

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD

ATLAS REFINERY, INC.

and

Case 22-CA-28403

LOCAL 4-406, UNITED STEEL, PAPER  
AND FORESTRY, RUBBER, MANUFACTURING,  
ENERGY, ALLIED, INDUSTRIAL AND  
SERVICE WORKERS INTERNATIONAL  
UNION, AFL-CIO

MOTION TO REAFFIRM TWO-MEMBER BOARD DECISION

On January 15, 2010, the Board issued its Decision and Order in the above case at 354 NLRB No. 10, finding that on June 9, 2008, Respondent unlawfully withdrew recognition from the Union, implemented new terms and conditions of employment, placed restrictions as to who could be on the Union's bargaining committee, threatened to discharge employees because of their support for the Union during collective bargaining, and unlawfully locked out five employees in order to evade its duty to bargain with the Union in violation of Section 8(a)(1), (3) and (5) of the Act.

While Respondent has complied with most of the affirmative compliance remedies, including the reinstatement of one of the locked-out employees, it has failed to reinstate the four remaining locked-out employees. On February 28, 2011 and March 8, 2011, Respondent hired two new employees at a time when there are still four locked-out employees.

Respondent has failed to comply with the outstanding two-member Board decision and it prevents the Region from seeking enforcement of the decision. It is requested that the Board reaffirm the underlying Board decision.

Dated at Newark, New Jersey, this 9<sup>th</sup> day of August, 2011.



Maria E. Balzano, Acting Regional Director  
Region 22

CERTIFICATION OF SERVICE

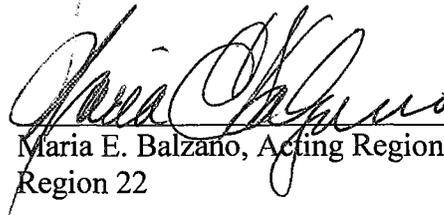
This is to certify that copies of the Region's Motion to Reaffirm Two-Member Board Decision were served electronically upon the parties as follows:

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NLRB Executive Secretary  
Office of the Executive Secretary

Dated at Newark, New Jersey, this 9<sup>th</sup> day of August, 2011.



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Maria E. Balzano, Acting Regional Director  
Region 22