UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

B&C FIRE PROTECTION	:	
	:	
Employer,	:	
	:	
And	:	
	:	
ROAD SPRINKLER FITTERS LOCAL UNION NO. 669, U.A., AFL-CIO,	:	**Case No. 10-RC-15801**
	:	
Petitioner.	:	

<u>LOCAL 669'S EXCEPTIONS TO THE</u>
<u>REPORT AND RECOMMENDATION OF THE REGIONAL DIRECTOR</u>

Pursuant to Section 102.69 of the Rules and Regulations of the National Labor Relations Board, Road Sprinkler Fitters Local Union No. 669, U.A., AFL-CIO ("Local 669," "the Union," or "Petitioner"), by undersigned counsel, respectfully submits the following Exceptions to the Report and Recommendation on Challenged Ballots issued on October 28, 2010, by the Regional Director for Region 10 in the above-referenced matter.[1]

Local 669 specifically excepts to the following:

[1] Citation to the Regional Director's decision in this matter will be designated by the abbreviation "RDD, p. ___." The grounds for each exception, including reference to the record and supporting legal authorities and argument, have been set forth in the supporting brief filed along with these Exceptions.

1. The Regional Director's sustaining B&C Fire Protection's ("B&C," "the Employer," or "Respondent") challenges to the ballots submitted by Ron Parker and Bob Massey in the election held on September 23, 2010. RDD, *passim*.
2. The Regional Director's crediting of the RW Smith Company job superintendent's contention that Parker and Massey were slow and that the pipe-fitting job at Bethany Primitive Baptist Church would not be completed in a timely fashion with them on the job. RDD, p. 3.
3. The Regional Director's crediting of the RW Smith Company job superintendent's contention that Parker had a negative attitude. *Id.*
4. The Regional Director's crediting of the Multiplex LLC job superintendent's contention that Parker and Massey had failed to raise the elevations to a specified height as instructed and that they put the project behind schedule. *Id.*
5. The Regional Director's failure to consider that the Bethany Primitive Baptist Church job was four months behind when Parker and Massey were assigned to the job.
6. The Regional Director's failure to consider that the blueprints which Parker and Massey were instructed to follow had them installing pipe at the wrong elevations, requiring extensive correction to the installation.

7. The Regional Director's failure to consider that Parker and Massey had over forty years of experience in the sprinkler trade.
8. The Regional Director's failure to find that Parker and Massey were laid off for their Union activity. RDD, p. 4.
9. The Regional Director's finding that Parker and Massey were permanently laid off for cause. *Id.*
10. The Regional Director's finding that neither Parker nor Massey was entitled to vote because they lacked employee status at the time of the election. *Id.*
11. The Regional Director's failure to consider the Employer's shifting reasons for laying off Parker and Massey, having been initially told they were being laid off for lack of work and then subsequently having their ballots challenged by the Employer under the guise that they were "permanently laid off for poor work performance."
12. The Regional Director's failure to consider Parker's and Massey's appearance on the Employer's *Excelsior* list, whose inclusion was subsequently challenged by the Employer itself.
13. The Regional Director's finding that Parker and Massey had no reasonable expectation of recall after Parker was told upon being hired that there was "plenty of work." RDD, p. 4.

Dated: November 29, 2010

Respectfully submitted,

/s/ Natalie C. Moffett
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CERTIFICATE OF SERVICE

I hereby certify that on November 29, 2010, Local 669's Exceptions to the Report and Recommendation of the Regional Director along with Local 669's Brief in Support was electronically filed and served on Region 10 via the e-filing room of the NLRB's website and were also served on the following by electronic mail:

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