

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

**TOTAL SECURITY MANAGEMENT  
ILLINOIS 1, LLC**

**Case 13-CA-108215**

**and**

**INTERNATIONAL UNION SECURITY  
POLICE FIRE PROFESSIONALS OF  
AMERICA (SPFPA)**

**RESPONDENT TOTAL SECURITY MANAGEMENT ILLINOIS 1, LLC'S  
EXCEPTIONS TO THE DECISION OF THE ADMINISTRATIVE LAW JUDGE**

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June 6, 2014

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**TOTAL SECURITY MANAGEMENT  
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EXCEPTIONS TO THE DECISION OF THE ADMINISTRATIVE LAW JUDGE**

Pursuant to Section 102.46 of the Rules and Regulations of the National Labor Relations Board (the "Board"), Respondent Total Security Management Illinois 1, LLC ("TSM" or the "Company") hereby files its Exceptions to the Administrative Law Judge's ("ALJ") Decision dated May 9, 2014.<sup>1</sup>

**Exception No. 1:**

TSM excepts to the ALJ's rejection of TSM's argument that the Board's decision in *Alan Ritchey, Inc.*, 359 NLRB No. 40 (2012) is void and has no precedential effect because the Board did not have a lawful quorum at the time it reached the decision. (ALJD, p. 3, lns. 10-14).

**Exception No. 2:**

TSM excepts to the ALJ's rejection of TSM's argument that the issuance of the Complaint in this matter was improper because the Acting General Counsel at the time the

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<sup>1</sup> References to the ALJ's Decision appear as "ALJD, p. \_\_, ln. \_\_." References to the Joint Stipulation of Facts appear as "Jt. Stip., ¶\_\_." References to the exhibits attached to the Joint Stipulation of Facts appear as "Jt. Stip., Ex. \_\_."

Complaint issued was not lawfully appointed and, therefore, lacked authority to issue the Complaint or to delegate power to the Regional Director to issue the Complaint. (ALJD, p. 3, lns. 14-16).

**Exception No. 3:**

TSM excepts to the ALJ's rejection of TSM's argument that the issuance of the Complaint in this matter was improper because the Regional Director at the time the Complaint issued was appointed by a Board that lacked the quorum necessary to make valid appointments and, therefore, the Regional Director lacked authority to issue the Complaint or to accept a delegation of authority from the Acting General Counsel. (ALJD, p. 3, lns. 16-19).

**Exception No. 4:**

TSM excepts to the ALJ's Conclusion of Law that TSM violated Section 8(a)(5) and (1) of the Act by discharging Nequon Smith ("Smith"), Jason Mack ("Mack") and Winston Jennings ("Jennings") without providing the Union with prior notice and an opportunity to bargain over the discharges. (ALJD, p. 4, lns. 3-8).

**Exception No. 5:**

TSM excepts to the ALJ's recommended Order, all of which is based on the ALJ's determination that TSM violated Section 8(a)(5) and (1) of the Act by discharging Smith, Mack and Jennings without providing the Union with prior notice and an opportunity to bargain over the discharges. (ALJD, p. 4, lns. 3-8, 29-42; p. 5, lns. 1-42; p. 6, lns. 1-8).

Respectfully submitted this 6<sup>th</sup> day of June, 2014.

TOTAL SECURITY MANAGEMENT  
ILLINOIS 1, LLC

By: /s/ Eugene A. Boyle  
One of Its Attorneys

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**CERTIFICATE OF SERVICE**

I hereby certify that on June 6, 2014, I caused the foregoing Respondent Total Security Management Illinois 1, LLC's Exceptions to the Decision of the Administrative Law Judge to be electronically filed via the NLRB E-Filing System and served by e-mail upon the following parties:

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