

**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**

**GENERAL COUNSEL'S RESPONSE TO
BOARD'S FURTHER NOTICE TO SHOW CAUSE**

Pursuant to the Board's Order dated February 3, 2015, Counsel for General Counsel files this statement in support of its motion for summary judgment. In its February 3, 2015 Order, the Board granted General Counsel's motion to amend complaint, set a February 17, 2015 deadline for Respondent to file an answer to the amended complaint, and directed that cause be shown, in writing, on or before February 24, 2015 as to why the General Counsel's motion for summary judgment should not be granted, with any briefs or statements in support of the motion to also be filed by that date.

Respondent's Answer to Amended Complaint was filed on February 5, 2015. In its Answer To Amended Complaint, Respondent admitted that after the December 10, 2014 Board Order that again certified Screen Actors Guild (SAG)-American Federation of Television and Radio Artists, Kansas City Local (Union) as the exclusive collective-bargaining representative of the unit including all news producers employed by Respondent at the facility, the Union

renewed its demand for recognition and bargaining in a letter dated January 9, 2015, that Respondent denied the Union's demand in a letter dated January 15, 2015, and at all material times Respondent has refused to recognize and bargain with the Union as the representative of all employees in the bargaining unit found appropriate by the Board.

The only allegations of the Amended Complaint that Respondent denied were that news producers are properly included in the unit because Respondent continues to assert that they are statutory supervisors.¹ The issue of whether news producers are statutory supervisors was fully considered and resolved by the Board Decision and Certification of Representative issued December 10, 2014. Specifically, in the December 10, 2014t decision, the properly constituted Board considered and rejected Respondent's argument that news producers are statutory supervisors and are therefore not eligible for inclusion in the bargaining unit. *Meredith Corporation*, 361 NLRB No. 128, fn 3., Accordingly, the issue of whether the news producers are statutory supervisors has been determined and is not before the Board at this time.

Respondent also raised various affirmative defenses in its Answer to Amended Complaint, including, *inter alia*, the assertion that the Board continues to lack a proper quorum for the processing of this case, that the allegations in the Complaint have been waived and are barred by Section 10(b) of the Act, and that the Complaint fails to state a claim upon which relief can be based.

In summary, Respondent admits to its ongoing refusal to recognize and bargain with the Union pursuant to the results of the *Armour-Globe* election conducted on March 5, 2012,

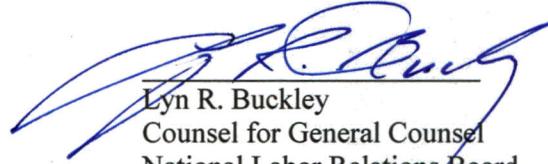
¹ Respondent also asserts that technical producers should not be included in the unit, but they were not included in the unit found appropriate by the Board in its Decision and Order dated December 10, 2015.

notwithstanding the Union's most recent certification of bargaining representative of the unit set forth in the Board's December 10, 2014 Decision and Order. Thus, a properly constituted Board has considered and rejected Respondent's contentions, yet Respondent persists in refusing to recognize and bargain with the Union. The affirmative defenses asserted by Respondent are patently frivolous. Respondent simply raises no legitimate defenses to its refusal to recognize and bargain with the Union pursuant to the Board's December 10, 2014 Decision and Order.

Where, as here, a party refuses 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, 2025); *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 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 all employees in the unit, including news producers. In addition, it is respectfully requested that the Board provide the additional relief described 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.

Dated at Overland Park, Kansas, this 13th day of February, 2015.

Respectfully Submitted,



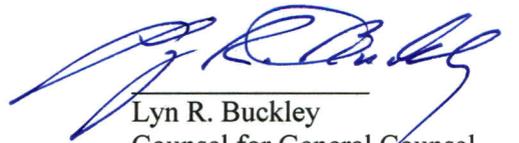
Lyn R. Buckley
Counsel for General Counsel
National Labor Relations Board
Subregion 17
8600 Farley, Suite 100
Overland Park, KS 66212-4677
Telephone: 913.967.3002
Facsimile: 913.967.3010
email: lyn.buckley@nlrb.gov

CERTIFICATE OF SERVICE

This is to certify that on January 22, 2015, copies of General Counsel's Response to Board's Further Notice To Show Cause were served by email on:

Kraig Schutter, Attorney
Masud Labor Law Group
4449 Fashion Square Blvd, Suite 1
Saginaw, MI 48603
Email: kschutter@masudlaborlaw.com

Christopher Repole, Labor Counsel
SAG-AFTRA
1900 Broadway, 5th Floor
New York, NY 10023
Email: chris.repole@sagaftra.org



Lyn R. Buckley
Counsel for General Counsel
National Labor Relations Board
Subregion 17
8600 Farley, Suite 100
Overland Park KS 66212
Phone 913.967.3002
Facsimile 913.967.3010
Email lyn.buckley@nlrb.gov