

UNITED STATES GOVERNMENT



NATIONAL LABOR RELATIONS BOARD

OFFICE OF THE GENERAL COUNSEL

Washington, D.C. 20570

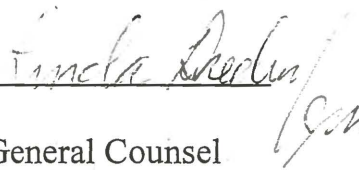
February 18, 2016

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: *Raymond Interior Systems, Inc. v. NLRB*,
D.C. Cir. Nos. 12-1011, 12-1012, 12-1013 and
12-1047

Dear Mr. Langer:

On February 5, 2016, the Court handed down its opinion granting Raymond Interior Systems, Inc., and the Southwest Regional Council of Carpenters' petitions for review 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

RAYMOND INTERIOR SYSTEMS, INC.; SOUTHWEST)	
REGIONAL COUNCIL OF CARPENTERS)	
)	
Petitioners/Cross-Respondents,)	
v.)	
)	
NATIONAL LABOR RELATIONS BOARD)	Nos. 12-1011,
)	12-1012,
Respondent/Cross-Petitioner,)	12-1013 &
&)	12-1047
)	
SOUTHERN CALIFORNIA PAINTERS AND ALLIED)	
TRADES DISTRICT COUNCIL NO. 36, INTERNATIONAL)	
UNION OF PAINTERS AND ALLIED TRADES, AFL-CIO)	
)	
Intervenor for Respondent)	

JUDGMENT ENFORCING AN ORDER OF THE
NATIONAL LABOR RELATIONS BOARD

Before: HENDERSON and TATEL, *Circuit Judges*, and EDWARDS, *Senior
Circuit Judge*

THIS CAUSE came to be heard upon petitions for review filed by Raymond Interior Systems, Inc.; the Southwest Regional Council of Carpenters; and the Southern California Painters and Allied Trades District Council No. 36, International Union of Painters and Allied Trades, AFL-CIO; and upon a cross-application filed by the National Labor Relations Board to enforce Orders of the National Labor Relations Board in Case Nos. 21-CA-037649 and 21-CB-014259, dated September 30, 2010, and December 30, 2011, and reported at 355 NLRB No. 209 (2010) and 357 NLRB No. 166 (2011), respectively. 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 February 5, 2016, granting Raymond Interior Systems, Inc.'s and Southwest Regional Council of Carpenters' petitions in part, granting in part the Board's cross-application for

enforcement in part and remanding to the Board in part for further consideration.
In conformity therewith, it is hereby

ORDERED AND ADJUDGED by the Court that Raymond Interior Systems, Inc., its officers, agents, successors, and assigns, and the Southwest Regional Council of Carpenters, its officers, agents, successors, and representatives, shall abide by said order (See Attached Order and Appendix).

KLH

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

M

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

JT

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

RAYMOND INTERIOR SYSTEMS, INC. AND
SOUTHWEST REGIONAL COUNCIL OF CARPENTERS

v.

NATIONAL LABOR RELATIONS BOARD

ORDER

A. Raymond Interior Systems, Orange and San Diego, California, its officers, agents, successors, and assigns, shall

1. Cease and desist from
 - (a) Recognizing and bargaining with Southwest Regional Council of Carpenters on behalf of its affiliated local unions, including Respondent Carpenters Local Union 1506, as the 9(a) collective-bargaining representative of its drywall finishing employees at a time when those unions do not represent an uncoerced majority of those employees.
 - (b) Assisting Carpenters Local Union 1506 in obtaining authorization cards by warning its drywall finishing employees that, if they did not sign with Carpenters Local Union 1506 that day, there would be no more work for them.
 - (c) 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) Withdraw and withhold 9(a) recognition from Carpenters Local Union 1506 as the collective bargaining representative of its drywall finishing employees unless and until it has been duly certified by the Board as the collective-bargaining representative of those employees.
 - (b) Within 14 days after service by the Region, post at its Orange facility and worksites in Southern California copies of the attached notice marked "Appendix A." Copies of the notice, on forms provided by the Regional Director for Region 21, after being signed by Raymond's authorized representative, shall be posted by Raymond immediately

upon receipt and maintained for 60 consecutive days in conspicuous places including all places where notices to employees are customarily posted. Reasonable steps shall be taken by Raymond 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, Raymond has gone out of business or closed the facility involved in these proceedings, Raymond shall duplicate and mail, at its own expense, a copy of the notice to all current employees and former drywall finishing employees employed by Raymond at any time since October 2, 2006.

- (c) 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 Raymond has taken to comply.

B. United Brotherhood of Carpenters and Joiners of America, Local Union 1506, Los Angeles and Orange, California, its officers, agents, and representatives, shall

1. Cease and desist from

- (a) Accepting assistance from Raymond in obtaining union authorization cards from Raymond's drywall finishing employees.
- (b) Accepting recognition from Raymond as the 9(a) collective-bargaining representative of its drywall finishing employees at a time when Carpenters Local Union 1506 does not represent an uncoerced majority of those employees.
- (c) Failing to inform Raymond's drywall finishing employees, when it first seeks to obligate them to pay dues and fees under a union-security clause, of their rights under *NLRB v. General Motors Corp.*, 373 U.S. 734 (1963), to be and remain nonmembers of Carpenters; and of the rights of nonmembers under *Communications Workers v. Beck*, 487 U.S. 735 (1988), to object to paying for union activities not germane to the Union's duties as collective-bargaining representative, and to obtain a reduction-in-dues and fees for such activities.
- (d) In any like or related manner 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) Within 14 days after service by the Region, post at its union office in Orange, California, copies of the attached notice to members, marked "Appendix B." Copies of the notice, on forms provided by the Regional Director for Region 21, after being signed by Carpenter's authorized representative, shall be posted by Carpenters immediately upon receipt and maintained for 60 consecutive days in conspicuous places including all places where notices to members are customarily posted. Reasonable steps shall be taken by Carpenters Local Union 1506 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 Carpenters Local Union 1506 has ceased its representational activities or has become defunct, Southern California Regional Council of Carpenters shall duplicate and mail, at its own expense, a copy of the notice to all current employees and former drywall finishing employees, employed by Raymond at any time since October 2, 2006.
- (b) Forward to the Regional Director of Region 21 signed copies of the attached notice, marked "Appendix B," for posting by Raymond at its Orange facility and worksites in Southern California for 60 consecutive days in places where notices to employees are customarily posted.
- (c) 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 it has taken to comply.

APPENDIX A

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 recognize and bargain with Southwest Regional Council of Carpenters on behalf of its affiliated local unions, including Carpenters Local Union 1506, as the 9(a) collective-bargaining representative of our drywall finishing employees at a time when those unions do not represent an uncoerced majority of those employees.

WE WILL NOT assist Carpenters Local Union 1506 in obtaining authorization cards by warning our drywall finishing employees that, if they did not sign with Carpenters Local Union 1506 that day, there would be no more work for them.

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

WE WILL withdraw and withhold 9(a) recognition from Carpenters Local Union 1506 as the collective-bargaining representative of our drywall finishing employees unless and until it has been duly certified by the Board as the collective-bargaining representative of those employees.

RAYMOND INTERIOR SYSTEMS

APPENDIX B

NOTICE TO EMPLOYEES

POSTED PURSUANT TO A JUDGMENT OF
THE UNITED STATES COURT OF APPEALS ENFORCING
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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 accept assistance from Raymond in obtaining union authorization cards from Raymond's drywall finishing employees.

WE WILL NOT accept recognition from Respondent Raymond as the 9(a) collective-bargaining representative of our drywall finishing employees at a time when we do not represent an uncoerced majority of those employees.

WE WILL NOT fail to inform Raymond's drywall finishing employees, when we first seek to obligate them to pay dues and fees under a union-security clause, of their rights under *NLRB v. General Motors Corp.*, 373 U.S. 734 (1963), to be and remain nonmembers of Carpenters; and of the rights of nonmembers under *Communications Workers v. Beck*, 487 U.S. 735 (1988), to object to paying for union activities not germane to the Union's duties as collective-bargaining representative, and to obtain a reduction-in-dues and fees for such activities.

WE WILL NOT in any like or related manner restrain or coerce you in the exercise of the rights set forth above.

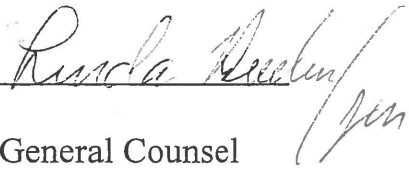
UNITED BROTHERHOOD OF CARPENTERS
AND JOINERS OF AMERICA, LOCAL UNION 1506

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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)	
Intervenor for Respondent)	

CERTIFICATE OF SERVICE

I hereby certify that on February 18, 2016, 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 February, 2016