

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

Brooklyn Park Automotive, Inc.,

Case No. 18-RC-081708

Employer,

**PETITIONER TEAMSTERS LOCAL
NO. 974'S EXCEPTIONS TO HEARING
OFFICER'S REPORT AND
RECOMMENDATION TO THE
BOARD ON OBJECTION TO
CONDUCT AFFECTING THE
RESULTS OF THE ELECTION**

v,

Teamsters Local No. 974,

Petitioner.

TO: Executive Secretary, National Labor Relations Board, 1099 14th Street NW,
Washington, DC 20570-0001

Pursuant to Section 102.69 of the Board's Rules and Regulations, Petitioner Teamsters Local No. 974 submits the following exceptions to the Hearing Officer's Report And Recommendation To The Board On Objection To Conduct Affecting The Results Of The Election of August 13, 2012, and Erratum of August 14, 2012:

1. The Hearing Officer's finding that the employer and its agent general manager Carter Doolittle did not engage in surveillance (Hearing Officer's Report, etc., p.17) is contrary to record evidence and well settled Board principles.

2. The Hearing Officer's failure and refusal to determine whether the employer's conduct "otherwise interfered with the election by the alleged action of stationing themselves at the base of the stairwell leading to the polling place and/or by the alleged action of pulling employees inside an office" (Id., 3, 17).

3. The Hearing Officer's failure and refusal to determine that the employer's conduct in meeting with employees during the election violated the Peerless Plywood rule, 107 NLRB 427 (1953).

4. The Hearing Officer's failure and refusal to determine that the employer's conduct in stationing management and supervisory personnel at a strategic access location for the polling area destroyed the secrecy of the ballot and interfered with the election.

Petitioner's exceptions are further supported by its attached Petitioner's Brief in Support of Exceptions to Hearing Officer's Report and Recommendation and its previously submitted Brief of Petitioner Teamsters Local No. 974 in Support of Objections to Election.

Dated: August 27, 2012

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