

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
DIVISION OF JUDGES**

CHAUFFEURES, TEAMSTERS and	:	
HELPERS LOCAL UNION NO. 771,	:	
affiliated with INTERNATIONAL	:	
BROTHERHOOD OF TEAMSTERS and	:	
its JOINT COUNCIL NO. 53,	:	
	:	
Respondent,	:	CASE NO. 4-CB-10482
	:	
and	:	
	:	
PENNSY SUPPLY, INC., d/b/a	:	
READY-MIXED CONCRETE,	:	
	:	
Charging Party.	:	

**RESPONDENT’S EXCEPTIONS TO THE FINDINGS
AND DECISION OF THE ADMINISTRATIVE LAW JUDGE**

The Respondent, Teamsters Local Union No. 771, by and through its counsel, Ira H. Weinstock, P.C., respectfully submits the following Exceptions to the Administrative Law Judge’s Decision:

1. The Administrative Law Judge erred in equating genuine authority to “carry on meaningful bargaining regarding fundamental issues” with unilateral authority to reach a complete and binding agreement without union membership ratification.
2. The Administrative Law Judge erred in determining that Mr. Wardrop “had complete and full authority, at all times, to enter into a final and binding collective bargaining agreement as well as any side agreements with the Employer.”

3. The Administrative Law Judge erred in determining that the Employer was not informed of the need for additional approvals in order to enter into a final and binding agreement, and that the agreement was final and binding.

4. The Administrative Law Judge erred in determining that the side letter was not a condition precedent to a complete agreement.

5. The Administrative Law Judge erred in finding that the Respondent engaged in unfair labor practices within the meaning of Section 8(b)(3) of the Act.

WHEREFORE, the Respondent respectfully requests that the Board vacate the findings, conclusions, and recommended Order, and determine that no unfair labor practices were committed by the Respondent.

Respectfully Submitted,

IRA H. WEINSTOCK, P.C.

800 North Second Street

Harrisburg, PA 17102

Phone: 717-238-1657

By: _____
IRA H. WEINSTOCK

CERTIFICATE OF SERVICE

AND NOW, this 22nd day of September, 2011, I, Ira H. Weinstock, Esquire, attorney for the Respondent, hereby certify that I served the within **RESPONDENT'S EXCEPTIONS TO THE FINDINGS AND DECISION OF THE ADMINISTRATIVE LAW JUDGE** this day by emailing same to:

Margaret M. McGovern, Esquire (for the Acting General Counsel)
(Margaret.McGovern@nlrb.gov)

Vincent Candiello, Esquire (for the Charging Party)
(vcandiello@postschell.com)

By: _____
IRA H. WEINSTOCK