

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

REPUBLIC SERVICES, INC.

and

Cases 25-CA-31683 Amended
25-CA-31708 Amended
25-CA-31709 Amended
25-CA-31813 Amended

INTERNATIONAL UNION OF OPERATING
ENGINEERS, LOCAL UNION NO. 150,
AFL-CIO, a/w INTERNATIONAL UNION
OF OPERATING ENGINEERS, AFL-CIO

JOINT MOTION TO REMAND
CASES TO REGION TWENTY-FIVE

Comes now Counsel for the Acting General Counsel, Republic Services, Inc. (herein Respondent), and the International Union of Operating Engineers, Local Union No. 150 (herein Union) respectfully submit to the Board this Motion to Remand Cases to Region Twenty-Five for further processing. In support of this motion, Counsel for the Acting General Counsel offers the following:

The Region issued complaints in the above-captioned cases on February 28, 2011 and May 6, 2011 alleging that Respondent violated Section 8(a)(1) and (5) of the National Labor Relations Act ("Act") by unlawfully withdrawing recognition from the Union and engaging in numerous acts of unlawful misconduct. After the issuance of the complaints, an unfair labor practice hearing was conducted before Administrative Law Judge Arthur Amchan regarding the instant cases on May 9, 2011 and consecutive days thereafter.

Pursuant to the underlying unfair labor practice hearing, the Judge issued a decision on June 21, 2011 regarding the instant cases which, although finding violations by the Respondent,

did not order a bargaining order as part of the remedy. On July 19, 2011, Counsel for the Acting General Counsel filed exceptions to the Judge's decision. On September 7, 2011, the Respondent filed cross-exceptions and an answering brief to the Judge's decision. On September 21, 2011, Counsel for the Acting General Counsel filed an answering brief to Respondent's cross-exceptions and a reply brief to Respondent's answering brief to the Judge's decision. On December 29, 2011, the Board remanded the instant cases to the Judge based on new evidence demonstrating that certain of the Respondent's employees who were discharged prior to the Respondent's withdrawal of recognition were found by arbitrators to have been discharged without cause and ordered to be reinstated. The cases were remanded in order for the Judge to consider the arbitration decisions. Pursuant to the remand, the Judge reopened the administrative record and afforded the parties the opportunity to file supplemental briefs.

On March 5, 2012, the parties filed supplemental briefs. On March 9, 2012, the Judge issued a supplemental decision finding that, because the arbitrations were decided in favor of the three discharged employees, those three employees were properly counted in the unit, and, therefore, the Union had not lost majority support and that the Employer unlawfully withdrew recognition from the Union on November 11, 2010. The Judge also ordered, *inter alia*, that the Employer recognize and bargain with the Union for a successor agreement.

On June 14, 2012, the Respondent and the Union entered into a non-Board settlement agreement, which resolves all of the allegations contained in the complaints. Specifically, pursuant to the terms of the agreement, the Respondent has agreed to execute a successor collective bargaining agreement with the Union regarding the terms and conditions of employment of the bargaining unit. The Respondent has also agreed to provide backpay and fringe benefits to the three discharged employees. Furthermore, the Respondent has agreed that

it will not engage in the unfair labor practices alleged in the complaints in the future.

Additionally, the Respondent has agreed to waive its right to file exceptions to the Judge's supplemental decision.

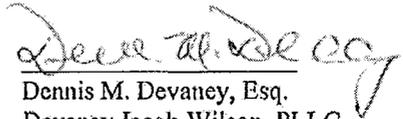
Based upon the non-Board settlement agreement, the Respondent and the Counsel for the Acting General Counsel move to withdraw any exceptions, cross-exceptions, answering briefs, and reply briefs which are currently pending before the Board regarding the instant cases. Also, all parties agree to waive their right to the following: (a) filing of exceptions and briefs; (b) oral argument before the Board; (c) the making of findings of fact and conclusions of law by the Board; (d) any court proceedings regarding the instant cases; and (e) all other proceedings to which the parties may be entitled under the Act or the Board's Rules and Regulations. This agreement does not limit the right of the Union and the Respondent with regard to enforcement of the above-referenced non-Board settlement. Therefore, Counsel for the Acting General Counsel respectfully requests that the instant cases be remanded to Region Twenty-Five for further processing.

Respectfully submitted this 28th day of June, 2012.

Respectfully submitted,



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of **JOINT MOTION TO REMAND CASES TO REGION TWENTY-FIVE** has been E-filed on NLRB internet site (www.nlr.gov) and served by Electronic Transmission on June 28, 2012 upon the following persons, addressed to them at the following addresses:

Office of the Executive Secretary
National Labor Relations Board
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Electronic Submission

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