

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

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E. I. DUPONT DE NEMOURS AND COMPANY	)	
	)	
AND	)	Case No. 3-CA-27828
	)	Case No. 3-CA-72970
	)	
UNITED STEEL, PAPER AND FORESTRY,	)	
RUBBER, MANUFACTURING, ENERGY,	)	
ALLIED-INDUSTRIAL AND SERVICE	)	
WORKERS INTERNATIONAL UNION	)	
AFL-CIO/CLC	)	
	)	

**JOINT MOTION TO WITHDRAW PREVIOUSLY-FILED  
MOTION TO TRANSFER PROCEEDINGS AND JOINT MOTION TO  
REMAND THE PROCEEDINGS TO THE REGIONAL DIRECTOR**

Charging Party United Steel, Paper and Forestry, Rubber, Manufacturing, Energy Allied-Industrial and Service Workers International Union (“USW”), Respondent E.I. du Pont de Nemours and Company, Inc. (“the Company” or “DuPont”) and Counsel for the Acting General Counsel respectfully request that the National Labor Relations Board (“Board”): (a) permit the parties to withdraw their previously-filed Joint Motion to Transfer Proceedings to the Board, Stipulation of Facts and Statement of the Issue in Case No. 3-CA-72970; and (b) remand Case No. 3-CA-27828, which is currently pending before the Board, to the Regional Director for the purpose of approving a non-Board settlement of both cases. The reasons for this Joint Motion are set forth below.

DuPont and the USW (and its predecessor unions) have had a collective bargaining relationship with respect to hourly employees working at DuPont’s chemical plant in Niagara Falls, New York facility (“Niagara Plant”) for many decades. The Company and USW have

been in the process of negotiating a new collective bargaining agreement for employees at the Niagara Plant since September 2009.

The USW filed an unfair labor practice charge on October 18, 2010 (Case No. 3-CA-27828) and the Acting General Counsel filed a Complaint on that charge on March 31, 2011, alleging that DuPont violated Sections 8(a)(1) and (5) of the Act by announcing certain unilateral changes to employees' terms and conditions of employment following expiration of the parties' collective bargaining agreement. A hearing was conducted on October 17-18, 2011, before Administrative Law Judge ("ALJ") Jeffrey Wedekind. On January 24, 2012, ALJ Wedekind issued a decision, concluding that DuPont had violated Sections 8(a)(5) and (1) of the Act by unilaterally implementing changes to employees' terms and conditions of employment. DuPont filed timely Exceptions to ALJ Wedekind's decision, and those Exceptions are currently pending before the Board.

The USW filed a second unfair labor practice charge on January 23, 2012 (Case No. 3-CA-72970) and the Acting General Counsel filed a Complaint on that charge on March 6, 2012, alleging that DuPont violated Sections 8(a)(1) and (5) of the Act by announcing additional unilateral changes to employees' terms and conditions of employment similar to those at issue in the case heard by ALJ Wedekind. On August 10, 2012, the parties filed with the Board a Joint Motion to Transfer Proceedings to the Board, Stipulation of Facts and Statement of the Issue as to Case No. 3-CA-72970.

The parties have recently reached a tentative agreement on a new collective bargaining agreement at the Niagara Plant. In conjunction with, and as a condition of, reaching their tentative agreement, the Company and USW agreed to a "global settlement" of all outstanding issues between the parties. As part of the global settlement, the USW agreed to file a motion

with the Board seeking dismissal of any and all charges pending before the Board, specifically including charges 3-CA-27828 and 3-CA-072970, pursuant to a non-Board settlement. The USW further agreed to release and waive any and all claims it could have asserted against the Company as of the date of the global settlement. By letter dated September 28, 2012, the USW requested that the Region withdraw the charges in the above-referenced cases.

Accordingly, the parties hereto each respectfully request that the Board grant this Joint Motion to Withdraw Previously-Filed Motion to Transfer Proceedings and Joint Motion to Remand the Proceedings to the Regional Director to permit the Regional Director to grant the USW's request to withdraw the charges filed in the above-captioned cases based on the parties' non-Board settlement of the matters.

Respectfully submitted this 5th day of November, 2012.

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/s/ Catherine Creighton  
CREIGHTON, JOHNSON &  
GIROUX  
560 Ellicott Square Building  
295 Main Street  
Buffalo, New York 14203  
(716) 854-0007

Counsel for United Steel, Paper and  
Forestry, Rubber, Manufacturing, Energy,  
Allied-Industrial and Service Workers  
International Union

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/s/ Kris D. Meade  
Glenn D. Grant  
CROWELL & MORING, LLP  
1001 Pennsylvania Ave., N.W.  
Washington, D.C. 20004-2595  
(202) 624-2500

Counsel for E.I. DuPont de Nemours &  
Company

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/s/ Ron Scott  
Counsel for the Acting General Counsel  
National Labor Relations Board  
Niagara Center Building – Suite 630  
130 S. Elmwood Avenue  
Buffalo, New York 14202