

**Nos. 03-60503, 03-60908, and 03-61059**

**UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

**NATIONAL LABOR RELATIONS BOARD, PETITIONER,**

**vs.**

**UNITED STATES POSTAL SERVICE, RESPONDENT.**

**CONSENT ORDER**

The National Labor Relations Board ("Board") and the United States Postal Service ("Postal Service"), having entered into a Stipulation for the entry of this Consent Order, it is hereby

1. **ORDERED** that the Stipulation dated April 29, 2010, is approved and shall be filed. This Consent Order supersedes the August 17, 2005 Consent Order in Case Number 05-60716.

2. **IT IS FURTHER ORDERED** that all Postal Service facilities in the city of Houston, Texas, and certain Postal Service facilities in the Houston District but outside of the city (both sets of facilities listed in Attachment A hereto), as well as any new or relocated facilities in the city of Houston which may be created following the entry of this Order, shall: (a) fully comply with this Consent Order and with the judgments entered by this Court on October 31, 2003, December 8, 2003 and March 4, 2004, and not in any way, by action or inaction, engage in, induce, encourage, permit or condone any violation of said Order or judgments; and (b) refrain from

failing to provide information, from unduly delaying in providing information, or from in any like or related manner failing or refusing to bargain in good faith with the National Association of Letter Carriers AFL-CIO ("NALC") or its constituent local unions, Branch Nos. 283 and 1757, and/or the American Postal Workers Union ("APWU") or its constituent local unions, Locals 185 and 6551.

**3. IT IS FURTHER ORDERED** that within ten (10) days of entry of this Consent Order, the Postal Service will identify to each labor organization representing employees working at any of the designated Houston District facilities and at all postal facilities in the city of Houston (Attachment A), including new or relocated facilities in the city of Houston which may be created following the entry of this Order, one or more individuals at each of these facilities to act as the Designated Management Official(s) ("DMO") to whom the labor organizations and its agents shall submit requests for information. This shall include the job title(s) of the official(s) so designated. Any updates of this list shall be supplied to the labor organizations promptly. The Postal Service will provide a complete list of DMOs in the city of Houston and the designated Houston District postal facilities on at least an annual basis by sending each union officer and steward a notice either electronically or by hard copy informing the officers and stewards of the DMOs. This provision shall not be construed to alter in any way the provisions of the collective bargaining agreements covering this subject.

**4. IT IS FURTHER ORDERED** that the Postal Service shall, within sixty (60) work days after entry of the Consent Order, implement a log at each facility listed in Attachment B hereto that (a) lists each request for information given to the Postal

Service DMO; (b) lists the date of receipt; (c) lists the name of the person making the request; (d) either attaches a copy of the request or generally describes what information is requested; and (e) lists the date the Postal Service responded to the request, as well as what information was provided. The Postal Service shall provide copies of such logs to Region 16 or the Contempt Litigation and Compliance Branch ("CLCB") upon request, within fourteen (14) days of the request.

In the event that information requests are received by or otherwise referred to offices beyond the station level for assistance, and information is provided by these offices in response to the request, for example, the Human Resources office, additional logs shall be maintained, in the same format and under the same terms described above, at these offices.

De minimis omissions of information from the log shall not be deemed contempt under this Consent Order unless it is accompanied by otherwise actionable failures or unreasonable delays in furnishing information which are being pursued in contempt proceedings.

**5. IT IS FURTHER ORDERED** that the Postal Service shall, within ten (10) days after entry of the Consent Order, provide a copy of this Consent Order to all current supervisors or managers, including acting supervisors, at all of the designated Houston District facilities and at all postal facilities in the city of Houston (Attachment A), along with written instructions directing those persons to comply with the provisions of the Consent Order. The instructions shall underscore that unprivileged or unwarranted refusals and unreasonable delays in supplying information required under the National Labor Relations Act to be provided to labor

organizations shall not be tolerated by the Postal Service, and that any unwarranted failure to provide or unreasonable delay in providing such information will subject the responsible supervisor or manager to discipline by the Postal Service as may be appropriate in light of the relevant facts and circumstances, up to and including discharge. The Postal Service shall also provide all future supervisors or managers, including temporary supervisors acting in that capacity for at least ten (10) consecutive calendar days, in the postal facilities referenced above, with a copy of said Consent Order and written instructions promptly upon their assuming those positions. Each person receiving these documents shall acknowledge in writing that he or she has been furnished with a copy thereof, understands them and will conduct himself or herself consistently therewith, and will not in any way commit, engage in, induce, encourage, permit, or condone any violation of this Consent Order; and the Postal Service shall retain and supply copies of those acknowledgments and the written instructions to CLCB and/or Region 16 within ten (10) days of a request.

6. **IT IS FURTHER ORDERED** that the Postal Service, on at least an annual basis, shall conduct training for all supervisors or managers, including temporary supervisors acting in that capacity for at least ten (10) consecutive calendar days when the training is provided, at all designated Houston District facilities and at all postal facilities within the city of Houston (Attachment A), as well as any new or relocated facilities in the city of Houston which may be created following the entry of this Order, regarding the Postal Service's obligation to provide information pursuant to collective bargaining agreements, the National Labor Relations Act, and the

judgments and orders of this Court. The training shall reference the Postal Service's intolerance for unreasonable refusals to provide or delays in providing relevant information to labor organizations and possible discipline for such infractions, as set forth in paragraph 5. Each individual provided with such training shall sign an acknowledgment that he or she understands the obligation to provide information, and that he or she will conduct himself or herself in all respects consistently therewith. Copies of the aforesaid acknowledgments shall be retained by the Postal Service and shall be furnished upon request to Region 16 or the CLCB.

**7. IT IS FURTHER ORDERED** that the Postal Service shall conduct semi-annual audits at the facilities listed in Attachment B to ensure that information requests are being handled in a timely and appropriate manner and that the logs referenced in paragraph 4 are being properly maintained. To the extent that such audits indicate that requests are not being responded to in a timely and appropriate manner, or that the logs referenced in paragraph 4 are not being properly maintained, remedial training shall be provided to all supervisors or managers who were or are involved in the process of providing information to the Unions at the applicable facility (including those who are acting in that capacity when the training is provided). The Postal Service shall maintain records of the audits and the remedial training, and shall provide the audit reports and records of training upon request of Region 16 and/or the CLCB.

**8. IT IS FURTHER ORDERED** that the Postal Service shall post a notice prepared by the Board in conspicuous places where notices to employees are customarily posted, in all designated facilities in the Houston District and at all

facilities in the city of Houston (Attachment A) for a period of sixty (60) consecutive days. The notice shall be signed by an appropriate representative on behalf of the Postal Service, and shall be maintained in clearly legible condition throughout the 60-day period. The Postal Service shall further insure that the notices are not altered, defaced or covered by any other material. The Postal Service shall provide the Board's Region 16 with a signed copy of the notice and a certification of the dates and locations of the posting, and shall give the Board reasonable access to check the posting.

9. **IT IS FURTHER ORDERED** that the Postal Service shall mail the above notice to each bargaining unit employee who is employed at any of the designated Houston District facilities and the city of Houston postal facilities (Attachment A) at the time of mailing. The Postal Service shall provide the Board's Region 16 with a list of those persons to whom the notice was mailed together with proof of the mailing, within fourteen (14) days of mailing.

10. In order to assure against violations of this Consent Order, the Court **HEREBY IMPOSES** against the Postal Service a prospective fine of up to \$17,500 for each and every future violation of this Consent Order, and a further fine of up to \$300 per day for each day the Court finds the violations have continued. The amount of the fine, if any, to be imposed by the Court shall depend upon the scope and severity of the violations. The Board and the Postal Service will have the right to adduce evidence during any contempt proceeding as to the propriety and/or the amount of the fine the Board seeks. Fines may only be imposed as a result of the

Board instituting a new civil contempt proceeding in this Court, in which the Board shall be required to establish its allegations by clear and convincing evidence.

11. This Order shall not preclude the Board from requesting such other remedies as it deems appropriate to remedy contumacious conduct.

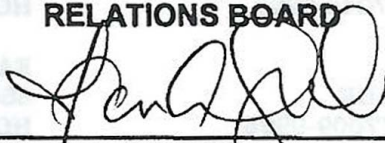
Approved as to form:

**UNITED STATES  
POSTAL SERVICE**



PETER J. HENRY  
Senior Counsel  
Law Department, U.S. Postal Service  
475 L'Enfant Plaza SW, Room 6346  
Washington, DC 20260-1150  
(202) 268-2809  
[Peter.J.Henry@usps.gov](mailto:Peter.J.Henry@usps.gov)

**NATIONAL LABOR  
RELATIONS BOARD**



JOAN A. SULLIVAN  
Senior Trial Attorney  
Contempt Litigation and  
Compliance Branch  
1099 14<sup>th</sup> Street, N.W. Suite 10700  
Washington, D.C. 20005-3419  
(202) 273-3740 (Main)  
(202) 273-3742 (Direct)  
[joan.sullivan@nrlrb.gov](mailto:joan.sullivan@nrlrb.gov)

Dated this 29<sup>th</sup> day of April,  
2010 in Washington, D.C.

Dated this 29<sup>th</sup> day of April,  
2010 in Washington, D.C.

**IT IS SO ORDERED:**

Date: \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Circuit Judge

Date: \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Circuit Judge

Date: \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Circuit Judge

{USPS 5th Cir Consent Order 2.doc}

**ATTACHMENT A**

**FACILITIES IN THE CITY OF HOUSTON**

**ADDICKS BARKER**  
16830 BARKER SPRING RD #401  
HOUSTON, TX 77218-9998

**DEBRA SUE SCHATZ**  
2909 ROGERDALE RD  
HOUSTON, TX 77042-9998

**ALBERT THOMAS**  
14910 EL CAMINO REAL  
HOUSTON, TX 77059-9998

**DEMOSS**  
6500 DEMOSS  
HOUSTON, TX 77036-9998

**ALMEDA**  
3030 W. FUQUA  
HOUSTON, TX 77045-9998

**DENVER HARBOR**  
5901 MARKET  
HOUSTON, TX 77020-9998

**ANSON JONES**  
634 W. CALVACADE  
HOUSTON, TX 77009-9998

**EAST HOUSTON**  
8601 MESA RD  
HOUSTON, TX 77028-9998

**ASHFORD WEST**  
12655 WHITTINGTON  
HOUSTON, TX 77077-9998

**EASTWOOD**  
5415 LAWNDALE  
HOUSTON, TX 77023-9998

**ASTRODOME**  
8205 BRAESMAIN  
HOUSTON, TX 77025-9998

**FAIRBANKS**  
7050 BROOKHOLLOW DR.  
HOUSTON, TX 77040-9998

**BEAR CREEK**  
16015 CAIRNWAY  
HOUSTON, TX 77084-9998

**FLEETWOOD**  
315 ADDICKS-HOWELL RD  
HOUSTON, TX 77079-9998

**BEECHNUT**  
11703 BEECHNUT  
HOUSTON, TX 77072-9998

**FOSTER PLACE**  
4025 GRIGGS  
HOUSTON, TX 77021-9998

**BROADWAY FINANCE**  
4020 BROADWAY  
HOUSTON, TX 77207-9998

**GALLERIA FINANCE**  
5015 WHESTHEIMER RD #1200  
HOUSTON, TX 77056-9998

**CIVIC CENTER**  
700 SMITH ST  
HOUSTON, TX 77208-9998

**GARDEN OAKS FINANCE**  
3816 N. SHEPHERD DR.  
HOUSTON, TX 77206-9998

**COMPUTER FORWARDING SYSTEM**  
4600 ALDINE BENDER  
HOUSTON, TX 77315-9716

**GENOA**  
10935 ALMEDA-GENOA RD  
HOUSTON, TX 77034-9998

**COPPERFIELD**  
8825 HWY 6 NORTH  
HOUSTON, TX 77095-9998

**GRANVILLE ELDER**  
550 MAXEY  
HOUSTON, TX 77013-9998

**CORNERSTONE**  
14403 WALTERS RD  
HOUSTON, TX 77014-9998

**GREENBRIAR**  
3740 GREENBRIAR  
HOUSTON, TX 77098-9998



GREENS NORTH  
1530 GREENSMARK DR.  
HOUSTON, TX 77067-9998

GREENWAY PLAZA  
3 E. GREENWAY PLAZA  
HOUSTON, TX 77046-9998

HARRISBURG FINANCE  
8330 MANCHESTER ST  
HOUSTON, TX 77262-9998

HEIGHTS FINANCE  
1050 YALE ST  
HOUSTON, TX 77248-9998

HOUSTON (GMF)  
401 FRANKLIN  
HOUSTON, TX 77201

IRVINGTON  
600 NORTHLINE MALL  
HOUSTON, TX 77022-9998

JAMES GRIFFITH  
9320 EMNORA LN  
HOUSTON, TX 77080-9998

JENSEN DRIVE  
3520 JENSEN DRIVE  
HOUSTON, TX 77026-9998

JOHN DUNLOP  
8728 BEVERLY HILLS ST  
HOUSTON, TX 77063-9998

JULIUS MELCHER  
2802 TIMMONS LN  
HOUSTON, TX 77027-9998

LONG POINT  
8000 LONG POINT  
HOUSTON, TX 77055-9998

MARTIN LUTHER KING  
9444 CULLEN  
HOUSTON, TX 77051-9998

MEDICAL CENTER  
7205 ALMEDA RD  
HOUSTON, TX 77054-9998

MEMORIAL PARK  
10506 TOWN & COUNTRY WAY  
HOUSTON, TX 77024-9998

NASSAU BAY  
18214 UPPER BAY RD  
HOUSTON, TX 77058-9998

NORTH HOUSTON (GMF)  
4600 ALDINE BENDER  
HOUSTON, TX 77315

NORTH SHEPHERD  
7511 NORTH SHEPHERD  
HOUSTON, TX 77038-9998

OAK FOREST  
2499 JUDIWAY  
HOUSTON, TX 77018-9998

PARK PLACE  
5302 OLD GALVESTON RD  
HOUSTON, TX 77017-9998

RICH HILL  
2950 UNITY DR  
HOUSTON, TX 77057-9998

RIVER OAKS  
1900 W. GRAY  
HOUSTON, TX 77019-9998

ROY ROYALL  
4206 LITTLE YORK RD  
HOUSTON, TX 77016-9998

SAGE  
3500 SAGE RD  
HOUSTON, TX 77056-9998

SAM HOUSTON CARRIER  
1500 HADLEY  
HOUSTON, TX 77002-9998

SAM HOUSTON FINANCE  
701 SAN JANCINTO  
HOUSTON, TX 77052-9998

SOUTH POST OAK  
5505 BELROSE  
HOUSTON, TX 77096-9998

SOUTHMORE  
1602 EAGLE ST  
HOUSTON, TX 77004-9998

T. W. HOUSE  
1300 W. 19<sup>TH</sup> ST  
HOUSTON, TX 77008-9998

TWO HOUSTON CENTER  
2 HOUSTON CENTER  
HOUSTON, TX 77010-9998

UNIVERSITY  
1319 RICHMOND AVE.  
HOUSTON, TX 77006-9998

**WESTBRAE  
10910 S, GESSNER  
HOUSTON, TX 77071-9998**

**WESLAYAN FINANCE  
5340 WESLAYAN ST  
HOUSTON, TX 77277-9998**

**WESTBURY PLACE  
11805 CHIMNEY ROCK  
HOUSTON, TX 77035-9998**

**WESTCHASE FINANCE  
3836 S, GESSNER RD  
HOUSTON, TX 77215-9998**

**WESTFIELD  
17119 RED OAK DR.  
HOUSTON, TX 77090-9998**

**WILLIAM RICE  
5201 WAKEFOREST ST  
HOUSTON, TX 77005-9998**

**WILLOW PLACE  
12955 WILLOW PLACE  
HOUSTON, TX 77070-9998**

**WINDMILL  
9898 ALMEDA - GENOA RD  
HOUSTON, TX 77075-9998**

**FACILITIES OUTSIDE THE CITY OF HOUSTON**

**BRYAN GMF  
2121 E. WM J. BRYAN PKWY  
BRYAN, TX 77801-9998**

**FIRST COLONY STATION  
3130 GRANTS LAKE BLVD  
SUGAR LAND, TX 77479-9998**

**LA PORTE MAIN OFFICE  
801 W. FAIRMONT PKWY  
LA PORTE, TX 77571-9998**

**LIBERTY MAIN OFFICE  
1515 SAM HOUSTON ST  
LIBERTY, TX 77575-9998**

**SPRING MAIN OFFICE  
1411 WUNSCHER LOOP  
SPRING, TX 77373-9998**

**SPRING PANTHER CREEK  
10800 GOSLING RD  
SPRING, TX 77381-9998**

**ATTACHMENT B**

**OUTSIDE THE CITY**

**BRYAN GMF  
2121 E WM J. BRYAN PKWY  
BRYAN, TX. 77801-9998**

**FIRST COLONY STATION  
3130 GRANTS LAKE BLVD.  
SUGAR LAND, TX. 77479-9998**

**LA PORTE MAIN OFFICE  
801 W. FAIRMONT PKWY  
LA PORTE, TX. 77571-9998**

**LIBERTY MAIN OFFICE  
1515 SAM HOUSTON ST.  
LIBERTY, TX. 77575-9998**

**SPRING MAIN OFFICE  
1411 WUNSCHER LOOP  
SPRING, TX. 77373-9998**

**SPRING PANTHER CREEK  
10800 GOSLING RD.  
SPRING, TX. 77381-9998**

**INSIDE THE CITY**

**ALBERT THOMAS  
14910 EL CAMINO REAL  
HOUSTON, TX. 77059-9998**

**CORNERSTONE  
14403 WALTERS RD.  
HOUSTON, TX. 77014-9998**

**FOSTER PLACE  
5210 GRIGGS RD.  
HOUSTON, TX. 77021-9998**

**JOHN DUNLOP  
8728 BEVERLY HILLS ST  
HOUSTON, TX. 77063-9998**

**MARTIN LUTHER KING  
9444 CULLEN  
HOUSTON, TX. 77051-9998**

**NORTH SHEPHERD  
7511 NORTH SHEPHERD DR.  
HOUSTON, TX. 77088-9998**

**ROY ROYALL  
4206 LITTLE YORK RD.  
HOUSTON, TX. 77016-9998**

**SAM HOUSTON  
1500 HADLEY  
HOUSTON, TX. 77002-9998**