

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

**T-MOBILE USA, INC.**

**and**

**Case 14-CA-106906**

**COMMUNICATIONS WORKERS OF  
AMERICA**

**T-MOBILE USA, INC.**

**and**

**Cases 28-CA-106758  
28-CA-117479**

**COMMUNICATIONS WORKERS OF  
AMERICA, LOCAL 7011, AFL-CIO**

**METROPCS COMMUNICATIONS, INC.**

**Case 02-CA-115949**

**and**

**COMMUNICATIONS WORKERS OF  
AMERICA**

**T-MOBILE USA, INC.**

**Cases 28-CA-128653  
28-CA-129125  
10-CA-128492**

**And**

**COMMUNICATIONS WORKERS OF  
AMERICA, AFL-CIO**

**CHARGING PARTY'S  
BRIEF IN SUPPORT OF COUNSEL FOR THE GENERAL COUNSEL'S  
EXCEPTIONS TO THE DECISION OF THE ADMINISTRATIVE LAW JUDGE**

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Pursuant to Rule 102.46 of the Rules and Regulations of the National Labor Relations Board (“NLRB”), Charging Party Communications Workers of America (“CWA” or “Union”) and CWA Local 7011 file this brief in support of Counsel for the General Counsel’s exceptions to the Decision of Administrative Law Judge Christine E. Dibble (“ALJ”).

CWA agrees with Counsel for the General Counsel that the ALJ wrongly determined that the “Recording in the Workplace” policy of Respondent T-Mobile USA, Inc. (“T-Mobile” or “Company”) and MetroPCS Communications, Inc. (“MetroPCS”) is not unlawfully overbroad or facially invalid in violation of Section 8(a)(1) of the Act. (ALJD 20:26-28, 21:1-3)<sup>1</sup>. For the reasons stated in Counsel for the General Counsel’s Brief in Support of Exceptions to the Administrative Law Judge’s Decision (“GC Brief”), CWA urges the Board to find that T-Mobile’s Recording in the Workplace policy is overbroad, facially invalid and violates Section 8(a)(1). (See GC Brief at 5-8).

CWA also agrees with Counsel for the General Counsel that the ALJ incorrectly ruled that T-Mobile’s Workplace Conduct rule would not be reasonably read to pertain to Section 7 activity, and is therefore not overbroad, facially invalid or in violation of Section 8(a)(1). (ALJD 23:44-45, 24:15-17). For the reasons stated in Counsel for the General Counsel’s Brief in Support of Exceptions to the Administrative Law Judge’s Decision , CWA urges the Board to find that T-Mobile’s Workplace Conduct rule is overbroad, facially invalid and violates Section 8(a)(1). (See GC Brief at 9-14).

Finally, CWA supports Counsel for the General Counsel’s exception arguing that the ALJ’s Order and Notice should be corrected to reflect that Region 14, and not Region 28, should

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<sup>1</sup> The Decision will be cited as “ALJD [page number]:[line numbers].”

be tasked with providing T-Mobile with remedial notices for the nationwide posting and other actions in this case. (ALJD 35:17-19; *see* GC Brief at 14-15).

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Respectfully submitted,



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**CERTIFICATE OF SERVICE**

This is to certify service of the above and foregoing CHARGING PARTY'S BRIEF IN SUPPORT FOR COUNSEL TO THE GENERAL COUNSEL'S EXCEPTIONS TO THE DECISION OF THE ADMINISTRATIVE LAW JUDGE has been forwarded to the parties below by e-filing and e-mail on the 6<sup>th</sup> day of May, 2015 as follows:

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