UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

Drivers, Chauffeurs, and Helpers, Local Union No. 639, a/w International Brotherhood of Teamsters Charging Party,	:	Case No. 5-CA-35043
- and -	:	
Daycon Products Company, Inc. Respondent.	:	

RESPONDENT'S CROSS-EXCEPTIONS TO THE ADMINISTRATIVE LAW JUDGE'S DECISION

EPSTEIN BECKER & GREEN, P.C.
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Paul Rosenberg, Esq.
Attorneys for Daycon Products Company, Inc.

Dated: March 12, 2010

Respondent Daycon Products Company Inc. ("Daycon"), pursuant to Section 102.46 of the National Labor Relations Board Rules and Regulations, cross-excepts to the January 8, 2010 Decision and Order of Administrative Law Bruce D. Rosenstein (the "ALJ") as follows:

1. The ALJ erred in limiting questioning of the business agent for the Charging Party regarding the wage negotiations on the current and prior bargaining agreement, as such questioning would have shown that the wage proposals were the same as in prior negotiations, rather than specifically tailored based on the wage scale document (Tr. at p. 104-05)

2. The ALJ erred in limiting questioning of the business agent for the Charging Party regarding the contractual minimums and their permissive nature, as such questioning would have shown that Daycon had the right to unilaterally raise and to lower wages, so long as it paid the minimums in the collective bargaining agreement. (Tr. at pp. 95-101)

3. The ALJ erred in limiting questioning of the business agent for the Charging Party regarding the union dues being based on the hourly wage rates, as such questioning would have shown that the union was well aware of the various wage rates in place throughout the administration of the contracts. (Tr. at p. 118)

Dated: March 12, 2010
Washington, DC

Respectfully submitted,

EPSTEIN BECKER & GREEN, P.C.

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