster Cherald Birch-Davis, will read the notice to employees during worktime and in the presence of a union official and the managers and supervisors at the Respondent's facility in Kannapolis, North Carolina. The reading will take place at a time when the Respondent would customarily hold meetings for employees and

must be completed prior to the completion of the 60-day Notice posting period. The dates and times of the reading must be approved by the Regional Director. The announcement of the meeting will be in the same manner the Respondent normally announces meetings and must be approved by the Regional Director. If the Regional Director concludes that it is warranted, the notice-reading may be accomplished in full or in part by video-conferencing technology. The Regional Director must approve the details of any notice-reading by video-conference technology.

- (c) Within 21 days after service, file with the Centralized Compliance Unit at complianceunit@nlrb.gov and the 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, the dates that the notices were posted, where the notices were posted, and date(s) and time(s) the management official 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.

APPENDIX 1

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

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
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

Among these rights are the rights to engage in union activities free from threats and retaliation and to file unfair labor practice charges with the National Labor Relations Board.

WE WILL NOT in any manner interfere with, restrain, or coerce you in the exercise of the above rights.

National Association of Letter Carriers, Branch 2794 (the Union) is the exclusive collective-bargaining representative of those of you in the following appropriate unit:

City Letter Carriers, 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 workforce as defined in Article 7, rural letter carriers, mail handlers, maintenance employees, special delivery messengers, motor vehicle employees, and postal clerks.

WE WILL NOT make statements to you that disparage or undermine the Union, including by referring to union documents as “nonsense.”

WE WILL NOT make it appear to you that we are watching your activities protected by the National Labor Relations Act, including by telling you that we have “people in here watching” you.

