

BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 9

Franklinton Preparatory Academy
Educators Association,

Case 09-RC-144924

Petitioner,

and

Franklinton Preparatory Academy,

Employer.

**RESPONDENT-EMPLOYER'S EXCEPTIONS TO THE HEARING OFFICER'S
DECISION AND RECOMMENDED ORDER**

I. STATEMENT OF THE CASE.

Pursuant to Section 102.46 of the Rules and Regulations of the National Labor Relations Board, as amended, Respondent Franklinton Preparatory Academy ("the School" or "FPA"), by its counsel, hereby submits the following exceptions to the Hearing Officer's Report on the Challenged Ballots and Objections and Recommendations to the Board dated May 14, 2015 ("Report"). The page number at the beginning of each exception refers to page numbers in the Report.

1. To the failure to find that Griffith's statements in February 28, 2015 email did not constitute threats worthy of overturning the March 5, 2015 Election. (R 11:6 – 33; P-2).
2. To the finding that Griffith's characterization of his suspicion that the Board would take a "very hard line" on pay, benefits, working conditions, and "other things that [he had worked so hard to bring to FPA" if the employees chose the Union as a fact was determinative in sustaining the objection. (R 11:10; P-2).

3. To the finding that the overview of favorable terms in the email leads to a reasonable inference that Employer would revoke such generosity. (R 11:21; P-2).

4. To the statement that the subjective response to the email or that they were all Union supporters is “irrelevant.” (R 11:26).

5. To the finding that Griffith implicitly promised to grant employees benefits if they voted no in the election by questioning the “rush” and stating that another election could be held “If I haven’t done what I say we can do.” (R 11:38 – 12:2; P-2).

6. To the reliance on Reno Hilton, 319 NLRB 1154 (1995) in reaching the finding in exception 5.

Respectfully submitted,

Date: May 28, 2015

By: /s/ Adam J. Schira
Adam J. Schira
Dickinson Wright PLLC
150 E Gay St., Ste. 2044
(614) 744-2932
aschira@dickinsonwright.com

Certificate of Service

The undersigned hereby certifies that a true and accurate copy of the foregoing was served via e-mail this day of the 28th day of May, 2015, upon Kristin Watson, KWatson@cloppertlaw.com.

/s/ Adam J. Schira
Adam J. Schira (0087665)