

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

UPS SUPPLY CHAIN SOLUTIONS, INC.

and

Case 12-CA-113671

INTERNATIONAL BROTHERHOOD OF
TEAMSTERS, LOCAL UNION NO. 769

**COUNSEL FOR THE GENERAL COUNSEL'S CROSS-EXCEPTION TO THE
ADMINISTRATIVE LAW JUDGE'S DECISION AND BRIEF IN SUPPORT THEREOF**

I. Cross-Exception

Pursuant to Section 102.46 of the Board's Rules and Regulations, Counsel for the General Counsel, hereby submits the following Cross-Exception to the Administrative Law Judge's Decision in the above-captioned case: The Administrative Law Judge erred by failing to require Respondent to post the Notice to Employees in languages other than English, including Spanish and other foreign languages as determined to be necessary by the Regional Director.

II. Statement of the Case

On November 28, 2014, the Honorable Ira Sandron, Administrative Law Judge (herein called the "ALJ") issued his Decision finding that Respondent violated Section 8(a)(1) and (5) of the Act by announcing and implementing changes in health insurance benefits without affording the Union prior notice and an opportunity to bargain. (ALJD 6:33-36). The ALJ also provided for a recommended remedy, Board Order, and Notice to Employees to remedy those violations of the Act. (ALJD 6:40 to 7:5; Appendix). On January 9, 2015, Respondent filed its Exceptions and Brief in Support of Exceptions. General Counsel is separately filing an Answering Brief to Respondent's Exceptions to Administrative Law Judge's Decision.

II. Argument

Respondent should be ordered to post the Notices to Employees in languages other than English, including Spanish and other foreign languages as determined to be necessary by the Regional Director.

Although the ALJ's Recommended Order requires Respondent to post the Board's Notice to Employees, it does not require Respondent to post the Notice in English, Spanish, and other languages as determined by the Regional Director to be necessary to fully communicate with employees at Respondent's Doral, Florida facility. (ALJD 7:37-8:4). The posting of Notices in Spanish is required in view of the composition of Respondent's workforce. Respondent employs a number of employees whose first language is Spanish, as reflected by the fact that employee witness Juan Nuñez, who is also part of the Union's bargaining committee, testified at the hearing before Judge Sandron through an interpreter. Nuñez also testified that Respondent officials made Spanish language announcements and explanations to employees, as well as English language announcements and explanations, with respect to the 2014 changes to employee health insurance benefits. (Tr. 33-80). Respondent's facility is located in South Florida, in the midst of a population that includes many persons whose first language is not English, many of whom will be better able to understand the Notice to Employees if it is written in their first language than if it is only in English. Accordingly, it is urged that the Board grant the General Counsel's cross-exception and provide for posting of the Notices to Employees in English, Spanish, and other languages as determined by the Regional Director to be necessary to fully communicate with employees at Respondent's Doral, Florida facility. *Hartman and Tyner, Inc., d/b/a Mardi Gras Casino & Hollywood Concessions, Inc.*, 361 NLRB No. 59, slip op. at 2 (2014); *Associated Builders and Contractors, Inc.*, 333 NLRB 955, 956 (2001); see also *Symphony Cleaners 44, Inc.*, 344 NLRB 684, 686, fn.2 (2005).

III. Conclusion

For the reasons set forth above, Counsel for the General Counsel respectfully urges the Board to grant General Counsel's cross-exception.

Dated at Miami, Florida, this 6th day of February, 2015.

Respectfully submitted,

/s/ Marinelly Maldonado

Marinelly Maldonado, Counsel for the General Counsel
51 SW 1st Avenue, Suite 1320
Miami, FL 33130
Telephone No. (305) 530-7034
Facsimile No. (305)536-5320
marinelly.maldonado@nlrb.gov

CERTIFICATE OF SERVICE

I hereby certify that Counsel for the General Counsel's Cross-Exception to the Administrative Law Judge's Decision and Brief in Support Thereof in the matter of UPS Supply Chain Solutions, Inc., Case 12-CA-113671, was electronically filed with the Executive Secretary of the National Labor Relations Board and served by electronic mail upon the below-listed parties on this 6th day of February, 2015, as follows:

Jonathan L. Sulds, Esq.
Greenberg Traurig, LLP
MetLife Building
200 Park Avenue
New York, NY 10166
suldsj@gtlaw.com

Angela Ramson, Esq.
Greenberg Traurig, LLP
Terminus 200, Suite 2500
3333 Piedmont Road NE
Atlanta, GA 30305
ramsona@gtlaw.com

Noah Scott Warman, Esq.
Sugarman & Susskind, PA
100 Miracle Mile, Suite 300
Coral Gables, FL 33134
nwarman@sugarmansusskind.com

/s/ Marinelly Maldonado

Marinelly Maldonado
Counsel for the General Counsel
National Labor Relations Board
Miami Resident Office, Region 12
51 S.W. 1st Avenue
Miami, FL 33130
marinelly.maldonado@nlrb.gov