

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

WASTE MANAGEMENT RECYCLING OF
NJ

Employer

and

FRANK VELAZQUEZ, an individual

Petitioner

and

INTERNATIONAL BROTHERHOOD OF
TEAMSTERS, LOCAL 863

Union

CASE NO. 22-RD-1568

**IBT LOCAL 863'S EXCEPTIONS TO THE HEARING
OFFICER'S REPORT & RECOMMENDATION ON
OBJECTIONS**

Pursuant to Section 102.69 of the Board's Rules and Regulations, the International Brotherhood of Teamsters, Local 863 (hereinafter "Local 863") files Exceptions to the Report & Recommendation on Objections of Hearing Officer Nancy Slahetka (hereinafter "Hearing Officer").

1. Local 863 excepts to the Hearing Officer's conclusion that it did not establish a past practice whereby the employer, Waste Management Recycling of New Jersey (hereinafter "Waste Management") paid employees for attending union meetings during the shift change period between 4:30 pm and 5:30 pm. The existence of this past practice was established in the

record, and the employer's elimination of this past practice during the critical period violated Board policy and invalidated the election results, thereby warranting a new election.

2. Local 863 excepts to the Hearing Officer's conclusion that Waste Management did not disrupt the laboratory conditions and invalidate the election results by unilaterally eliminating an employee benefit during the critical period. Even assuming, arguendo, that a past practice was not established, the unilateral elimination of an employee benefit during the critical period, as a matter of law, disrupted the laboratory conditions of the election, violated Board policy, and invalidated the election results.

Local 863 submits herewith its brief in support of these Exceptions.

Respectfully submitted,

**ZAZZALI, FAGELLA, NOWAK,
KLEINBAUM & FRIEDMAN**
Attorneys for IBT, Local 863

By: 

Paul L. Kleinbaum, Esq.

Dated: August 26, 2011

Certificate of Service


The undersigned hereby certifies that IBT Local 863's Exceptions to the Hearing Officer's Report and Recommendation On Objections and Supporting Brief in support of the Exceptions were served on this date via either electronic filing or electronic mail upon the following persons:

Lester A. Heltzer, Executive Secretary
National Labor Relations Board
1099 14th Street, N.W.
Washington, D.C. 20570-1000

J. Michael Lightner, Regional Director
Region 22
National Labor Relations Board
20 Washington Place, 5th Floor
Newark, NJ 07102

Karl A. Fritton, Esq.
Reed Smith
2500 One Liberty Place
1650 Market Street
Philadelphia, PA 19103-7301

Dated: August 26, 2011



Paul L Kleinbaum, Esq.