

**Local 247, International Brotherhood of Teamsters,
AFL-CIO and Wayne Oakland Building Supply
Co. Case 7-CB-8846**

January 21, 1992

DECISION AND ORDER

**BY CHAIRMAN STEPHENS AND MEMBERS
DEVANEY AND OVIATT**

Upon a charge filed by Wayne Oakland Building Supply Co., the Charging Party, on August 8, 1991, the General Counsel of the National Labor Relations Board issued a complaint on September 25, 1991, against Local 247, International Brotherhood of Teamsters, AFL-CIO, the Respondent, alleging that it has violated Section 8(b)(1)(A) of the National Labor Relations Act. Although properly served copies of the charge and complaint, the Respondent has failed to file an answer.

On November 18, 1991, the General Counsel filed a Motion for Default Judgment, with exhibits attached. On November 22, 1991, the Board issued an order transferring the proceeding to the Board and a Notice to Show Cause why the motion should not be granted. The Respondent filed no response. The allegations in the motion therefore are undisputed.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

Ruling on Motion for Default Judgment

Section 102.20 of the Board's Rules and Regulations provides that the allegations in the complaint shall be deemed admitted if an answer is not filed within 14 days from service of the complaint, unless good cause is shown. The complaint states that unless an answer is filed within 14 days of service, "all of the allegations in the Complaint shall be deemed to be admitted to be true and may be so found by the Board." Further, the undisputed allegations in the Motion for Default Judgment disclose that by letter dated October 18, 1991, the Regional attorney advised the Respondent that if an answer was not filed by November 1, 1991, a Motion for Default Judgment would be filed.

In the absence of good cause being shown for the failure to file a timely answer, we grant the General Counsel's Motion for Default Judgment.

On the entire record, the Board makes the following

FINDINGS OF FACT

I. JURISDICTION

The Charging Party, a Michigan corporation with its principal office and place of business in Redford, Michigan, and another facility in Pontiac, Michigan, is engaged in the sale and distribution of residential and commercial building supplies and related products. During the year ending December 31, 1991, a representative period, the Charging Party, in the course and conduct of its business operations, purchased and caused to be transported and delivered at its Redford facility goods and materials valued in excess of \$50,000, of which goods and materials valued in excess of \$50,000 was transported and delivered to its Redford facility directly from points located outside the State of Michigan. We find that the Charging Party is an employer engaged in commerce within the meaning of Section 2(6) and (7) of the Act, and that the Respondent is a labor organization within the meaning of Section 2(5) of the Act.

II. ALLEGED UNFAIR LABOR PRACTICES

Since about July 3, 1991, and continuing to date, the Respondent has been engaged in a strike against the Charging Party at its Redford and Pontiac, Michigan facilities. In furtherance of the strike, the Respondent, commencing about July 3, 1991, and continuing to date, has established and maintained a picket line at the Charging Party's Redford facility and has caused the picketing to take place on an 8-hour-a-day, 5-day-per-week basis. In about July 1991, the Respondent, in furtherance of its strike, established and maintained a picket line at the Charging Party's Pontiac facility. The picketing referred to above has been jointly organized by and maintained under the constant control of the Respondent who has, inter alia, maintained picket shelters and provided picket signs.

Since about July 10, 1991, and continuing to date, the Respondent, by and through its agent, Craig Kirchner,¹ has restrained and coerced, and is restraining and coercing, employees in the exercise of their Section 7 rights by the following acts and conduct engaged in at the Charging Party's Redford and Pontiac facilities:

(a) Since about July 10, 1991, and on numerous other occasions, the Respondent, by and through the collective actions of its pickets at the picket

¹ At all times material, Craig Kirchner has occupied the position of Local 247 representative and has been, and is now, an agent of the Respondent acting on its behalf, within the meaning of Sec. 2(13) of the Act.

line established and maintained at the Redford facility, threw nails and other debris in the yard and driveway for the purpose of impeding ingress and egress at the facility entrance.

(b) Since about July 10, 1991, and continuing to date, the Respondent, by and through the collective actions of its pickets at the picket line established and maintained at the Redford facility, has physically impeded ingress and egress at the facility entrance by, inter alia, surrounding vehicles as they approached the entrance and exit, positioning themselves in front or to the side of vehicles, and otherwise interfering with the free vehicular access to the facility.

(c) Since about July 10, 1991, and on numerous occasions, the Respondent, by and through the collective actions of its pickets at the picket lines established and maintained at the Redford and Pontiac facilities, threatened to kill or otherwise physically harm nonstriking employees and their families because they were working for the Charging Party during the course of the strike referred to above.

(d) In about July 1991, the Respondent, by and through the collective actions of its pickets at the picket line established and maintained at the Redford facility, in the presence of the Charging Party's nonstriking employees, threatened the Charging Party's customers with physical harm in order to dissuade them from crossing the picket line.

(e) In about July 1991, the Respondent, by and through the collective actions of its pickets at the picket line established and maintained at the Redford facility, obstructed the Charging Party's nonstriking employees in the course and conduct of their job duties by following the employees to their jobsites and attempting to cause them to have vehicular accidents.

(f) In about mid-July 1991, the Respondent, by and through the collective actions of its pickets at the picket line established and maintained at the Pontiac facility, attempted to physically attack a seasonal yard nonstriking employee employed by the Charging Party, through the use of a picket sign, because he was working for the Charging Party during the course of the strike referred to above.

(g) About July 29, 1991, the Respondent, by and through the collective actions of its pickets at the picket line established and maintained at the Redford facility, in an effort to dissuade nonstriking employees from working during the course of the strike referred to above, recorded the license plate numbers of the vehicles of nonstriking employees.

(h) About August 28, 1991, the Respondent, by and through the collective actions of its pickets at the picket line established and maintained at the Redford facility, attempted to impede the progress of nonstriking employees entering and exiting the facility by spitting on the employees and on their vehicles.

By all the acts described above at paragraphs (a) through (h), we find that the Respondent restrained and coerced, and is restraining and coercing, employees in the exercise of the rights guaranteed in Section 7 of the Act, and thereby has engaged in, and is engaging in, unfair labor practices within the meaning of Section 8(b)(1)(A) of the Act.

CONCLUSIONS OF LAW

By throwing nails and other debris in the yard and driveway of the Charging Party's facility for the purpose of impeding ingress and egress at the facility entrance; by surrounding vehicles as they approached the entrance and exit and otherwise interfering with free vehicular access to the facility; by threatening to kill or otherwise physically harm nonstriking employees and their families because they were working for the Charging Party during the course of the strike; by, in the presence of the Charging Party's nonstriking employees, threatening the Charging Party's customers with physical harm in order to dissuade them from crossing the picket line; by obstructing the Charging Party's nonstriking employees in the course and conduct of their job duties by following them to their jobsites and attempting to cause them to have vehicular accidents; by attempting to physically attack a seasonal yard nonstriking employee through the use of a picket sign because he was working for the Charging Party during the course of the strike; by recording the license plate numbers of the vehicles of nonstriking employees in an effort to dissuade them from working during the course of the strike; and by attempting to impede the progress of nonstriking employees entering and exiting the facility by spitting on the employees and on their vehicles; the Respondent, by and through the collective actions of its pickets, has restrained and coerced employees and thereby has engaged in unfair labor practices affecting commerce within the meaning of Section 8(b)(1)(A) and Section 2(6) and (7) of the Act.

REMEDY

Having found that the Respondent has engaged in certain unfair labor practices, we shall order it to cease and desist and to take certain affirmative action designed to effectuate the policies of the Act.

ORDER

The National Labor Relations Board orders that the Respondent, Local 247, International Brotherhood of Teamsters, AFL-CIO, Detroit, Michigan, its officers, agents, and representatives, shall

1. Cease and desist from

(a) Restraining and coercing employees, through the collective actions of its pickets at the picket line established at the Redford, Michigan facility of Wayne Oakland Building Supply Co., by throwing nails and other debris in the yard and driveway for the purpose of impeding ingress and egress at the facility entrance.

(b) Restraining and coercing employees, through the collective actions of its pickets at the Redford facility, by surrounding vehicles as they approached the entrance and exit and otherwise interfering with free vehicular access to the facility.

(c) Restraining and coercing employees, through the collective actions of its pickets at the picket lines established at the Redford and Pontiac facilities, by threatening to kill or otherwise physically harm nonstriking employees and their families because they were working for Wayne Oakland Building Supply Co. during the course of the strike.

(d) Restraining and coercing employees, through the collective actions of its pickets at the Redford facility, in the presence of nonstriking employees, by threatening customers of Wayne Oakland Building Supply Co. with physical harm in order to dissuade them from crossing the picket line.

(e) Restraining and coercing employees, through the collective actions of its pickets at the Redford facility, by obstructing the nonstriking employees of Wayne Oakland Building Supply Co. in the course and conduct of their job duties by following them to their jobsites and attempting to cause them to have vehicular accidents.

(f) Restraining and coercing employees, through the collective actions of its pickets at the Pontiac facility, by attempting to physically attack a seasonal yard nonstriking employee through the use of a picket sign because he was working for Wayne Oakland Building Supply Co. during the course of the strike.

(g) Restraining and coercing employees, through the collective actions of its pickets at the Redford facility, by recording the license plate numbers of the vehicles of nonstriking employees in an effort to dissuade them from working during the course of the strike.

(h) Restraining and coercing employees, through the collective actions of its pickets at the Redford facility, by attempting to impede the progress of nonstriking employees entering and exiting the fa-

cility by spitting on the employees and on their vehicles.

(i) 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 appropriate action necessary to effectuate the policies of the Act.

(a) Post at its union office copies of the attached notice marked "Appendix."² Copies of the notice, on forms provided by the Regional Director for Region 7, after being signed by the Respondent's authorized representative, shall be posted by the Respondent 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 the Respondent to ensure that the notices are not altered, defaced, or covered by any other material.

(b) Sign and return to the Regional Director sufficient copies of the notice for posting by Wayne Oakland Building Supply Co., if willing, at all places where notices to employees are customarily posted.

(c) Notify the Regional Director in writing within 20 days from the date of this Order what steps the Respondent has taken to comply.

² If this Order is enforced by a judgment of a United States court of appeals, the words in the notice reading "Posted by Order of the National Labor Relations Board" shall read "Posted Pursuant to a Judgment of the United States Court of Appeals Enforcing an Order of the National Labor Relations Board."

APPENDIX

NOTICE TO EMPLOYEES
POSTED BY ORDER OF THE
NATIONAL LABOR RELATIONS BOARD
An Agency of the United States Government

The National Labor Relations Board has found that we violated the National Labor Relations Act and has ordered us to post and abide by this notice.

WE WILL NOT restrain or coerce employees, through the collective actions of our pickets at the picket line established at the Redford, Michigan facility of Wayne Oakland Building Supply Co., by throwing nails and other debris in the yard and driveway for the purpose of impeding ingress and egress at the facility entrance.

WE WILL NOT restrain or coerce employees, through the collective actions of our pickets at the Company's Redford facility, by surrounding vehicles as they approach the entrance and exit and

otherwise interfering with free vehicular access to the facility.

WE WILL NOT restrain or coerce employees, through the collective actions of our pickets at picket lines established at the Company's Redford and Pontiac, Michigan facilities, by threatening to kill or otherwise physically harm nonstriking employees and their families because they were working for the Company during the strike.

WE WILL NOT restrain or coerce employees, through the collective actions of our pickets at the Company's Redford facility, in the presence of nonstriking employees, by threatening customers of the Company with physical harm in order to dissuade them from crossing the picket line.

WE WILL NOT restrain or coerce employees, through the collective actions of our pickets at the Company's Redford facility, by obstructing the nonstriking employees in the course of their job duties by following them to their jobsites and attempting to cause them to have vehicular accidents.

WE WILL NOT restrain or coerce employees, through the collective actions of our pickets at the

Company's Pontiac facility, by attempting to physically attack nonstriking employees through the use of a picket sign because they were working for the Company during the strike.

WE WILL NOT restrain or coerce employees, through the collective actions of our pickets at the Company's Redford facility, by recording the license plate numbers of the vehicles of nonstriking employees in an effort to dissuade them from working during the strike.

WE WILL NOT restrain or coerce employees, through the collective actions of our pickets at the Company's Redford facility, by attempting to impede the progress of nonstriking employees entering and exiting the facility by spitting on the employees and on their vehicles.

WE WILL NOT in any like or related manner restrain or coerce employees in the exercise of the rights guaranteed them by Section 7 of the Act.

LOCAL 247, INTERNATIONAL BROTHERHOOD OF TEAMSTERS, AFL-CIO