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Attorneys for Employer HYUNDAI AMERICA SHIPPING AGENCY

UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

| | |
|---|---|
| HYUNDAI AMERICAN SHIPPING AGENCY,<br><br>Employer,<br><br>and<br><br>SANDRA L. MCCULLOUGH, an individual,<br><br>Charging Party. | CASE NO. 28-CA-22892<br><br>**EMPLOYER'S CROSS-EXCEPTIONS TO RECOMMENDED DECISION AND ORDER OF ADMINISTRATIVE LAW JUDGE** |

Respondent-Employer Hyundai American Shipping Agency ("Hyundai") files the following cross-exceptions to the Decision of Administrative Law Judge Gregory Z. Meyerson, [JD(SF)41-10] dated October 18, 2010:

**Exception 1.**

The Judge found violations on handbook policies although no charge was filed or investigated which states a claim on handbook policy issues. (Decision pp. 2-3 fn. 4, 11-16).

**Exception 2.**

The Judge denied Hyundai's motion to strike on handbook policy issues. (Decision pp. 2-3 fn. 4).

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**Exception 3.**

As to Hyundai's Electronic Communications and Information Systems policy, the Judge determined Hyundai acted unlawfully. (Decision pp. 12-13).

**Exception 4.**

As to Hyundai's Personnel Files policy, the Judge determined Hyundai acted unlawfully. (Decision pp. 13-14).

**Exception 5.**

As to Hyundai's Employee Conduct policy, the Judge determined Hyundai acted unlawfully. (Decision pp. 14-15).

**Exception 6.**

As to Hyundai's Standards of Conduct policy, Rule 14, the Judge determined Hyundai acted unlawfully. (Decision pp. 15-16).

**Exception 7.**

As to Hyundai's Standards of Conduct policy, Rule 16, the Judge determined Hyundai acted unlawfully. (Decision pp. 15,16-17).

**Exception 8.**

As to Hyundai's Standards of Conduct policy, Rule 21, the Judge determined Hyundai acted unlawfully. (Decision pp. 15,17).

**Exception 9.**

As to Hyundai's oral rules regarding communications during investigations, the Judge determined Hyundai acted unlawfully. (Decision pp. 17-19).

**Exception 10.**

The determination that Hyundai acted unlawfully by implementing and/or maintaining policy language creates a conflict between the Act and other duties Hyundai must satisfy under state, federal, Equal Employment Opportunity Commission, and other non-NLRA duties and relationships. The Judge's failure to recognize this conflict in his ruling puts Hyundai at imminent risk of violating either NLRA or other duties and relationships. (Decision pp. 11-19).

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**Exception 11.**

The Judge's failure to give guidelines on how Hyundai must comply with the Act and simultaneously with other law makes the Judge's ruling on handbook policy issues void for vagueness and lacking clarity for purposes of good faith compliance and adherence to legal standards going beyond the NLRA. (Decision pp. 11-19).

Dated: December 13, 2010

Respectfully submitted,

ATKINSON, ANDELSON, LOYA, RUUD & ROMO

By: _____

Thomas A. Lenz
Attorneys for Respondent-Employer
HYUNDAI AMERICA SHIPPING AGENCY

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**PROOF OF SERVICE**

(Code Civ. Proc. § 1013a(3))

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and am not a party to the within action; my business address is 12800 Center Court Drive, Suite 300, Cerritos, CA 90703.

On December 13, 2010, I served the following document(s) described as **EMPLOYER'S CROSS-EXCEPTIONS TO RECOMMENDED DECISION AND ORDER OF ADMINISTRATIVE LAW JUDGE** on the interested parties in this action by placing a true copy thereof enclosed in sealed envelopes addressed as follows:

| | |
|---|---|
| Lester A. Heltzer, Executive Secretary<br>NATIONAL LABOR RELATIONS BOARD<br>1099 - 14th St., NW, Room 11602<br>Washington, D.C. 20570-0001 | E-filing |
| Eva Herrera, Esq.<br>NLRB Region 28<br>2600 North Central Avenue, Suite 1800<br>Phoenix, AZ 85004-309 | Via e-mail<br>Tel: 602/640-2140<br>Fax: 602/640-2178<br>eva.herrera@nlrb.gov |
| Sandra L. McCullough<br>217 E. Auburn Drive<br>Tempe, AZ 85283 | Via Facsimile & e-mail<br>Tel: 408/345-1245<br>Fax: 602/692-3604 (not working)<br>Mothajones2000@gmail.com<br>CHARGING PARTY |
| Client | Via e-mail |

☒ **BY FAX**: I sent such document by use of facsimile. Facsimile confirmation was received for recipients' facsimile number indicated above pursuant to California Rules of Court Rule 2008(e). The facsimile machine I used complied with California Rules of Court Rule 2003(3) and no error was reported by the machine.

☒ **BY EMAIL:** I sent such document by use of electronic mail to the above email address(es) on the date indicated above. (CCP § 1013(a)) Such document was scanned and emailed, without error, to such recipient whose e-address is indicated above pursuant to CCP § 1013(a)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on December 13, 2010, at Cerritos, California.

Lisa Hoang