

**Anheuser-Busch, Incorporated and International Brotherhood of Teamsters, Local Union No. 1149.** Cases 3-CA-21796, 3-CA-21906, and 3-CA-22112

July 5, 2002

ORDER GRANTING IN PART AND DENYING IN PART RESPONDENT'S MOTION FOR RECONSIDERATION

BY CHAIRMAN HURTGEN AND MEMBERS LIEBMAN AND BARTLETT

On December 19, 2001, the National Labor Relations Board issued a Decision and Order in this case reported at 337 NLRB 3 (2001). The Board adopted an administrative law judge's decision that the Respondent violated Section 8(a)(1) of the Act by refusing to permit employee Patrick Lamirande his choice of steward at two disciplinary meetings; by threatening to discharge employee Brian Meany for engaging in protected speech at one of the Respondent's corporate communications meetings; and by threatening employee Joseph Rimualdo with reprisal for filing charges with the Board. Remedially, the Board ordered the Respondent to cease and desist from its unlawful conduct and to post a notice.

On January 16, 2002, the Respondent filed a motion for reconsideration of the Board's decision. In its motion, the Respondent seeks correction of an erroneous citation in the judge's decision and two modifications to the language of the notice. The Respondent also argues, with regard to the merits of the underlying decision, that the Board erred in its decision to adopt the judge's findings that the Respondent had violated the Act. The General Counsel and the Charging Party each filed reply briefs.

The National Labor Relations Board has delegated its authority in this matter to a three-member panel.<sup>1</sup>

With regard to the merits of the underlying decision, the Respondent's Motion reiterates the arguments previously considered and rejected by the Board. Accordingly, this portion of the Respondent's Motion is denied as raising nothing not previously considered and as lacking in merit.

The Respondent also seeks correction of two inadvertent errors by the Board and the judge. We grant that portion of the Motion and make the following modifications.

(1) In reproducing the judge's decision, present references to *Kidde Inc.*, in the paragraph beginning at the bottom of the right column on page 5, were incorrectly substituted for *GHR Energy Corp.*, 294 NLRB 1011

<sup>1</sup> Member Bartlett did not participate in the underlying case.

(1989), in the original judge's decision. The published judge's decision is corrected so that it appears as written when the judge issued the decision. See 337 NLRB 3, 9 (2001).

(2) The language of the Board's and the judge's notice failed to conform to the language of his recommended Order, which was adopted by the Board. The attached corrected notice which has also been modified with our recent decision in *Ishikawa Gasket America, Inc.*, 337 NLRB 175 (2001), should be substituted for the notice attached to the Board's decision.

(3) The Respondent also argues that the Order and notice provisions regarding employee Brian Meany are overbroad and could be interpreted as encompassing unprotected activity at corporate communications meetings. Upon consideration of the Respondent's arguments, we shall grant that portion of the Respondent's motion and make appropriate modifications to the Board's Order.<sup>2</sup>

ORDER

It is ordered that the Board's Order in the underlying decision (337 NLRB 3) is modified, and the Respondent, Anheuser-Busch, Inc., Baldwinsville, New York, its officers, agents, successors, and assigns, shall take the action set forth in the Order as modified.

1. Substitute the following as paragraph 1(b).

"(b) Threaten to discharge an employee if he or she engages in concerted protected activity, including engaging in such activity when speaking at corporate communications meetings."

2. Substitute the attached notice to employees for that which issued on December 19, 2001.

IT IS FURTHER ORDERED that the Respondent's motion for reconsideration of the Board's Decision and Order is denied in all other respects.

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 Federal labor law and has ordered us to post and obey this notice.

<sup>2</sup> The General Counsel argues that because the Respondent did not file exceptions to the notice and order as they appeared in the judge's decision, the Respondent has waived its right to present this third argument. We disagree. It is well established that the Board has full authority over the remedial aspects of its decisions, even in the absence of exceptions. See *Indian Hills Care Center*, 321 NLRB 144 fn. 3 (1996).

FEDERAL LAW GIVES YOU THE RIGHT TO

Form, join, or assist a union

Choose representatives to bargain with us on your behalf

Act together with other employees for your benefit and protection

Choose not to engage in any of these protected activities.

WE WILL NOT refuse to allow a requested steward to represent an employee absent extenuating circumstances,

in violation of the employee's rights under Section 7 of the Act.

WE WILL NOT threaten to discharge an employee if he or she engages in concerted protected activity, including engaging in such activity when speaking at corporate communication meetings.

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

ANHEUSER-BUSCH, INCORPORATED