

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

IRVING E. GOTTSCHALK,
Regional Director of the Thirtieth Region of the
National Labor Relations Board, for and on behalf of the
NATIONAL LABOR RELATIONS BOARD,

Petitioner,

v.

Case No. 12-C-0152

PIGGLY WIGGLY MIDWEST, LLC,

Respondent.

ORDER GRANTING INJUNCTION UNDER SECTION 10(j)
OF THE NATIONAL LABOR RELATIONS ACT, AS AMENDED

This cause came to be heard upon the verified petition of Irving E. Gottschalk, Regional Director of Region Thirty of the National Labor Relations Board (Board), for preliminary injunction pursuant to Section 10(j) of the National Labor Relations Act, as amended (Act) [29 U.S.C. § 160(j)], pending the final disposition of the matters involved pending before the Board, and upon the issuance of an Order to Show Cause why injunctive relief should not be granted as prayed for in said petition. After due consideration of the record in this case, the court has issued its Findings of Fact and Conclusions of Law and has determined that there is a reasonable likelihood that the Regional Director will, in the underlying Board proceeding, establish that Respondent, Piggly Wiggly Midwest, LLC, has engaged in, and is engaging in, acts and conduct in violation of Sections 8(a)(1), (3) and (5) of the Act [29 U.S.C. §§158(a)(1), (3), and (5)], affecting commerce within the meaning of Sections 2(6) and (7) of the Act [29 U.S.C. §§152(6) and (7)], and that such acts and conduct will likely be repeated or continued unless enjoined. Thus,

IT IS ORDERED that pending final disposition of the matters before the Board involving Piggly Wiggly Midwest, LLC, and United Food and Commercial Workers Union, Local 1473 (Union),

1. Piggly Wiggly Midwest, LLC, its officers, agents, servants, employees, attorneys, and all persons acting in concert or participation with it or them are enjoined and restrained from:

a. Unilaterally reducing the status of bargaining unit employees from full-time to part-time status without first providing the Union with prior notice and an opportunity to bargain over changes to employees' wages, hours, and other terms and conditions of employment; and

b. Constructively discharging employees because of their membership in or activities on behalf of the Union, or in order to encourage or discourage membership in the Union and interfering with, restraining or coercing employees in the exercise of the rights guaranteed by Section 7 of the Act [29 U.S.C. § 157].

2. Piggly Wiggly Midwest, LLC, pending final Board adjudication, shall:

a. Bargain with the Union as its employees' exclusive collective-bargaining representative before implementing any changes in wages, hours, or other terms and conditions of employment of the employees in the subject two bargaining units;

b. Within five (5) days of this order, restore the status quo that existed for employees who were reduced from full-time to part-time prior to the reductions implemented on or about September 18, 2011, including but not limited to prospective restoration of the affected employees' health insurance;

c. Within five (5) days of this order, offer, in writing, immediate interim reinstatement to Laura Hoffmann, Tina Meinhardt, Jeffrey Gross and Lauriel Hansen to his or her former position at the terms and conditions of employment in effect prior to the reductions on or about September 18, 2011, or if those positions no longer exist, to substantially equivalent positions, without prejudice to their seniority or other rights and privileges, displacing, if necessary, any newly hired or reassigned workers;

d. Within fourteen (14) days, post a copy of this order at its Store 15, where notices to employees are posted customarily, said posting to be maintained during the Board's administrative proceedings, free from all obstructions and defacements;

e. Agents of the Board shall be granted reasonable access to Respondent's facility to monitor compliance with the court's posting requirement; and,

f. Within twenty (20) days, file with this Court, a sworn affidavit from its responsible officials setting forth with specificity, the manner in which it has complied with this order, including but not limited to when and how documents have been posted as required by this order.

Signed at Milwaukee, Wisconsin, at 11:00 a.m. this 18th day of May, 2012.

BY THE COURT

/s/ C. N. Clevert, Jr.

C. N. CLEVERT, JR.

CHIEF U. S. DISTRICT JUDGE