

NOT TO BE INCLUDED
IN BOUND VOLUMES

PGB
Cayey, PR

UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

CC 1 LIMITED PARTNERSHIP D/B/A
COCA COLA PUERTO RICO BOTTLERS

	Cases	24-CA-011018
and		24-CA-011032
		24-CA-011034
CARLOS RIVERA		24-CA-011035
		24-CA-011041
and		24-CA-011042
		24-CA-011044
CARLOS RIVERA-SANDOVAL		24-CA-011045
		24-CA-011046
and		24-CA-011047
		24-CA-011048
EDWIN COTTO-ROQUE		24-CA-011050
		24-CA-011057
and		24-CA-011058
		24-CA-011059
HECTOR SANCHEZ-TORRES		24-CA-011065
		24-CA-011072
and		24-CA-011081
		24-CA-011088
JOSE RIVERA-ORTIZ		24-CA-011095
		24-CA-011116
and		24-CA-011189
		24-CA-011193
VIDAL ARGUINZONI		24-CA-011194
and		
JAN RIVERA-MULERO		
and		
LUIS BERMUDEZ		
and		

HECTOR RODRIGUEZ

and

JUAN RIVERA-DIAZ

and

JOSE COLLAZO-FLORES

and

GABRIEL ROJAS-CRUZ

and

JOSE RIVERA-BARRETO

and

JOSE SUAREZ

and

JORGE OYOLA

and

PEDRO COLON-FIGUEROA

and

LUIS RIVERA-MORALES

and

JOSE RIVERA-MARTINEZ

and

VIRGINIO CORREA

and

CARLOS RIVERA-RODRIGUEZ

and

LUIS MELENDEZ

and

RAFAEL OYOLA-MELENDEZ

and

MIGUEL COLON

UNION DE TRONQUISTAS DE PUERTO RICO,
LOCAL 901, INTERNATIONAL BROTHERHOOD
OF TEAMSTERS

Cases 24-CB-002706
24-CB-002707

and

MIGDALIA MAGRIZ

and

SILVIA RIVERA

and

MARITZA QUIARA

ORDER DENYING MOTION FOR RECONSIDERATION

On September 18, 2012, the National Labor Relations Board issued its Decision and Order in this proceeding.¹ The Board found, among other things, that the Respondent Employer, CC-1 Limited Partnership d/b/a Coca-Cola Puerto Rico Bottlers (“Employer”), violated Section 8(a)(3) and (1) by terminating shop steward Miguel Colon for his participation in a September 9, 2008 work stoppage and by suspending and terminating employees for engaging in an October 2008 unfair labor practice strike.

¹ 358 NLRB No. 129.

On October 16, 2012, the Employer filed a Motion for Reconsideration. The Acting General Counsel filed an opposition to the motion.

Having duly considered the matter, we find that the Employer's motion fails to present "extraordinary circumstances" warranting reconsideration under Section 102.48(d)(1) of the Board's Rules and Regulations.

The Employer asserts three principal arguments: that the Board erred in finding Colon's termination unlawful, that the Board erred in finding the October 2008 strike protected, and that the Board should amend its Order and notice to reflect that certain allegations have been resolved through non-Board settlements. We reject these arguments for the reasons stated below.

Regarding Colon, the Employer asserts that the Board erred by finding that Article 12 of the parties' expired collective-bargaining agreement, on which the Employer relied in terminating Colon, did not survive the expiration of the contract. The Employer also asserts that the Board erred in adopting the judge's credibility determination regarding Colon's actions on the night of the work stoppage. Both issues were fully considered by the Board, see 358 NLRB No. 159, slip op. at 2 & fn. 5, and the Employer's motion presents no extraordinary circumstances that warrant reconsideration.

In addition, the Employer asserts for the first time that, even assuming Article 12 expired, the September work stoppage was nevertheless unprotected. Because the Employer failed to except to the judge's finding that the work stoppage was protected, we find that the Employer waived that argument; therefore, its request for the Board to reconsider that portion of the decision is untimely. See Sec. 102.46(b)(2) of the Board's

Rules (“Any exception . . . not specifically urged shall be deemed to have been waived.”).

Regarding the October 2008 unfair labor practice strike, the Employer asserts that, in finding that the strike was protected, the Board failed to consider evidence that the strikers “bypassed the Union and unilaterally conducted a strike that was contrary to the Union’s bargaining position.” The Board’s finding that the strike was protected was based on a thorough review of the record as a whole. See 358 NLRB No. 129, slip op. at 3-4. The Employer’s motion presents no extraordinary circumstances warranting reconsideration; it merely reiterates arguments previously considered and rejected by the Board.

Finally, the Employer argues that the Board should amend its Order and notice to remove the names of employees who entered into non-Board settlements with the Employer between the issuance of the judge’s decision and the Board’s Decision. We disagree. The Board amended its Order and notice to reflect all settlements that were made known to the Board before issuing its decision. The Board received no notice from the Regional Office, and the Employer has provided no evidence, that additional settlements had been reached. In any event, if the terms of the settlement agreements affect the Employer’s compliance obligations, the Employer may raise the issue in compliance proceedings.

IT IS ORDERED that the Motion for Reconsideration is denied.

Dated, Washington, D.C. , January 24, 2013.

Mark Gaston Pearce, Chairman

Richard F. Griffin, Jr., Member

Sharon Block, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD