

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

NLRB v. D.A. Nolt, Inc.

D.A. Nolt · No. Nos. 04-2321, 04-2681 · Decided June 22, 2005

SUMMARY

The United States Court of Appeals for the Third Circuit issued an amended judgment enforcing a National Labor Relations Board order against D.A. Nolt, Inc. The judgment required the company to recognize and bargain with the union representing specified residential and commercial roofing employees, cease related unfair labor practices, post notices, and certify compliance.

CASE DETAILS

COURT	United States Court of Appeals for the Third Circuit
WRITING FOR THE COURT	Sloviter, Circuit Judge; Ambro, Circuit Judge; Aldisert, Circuit Judge
JURISDICTION	Federal
DECIDED	June 22, 2005
DOCKET	Nos. 04-2321, 04-2681
DISPOSITION	other
PROCEDURAL POSTURE	The National Labor Relations Board applied for enforcement of its order against D.A. Nolt, Inc., and D.A. Nolt cross-petitioned for review of the order.
PRECEDENTIAL VALUE	precedential
PARTIES	National Labor Relations Board v. D.A. Nolt, Inc.

TOPICS

[labor law](#)[collective bargaining](#)[unfair labor practices](#)[administrative law](#)[appellate procedure](#)

PRACTICE AREAS

[labor law](#)[administrative law](#)[appellate procedure](#)[remedies](#)

QUESTIONS PRESENTED

1. Whether the National Labor Relations Board's order requiring D.A. Nolt, Inc. to cease refusing to recognize and bargain with the Union and to take affirmative remedial action should be enforced.

2. Whether D.A. Nolt, Inc.'s cross-petition for review of the National Labor Relations Board's order should be granted.

HOLDINGS

1. The National Labor Relations Board order was enforced insofar as it required D.A. Nolt, Inc. to cease refusing to recognize and bargain with the Union, recognize the Union in the specified residential and commercial units, bargain concerning the residential unit, post the required notice, and certify compliance.

KEY QUOTATIONS

“This cause came to be heard upon an application filed by the National Labor Relations Board, to enforce an order of the National Labor Relations Board”

“Refusing to recognize and bargain with the Union as the exclusive collective-bargaining representative of its employees”

FACTUAL BACKGROUND

D.A. Nolt, Inc., a roofing company in Berlin, New Jersey, was subject to a National Labor Relations Board order concerning residential and commercial roofing employees. The amended judgment required the company to recognize the Union as the exclusive collective-bargaining representative for specified residential and commercial bargaining units and to bargain concerning the residential unit. The judgment also required the company to cease interfering with employees' rights under Section 7 of the National Labor Relations Act and to post and certify compliance notices.

PROCEDURAL HISTORY

The National Labor Relations Board issued an order on December 15, 2003, in Board Case Nos. 4-CA-30325-1 and 4-CA-30325-2. The Board sought enforcement in the Third Circuit, while D.A. Nolt sought review. After oral argument on February 14, 2005, the court issued an opinion on May 4, 2005, followed by the amended judgment dated June 22, 2005.

DISPOSITION

other