

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

M. KATHLEEN MCKINNEY, Regional
Director of Region 15 of the National
Labor Relations Board and on behalf
of the NATIONAL LABOR RELATIONS
BOARD

PETITIONER

V.

CIVIL NO. 4:14-cv-4037

SOUTHERN BAKERIES, LLC

DEFENDANT

ORDER

Before the Court is Petition for 10(j) Injunctive Relief filed by M. Kathleen McKinney (“McKinney”), the Regional Director of Region 15 of the National Labor Relations Board. (ECF No. 1). Defendant Southern Bakeries, LLC has responded. (ECF No. 20). McKinney has replied. (ECF No. 23). Defendant Southern Bakeries (“Southern Bakeries”) has filed a sur-reply. (ECF No. 29). Upon consideration, for the reasons discussed in the Memorandum Opinion of even date, the Court finds that the motion should be and hereby is **GRANTED**.

Pending final disposition of the matters currently before the Board in Cases 26-CA-077268, 26-CA-077536, 15-CA-101311, 15-CA-103186, 15-CA-104063, 15-CA-106033, 15-CA-107597, 15-CA-108613, 15-CA-109746, 15-CA-109753, 15-CA-109755 and 15-CA-115945, an injunction shall issue enjoining, restraining, ordering, and directing Southern Bakeries, LLC, its officers, agents, servants, employees, attorneys, and all persons acting in concert or participation with it or them, as follows:

- A. Enjoining and restraining Respondent Southern Bakeries, LLC to immediately cease and desist from:

1. failing and refusing to recognize and bargain in good faith with the Bakery, Confectionary, Tobacco Workers and Grain Millers International Union, Local 111 as the exclusive bargaining representative of the unit employees at Southern Bakeries, LLC;
2. making unilateral changes in the employees' wages, hours or other terms and conditions of employment;
3. refusing to allow representatives of the Union access to Southern Bakeries, LLC's facility in a manner consistent with the historical past practice;
4. interrogating employees about their union or other protected activity;
5. threatening employees with discharge, job loss, plant closure, futility, or other reprisals because of their union or other protected activity;
6. making comments disparaging the Union;
7. creating the impression that the employees' union or other protected activity is under surveillance; and
8. in any like or related manner, interfering with, restraining or coercing employees in the exercise of their Section 7 rights.

B. Ordering and directing Southern Bakeries, LLC, pending final Board adjudication, to:

1. recognize and, upon request, bargain in good faith with the Union as the exclusive collective-bargaining representative of the employees in the appropriate unit, concerning their terms or conditions of employment and, if an understanding is reached, embody the understanding in a signed collective-bargaining agreement;
2. allow representatives of the Union access to Southern Bakeries LLC's facility in a manner consistent with the historical past practice;

3. remove the video cameras from the employee break rooms;
4. post copies of the District Court's Order in English and Spanish, with the Spanish translation to be paid for by Southern Bakeries, LLC and approved by the Regional Director of Region 15, at all locations where Southern Bakeries, LLC notices to unit employees are customarily posted; maintain these postings free from all obstructions and defacements pending the Board's final adjudication of the administrative case; and grant to agents of the Board reasonable access to the facility to monitor compliance with this posting provision;
5. within ten (10) days of the date of this Order, hold a meeting or meetings at the Southern Bakeries, LLC's facility scheduled to ensure the widest possible audience at which a responsible management official, in the presence of a Board Agent, will read the District Court's Order to employees in both English and Spanish, or at Southern Bakeries, LLC's option, have a Board Agent read the Order in that official's presence; Southern Bakeries, LLC shall notify the Union in advance of the time and date of such meeting(s) and an official of the Union may be present at such meeting(s) to monitor the reading of the District Court's Order; and
6. within twenty (20) days of the issuance of this Order, file with the Court, with a copy submitted to the Regional Director for Region 15 of the Board, a sworn affidavit from a responsible official setting forth with specificity the manner in which Southern Bakeries, LLC has complied with the terms of this decree, including the identification of those locations where the Court's order has been posted.

This case shall remain on the docket of this Court and on compliance by Southern Bakeries, LCC with its obligations undertaken hereto, and upon disposition of the matters pending before the

Board, the Petitioner shall cause this proceeding to be dismissed within thirty (30) days of the Board's decision.

IT IS SO ORDERED, this 14th day of August, 2014.

/s/ Susan O. Hickey
Susan O. Hickey
United States District Judge