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United States Court of Appeals  
District of Columbia Circuit



UNITED STATES GOVERNMENT

**NATIONAL LABOR RELATIONS BOARD**

**OFFICE OF THE GENERAL COUNSEL**

Washington, D.C. 20570

June 24, 2013

Mark J. Langer, Esquire  
Clerk, United States Court of  
Appeals for the District of Columbia Circuit  
E. Barrett Prettyman U.S. Courthouse  
333 Constitution Avenue, NW, Room 5423  
Washington, D.C. 20001-2866

Re: *Tenneco Automotive, Inc. v. NLRB*, D.C.  
Cir. Nos. 11-1314, 11-1353

Dear Mr. Langer:

On May 28, 2013, the Court handed down its opinion granting Tenneco Automotive, Inc.'s petition in part and granting in part the Board's cross-application for enforcement. Pursuant to Rule 19 of the Federal Rules of Appellate Procedure, I hereby submit the Board's Corrected Proposed Judgment in the above entitled manner. The parties all agree with the proposed judgment. A certificate of service is enclosed.

Very truly yours,

/s/ Linda Dreeben

Linda Dreeben  
Deputy Associate General Counsel  
National Labor Relations Board  
1099 14th Street, NW  
Washington, DC 20570  
(202) 273-2960

UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

TENNECO AUTOMOTIVE, INC.	)	
	)	
Petitioner	)	
v.	)	
	)	
NATIONAL LABOR RELATIONS BOARD	)	Nos. 11-1314 & 11-1353
	)	
Respondent	)	
	)	Board Case Nos.
LOCAL 660, INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE AND AGRICULTURAL IMPLEMENT WORKERS OF AMERICA, UAW	)	7-CA-49251 et al.
	)	
Intervenor	)	

JUDGMENT

Before: ROGERS and TATEL, *Circuit Judges*, and EDWARDS, *Senior Circuit Judge*.

THIS CAUSE came to be heard upon a petition filed by the Tenneco Automotive, Inc. to review an order of the National Labor Relations Board dated August 26, 2011, in Case Nos. 7-CA-49251, 7-CA-50000, 7-CA-50159, and 7-CA-50256, and upon a cross-application filed by the National Labor Relations Board to enforce said Order. The Court heard argument of the parties and has considered the briefs and agency record filed in this cause. On May 28, 2013, the Court being fully advised in the premises, handed down its opinion granting Tenneco Automotive, Inc.'s petition in part and granting in part the Board's cross-application for enforcement. In conformity therewith, it is hereby

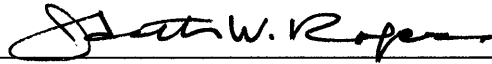
ORDERED AND ADJUDGED by the Court that the Tenneco Automotive, Inc., its officers, agents, successors, and assigns, shall:

1. Cease and desist from
  - (a) Directing employees to refrain from saying anything to each other that might be deemed offensive or evoke a response from another employee.

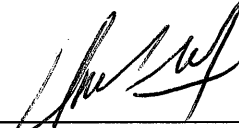
- (b) Issuing disciplinary warnings to employees because of their support for and activities on behalf of the Union.
  - (c) Failing and refusing to furnish the Union, Local 660, International Union, United Automobile, Aerospace and Agriculture Implement Workers of America (UAW), AFL-CIO with requested information, or by failing to timely provide it with requested information.
  - (d) Refusing to process the grievance regarding the discharge of employee Steven Prysiazny in 2006.
  - (e) In any like or related manner interfering with, restraining, or coercing employees in the exercise of the rights guaranteed them by Section 7 of the Act.
2. Take the following affirmative action necessary to effectuate the policies of the Act.
- (a) Rescind its directive that employees refrain from saying anything to each other that might be deemed offensive or evoke a response from another employee.
  - (b) Within 14 days from the date of the Court's entry of final judgment, rescind and revoke the written warning issued to Joseph Helton on January 20, 2006.
  - (c) Within 14 days from the date of the Court's entry of final judgment, remove from its files any reference to the unlawful written warning issued to Joseph Helton and, within 3 days thereafter, notify him in writing that this has been done and that the discipline will not be used against him in any way.
  - (d) Furnish to the Union the information it requested in its letters dated October 19, 2005, January 27, and February 13, 2006.
  - (e) Rescind its February 6, 2006 rule requiring supervisory approval prior to posting signs, letters, or printed material in its Grass Lake facility.
  - (f) Meet in good faith with the Union at the third step of the grievance procedure, as set out in the last collective-bargaining agreement (effective March 12, 2000 to May 12, 2004) between the Union and Tenneco Automotive, Inc., regarding the discharge of unit employee Steven Prysiazny.
  - (g) Within 14 days after service by the Region, post at its Grass Lakes, Michigan facility, copies of the attached notice marked "Appendix." Copies of the notice, on forms provided by the Regional Director for Region 7, after being signed by Tenneco Automotive, Inc.'s authorized representative, shall be posted by Tenneco Automotive, Inc. and

maintained for 60 consecutive days in conspicuous places including all places where notices to employees are customarily posted. In addition to physical posting of paper notices, notices shall be distributed electronically, such as by email, posting on an intranet or an internet site, and/or other electronic means, if Tenneco Automotive, Inc. customarily communicates with its employees by such means. Reasonable steps shall be taken by Tenneco Automotive, Inc. 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, Tenneco Automotive, Inc. has gone out of business or closed the facility involved in these proceedings, Tenneco Automotive, Inc. shall duplicate and mail, at its own expense, a copy of the notice to all current employees and former employees employed by Tenneco Automotive, Inc. at any time since September 2, 2005.

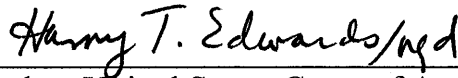
- (h) Within 21 days after service by the Region, file with the Regional Director a sworn certification of a responsible official on a form provided by Tenneco Automotive, Inc. attesting to the steps that Tenneco Automotive, Inc. has taken to comply.



Judge, United States Court of Appeals  
For the District of Columbia Circuit



Judge, United States Court of Appeals  
For the District of Columbia Circuit



Judge, United States Court of Appeals  
For the District of Columbia Circuit

## **APPENDIX**

### **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**

The National Labor Relations Board has found that we violated Federal labor law and has ordered us to post and obey this notice.

**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 direct you to refrain from saying anything to each other that might be deemed offensive or evoke a response from another employee.

WE WILL NOT issue disciplinary warnings to you because of your support for and activities on behalf of the Union.

WE WILL NOT refuse to furnish the Union, Local 660, International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), AFL-CIO, with the information requested in its letters dated October 19, 2005, January 27, 2006, and February 13, 2006.

WE WILL NOT refuse to process the grievance regarding the discharge of employee Steven Prysiazny in 2006.

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

WE WILL rescind our February 2006 directive that our employees refrain from saying anything to each other that might be deemed offensive or evoke a response from another employee.

WE WILL furnish to the Union the information it requested in its letters dated October 19, 2005, January 27, 2006, and February 13, 2006.

WE WILL, within 14 days from the date of the Court's entry of final judgment, rescind and revoke the written warning issued to Joseph Helton on January 20, 2006.

WE WILL, within 14 days from the date of the Court's entry of final judgment, remove from our files any reference to the unlawful written warning issued to Joseph Helton, and WE WILL, within 3 days thereafter, notify him in writing that this has been done and that the discipline will not be used against him in any way.

WE WILL rescind our February 2006 rule requiring you to obtain supervisory approval prior to posting signs, letters, or printed material in our Grass Lake facility.

WE WILL meet in good faith with the Union at the third step of the grievance procedure as set out in our last collective-bargaining agreement with the Union, effective March 12, 2000, to May 12, 2004, regarding the discharge of unit employee Steven Prysiazny.

TENNECO AUTOMOTIVE, INC.

**UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

TENNECO AUTOMOTIVE, INC.	)	
Petitioner	)	
v.	)	
	)	
NATIONAL LABOR RELATIONS BOARD	)	Nos. 11-1314 & 11-1353
Respondent	)	
	)	Board Case Nos.
LOCAL 660, INTERNATIONAL UNION,	)	7-CA-49251 et al.
UNITED AUTOMOBILE, AEROSPACE	)	
AND AGRICULTURAL IMPLEMENT	)	
WORKERS OF AMERICA, UAW	)	
Intervenor	)	

**CERTIFICATE OF SERVICE**

I hereby certify that on June 24, 2013, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit by using the appellate CM/ECF system.

I certify that the foregoing document was served on all those parties or their counsel of record through the CM/ECF system if they are registered users or, if they are not, by serving a true and correct copy at the address listed below:

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s/Linda Dreeben  
Linda Dreeben  
Deputy Associate General Counsel  
National Labor Relations Board  
1099 14th Street, NW  
Washington, DC 20570  
(202) 273-2960

Dated at Washington, DC  
this 24th day of June, 2013