

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 8**

UNITED STEELWORKERS,

Charging Party

**CASE NOS. 08-CA-188055
08-CA-192702
08-CA-204521**

and

ROEMER INDUSTRIES, INC.

Respondent

**ROEMER INDUSTRIES, INC.'S EXCEPTIONS
TO THE DECISION OF THE ADMINISTRATIVE LAW JUDGE**

Pursuant to NLRB Rules & Regulations § 102.46, Roemer Industries, Inc. respectfully files the following exceptions to the decision (ALJD) of the Administrative Law Judge, the Hon. Sharon Levinson Steckler issued September 24, 2018.¹

EXCEPTIONS

1. The factual findings at p. 5, lines 25-29: "I find the threatening question. . . . The wrong answer will get the employees fired – the equivalent of capital punishment."
2. The factual findings at p. 5, lines 37-38: "In context . . . threatening the employees' livelihoods."
3. The factual findings at p. 6, lines 24-25: "O'Toole, who . . . except to undermine the Union."
4. The factual findings at p. 9. lines 30-37: "Respondent's version . . . , or that Respondent could not afford them."
5. The factual findings at p. 10, lines 40-45: "General Counsel alleges for the pay increase or decrease."

¹ Pursuant to § 102.46(b)(1), the grounds and authorities on which the exceptions are based are set forth in Roemer's separate, concurrently filed brief.

6. The factual findings at p. 11, lines 27-31: "Respondent had a duty , violating Section 8(a)(5)
7. The factual findings at p. 11, lines 44-47: "Respondent provides no repudiation of unlawful conduct."
8. The factual findings at p. 12, lines 32-37: "The statement taken in context violates Section 8(a)(1) of the Act."
9. The factual findings at p. 14, lines 48 through p. 15, line 9: "O'Toole noticed Haas the next phase of processing."
10. The factual findings at p. 16, lines 22-27: Neither Fraley nor She told O'Toole to bring him back."
11. The Respondent takes exception to the ALJD finding of credibility beginning with the heading on p. 19, line 3 through p. 20, line 40, including Footnote 15 on p. 19.
12. The factual findings at p. 21, lines 36-41: "O'Toole testified and O'Toole himself."
13. The factual and legal conclusions at p. 22, lines 22-26: "I concur with General Counsel to ask the same question."
14. The factual findings at p. 23, lines 24-27: "After Haas' termination how much he disliked the union."
15. The factual findings at p. 23, lines 33-36: "Respondent also made significant evidence of motivation."
16. The Respondent takes exception to the ALJD finding of "Evidence of animus towards Haas" beginning with the heading on p. 24, line 1 through line 41 in its entirety.
17. The Respondent takes exception to the ALJD factual findings of "Pretext" beginning with the heading on p. 24, line 43 through p. 26, line 21.
18. The legal findings at p. 26, lines 25-33: "General Counsel established a and union activities."
19. The Respondent takes exception to the ALJD "Conclusions Of Law" at p. 27 as follows: line 6 through line 13 beginning: "4. Respondent, by Joe O'Toole, violated Section 8(a)(1) of the Act, by: " as not being supported by the facts in the record as a whole.

20. The Respondent takes exception to the ALJD “Conclusions Of Law” at p. 27 as follows: line 15 through line 16 beginning: “5. Respondent violated Section 8(a)(3) and (1) of the Act” as not being supported by the facts in the record as a whole.
21. The Respondent takes exception to the ALJD “Conclusions Of Law” at p. 27 as follows: line 18 through line 19 beginning: “6. Respondent violated Section 8(a)(4), (3) and (1) of the Act” as not being supported by the facts in the record as a whole.
22. The Respondent takes exception to the ALJD “Conclusions Of Law” at p. 27 as follows: line 21 through line 29 beginning: “7. Respondent violated Section 8(a)(5) of the Act by:” as not being supported by the facts in the record as a whole.
23. The Respondent excepts to the “Remedy” and “Order” portions of the decision in their entirety.
24. The Respondent excepts to the “Appendix” in its entirety.

Respectfully submitted,

/s/ Matthew D. Austin

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Proof of Service

I hereby assert that copies of the foregoing Exceptions of Counsel for the Respondent to Administrative Law Judge Steckler's Decision were served by electronic mail this 13th day of November 2018 to the following:

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