UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

UNITED STATES POSTAL SERVICE

and Case 19-CA-092096

AMERICAN POSTAL WORKERS UNION, AFL-CIO,
PORTLAND, OREGON AREA, LOCAL 128

COUNSEL FOR THE GENERAL COUNSEL'S EXCEPTIONS TO THE DECISION OF THE ADMINISTRATIVE LAW JUDGE

Pursuant to § 102.46(a) of the Board's Rules and Regulations, Series 8, as amended, Counsel for the General Counsel hereby files the following exceptions to the Decision and Order of Administrative Law Judge Eleanor Laws (the "Judge") dated December 4, 2013, for the reasons set forth in the General Counsel's Brief in Support of Exceptions, filed herewith and made a part hereof, in the following specific ways:

1.) The Judge erred in finding that employee Cheryl Walton lost the Act's protection by acting in a persistently insubordinate, obstinate and disruptive manner designed to harass Supervisor Gina Babb. (pg. 12, lines 2-3)

2.) The Judge erred in finding that employee Cheryl Walton fabricated a request from employee Bob Mullin for steward time. (pg 14, line 11)

3.) The Judge erred in finding that employee Cheryl Walton attempted to request steward time that was never requested. (pg. 14, line 18)

4.) The Judge erred in finding that employee Cheryl Walton attempted to contact Babb for a nonexistent steward request. (pg. 14, fn. 13)

5.) The Judge erred in finding that Respondent's Temporary Stalking Protective Order ("TSPO") had a reasonable basis because Judge Jones granted Babb's petition and issued the order. (pg. 16, lines 34-35).

6.) The Judge erred in finding that Babb did not have an illegal objective when she filed the petition for the TSPO. (pg. 17, lines 4-5).

7.) The Judge erred in finding that the conduct Babb cited to support the TSPO fell outside the Act's protection. (pg. 17, line 5; pg. 18, line 6).

8.) The Judge erred in finding that the TSPO was not retaliatory. (pg. 16, lines 35-36).

9.) The Judge erred in rejecting the argument that the TSPO would have failed if it had been decided under Oregon law, based on her erroneous finding that Cheryl Walton's conduct was unprotected. (pg. 17, lines 13-17).

10.) The Judge erred in finding that the TSPO was not unlawful at its inception. (pg. 19, lines 6-7)

11.) The Judge erred in declining to award legal fees and expenses to the Union, despite finding that the TSPO enjoined conduct protected by the Act. (pg. 19, lines 9-11).

12.) The Judge erred in concluding that the analysis in *Atlantic Steel,* 245 NLRB 814 (1979) did not apply to the facts of this case. (pg. 13, fn. 11).

13.) The Judge erred by misciting the record and finding that the Union's motion to dismiss the TSPO was denied. (pg. 10, Lines 12-13).

14.) The Judge erred by misciting the transcript to include an accusation that Cheryl Walton slammed the swinging door on Supervisor Santoro. (pg. 5, Lines 34-35).

15.) The Judge erred in misciting the transcript to include testimony that Cheryl Walton said she was standing during her grievance meeting with Babb. (pg 12, Lines 21-23).

16.) The Judge erred in failing to find that Respondent violated § 8(a)(1) and (3) of the Act by issuing employee Cheryl Walton a letter of warning on September 26, 2012 (pg 18, Lines 27-28).

17.) The Judge erred in failing to find that employee Cheryl Walton's conduct on August 9, 2012, was protected by the Act.

18.) The Judge erred in failing to find that employee Cheryl Walton's conduct on September 8, 2012, was protected by the Act.

19.) The Judge erred in failing to find that employee Cheryl Walton's conduct on September 11, 2012, was protected by the Act.

Dated at Portland, Oregon, this 22nd day of January 2014.

Respectfully submitted,

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