

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
WASHINGTON D.C.**

MICHIGAN BELL TELEPHONE COMPANY

Respondent

and

Case: 07-CA-150005

**LOCAL 4034, COMMUNICATIONS WORKERS
OF AMERICA (CWA), AFL-CIO**

Charging Party

**COUNSEL FOR THE GENERAL COUNSEL'S EXCEPTIONS
TO THE ADMINISTRATIVE LAW JUDGE'S DECISION**

Pursuant to Section 102.46 of the Board's Rules and Regulations, Counsel for the General Counsel excepts to the Administrative Law Judge's decision, including factual findings, conclusions of law and recommended dismissal as specified below:

1. The Administrative Law Judge (ALJ) erred by failing to make any factual findings despite the record evidence, regarding the internal hierarchy of the Charging Party and its International, the size of the bargaining unit or the fact the fact that the Charging Party ("Union") is a Local specifically delegated by the International to handle local bargaining unit and contractual matters. (ALJD at 2. GC2, GC3, Tr. 26-27)

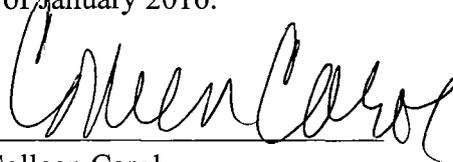
2. The ALJ erred by failing to make factual findings that the Union, at the Local and District level, have a long-standing dispute regarding the method of the assignment of overtime and have attempted to negotiate a solution to the dispute for at least a year preceding the events underlying the Complaint and Notice of Hearing. (ALJD at 2. Tr. 27-30, R3)

3. The ALJ erred by failing to find or consider that approximately four hundred employees in the bargaining unit located in Michigan, Ohio, Indiana, Illinois and Wisconsin engaged in a concerted refusal to work overtime on September 19, 2014. (ALJD at R1, Tr. 28-29)
4. The ALJ failed to find that as a result of the work stoppage referenced in Exception 3, the Union, at the International District level, engaged in protracted negotiations regarding the work stoppage of September 19, 2014 and that those negotiations spanned late 2014 through early January 2015. (ALJD at 2, R1, Tr. 28-29)
5. The ALJ failed to find that all the employees who engaged in the work stoppage of September 19, 2014, including fifty employees in the Grand Rapids facility, were issued some level of discipline as a result of the negotiations between the parties and a settlement agreement dated January 12, 2015. (ALJD at 2(4), R1, Tr. 29)
6. The ALJ failed to find that the Union officials who were present at the January 5, 2015 general membership meeting counseled employees to refrain from engaging in any work stoppages. (ALJD at 2, Tr. 30-32)
7. The ALJ failed to find that on January 10, Union Representative Brian Hooker was contacted by an International District representative about the potential work stoppage and stated that any such work stoppage would negatively impact the negotiations regarding the September 19, 2014 incident. (ALJD at 3(19), Tr. 32-35)
8. The ALJ failed to find that the Union, by Hooker, investigated the events of January 10, 2015 by contacting employees, union stewards and supervisors. (ALJD at 3, Tr. 33-34, R4,)
9. The ALJ failed to find that on January 10, 2015, the Respondent interrogated some employees more than one time regarding their protected concerted activities and their return to the facility. (ALJD at 3(11), Tr. 177-178)

10. The ALJ failed to find that the Union filed a grievance, based on Article 5.02 of the contract, on February 20, 2015. (ALJD at 4(31), GC 7, Tr. 50, 86-88, 112, 127, 132-133)
11. The ALJ failed to find that the Union made additional requests for the information requested on January 12, 2015 on March 4, March 27, and July 22, 2015. (ALJD at 5(1), GC9, GC11, GC14)
12. The ALJ erred by failing to make any factual findings or reaching any legal conclusions on the allegations in paragraph 11 of the Complaint and Notice of Hearing, which alleges that the Respondent unreasonably delayed in responding to the Union's January 12, 2015 information request. (GC1(p)(11), GC4, GC8)
13. The ALJ erred by failing to evaluate the relevance of the requested information at the time that the information was requested. (ALJD at 7(28))
14. The ALJ erred by failing to find that the information requested had relevance not only at the time it was requested, but also in relation to the Union's obligations under Article 5 of the parties' collective bargaining agreement and the Union's February 20, 2015 grievance. (ALJD at 7(25-33), GC7)
15. The ALJ erred when he determined the information request was not relevant to the March 25, 2015 disciplinary grievances. (ALJD at 7-8)
16. The ALJ erred by finding that the Respondent rebutted the presumption that the requested information was relevant and necessary for the Union to carry out its statutory duties as the collective bargaining representative of the unit employees. (ALJD at 7(17-19))
17. The ALJ erred by excusing the Respondent from its duty to provide relevant requested information because the Union could have obtained the information or achieved the desired result through other means. (ALJD at 8(32-27))

18. Counsel for the General Counsel excepts to the ALJ's failure to find that the Respondent's failure to respond and ultimate failure to provide the Union with relevant requested information on January 12, 2015 is a violation of Section 8(a)(5) of the Act and his recommendation that the Amended Complaint be dismissed. (ALJD at 9)

Dated at Grand Rapids Michigan this 13th day of January 2016.

A handwritten signature in cursive script, reading "Colleen Carol", written over a horizontal line.

Colleen Carol
Counsel for the General Counsel
National Labor Relations Board
Region 7, Resident Office
Grand Rapids, MI
Colleen.Carol@nlrb.gov

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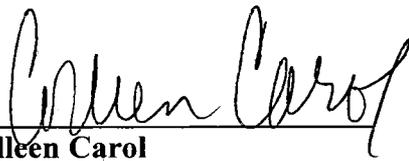
Charging Party

Affidavit of Service

The undersigned affirms that on January 13, 2016, the Counsel for the General Counsel's Exceptions to the Administrative Law Judge's Decision and was filed with the Executive Secretary of the Board through the Board's e-filing system and that copies were served on the following individuals by electronic mail to the addresses set forth below:

Stephen J. Sferra
Littler Mendleson
SSferra@littler.com

Brian Hooker
Local 4034, CWA
Hooker@cwa4034.org



Colleen Carol
Counsel for the General Counsel
NLRB Region 7
Colleen.Carol@nrlb.gov
(616)456-2840