

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

HECTOR L. SANTANA-QUINTANA, et al.,

Case: 12-CB-136934, et al.

Charging Parties,

and

INTERNATIONAL BROTHERHOOD OF
TEAMSTERS, LOCAL 385,

Respondent.

**RESPONDENT'S ANSWERING BRIEF TO GENERAL COUNSEL'S
CROSS-EXCEPTIONS**

Respondent INTERNATIONAL BROTHERHOOD OF TEAMSTERS, LOCAL 385 hereby submits its Answering Brief to General Counsel's Cross-Exceptions.

I. Local 385 has no objection to General Counsel's Exceptions nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, or 12, which seek to correct careless factual errors and omission of a notice posting remedy at the union office made by the ALJ in the course of his result-driven analysis.

II. Local 385 disagrees with and opposes Exception no. 11, for two reasons.

First, Local 385 has contended that the appropriate remedy is a traditional notice posting, which does not include individual mailing of a notice to bargaining unit members. Such posting may include Local 385's website; however, Local 385 does not regularly communicate with its members via email. See *Local Joint Executive Board of Las Vegas, Culinary Workers Union, Local 326*, 363 NLRB No. 33, slip op. pp. 1-2 and *Local 58, IBEW (Paramount Industries, Inc.)*, 365 NLRB No. 30, slip op. p. 5, for examples of what Local 385 believes and contends is the appropriate notice posting remedy.

Second, Local 385 has contended that even if an individual mailing is required, such should be limited to union members, and should not include non-union-member bargaining unit members whose addresses are unavailable to Local 385.¹

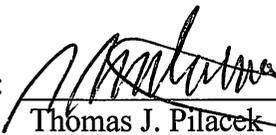
Of course, the Board has the discretion to fashion and tailor the remedy which it deems to be appropriate.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the Original of this Reply to General Counsel's Answering Brief was filed electronically with the Executive Secretary on the National Labor Relations Board e-filing system and that a true and correct copy was sent via e-mail to John Scully, Esq., jcs@nrtw.org, 8001 Braddock Road, Suite 600, Springfield, VA 22160; Alyssa Hazelwood, Esq., akh@nrtw.org, 8001 Braddock Road, Suite 600, Springfield, VA 22160, counsel for Charging Parties, and to Rafael Aybar, Esq., Counsel for the General Counsel, National Labor Relations Board, Region 12, Fifth Third Center, 201 East Kennedy Blvd., Ste. 530, Tampa, FL 33602-5824 Rafael.Aybar@nlrb.gov; this 7th day of July, 2017.

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¹ Further compounding this problem is the fact that Local 385's trade jurisdiction under the Service Trades Council CBAs at Walt Disney World is limited to a segment of the entire Service Trades Council Union's bargaining unit. Local 385 does not have any access to either names or addresses of members of the other constituent unions, nor names or addresses of the non-union-members of the bargaining unit segments within their respective trade jurisdictions. Any individualized mailing should be limited to Local 385's members within its segment of the STCU bargaining unit, within which six of the charging parties are employed. Moreover, any individualized mailing to UPS union members should be limited to those employed at UPS' Gainesville and Orlando facilities, where the remaining two charging parties are employed (which is what Local 385 understood the ALJ's recommended remedy to require).

By: 
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