

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 10**

NTN-BOWER CORPORATION

and

Case 10-CA-38816

INTERNATIONAL UNION, UNITED
AUTOMOBILE, AEROSPACE &
AGRICULTURAL IMPLEMENT
WORKERS OF AMERICA,
AFL-CIO, CLC.

JOINT MOTION SEEKING REMAND

On February 15, 2012, an Administrative Law Judge issued a decision and recommended order in the instant case finding that NTN-Bower Corporation (NTN) violated the Act by withdrawing recognition from the International Union, United Automobile, Aerospace & Implement Workers of America, AFL-CIO-CLC, (the Union) and by denying the Union access to its Hamilton, Alabama plant. NTN appealed that recommended order to the Board which appeal remains pending. Pursuant to the terms of a Mediated Settlement Agreement agreed to by all parties on May 12, 2012, Region 10 of the National Labor Relations Board and NTN move the Board to remand the instant case to Region 10 for further processing.

In a series of earlier related cases, 10-CA-37271 et al., on April 20, 2011, the Board issued a Decision and Order reported at 356 NLRB No. 141 finding that NTN had engaged in unlawful conduct and ordering NTN to remedy that conduct. On May 23, 2011, NTN filed a petition for review of the Board's Order in the United States Court of Appeals for the District of Columbia Circuit, Case 11-1187. On June 7, 2011, the Board filed a cross-application for enforcement of its order, Case 11-1205.

During court mediated settlement negotiations in *NTN-Bower Corporation v. National Labor Relations Board*, Case Nos. 11-1187 and 11-1205) the parties reached "full resolution" of all claims arising from the Board's Order in 356 NLRB No. 141, all claims arising from the violations found by the Administrative Law Judge in the instant case, 10-CA-38816, certain other unfair labor practice charges pending in Region 10 and certain contractual grievances between NTN and the Union.

The Mediated Settlement Agreement requires NTN to take the following affirmative actions, each of which has been achieved:

A. Pay One Million Six Hundred Thousand Dollars (\$1,600,000.00) to settle certain claims for back pay and interest;

- B. Pay Two Hundred Fifty Thousand Dollars (\$250,000.00) to settle certain claims for back pay and interest;
- C. Make the FICA contributions due on the back pay portion of the amounts referenced in subparagraphs A and B, above.
- D. Send offers of employment to sixty (60) former strikers and thereafter report to the NLRB and the Union any former strikers who failed to respond to its offer;
- E. Send letters to all un-reinstated former strikers offering to place them on a preferential rehire list and thereafter report to the NLRB and the Union any former striker who failed to respond to its offer;
- F. Reinstatement recognition of the Union at its Hamilton, Alabama plant as the exclusive collective bargaining representative of the bargaining unit employees at its Hamilton, Alabama plant, which includes the obligation to apply the terms of their Collective-Bargaining Agreement, dated December 31, 2007. The Union will have access to the plant, bulletin boards, and office as it has traditionally had as collective-bargaining representative. (This provision is the remedy for the instant case.)
- G. Post for sixty (60) consecutive days an official notice required by the NLRB.

The Mediated Settlement Agreement further provides that, upon NTN's compliance with its terms, the Parties would file with the D.C. Circuit Court of Appeals a joint motion to dismiss NTN's petition for review and the Board's cross application for enforcement in Cases 10-CA-37271 et al. The joint motion was filed on October 26, 2012, and the Court entered its Order dismissing the cases on October 29, 2012.

Motion to Remand
and
Withdrawal of Exceptions

In addition to the above provisions, the Mediated Settlement Agreement provides that NTN and Region 10 file a motion with the Board seeking remand of Case No. 10-CA-38816.

Accordingly, Region 10 and NTN move the Board to remand Case 10-CA-38816 to Region 10 for processing in accordance with the Mediated Settlement Agreement.

NTN, by this motion, withdraws its exceptions pending before the Board concerning Case 10-CA-38816.

NTN-Bower Corporation

Region 10, National Labor Relations Board

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