

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

**UNITED STATES POSTAL SERVICE**

**and**

**Cases 13-CA-281488  
13-CA-284894  
13-CA-284895  
13-CA-286979  
13-CA-287341  
13-CA-287880**

**AMERICAN POSTAL WORKERS UNION,  
NORTHWEST ILLINOIS AREA LOCAL 7140**

**DECISION AND ORDER**

Statement of the Cases

On August 1, 2022, the United States Postal Service (the Respondent); American Postal Workers Union, Northwest Illinois Area Local 7140; and the General Counsel of the National Labor Relations Board entered into a Formal Settlement Stipulation, subject to Board approval, providing for the entry of a consent order by the Board and a consent judgment by any appropriate United States Court of Appeals. 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, and the Respondent waived its right to contest the entry of a consent judgment or to receive further notice of the application therefor.

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.<sup>1</sup>

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<sup>1</sup> We note that the remedy to which the parties have agreed differs in some respects from previous broad orders that the Board has issued against the Respondent in cases alleging that the Respondent has violated Sec. 8(a)(5) of the Act by failing and refusing to provide relevant information. See, e.g., *United States Postal Service*, 345 NLRB 426 (2005), *enfd.* 486 F.3d 683 (10th Cir. 2007); *United States Postal Service*, 28-CA-017383 et al., unpublished order issued November 4, 2002, *enfd.* Case 02-9587 (10th Cir. 2003). These broad orders, as enforced by the United States Courts of Appeals, remain in effect, and the Board's approval of this stipulation does not modify these orders in any respect.

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 provides postal services for the United States and operates various facilities throughout the United States in performing that function, including its facility located at 2591 Busse Road, Elk Grove Village, Illinois. The Board has jurisdiction over the Respondent and this matter by virtue of Section 1209 of the Postal Reorganization Act (PRA), 39 U.S.C. § 101 et seq.

#### **2. The labor organizations involved**

The American Postal Workers Union (APWU), AFL-CIO (National Union) and American Postal Workers Union, Northwest Area Local 7140 (Charging Party) are labor organizations within the meaning of Section 2(5) of the Act.

#### **3. The appropriate unit**

(a) The following employees of the Respondent, herein called the motor vehicle unit, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All employees in the motor vehicle craft employed by the United States Postal Service as defined in Article 1 of the parties' most recent collective-bargaining agreement.

(b) The following employees of the Respondent, herein called the clerk unit, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All employees in the clerk craft employed by the United States Postal Service as defined in Article 1 of the parties' most recent collective-bargaining agreement.

(c) Since at least September 21, 2018, and at all material times, the Respondent has recognized the American Postal Workers Union, AFL-CIO, and its designated servicing representative for employees in the motor vehicle unit and the clerk unit employed by the Respondent at its 2591 Busse Road, Elk Grove Village, Illinois facility, American Postal Workers Union, Northwest Illinois Area Local 7140 (collectively, "Union"), as the exclusive collective-bargaining representative of the motor vehicle and clerk units. This recognition has been embodied in successive collective-bargaining agreements, the most recent of which is effective from September 21, 2018 to September 20, 2021, and continues day-to-day thereafter.

(d) At all times since September 21, 2018, based on Section 9(a) of the Act, the Union has been the exclusive collective-bargaining representative of the motor vehicle unit and the clerk unit.

## **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, United States Postal Service, Elk Grove Village, Illinois, its officers, agents, successors, and assigns, shall

1. Cease and desist from

(a) Failing or unreasonably delaying in furnishing the Union with relevant requested information, or in any like or related manner refusing to bargain collectively and in good faith with the Charging Party as the designated servicing representative of the exclusive collective-bargaining representative of the unit, or any other labor organization at the Respondent's facility located at 2591 Busse Road, Elk Grove Village, Illinois.

(b) In any like or related manner interfering with, restraining, or coercing its employees in the exercise of the rights guaranteed them in Section 7 of the Act.

2. Take the following affirmative action necessary to effectuate the policies of the Act.

(a) Supply the Union with requested information necessary for, and relevant to, the Union's representation of the employees in the motor vehicle and clerk units at its 2591 Busse Road, Elk Grove Village, Chicago, Illinois facility.

(b) Within 14 days after service of this Order by the Region, post copies of the attached notice marked as "Appendix A" at the Respondent's 2591 Busse Road, Elk Grove Village, Illinois facility. Copies of the notice, on forms provided by Region 13, 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. 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 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 June 21, 2021.

(c) Within 21 days after service of this Order by the Region, the Respondent will: (1) provide each manager and supervisor, who is designated to receive Union requests for information at the Respondent's 2591 Busse Road, Elk Grove Village, Illinois facility, with

annual training that encompasses how to tender the relevant information to the Union's requests; (2) provide each newly hired manager and supervisor who is designated to receive union requests for information at the Respondent's facility located at 2591 Busse Road, Elk Grove Village, Illinois, training within 30 days of hire or temporary placement into a supervisor/management position that encompasses how to tender the relevant information to the Union's requests; (3) have each supervisor and manager sign an acknowledgement form attesting to the fact that he or she has completed the training; and (4) maintain a copy of this acknowledgement form in the supervisor's or manager's training and history file.

(d) Within 14 days after the service of this Order by the Region, the Respondent will create, and if one already exists, update its information request tracking system at its facility by maintaining an information request log containing the following information: (a) a list of each request for information (RFI) submitted to the USPS at its facility by or on behalf of the Union; (b) the name of the person making each RFI; (c) the name of the USPS representative who acknowledged receipt of each RFI; (d) the date of receipt of each RFI; (e) a general description of the information requested, or reference to a copy of the RFI attached to the log; (f) the date each RFI was responded to; and (g) a summary of USPS's response to each RFI, including who the response was provided to and what information was provided or refused and why.

(e) The Respondent will, at least once on a quarterly basis on a schedule that is mutually agreeable to both the Union and the Respondent, submit the information request log to the Union for review; and notify Union stewards when the manager or supervisor who is designated to receive union requests for information at this particular facility has changed.

(f) Within 21 days after service of this Order by the Region, file with the Regional Director for Region 13 a sworn certification by a responsible Respondent official attesting to the steps that the Respondent has taken to comply.

Dated, Washington, D.C., September 1, 2022.

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Lauren McFerran, Chairman

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Marvin E. Kaplan, Member

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Gwynne A. Wilcox, Member

(SEAL)

**NATIONAL LABOR RELATIONS BOARD**

## **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.

**AMERICAN POSTAL WORKERS UNION, NORTHWEST ILLINOIS AREA LOCAL 7140** (Union) is the employees' representative in dealing with us regarding wages, hours, and other working conditions of the employees in the following unit:

All employees in the Motor Vehicle Craft and the Clerk Craft employed by the United States Postal Service as defined in Article 1 of the parties' most recent collective-bargaining agreement.

**WE WILL NOT** delay and/or refuse to provide the Union with information that is relevant and necessary to its role as your bargaining representative.

**WE WILL NOT** in any like or related manner interfere with your rights under Section 7 of the Act.

**WE HAVE** provided the Union with the following information it requested in writing on the following dates:

1. June 21, 2021: The two most recent Zero Base Reports.
2. July 12, 2021:
  - a. Copies of all 1767's filed by Union Steward Walter Mitchell, Jr.
  - b. Copies of any and all stand up talks, safety talks, or any other correspondence management has issued on the matter of parking and food deliveries in the yard and dock areas.

3. July 28, 2021: TACS user logs for named employees and lead clerks for pay periods 10-15, 2021.
4. August 27, 2021: TACS user logs reports for named lead clerks for pay periods 17-18, 2021.
5. August 28, 2021: TACS training records for lead clerks.

**WE HAVE** responded to the Union's requests for information relating to the number of TACS reports run by management and for copies of Error Reports for pay periods 17 and 18, in writing, by disclosing that such information does not exist.

**WE WILL** provide the Union with the following information it requested in writing on the dates listed below, which is relevant and necessary to the performance of the Union's duties as the exclusive bargaining representative of unit employees and promptly disclose to the Union in writing if any of the requested information does not exist:

1. August 2, 2021: The current effective security measures policy for Respondent's facility located at 2591 Busse Road, Elk Grove Village, Illinois.
2. August 25, 2021:
  - a. Copy of PS 1723 forms for named employees for pay period 18, week 1.
  - b. Copy of employee assignments for SWYB for pay period 18, week 1.
3. August 26, 2021:
  - a. Copy of PS 1723 forms for named employees for pay period 17, 2021.
  - b. Copy of employee assignments for SWYB for pay period 17, 2021.
4. November 6, 2021: The most recent plate book information for subcontractors B&B Trucking and 10 Roads.
5. November 11, 2021:
  - a. Copy of PS 1723 forms for named employees, employees working as lead clerks, expeditors, or 204(b)'s for pay period 23, 2021.
  - b. Copy of employee assignments for SWYB for pay period 23, 2021.
  - c. Copy of PS 3189 or 1723 Forms for named employees who had a change in schedule or who were on detail for pay period 23, 2021.
6. December 6, 2021: the Form 5500 issued to subcontractor 10 Roads for an alleged safety infraction from the day prior.

**WE WILL** create, or if one already exists, update the information request tracking system at our 2591 Busse Road, Elk Grove Village, Illinois facility by maintaining an information request log containing the following information: (a) a list of each request for information (RFI) submitted to the USPS at its facility by or on behalf of the Union; (b) the name of the person making each RFI; (c) the name of the USPS representative who acknowledged receipt of each RFI; (d) the

date of receipt of each RFI; (e) a general description of the information requested, or reference to a copy of the RFI attached to the log; (f) the date each RFI was responded to; and (g) a summary of USPS's response to each RFI, including who the response was provided to and what information was provided or refused and why.

**WE WILL:** (1) provide each manager and supervisor, who is designated to receive Union requests for information at our 2591 Busse Road, Elk Grove Village, Illinois facility, with annual training that encompasses how to tender the relevant information to the Union's requests; (2) provide each newly hired manager and supervisor who is designated to receive union requests for information at our facility located at 2591 Busse Road, Elk Grove Village, Illinois, training within 30 days of hire or temporary placement into a supervisor/management position that encompasses how to tender the relevant information to the Union's requests; (3) have each supervisor and manager sign an acknowledgement form attesting to the fact that he or she has completed the training; and (4) maintain a copy of this acknowledgement form in the supervisor's or manager's training and history file.

**WE WILL,** at least once on a quarterly basis on a schedule that is mutually agreeable to both the Union and us, submit the information request log to the Union for review; and notify Union stewards when the manager or supervisor who is designated to receive Union requests for information at this particular facility has changed.

## **UNITED STATES POSTAL SERVICE**

The Board's decision can be found at [www.nlr.gov/case/13-CA-281488](http://www.nlr.gov/case/13-CA-281488) 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.

