

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
WASHINGTON, D.C.

WELLINGTON INDUSTRIES, INC.,

Respondent,

*-and-*

Case No. 7-CA-061568

LOCAL 174, INTERNATIONAL UNION, UNITED  
AUTOMOBILE, AEROSPACE AND AGRICULTURAL  
IMPLEMENT WORKERS OF AMERICA (UAW), AFL-CIO,

Charging Party,

*-and-*

INDEPENDENT UNION LOCAL ONE,

Party to the Contract.

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**EXCEPTIONS OF RESPONDENT,**  
**WELLINGTON INDUSTRIES, INC.**

NOW COMES the Respondent, WELLINGTON INDUSTRIES, INC., by and through its attorneys of record, PLUNKETT COONEY and STANLEY C. MOORE, III, and for its exceptions to the Administrative Law Judge's ("ALJ") Decision<sup>1</sup>, states as follows:

1. The Respondent takes exception to the ALJ's acceptance of the Board's affirmation of Administrative Law Judge Locke's conclusion that Respondent violated Section 8(a)(5) and (1) of the Act by refusing to negotiate with Local Union One if

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<sup>1</sup> Hereinafter, reference to the Administrative Law Judge's Decision dated January 9, 2012 shall be referred to as "ALJ's Decision at page \_\_\_ and lines \_\_\_."

Zimmick was present at the collective bargaining sessions, 357 NLRB No. 137 (*ALJ Decision at page 2, lines 40-42*).

2. The Respondent takes exception to the ALJ's acceptance of the Board's determination in a footnote wherein the Board noted it had already reviewed the validity of the affiliation and declined to reconsider it (*ALJ Decision at page 2, lines 42-44*).

3. The Respondent takes exception to the ALJ's determination that the Board's February 11, 2011 Order dismissing the RM Petition and its December 9, 2011 Decision are dispositive of the instant case (*ALJ Decision, page 3, lines 36-37*).

4. The Respondent takes exception to the ALJ's determination that the Board has already considered the validity of the affiliation, found it valid, and has declined to reconsider this issue (*ALJ Decision, page 3, lines 37-38*).

5. The Respondent takes exception to the ALJ's conclusion that the Respondent violated Section 8(a)(5) in refusing to provide information to Local Union One, through John Zimmick, and refusing to allow John Zimmick to assist in grievance proceedings, including the Shane Cook grievance, because Independent Union Local One is validly affiliated with Local 174 of the UAW (*ALJ Decision, page 3, lines 40-44*).

### **CONCLUSION**

Respondent submits that the above Exceptions to the Decision of the Administrative Law Judge clearly show that the Administrative Law Judge erred in his findings of fact, conclusions of law, and decision to sustain the unfair labor practice charge.

For these reasons, Respondent submits to the Board that the Administrative Law Judge erred in his Decision, that his Decision should be reversed, and that the Charge and Amended Complaint should be dismissed.

Respectfully submitted by:

PLUNKETT COONEY

By: /s/Stanley C. Moore, III  
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Dated: February 6, 2012

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
WASHINGTON, D.C.

WELLINGTON INDUSTRIES, INC.,

Respondent,

*-and-*

Case No. 7-CA-53182

LOCAL 174, INTERNATIONAL UNION, UNITED  
AUTOMOBILE, AEROSPACE AND AGRICULTURAL  
IMPLEMENT WORKERS OF AMERICA (UAW), AFL-CIO,

Charging Party,

*-and-*

INDEPENDENT UNION LOCAL ONE,

Party to the Contract.

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**CERTIFICATION OF SERVICE**

I hereby certify that on Monday, February 6, 2012, a copy of the foregoing *Exceptions of Respondent, Wellington Industries, Inc.*, together with a copy of this *Certification of Service*, were served upon the following parties/attorney(s) of record by "E-Filing," electronic mail (where applicable), and/or regular U.S. mail at their stated business address(es).

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**PLUNKETT COONEY**

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