UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

BOCH IMPORTS, INC. D/B/A BOCH HONDA; and INTERNATIONAL ASSOCIATION OF MACHINISTS & AEROSPACE WORKERS, DISTRICT LODGE 15, LOCAL LODGE 447	Case No. 1-CA-83551

RESPONDENT'S EXCEPTIONS TO THE ADMINISTRATIVE LAW JUDGE'S DECISION

March 3, 2014

LITTLER MENDELSON, P.C.
Anthony D. Rizzotti
Gregory A. Brown
One International Place, Suite 2700
Boston, MA 02110
617.378.6000

Attorneys for Respondent
BOCH IMPORTS, INC. D/B/A BOCH HONDA

Pursuant to the National Labor Relations Board's ("NLRB") rules and regulations, including 29 C.F.R. § 102.46 thereof, Boch Imports d/b/a Boch Honda ("Boch Honda" or "Respondent") respectfully files the following exceptions to the Administrative Law Judge's Decision ("Decision") issued by Administrative Law Judge Joel P. Biblowitz ("ALJ") on January 13, 2014.

No.	Page	Exception
1.	5:10-17	Boch Honda excepts to the ALJ's conclusion that the allegations contained in Paragraphs 7 and 8 are not moot and merit a finding of a violation.
2.	5:19-37	Boch Honda excepts to the ALJ's reliance on Passavant Memorial Area Hospital, 237 NLRB 138 (1978) and IBEW, Local 1316, 271 NLRB 338 (1984) as applied.
3.	5:39-41	Boch Honda excepts to the ALJ's conclusion that Boch Honda did not enter into discussions on modifications to the Employee Handbook with the Board's regional office until after the Complaint issued.
4.	5:41-43	Boch Honda excepts to the ALJ's conclusion that "in May, the Respondent issued a new Employee Handbook modifying the provisions . . . with the exception of the Dress Code provision."
5.	5:44-45	Boch Honda excepts to the ALJ's conclusion that "not all the requirements set forth in Passavant have been met."
6.	5:45-47	Boch Honda excepts to the ALJ's conclusion that "there have been no assurances by the Respondent that, in the future, it will not interfere with the employees' Section 7 rights."
7.	5:10-47	Boch Honda excepts to the ALJ's conclusion that the allegations contained

No.	Page	Exception
		in Paragraphs 7 and 8 of the Amended Complaint, which do not pertain to the Dress Code provision, are not moot because the Employee Handbook contains the Dress Code provision.
8.	9:2-3	Boch Honda excepts to the ALJ's conclusion that "it has not established any special circumstances warranting the prohibition of wearing 'insignias or other message clothing."
9.	9:7-8	Boch Honda excepts to the ALJ's conclusion that "[a] blanket prohibition such as the instant one . . . violates Section 8(a)(1) of the Act."
10.	9:5-9	Boch Honda excepts to the ALJ's reliance on Pathmark Stores, Inc., 342 NLRB 378 (2004) and Titus Electric Contracting, Inc., 355 NLRB 1357 (2010) as applied.
11.	9:19-22	Boch Honda excepts to the ALJ's conclusion that "Respondent violated Section 8(a)(1) of the Act by maintaining in its Employee Handbook from about December 21, 2011 to about May 2013, provisions relating to Confidential and Proprietary Information, Discourtesy, Inquiries Concerning Employees, Dress Code and Personal Hygiene, Solicitation and Distribution Policy, and Social Media Policy."
12.	9:27-29	Boch Honda excepts to the ALJ's conclusion that "Respondent violated Section 8(a)(1) of the Act by implementing and maintaining a rule in its Employee Handbook, effective May 2013, stating: 'Employees who have contact with the public may not wear insignias, or other message clothing.'"

No.	Page	Exception
13.	10:18-21	Boch Honda excepts to the ALJ's conclusion that "[a]s the Employee Handbook is effective at all Boch dealerships, and employees at all the dealerships presumably received the Handbook, it is appropriate that employees at all of these dealerships be aware of the findings herein."
14.	9:33-10:24	Boch Honda excepts to the ALJ's Remedy in its entirety.
15.	10:26-11:20	Boch Honda excepts to the ALJ's Order in its entirety, except to the portion ordering dismissal of the Amended Complaint.

WHEREFORE, Boch respectfully requests that the NLRB reject those portions of the ALJ's Decision excepted to, and conclude, as argued in Boch Honda's accompanying brief, that in accordance with the record evidence and relevant decisional authority, that the unfair labor practice charges against Boch Honda be dismissed.

Dated: March 3, 2014.

Respectfully submitted:

____/s/ Anthony D. Rizzotti_____

Anthony D. Rizzotti
arizzotti@littler.com
Gregory A. Brown
gbrown@littler.com
LITTLER MENDELSON, P.C.
One International Place, Suite 2700
Boston, MA 02110
617.378.6000

Attorneys for the Respondent

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the Motion for Extension of Time to File Exceptions to ALJ Decision was served on March 3, 2014, in the manner set forth below:

Gary Shinners, Executive Secretary National Labor Relations Board 1099 14th St. N.W. Washington, D.C. 20570-0001	E-filing
Daniel F. Fein Counsel for the Acting General Counsel NLRB – Region 1	E-mail to Daniel.Fein@nlrb.gov

10 Causeway Street, 6th Floor
Boston, MA 02222-1072

E. Michael Vartabedian — Overnight Delivery
Business Rep.
IAMAW, AFL-CIO, District Lodge 15
107 Main St., Suite A
Northborough, MA 01532-1913

James D. Smith — Overnight Delivery
Grand Lodge Rep.
IAMAW, AFL-CIO, DL 4
Executive Plaza III
135 Merchant St., Suite 265
Cincinnati, OH 45246-3734

Mark Schneider — Overnight Delivery
General Counsel
IAMAW, AFL-CIO
9000 Machinists Pl., Suite 202
Upper Marlboro, MD 20772-2675

____/s/ Gregory A. Brown_____
Gregory A. Brown

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