



United States Government

NATIONAL LABOR RELATIONS BOARD

Region 8

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November 23, 2009

National Labor Relations Board
Attn: Lester Heltzer, Executive Secretary
1099 – 14th Street, NW
Washington, DC 20570

RE: Camaco Lorain Manufacturing Plant
Case No 8-CA-36785

Dear Mr. Heltzer:

Attached herein are the last 3 pages of General Counsel Exceptions and Brief in Support for the above-captioned case. The document was e-filed today at 2:44 p.m., confirmation number 121712. I failed to sign the Brief and Service page. Accordingly, the attached 3 pages are being filed as a replacement. I apologize for any inconvenience this may cause.

Sincerely,

A handwritten signature in black ink, appearing to read "Cheryl Sizemore".

Cheryl Sizemore
Counsel for the General Counsel
Region 8

Electronically filed

all week during that time period.¹² Jt. Exh. 10. Either Judge Locke did not take time to review Jt. Exh.10, and the obvious calculation errors, or he simply chose to ignore it when the evidence supported a wholly different conclusion.

Equally significant, once the Respondent discharged Serrano, the primary union activist and advocate for employee rights, no other employees were disciplined for failing to perform under the incentive program. In fact, the incentive program was terminated without fanfare.¹³ In other words, Serrano's predictions that the program would not work were correct. Serrano's only mistake was that he publicly criticized the program on behalf of himself and others, which caused Allen embarrassment. Allen's testimony that Serrano broke his spirit when he made the statement in front of everyone supports Counsel for the General Counsel's conclusion that Serrano's termination was motivated by his Union and/or protected concerted activities.

III CONCLUSION

Counsel for the General Counsel respectfully submits that Judge Locke's decision in these matters should be set aside to the extent that he failed to find the alleged violations of Section 8(a)(1) and (3) of the Act set forth in the Complaint.

Dated at Cleveland, Ohio this 23rd day of November 2009.

Respectfully submitted,



Cheryl Sizemore
Counsel for the General Counsel

¹² A review of Jt. Exh. 10 produced by Respondent disclose that the calculations of pieces per hour are incorrect for the first shift, and should be reflected as follows: 8/28/06-50.6 pieces, 8/29/06-50.74, 8/30/06-56.94, 8/31/06-48.24.

¹³ A review of Joint Exhibit 10 discloses that employees continued to miss the 60 parts per hour mark, but there is no evidence that anyone was counseled or disciplined for failure to meet the incentive production standard.

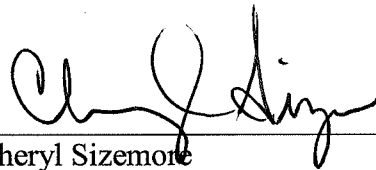
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PROOF OF SERVICE

I attest that a copy of the foregoing Exceptions and Brief in Support were e-mailed the 23rd day of November 2009 to the following:

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