

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

**LABORERS' INTERNATIONAL UNION
OF NORTH AMERICA, LOCAL 872, AFL-CIO
(No Employer Named)**

and

Case 28-CB-065507

STEPHANIE SHELBY, an Individual

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

Pursuant to Section 102.46 of the Board's Rules and Regulations, Counsel for the Acting General Counsel (General Counsel), files the following Exceptions to the Decision of Administrative Law Judge Gerald Etchingham, [JD(SF)-24-12] (ALJD), issued on May 18, 2012, in this matter:

1. The Administrative Law Judge's (ALJ) failure to find that Laborers' International Union of North America, Local 872 (Respondent) violated Section 8(b)(1)(A) of the National Labor Relations Act (Act) by threatening to exclude Stephanie Shelby (Shelby) from Respondent's facility and summoning the police to remove Shelby from Respondent's facility. (ALJD at 15:40-43, 16:1-5)

2. The ALJ's dismissal of the allegation that Respondent attempted to cause and subsequently caused an employer to discriminate against its employees in violation of Section 8(b)(1)(A) and (b)(2) of the Act when it imposed a rule restricting Shelby's access to Respondent's facility without police escort. (ALJD at 19:5-6)

Dated at Las Vegas, Nevada, this 28th day of June 2012.

/s/ Larry A. Smith

Larry A. Smith

Counsel for the Acting General Counsel

National Labor Relations Board, Region 28

600 Las Vegas Boulevard South, Suite 400

Las Vegas, NV 89101

Telephone: (702) 388-6062

Facsimile: (702) 388-6248

E-mail: Larry.Smith@nlrb.gov

CERTIFICATE OF SERVICE

I hereby certify that a copy of ACTING GENERAL COUNSEL'S EXCEPTIONS TO THE DECISION OF THE ADMINISTRATIVE LAW JUDGE in LABORERS' INTERNATIONAL UNION OF NORTH AMERICA, LOCAL 872, AFL-CIO, Case 28-CB-065507, was served by E-Gov, E-Filing, and E-Mail, on this 28th day of June 2012, on the following:

Via E-Gov, E-Filing:

Lester A. Heltzer, Executive Secretary
Office of the Executive Secretary
National Labor Relations Board
1099 14th Street, N.W.
Washington, D.C. 20570

Via E-Mail:

David A. Rosenfeld, Attorney at Law
Weinberg, Roger & Rosenfeld
1001 Marina Village Parkway, Suite 200
Alameda, CA 94501
Email: drosenfeld@unioncounsel.net

Ms. Stephanie Shelby
609 Bursting Sun Avenue
North Las Vegas, NV 89032-8239
E-Mail: shelbys5454@gmail.com

/s/ Larry A. Smith

Larry A. Smith
Counsel for the Acting General Counsel
National Labor Relations Board, Region 28
600 Las Vegas Boulevard South, Suite 400
Las Vegas, NV 89101
Telephone: (702) 388-6062
Facsimile: (702) 388-6248
E-mail: Larry.Smith@nlrb.gov