

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

SPECTRUM JUVENILE JUSTICE SERVICES

Respondent

and

Case 07-CA-155494

TAMIKA KELLEY, an Individual

Charging Party Kelley

and

Case 07-CA-160938

COUNCIL 25, MICHIGAN AMERICAN
FEDERATION OF STATE, COUNTY, AND
MUNICIPAL EMPLOYEES (AFSCME), AFL-CIO

Charging Party AFSCME

and

Case 07-CA-174758

INTERNATIONAL UNION, SECURITY, POLICE
AND FIRE PROFESSIONALS OF AMERICA
(SPFPA)

Charging Party SPFPA

and

Case 07-CA-175342

LOCAL 120, INTERNATIONAL UNION,
SECURITY, POLICE AND FIRE
PROFESSIONALS OF AMERICA
(SPFPA)

Charging Party Local 120

EXCEPTIONS TO THE DECISION OF THE ADMINISTRATIVE LAW JUDGE

Pursuant to Section 102.46 of the Rules and Regulations of the National Labor Relations Board (“NLRB” or “Board”), 29 C.F.R. § 102.46, Respondent Spectrum Juvenile Justice

Services (“Respondent”), through its undersigned counsel, files the following Exceptions to the Decision of Administrative Law Judge (“ALJ”) Thomas M. Randazzo in the above-referenced case, which issued October 11, 2017. Respondent’s Exceptions to the ALJ’s Decision are as follows:

1. The ALJ erred in finding that the Respondent discharged employee Alfred Neely for engaging in protected concerted picketing activity (“CPA”), in violation of Section 8(a)(1) of the Act.
2. The ALJ erred in crediting the testimony of Neely.
3. The ALJ erred in finding that the Respondent discharged employee Lamont Simpson for engaging in protected CPA, in violation of Section 8(a)(1) of the Act.
4. The ALJ erred in crediting the testimony of Simpson.
5. The ALJ erred in finding that on June 1, 2016, as a result of its unlawful unilateral change in requiring part-time contingent employees to work mandatory overtime shifts, the Respondent discharged employee Quiana Jenkins in violation of Section 8(a)(5) and (1) of the Act.
6. The ALJ erred in finding that in April, 2016, the Respondent discriminatorily and unilaterally required part-time contingent employees to work mandated overtime shifts without bargaining or providing the Union an opportunity to bargain over that change, in violation of Section 8(a)(5), (3), and (1) of the Act.
7. The ALJ erred in finding the Respondent discriminatorily required part-time contingent employees to work mandated overtime because the employees selected the Union as their collective-bargaining representative, in violation of Section 8(a)(1) and (3) of the Act.
8. The ALJ erred in finding that in March 2016, after the SPFPA representation election, Respondent coercively informed employees that breaks between scheduled and mandated shifts would no longer be allowed because they voted for the Union, in violation of Section 8(a)(1) and 8(a)(3) of the Act.
9. The ALJ erred in finding that in March 2016, after the SPFPA representation election, Respondent unilaterally eliminated between scheduled and mandated shifts without bargaining or providing the Union an opportunity to bargain over that change, in violation of Section 8(a)(5), (3), and (1) of the Act.

10. The ALJ erred in finding that the Respondent's issuance of written discipline to Tamika Kelley on September 24, 2015, for her September 22 and 23, 2015 call-offs from work, violated Section 8(a)(1) of the Act.
11. The ALJ erred in finding that the Respondent, on July 6, 2015, by Executive Director Melissa Fernandez, engaged in unlawfully surveillance of employees' CPA in violation of Section 8(a)(1) of the Act.
12. The ALJ erred in finding that the Respondent, on July 9, 2015, by Calumet Security Supervisor Damon Dix, created the impression that employees' protected activities were under surveillance and coercively informed an employee that he could be disciplined for engaging in protected activities in violation of Section 8(a)(1) of the Act.
13. The ALJ erred in finding that the Respondent, on July 3, 2015, by Calumet Security Supervisor Damon Dix, unlawfully interrogated employees regarding their engagement in CPA in violation of Section 8(a)(1) of the Act.
14. The ALJ erred in finding that Fernandez was observed in the Operational Control Center watching the picketing on surveillance monitors. (p.18-19)
15. The ALJ erred in finding that on July 9, 2015, the Respondent, by Calumet Security Supervisor Damon Dix, coercively informed employees that Respondent's management was upset about the picketing and threatened employees could be disciplined for such activity, in violation of Section 8(a)(1) of the Act.
16. The ALJ erred in finding that in August/September 2015, during a weekly employee meetings, Lincoln Facility Manager James Crawford unlawfully interrogated employees regarding their protected concerted and union activities in violation of Section 8(a)(1) of the Act.
17. The ALJ erred in finding that the Respondent, on July 5, 2015, by Calumet Shift Supervisor Cornelius Burton, unlawfully interrogated an employee regarding his engagement in CPA in violation of Section 8(a)(1) of the Act.
18. The ALJ erred in finding that the Respondent, on July 7, 2015, suspended employees Tamika Kelly, Sherman Cochran, and Delaine Singleton-Green for engaging in CPA in violation of Section 8(a)(1) of the Act.
19. The ALJ erred in finding that the Respondent, on July 7 and 10, 2015, by Calumet Facility Manager Leroy Sherrod, unlawfully threatened employees with discipline for engaging in protected concerted activities in violation of Section 8(a)(1) of the Act.
20. The ALJ erred in repeatedly making erroneous credibility findings. At every turn, the ALJ credited the testimony of the General Counsel's witnesses, despite their

pecuniary interest in the outcome of the proceeding, contradictory testimony about interactions with Respondent's supervisors, and the preposterous and uncorroborated nature of their testimony.

Respectfully submitted,

BERRY MOORMAN, P.C.

Date: July 10, 2018

/s/Sheryl A. Laughren

Sheryl A. Laughren (P34697)

Sandro D. DiMercurio (P80704)

Attorney's for Respondent

535 Griswold, Suite 1900

Detroit, MI 48226

(313) 496-1200

slaughren@berrymoorman.com

sdimercurio@berrymoorman.com

PRESENTED BY ELECTRONIC SERVICE ON:

Deputy Chief Administrative Law Judge

Arthur Amchan, Deputy Chief Administrative Law Judge

Trial Judge

Thomas Randazzo, Administrative Law Judge

E-Mail: thomas.randazzo@nlrb.gov

Counsel for General Counsel

Donna Nixon

E-Mail: donna.nixon@nlrb.gov

Eric Cockrell

E-Mail: eric.cockrell@nlrb.gov

Representative for Charging Party AFSCME

Reno Thompson

E-mail: rthompson@miafscme.org

Charging Party Tamika Kelley

Email: kelleygurl06233@gmail.com

Attorney for Charging Parties SPFPA and Local 120

Michael Atkins, Esq.

E-Mail: mike@unionlaw.net