

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

ARKEMA, INC.

and

Cases 16-CA-26371  
and 16-CA-26392

UNITED STEELWORKERS OF AMERICA,  
LOCAL 13-227

ARKEMA, INC.

Employer

and

GREG SCHRULL

Petitioner

Case 16-RD-1583

and

UNITED STEELWORKERS OF AMERICA,  
LOCAL 13-227

Union

**MOTION FOR EXTENSION OF TIME TO FILE**  
**ANSWERING BRIEF AND CROSS EXCEPTIONS TO**  
**THE DECISION OF THE ADMINISTRATIVE LAW JUDGE**

COMES NOW Counsel for the General Counsel, pursuant to Section 102.46 of the Board's Rules and Regulations, Series 8, as amended, and submits this Motion for an Extension of Time to file its Answering Brief and Cross Exceptions to the National Labor Relations Board, hereinafter Board, and in support of said Motion, Counsel for the General Counsel offers the following:

1.

On September 17, 2009, the Honorable Administrative Law Judge Michael A. Marcionese issued a Decision and Recommended Order finding that Respondent had violated

Section 8(a)(1) by soliciting employees to report the protected activities of their coworkers, by impliedly threatening employees with unspecified reprisals for engaging in protected activities, and by informing employees that they had no rights under the collective-bargaining agreement at a time when it was still in effect. The Judge also found that Respondent separately violated Section 8(a)(1) and 8(3) by issuing disciplinary warnings to its employees. Finally, the Judge found that Respondent violated Section 8(a)(5) of the Act by withdrawing recognition from and refusing to recognize and bargain with the Charging Party; by making unilateral changes without affording the Charging Party notice and an opportunity to bargain regarding such changes; and by bypassing the Charging Party and dealing directly with unit employees.

**2.**

On October 15, 2009, Respondent filed Exceptions, and Brief in Support of its Exceptions, to the Decision and Recommended Order of the Judge. Pursuant to Section 102.46(d) of the Board's Rules and Regulations, the due date for the Counsel for the General Counsel to file his Answering Brief in Opposition to Respondent's Exceptions is October 28, 2009. Moreover, pursuant to Section 102.46(e), Counsel for the General Counsel's Cross Exceptions and Supporting Brief are due on or before October 28, 2009.

**3.**

Respondent filed a total of sixty-one (61) exceptions to the Judge's Decision and Recommended Order. These exceptions, and supporting brief, raise numerous issues requiring a response from the General Counsel. Moreover, the undersigned is one of only three investigatory agents in the Houston Resident Office and is currently assigned a number of priority investigative matters and imminent representation hearings. Accordingly, Counsel for the

General Counsel submits that the available time is insufficient to adequately answer Respondent's exceptions and file any necessary cross exceptions to the Judge's Decision.

4.

Counsel for the General Counsel has contacted Counsel for the Charging Party and Counsel for the Respondent. Neither Charging Party nor Respondent opposes the instant Motion. Despite many attempts, Counsel for the General Counsel was unable to contact the Petitioner in the related representation case to ascertain his position.<sup>1</sup>

5.

Based on the foregoing, Counsel for the General Counsel respectfully requests that the due date for Counsel for the General Counsel's Answering Brief and Cross Exceptions in this matter be extended from October 29, 2009 to November 10, 2009.

**DATED** at Houston, Texas, this 23rd day of October, 2009.



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**Counsel for the General Counsel  
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<sup>1</sup> The decertification petitioner, Greg Schrull, did not enter an appearance nor testify at the hearing.

## CERTIFICATE OF SERVICE

I hereby certify that, on October 23, 2009, a copy of the *Motion For Extension Of Time To File Answering Brief and Cross Exceptions to the Decision of the Administrative Law Judge* was electronically served upon each of the following:

National Labor Relations Board  
Attn: Lester A. Heltzer, Executive Secretary  
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**(Via e-filing)**

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*(R-Case Petitioner -- bigdawg051667@aol.com)*

Dated on this 23<sup>rd</sup> day of October 2009, at Houston, TX.



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