

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 2

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In the Matter of:

SANITATION SALVAGE CORP.

Employer,

And

Case No. 02-RC-070804

LOCAL 108, WASTE MATERIAL RECYCLING
INDUSTRIAL LABORERS

Petitioner

And

LOCAL 124, RECYCLING, AIRPORT, AND
INDUSTRIAL SERVICE EMPLOYEES UNION

Intervener

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**EMPLOYER'S EXCEPTIONS TO THE
HEARING OFFICER'S REPORT ON OBJECTIONS**

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On December 5, 2012, Hearing Officer Gregory B. Davis (hereinafter referred to as "Hearing Officer") issued a Report on Objections (hereinafter referred to as the "Report") sustaining two (2) of Petitioner's four (4) objections to the election, which was held August 16, 2012. The Employer hereby submits its exceptions to the Report.

STATEMENT OF EXCEPTIONS

I. The Hearing Officer Erred In Concluding that Charles Mahr Was an Agent of the Employer

1. The Hearing Officer erred in finding that Charles Mahr was an agent of the Employer. (Report pp. 7-10).

2. The Hearing Officer erred in finding that Employer invested Maher with actual authority to speak on its behalf. (Report p. 8).

3. The Hearing Officer erred in concluding that Employees took direction from Mahr. (Report p. 9).

4. The Hearing Officer erred in concluding that Mahr was regularly used as a "conduit" by management to convey work related messages of importance to drivers during their shift. (Report p. 9).

II. The Hearing Officer Erred in Concluding that Mahr's Conduct Had the Tendency to Interfere With the Employees Freedom of Choice

5. The Hearing Officer erred in concluding that Mahr's conduct had a tendency to interfere with employee free choice. (Report pp. 10-12).

6. The Hearing Officer erred in concluding that Mahr's isolated statements to two employees could have conceivably changed the outcome of an election that Local 124 won by twenty two votes. (Report. p. 11-12).

7. The Hearing Officer erred in concluding that Mahr threatened employees with a reduction of overtime if Local 108 won the election. (Report p. 17).

III. The Hearing Officer Erred in Concluding that the Employer through Danny Lally Coerced Employees to Vote Against Local 108

8. The Hearing Officer erred in concluding that the Employer, through Danny Lally coerced employees to vote against Local 108. (Report pp. 13-17).

9. The Hearing Officer erred in concluding that the Employer, by Danny Lally, created the impression that employees' activities on behalf of Local 108 were under surveillance. (Report p. 17).

10. The Hearing Officer erred in concluding that the Employer, by Danny Lally, threatened to discharge employees because of their support for Local 108. (Report p. 17).

11. The Hearing Officer erred in concluding that Employer, by Danny Lally, conveyed the impression to employees that voting for Local 108 would be futile. (Report p. 17).

IV. Remedy

12. The Hearing Officer erred in concluding that Petitioner's objections 2 and 4 have merit. (Report p. 17).

13. The Hearing Officer erred in recommending that the election be set aside and a new election conducted. (Report at p. 18).

Dated: White Plains, New York
December 19, 2012

Respectfully Submitted,

TRIVELLA & FORTE, LLP

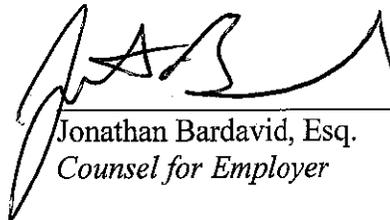


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CERTIFICATE OF SERVICE

I hereby certify that on December 19, 2012, I caused the foregoing EMPLOYER'S EXCEPTIONS TO THE HEARING OFFICER'S REPORT ON OBJECTIONS to be served by electronic mail as follows:

Gregory B. Davis, Hearing Officer (Greg.Davis@nlrb.gov)
Steven Kern, Counsel for Local 124 (skern@bislawfirm.com)
Tamir Rosenblum, Counsel for Local 108 (trosenblum@masontenders.org)



Jonathan Bardavid, Esq.
Counsel for Employer