UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
TWENTY-SEVENTH REGION

ALLIANCE MECHANICAL, INC.

Respondent

and Case 27-CA-21338

ROAD SPRINKLER FITTERS LOCAL
UNION NO. 669

Charging Party

**ACTING GENERAL COUNSEL'S EXCEPTIONS TO
THE ADMINISTRATIVE LAW JUDGE'S DECISION AND ORDER**

Pursuant to the Board's Rules and Regulations, series 8, Section 102.46, Counsel for the Acting General Counsel of the National Labor Relations Board files the following exceptions to the Administrative Law Judge's Decision and Order in this matter:

1. The Administrative Law Judge's failure to include in the Proposed Order and Notice to Employees the standard remedy for his conclusion of law that Respondent violated Section 8(a)(3) and (1) of the Act by failing to consider Aaron Hoffman for hire, including language requiring Respondent to consider Aaron Hoffman for future openings and to consider him for the openings in accord with nondiscriminatory criteria; and language requiring Respondent to notify Aaron Hoffman, the Charging Party, and the

Regional Director of future openings in positions for which Aaron Hoffman applied or substantially equivalent positions. (ALJD P 10 L 26-27; ALJD P 16-17).[1]

2. The Administrative Law Judge's failure to include in the Proposed Order and Notice to Employees the standard remedy for his conclusion of law that Respondent refused to consider for hire employees who refused to relinquish their Section 7 rights in violation of Section 8(a)(3) and (1) of the Act, including language requiring Respondent to consider for future openings, in accord with nondiscriminatory criteria any applicant after March 2009 who it failed to consider for employment due to its unlawful employment policy; and an order requiring Respondent to notify any such applicants, the Charging Party, and the Regional Director of future openings in positions for which any such applicant applied or substantially equivalent positions. (ALJD P 15 L 1-5; ALJD P 16-17).

3. The Administrative Law Judge's inadvertent failure to include in the Proposed Order a provision requiring Respondent to provide the Regional Director with the names of all employee applicants since March 2009 and the dates they applied to work for Respondent. (ALJD P 15 L 19-20; ALJD P 16-17).

4. The Administrative Law Judge's failure to include in the Proposed Order a provision requiring Respondent to provide the Regional Director with the employment applications of all employee applicants since March 2009 and the most recent contact information for all such employee applicants. (ALJD P 16-17).

5. The Administrative Law Judge's failure to include in the Proposed Order a provision requiring Respondent to preserve and make available to the Regional Director

[1] "ALJD" refers to the Administrative Law Judge's Decision and Proposed Order, followed by the page and line numbers.

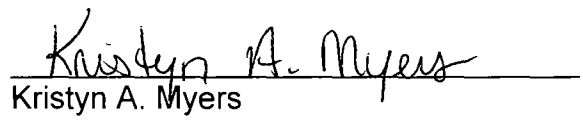
records necessary to calculate the amount of backpay due under the terms of the Proposed Order. (ALJD P 16-17).

6. The Administrative Law Judge's failure to include in the Proposed Order a provision that Respondent mail the Notice to Employees to all employees and to all employee applicants since March 2009. (ALJD P 16-17).

7. The Administrative Law Judge's inadvertent error characterizing the questioning of employee Aaron Hoffman on page 9 of the Decision as being conducted by "Ms. Myers" where the questioning was being conducted by Mr. Aho. (ALJD P 9 L 4-12).

Dated at Denver, Colorado, this 17th day of September, 2010.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a copy of Acting General Counsel's Exceptions to the Administrative Law Judge's Decision and Order, together with a Certificate of Service, was served as indicated below, on September 17, 2010, on the following parties:

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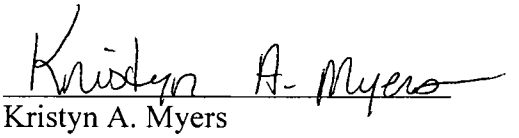

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