

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 14-SUBREGION 17**

MEREDITH CORPORATION

and

Case 17-CA-077657

**AMERICAN FEDERATION OF TELEVISION
AND RADIO ARTISTS (AFTRA) KANSAS CITY LOCAL**

**RESPONSE TO BOARD'S NOTICE TO SHOW CAUSE AND STATEMENT IN
SUPPORT OF MOTION FOR SUMMARY JUDGMENT**

The Board issued a Decision, Certification of Representative, and Notice To Show Cause in this case on December 10, 2014, reported at 361 NLRB No. 128, wherein the Board again certified the Screen Actors Guild (SAG)- American Federation of Television and Radio Artists (AFTRA) Kansas City Local (Union) as the exclusive bargaining representative of the employees in the following appropriate unit (Unit):

All announcers, anchors, reporters/newscasters, directors, chief directors, news photographers, multi-media journalists, news editors, news producers, and production assistants. Excluding all office clerical employees, salespersons, guards, professional and supervisory employees as defined in the Act, and all other employees.

The Board's December 10, 2014 Decision, Certification, and Notice to Show Cause provided until on or before January 26, 2015 to show cause as to why the Board should not grant the General Counsel's Motion for Summary Judgment in this matter which was filed on May 2, 2012.

In response to the Board's Notice To Show Cause, Counsel for the General Counsel states that there has been no change in circumstances or additional events that alter the validity of the position and relief sought in the in Counsel for General Counsel's May 2, 2012 Motion for Summary Judgment. Specifically, at all material times Respondent has failed and refused to

bargain with the Union as the representative of employees in the Union described above.

Respondent acknowledged in its May 16, 2012 Response to the General Counsel's Motion For Summary Judgment, that it refused to recognize and bargain with the Union as the bargaining representative of all employees in the bargaining Unit and that no genuine issues of fact existed. Respondent contended in its May 16, 2012 Response that the Board could not grant the relief sought by the General Counsel in the Motion for Summary Judgment because the Board at that time lacked a quorum to act.

There is no question that the Board currently possesses the necessary quorum to grant the relief sought by the General Counsel. Similarly, the Board possessed the necessary quorum when it issued its December 10, 2014 Decision which again certified the Union as the bargaining representative of the employees in the bargaining Unit set forth above. Since the issuance of the Board's December 10, 2014 Decision and Certification of the Union, Respondent has continued to refuse to recognize and bargain with the Union as the exclusive collective-bargaining representative of employees in the Unit, notwithstanding the Union's renewed request for recognition and bargaining. Specifically, by a letter dated January 9, 2015, the Union again requested that Respondent recognize and and bargain with it and on January 15, 2015 Respondent, in writing, denied the Union's request based on the assertion that the Unit was not appropriate.

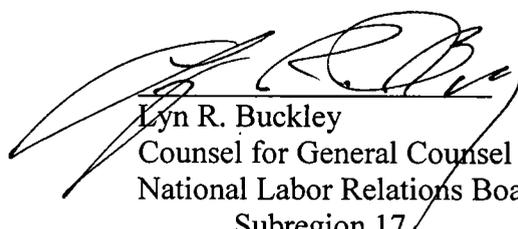
Where, as here, a party fails to meet and bargain following certification by the Board, it is the Board's policy that absent newly discovered or previously unavailable evidence or special circumstances, the party is not allowed to re-litigate, in a proceeding alleging unfair labor practices, issues that were, or could have been, litigated in a prior representation proceeding. *Macy's Inc.*, 361 NLRB No. 163 (January 7, 2015); *Westinghouse Broadcasting Company, Inc.*, 218 NLRB 693, 694 (1975); *Keco Industries, Inc.*, 191 NLRB 257,258 (1971). Because no genuine issue of fact exists

and in the absence of newly discovered evidence establishing that the certification was not proper, the Board should grant the General Counsel's Motion for Summary Judgment filed on May 2, 2012 and conclude that, as a matter of law, Respondent has violated Section 8(a)(1) and (5) of the Act, and order Respondent to recognize and bargain with the Union as the exclusive collective bargaining representative of employees in the Unit. In addition, it is respectfully requested that the Board provide the additional relief set forth in the Motion for Summary Judgment including an order that the initial certification year shall begin on the date Respondent commences to bargain in good faith with the Union as the certified bargaining representative of Unit employees, including the news producers.

Counsel for the General Counsel requests leave to respond to any matter Respondent raises in any response to the Board's December 10, 2014, Notice to Show Cause.

Dated at Overland Park, Kansas this 26th day of January, 2015.

Respectfully Submitted,



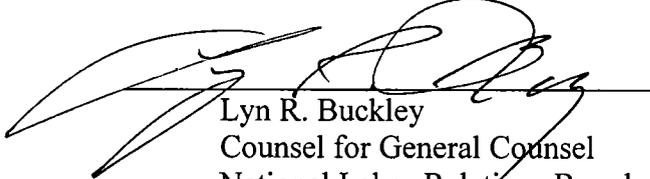
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CERTIFICATE OF SERVICE

This is to certify that on January 26, 2015 copies of Counsel for General Counsel's Response to Board's Notice to Show Cause and Statement in Support of Summary Judgment were served by email on:

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