SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
A Limited Liability Partnership
Including Professional Corporations
RONALD J. HOLLAND, Cal. Bar No. 148687
ELLEN M. BRONCHETTI, Cal. Bar No. 226975
ALICIA M. SIMMONS, Cal Bar No. 302905
4 Embarcadero Center, 17th Floor
San Francisco, California 94111
Telephone: 415-434-9100
Facsimile: 415-434-3947

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

UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

REGION 32

WORLD COLOR (USA) CORP., a wholly owned subsidiary of QUAD/GRAPHICS, INC. and GRAPHIC COMMUNICATIONS CONFERENCE OF THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS, LOCAL 715-C	Case Nos. 32-CA-062242 32-CA-063140 **RESPONDENT QUAD/GRAPHIC INC.'S BRIEF IN RESPONSE TO CHARGING PARTY'S REPLY TO RESPONDENT'S STATEMENT OF POSITION**

Respondent Quad/Graphics, Inc. ("Quad" or the "Respondent") submits this brief in response to the Charging Party's Reply To Respondent's Statement Of Position filed on June 16, 2015 (the "Reply Brief").

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

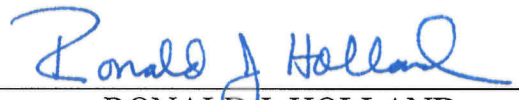
In any event, the arguments rehashed by the Charging Party in its Reply Brief actually underscore the point made by Quad in its statement of position, namely, that the propriety of Quad's uniform policy is not at issue in this case. The Charges filed by the Charging Party, and the Complaint filed by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

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

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

Dated: June 26, 2015

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

By 

RONALD J. HOLLAND
ELLEN M. BRONCHETTI
ALICIA M. SIMMONS

Attorneys for QUAD/GRAPHICS, INC.

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of San Francisco, State of California. My business address is Four Embarcadero Center, 17th Floor, San Francisco, CA 94111-4109.

On June 26, 2015, I served true copies of the following document(s) described as **RESPONDENT QUAD/GRAPHIC INC.'S BRIEF IN RESPONSE TO CHARGING PARTY'S REPLY TO RESPONDENT'S STATEMENT OF POSITION** on the interested parties in this action as follows:

Peter J. Leff
Matthew D. Watts
Mooney, Green, Saindon, Murphy & Welch, P.C.
1920 L Street, N.W., Suite 400
Washington, D.C. 20036

George Velastegui
Regional Director
National Labor Relations Board - Region 32
1301 Clay Street, Suite 300N
Oakland, CA 94612-5224

BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with the firm's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid. I am a resident or employed in the county where the mailing occurred.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on June 26, 2015, at San Francisco, California.

Rita I. Chavez