

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD

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In the matter of:

BERKLEE COLLEGE OF MUSIC,

Employer,

and

BERKLEE FACULTY UNION, AFT,  
LOCAL 4412, AFT-MA, AFL-CIO,

Petitioner.  
.....

Case No. 01-CA-089878

**EMPLOYER'S EXCEPTIONS TO THE DECISION  
OF THE ADMINISTRATIVE LAW JUDGE**

Pursuant to Rule 102.46 of the Rules and Regulation of the National Labor Relations Board, Employer Berklee College of Music ("Berklee") hereby submits the following exceptions to the decision of Administrative Law Judge Susan Flynn ("the ALJ" or "the Judge"):

1. The Judge's finding that the Union did not waive all mid-term bargaining rights. Decision, p. 23.
2. The Judge's finding that the Union did not specifically waive bargaining over the effects of the change at issue here. Decision, p. 23.
3. The Judge's finding that decisions related to course content and academic schedules are subject to bargaining. Decision, p. 23.
4. The Judge's finding that the change at issue here was a change in terms and conditions of employment. Decision, p. 21.
5. The Judge's finding that the change at issue here had a material, substantial and significant effect. Decision, p. 21.

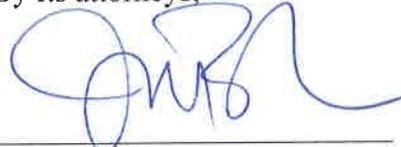
6. The Judge's finding that Berklee refused to bargain. Decision, p. 20.
7. The Judge's decision not to defer this dispute to arbitration under the principles set forth in Collyer. Decision, p. 1 n.1.
8. The Judge's decision not to dismiss this case in accordance with the contract coverage doctrine. (Not addressed in Decision).

In support of these exceptions, Berklee relies upon its Brief in Support of Its Exceptions to the Decision of the Administrative Law Judge, filed herewith.

WHEREFORE, Employer Berklee College of Music respectfully request that the Board dismiss the Complaint in its entirety.

**BERKLEE COLLEGE OF MUSIC**

By its attorneys,



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Dated: November 18, 2013

CERTIFICATE OF SERVICE

I, Rebecca J. Sivitz, hereby certify that on November 18, 2013, the above document was sent via email to counsel for the Union, Haidee Morris, General Counsel, AFTMA at hmorris@aftma.net and counsel for the General Counsel, Emily G. Goldman at Emily.Goldman@nlrb.gov.



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Rebecca J. Sivitz