

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 29**

PRIMEFLIGHT AVIATION SERVICES, INC.,
Respondent,

and

**Case Nos. 29-CA-191801
29-CA-196327**

**SERVICE EMPLOYEES INTERNATIONAL
UNION, LOCAL 32BJ,**
Charging Party

**COUNSEL FOR THE GENERAL COUNSEL’S CROSS-EXCEPTIONS TO THE
ADMINISTRATIVE LAW JUDGE’S DECISION**

Counsel for the General Counsel, pursuant to Rule 102.46 of the Rules and Regulations of the National Labor Relations Board (“NLRB” or “Board”), files the following Exceptions to the decision of Administrative Law Judge Kenneth W. Chu, dated January 9, 2018.

1. Counsel for the General Counsel excepts to Judge Chu’s conclusion that Respondent did not refuse to meet and bargain with the Union’s designated bargaining committee on January 25, 2017, and thereafter in violation of Sections 8(a)(1) and (5) of the Act. ALJD at 16-19.
2. Counsel for the General Counsel excepts to Judge Chu’s reliance on *BHC Northwest Psychiatric Hospital*, 365 NLRB No. 79 (2017). ALJD at 18, lines 24-41.
3. Counsel for the General Counsel excepts to Judge Chu’s finding that Respondent did not refuse to bargain with the Union’s bargaining team, including non-unit employees, over a ten week period from January 25, 2017 to April 4, 2017. ALJD at 19, lines 14-26.
4. Counsel for the General Counsel excepts to Judge Chu’s implicit finding that Respondent satisfied its burden of proving that the presence of non-unit employees posed a clear and

present danger to the collective bargaining process. ALJD at 18, lines 13-16; *see Harley Davidson Motor Co.*, 214 NLRB 433, 437 (1974).

WHEREFORE, for the reasons stated above and in Counsel for the General Counsel's brief in support filed contemporaneously, Counsel for the General Counsel requests that the Board reverse Judge Chu's decision as specified above and conclude that Respondent violated Section 8(a)(1) and (5) of the Act, as alleged in paragraphs 14(a) through 14(d) of the Order Consolidating Cases and Amendment to Complaint.

Dated at Brooklyn, New York, March 27, 2018.

/s/ Brady Francisco-FitzMaurice

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