

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 10**

**UNITED STATES POSTAL SERVICE**

**and**

**Case 10-CA-124089 and  
10-CA-125241**

**AMERICAN POSTAL WORKERS UNION,  
AFL-CIO**

**ORDER CONSOLIDATING CASES, CONSOLIDATED  
COMPLAINT AND NOTICE OF HEARING**

Pursuant to Section 102.33 of the Rules and Regulations of the National Labor Relations Board (the Board) and to avoid unnecessary costs or delay, **IT IS ORDERED THAT** Case 10-CA-124089 and Case 10-CA-125241, which are based on charges filed by the American Postal Workers Union, AFL-CIO (Charging Party), against the United States Postal Service (Respondent) are consolidated.

This Order Consolidating Cases, Consolidated Complaint and Notice of Hearing, which is based on these charges, is issued pursuant to Section 10(b) of the National Labor Relations Act (the Act), 29 U.S.C. § 151 et seq. and Section 102.15 of the Board's Rules and Regulations, and alleges Respondent has violated the Act as described below.

1.

(a) The charge in Case 10-CA-124089 was filed by the Charging Party on March 10, 2014, and a copy was served on Respondent by U.S. mail on the same date.

(b) The charge in Case 10-CA-125241 was filed by the Charging Party on March 26, 2014, and a copy was served on Respondent by U.S. mail on the same date

2.

Respondent provides postal services for the United States and operates various facilities throughout the United States in performing that function, including its Processing and Distribution Centers located in Atlanta, Georgia.

3.

The Board has jurisdiction over Respondent and this matter by virtue of Section 1209 of the PRA.

4.

At all material times, the Charging Party has been a labor organization within the meaning of Section 2(5) of the Act.

5.

At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the Act and agents of Respondent within the meaning of Section 2(13) of the Act:

Michael Miles	-	Communications Program Specialist
Nancy Ross	-	Marketing Manager

6.

(a) About March 4, 2014, at the Peachtree Road Staples store in Atlanta, Georgia, Respondent engaged in surveillance of employees engaged in protected concerted and union activities.

(b) About March 9, 2014, at the Staples store located in Snellville, Georgia, Respondent engaged in surveillance of employees engaged in protected concerted and union activities.

7.

By the conduct described above in paragraphs 6(a) and 6(b), Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act and within the meaning of the PRA.

8.

The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

**ANSWER REQUIREMENT**

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the consolidated complaint. The answer must be **received by this office on or before December 23, 2014, or postmarked on or before December 22, 2014.** Respondent should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties.

An answer may also be filed electronically through the Agency's website. To file electronically, go to [www.nlrb.gov](http://www.nlrb.gov), click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer

rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the consolidated complaint are true.

#### **NOTICE OF HEARING**

**PLEASE TAKE NOTICE THAT** on March 11, 2015, at 10:00 a.m., in the Richard P. Prowell Hearing Room, at 233 Peachtree Street, N.E., Harris Tower, Suite 1000, Atlanta, Georgia 30303, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony

regarding the allegations in this consolidated complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated: December 9, 2014



*Claude T Harrell Jr*

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CLAUDE T. HARRELL JR.  
REGIONAL DIRECTOR  
NATIONAL LABOR RELATIONS BOARD  
REGION 10  
233 Peachtree St NE  
Harris Tower Ste 1000  
Atlanta, GA 30303-1504

Attachments