

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 12**

**ARISE VIRTUAL SOLUTIONS, INC.**

**and**

**Case 12-CA-144223**

**MATTHEW RICE, an Individual**

**GENERAL COUNSEL'S CROSS-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 (herein called the "General Counsel"), hereby submits the following cross-exceptions to the Decision of Administrative Law Judge Charles J. Muhl, dated August 12, 2016, in the above captioned case. The citations to the record and argument supporting General Counsel's cross-exceptions are set forth in General Counsel's brief in support of cross-exceptions.

1. The ALJ erred by concluding that the factor of whether Customer Service Professionals (CSPs) are engaged in a distinct occupation or business is a neutral factor in determining whether they are employees of Arise Virtual Solutions, LLC (Respondent) or independent contractors, and by failing to find that this factor weighs in favor of employee status. (ALJD 14:5-19).

2. The ALJ erred by concluding that the factor of whether or not the employer or the individual supplies the instrumentalities, tools and place of work favors independent contractor status, and by failing to find that this factor weighs in favor of employee status. (ALJD 15:27-42).

3. The ALJ erred by finding that the method of payment factor weighs in favor of independent contractor status and by failing to find that this factor weighs in favor of employee status. (ALJD 16:12-35).

4. The ALJ erred by concluding that the factor of whether the parties believe they are creating an independent contractor relationship is a neutral factor and by failing to find that this factor weighs in favor of employee status. (ALJD 17:34).

Dated at Miami, Florida, this 20<sup>st</sup> day, of October, 2016.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that the General Counsel's Cross-Exceptions to the Administrative Law Judge's Decision was electronically filed with the Office of the Executive Secretary of the National Labor Relations Board and served by electronic mail this 20<sup>th</sup> day of October 2016 on the following persons:

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