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WORLD COLOR (USA) CORP., a wholly
8 owned subsidiary of QUAD/GRAPHICS, INC.

9
10 UNITED STATES OF AMERICA
11 BEFORE THE NATIONAL LABOR RELATIONS BOARD
12 REGION 32
13

14 WORLD COLOR (USA) CORP., a wholly
owned subsidiary of QUAD/GRAPHICS,
15 INC.

Case Nos. 32-CA-062242
32-CA-063140

16 and
17 GRAPHIC COMMUNICATIONS
18 CONFERENCE OF THE
INTERNATIONAL BROTHERHOOD OF
19 TEAMSTERS, LOCAL 715-C
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**RESPONDENT QUAD/GRAPHIC
INC.'S BRIEF IN RESPONSE TO
CHARGING PARTY'S REPLY TO
RESPONDENT'S STATEMENT OF
POSITION**

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1 Respondent Quad/Graphics, Inc. (“Quad” or the “Respondent”) submits this brief in
2 response to the Charging Party’s Reply To Respondent’s Statement Of Position filed on
3 June 16, 2015 (the “Reply Brief”).

4 For the second time, the Charging Party has failed to comply with the Board’s
5 directive concerning the submission of statements of position in this matter. First, the
6 Charging Party filed prematurely a position statement on March 17, 2015, nearly a month
7 before the Board issued its letter dated April 14, 2015 (the “April 14 letter”) accepting the
8 remand and inviting the parties to submit statements of positions. Now, two weeks after
9 Quad timely submitted its Position Statement, the Charging Party has filed a second
10 position statement, purporting to respond to arguments in Quad’s Position Statement.
11 Quad is unaware of any procedure that permits the Charging Party to file a response to a
12 party’s position statement. Furthermore, the Board has not invited the parties to submit
13 briefing responding to any of the arguments raised in the parties’ original statements of
14 position, and the Charging Party never served a letter-request seeking permission to file a
15 reply brief in this action. Neither the Board’s Rules and Regulations nor the Board’s April
16 14 letter create a briefing schedule whereby the Charging Party can submit an unsolicited
17 reply brief for consideration on remand. Quad submits that the arguments set forth in the
18 Charging Party’s improper Reply Brief should not be considered and do not warrant a
19 response, because the issues remanded to the Board have been fully briefed by the parties
20 pursuant to the procedural rules.

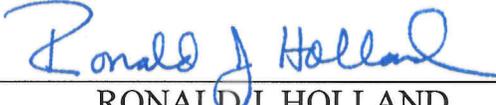
21 In any event, the arguments rehashed by the Charging Party in its Reply Brief
22 actually underscore the point made by Quad in its statement of position, namely, that the
23 propriety of Quad’s uniform policy is not at issue in this case. The Charges filed by the
24 Charging Party, and the Complaint filed by the Board, do not challenge Quad’s uniform
25 policy. The Charging Party even stated in its Reply Brief what Quad made clear in its
26 statement of position: “[t]he Union does not allege that Quad’s rules that employees wear a
27 uniform or its prohibition on certain accessories on the workroom floor in and of
28 themselves are necessarily violations of the Act.” (*See* Charging Party’s Reply Brief at 5.)

1 The Complaint in this matter contends only that Quad's hat policy restricts Section 7
2 activity because it forbids employees from wearing union hats. The D.C. Circuit
3 acknowledged the hat policy's restriction on the wearing of non-Quad hats, and yet
4 declined to hold that the policy itself explicitly restricts Section 7 activity. For this reason,
5 and for the additional reasons set forth in Quad's statement of position, the hat policy does
6 not satisfy the two-part test set forth in *Martin Luther Memorial Home*, 343 NLRB 646
7 (2004), and therefore should be upheld as lawful.

8 To the extent the Board accepts the Charging Party's Reply Brief, and would
9 benefit from receiving additional briefing from the Respondent, Quad can prepare an
10 additional statement of position responding in greater detail to the Charging Party's Reply
11 Brief. If the Board does not request additional briefing, Quad rests on the arguments set
12 forth in its position statement, and respectfully requests that the Board reverse the ALJ's
13 decision.

14 Dated: June 26, 2015

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