

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 34**

COSTCO WHOLESALE CORPORATION

and

UNITED FOOD AND COMMERCIAL WORKERS  
UNION, LOCAL 371

Case No. 34-CA-12421

**COUNSEL FOR THE ACTING GENERAL COUNSEL'S LIMITED CROSS-  
EXCEPTIONS TO THE DECISION OF THE ADMINISTRATIVE LAW JUDGE**

Pursuant to Section 102.46(e) of the Board's Rules and Regulations, Series 8, as amended, Counsel for the Acting General Counsel files the following limited cross-exceptions to the Decision and Order of Administrative Law Judge Steven B. Fish:

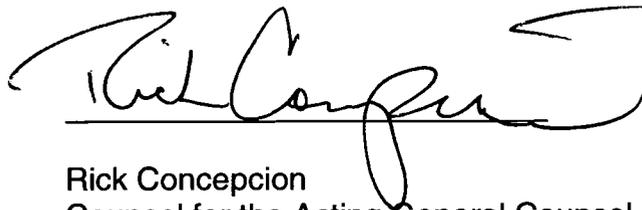
1. Counsel for the Acting General Counsel excepts to the judge's failure to find a violation relating to the allegation appearing at paragraphs 9(c) and 10 of the November 30, 2009 Complaint and Notice of Hearing, which reads: "Costco recognizes the benefits associated with electronic communications for business use. All employees are *responsible for communicating with appropriate business decorum* whether by means of e-mail, the Internet, hard-copy, in conversation, or using other technology or electronic means. Misuse or excessive personal use of Costco technology or electronic communications is a violation of Company policy for which you may be disciplined, up to and including termination of employment. Your use of Costco technology and electronic communication systems represents your agreement with the following policies. Any communication transmitted, stored or displayed electronically must comply with the

policies outlined in the Costco Employee Agreement. Employees should be aware that *statements posted electronically (such as online message boards or discussion groups) that damage the Company, defame any individual or damage any person's reputation, or violate the policies outlined in the Costco Employee Agreement, may be subject to discipline, up to and including termination of employment.*" (GCX 1(m))(allegation italicized).

2. Counsel for the Acting General Counsel excepts to the judge's findings and conclusions that the General Counsel's reliance on the administrative law judge's findings in "the relatively recent case of Ridgeview Industries, 353 NLRB 1096 (2009) ...has no precedential value here" because "there were no exceptions to the judge's finding that the employer violated Section 8(a)(1) of the Act by maintaining rules prohibiting employees from engaging in behavior designed to create discord or lack of harmony...[T]hus, the judge's finding, although affirmed by the Board, cannot be cited as authority for finding the rule unlawful...Accordingly...I recommend dismissal of these complaint allegations." (ALJD p. 19, lines 28-35; p. 20, lines 1-2).

Dated at Hartford, Connecticut, this 27th day of October, 2010.

Respectfully submitted,



Rick Concepcion  
Counsel for the Acting General Counsel  
National Labor Relations Board  
Region 34  
Hartford, Connecticut