

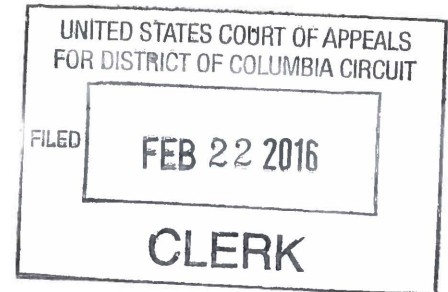


UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
OFFICE OF THE GENERAL COUNSEL
Washington, D.C. 20570

ORIGINAL

November 18, 2015

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: *Hyundai America Shipping Agency, Inc.*
v. *NLRB*, D.C. Cir. Nos. 11-1351, 11-1413

Dear Mr. Langer:

On November 6, 2015, the Court handed down its opinion granting Hyundai America Shipping Agency, 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 am filing the Board's Proposed Judgment in the above entitled manner. A certificate of service is enclosed.

/s/ Linda Dreeben

Linda Dreeben
Deputy Associate General Counsel
National Labor Relations Board
1015 Half Street SE
Washington, DC 20570
(202) 273-2960

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

HYUNDAI AMERICA SHIPPING AGENCY, INC.)
)
Petitioner/Cross-Respondent)
) Nos. 11-1315 &
v.) 11-1413
)
NATIONAL LABOR RELATIONS BOARD)
)
Respondent/Cross-Petitioner)

JUDGMENT ENFORCING AN ORDER OF THE
NATIONAL LABOR RELATIONS BOARD

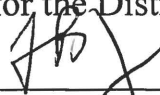
Before: HENDERSON, GRIFFITH, *Circuit Judges* and WILLIAMS, Senior
Circuit Judge.

THIS CAUSE came to be heard upon a petition filed by Hyundai America Shipping Agency, Inc. to review, and a cross-application filed by the National Labor Relations Board to enforce, an August 26, 2011, Order of the National Labor Relations Board, Case No. 28-CA-022892 reported at 357 NLRB No. 80 (2011). The Court heard argument and considered the briefs and the record filed in this case. The Court having considered the same, handed down its opinion on November 6, 2015, granting Hyundai America Shipping Agency, 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 Hyundai America Shipping Agency, Inc., its officers, agents, successors, and assigns, shall abide by said order (See Attached Order and Appendix).

KLH

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



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

SFL

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

HYUNDAI AMERICA SHIPPING AGENCY, INC.

v.

NATIONAL LABOR RELATIONS BOARD

ORDER

Hyundai America Shipping Agency, Inc., Scottsdale, Arizona, its officers, agents, successors, and assigns, shall

1. Cease and desist from

- (a) Maintaining or enforcing a provision in its employee handbook under the heading Electronic Communications and Information Systems that contains the following language: “Finally, employees should only disclose information or messages from theses [sic] systems to authorized persons”;
- (b) Maintaining or enforcing a provision in its Employee Handbook under the heading Employee Conduct that contains the following language threatening disciplinary action for: “Performing activities other than Company work during working hours.”
- (c) Promulgating, maintaining, or enforcing an oral rule prohibiting employees from discussing with other persons any matters under investigation by its human resources department.
- (d) In any like or related manner, interfering with, restraining or coercing its employees in the exercise of the rights guaranteed to them by Section 7 of the Act.

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

- ~~(a) Within 14 days of the Board’s Order, revise or rescind the rules in its Employee Handbook under the heading Electronic Communications and Information Systems that contains the following language: “Finally, employees should only disclose information or messages from theses [sic] systems to authorized persons.”~~
- (b) Within 14 days of the Board’s Order, revise or rescind the rules in its employee handbook under the heading, “Employee Conduct” that contains the following language threatening disciplinary action for: “Performing activities other than Company work during working hours.”

- (c) Within 14 days after service by the Region, post at its Phoenix facility, located in Scottsdale, Arizona, copies of the attached notice marked "Appendix." Copies of the notice, on forms provided by the Regional Director for Region 28, 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. 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 the Respondent customarily communicates with its employees by such means. Reasonable steps shall be taken by the Respondent 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 its Phoenix facility at any time since August 5, 2009.
- (d) 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 the Region attesting to the steps that the Respondent has taken to comply.

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 maintain or enforce a provision in our employee handbook under the heading, “ Electronic Communication and Information Systems” that contains the following language: “Finally, employees should only disclose information or messages from theses [sic] systems to authorized persons.”

WE WILL NOT maintain or enforce a provision in our Employee Handbook under the heading Employee Conduct that contains the following language threatening disciplinary action for: “Performing activities other than Company work during working hours.”

WE WILL NOT promulgate, maintain, or enforce an oral rule prohibiting you from discussing with other persons any matters under investigation by our human resources department.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce you in the exercise of the rights guaranteed you by Federal labor law.

WE WILL revise or rescind the provision in our Employee Handbook under the heading Electronic Communications and Information Systems that contains the following language: “Finally, employees should only disclose information or messages from theses [sic] systems to authorized persons.”

WE WILL revise or rescind the provision in our Employee Handbook under the heading Employee Conduct that contains the following language threatening disciplinary action for: “Performing activities other than Company work during working hours.”

HYUNDAI AMERICA SHIPPING AGENCY, INC.

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

HYUNDAI AMERICA SHIPPING AGENCY, INC.)	
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Petitioner/Cross-Respondent)	
)	Nos. 11-1315 &
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NATIONAL LABOR RELATIONS BOARD)	
)	
Respondent/Cross-Petitioner)	

CERTIFICATE OF SERVICE

I hereby certify that on November 18, 2015, I electronically filed the foregoing document with the Court for the United States Court of Appeals for the District of Columbia Circuit using the appellate CM/ECF system. I further certify that the foregoing document was served on all parties or their counsel of record through the appellate CM/ECF system.

/s/ Linda Dreeben
Linda Dreeben
Deputy Associate General Counsel
National Labor Relations Board
1015 Half Street SE
Washington, DC 20570

Dated at Washington, DC
this 18th day of November, 2015