

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

**PG PUBLISHING CO., INC. D/B/A PITTSBURGH
POST-GAZETTE**

And

**THE NEWSPAPER GUILD OF PITTSBURGH
A/W COMMUNICATIONS WORKERS OF AMERICA,
AFL-CIO, CLC, AND ITS LOCAL 38061**

Case 06-CA-212627

**PITTSBURGH MAILERS UNION NO. M-22, A/W THE
PRINTING, PUBLISHING, AND MEDIA WORKERS
SECTOR OF THE COMMUNICATIONS WORKERS
OF AMERICA, AFL-CIO, AND ITS LOCAL 14842**

Case 06-CA-217525

**PITTSBURGH TYPOGRAPHICAL UNION NO. 7, A/W
THE COMMUNICATIONS WORKERS OF AMERICA,
AFL-CIO, AND ITS LOCAL 14827**

Case 06-CA-217527

**PITTSBURGH TYPOGRAPHICAL UNION NO. 7, A/W
THE COMMUNICATIONS WORKERS OF AMERICA,
AFL-CIO, AND ITS LOCAL 14827**

Case 06-CA-217529

**NEWSPAPER, NEWSPRINT, MAGAZINE AND FILM
DELIVERY DRIVERS, HELPERS AND HANDLERS,
A/W THE INTERNATIONAL BROTHERHOOD OF
TEAMSTERS AND ITS LOCAL UNION NO. 211 OF
ALLEGHENY COUNTY**

Case 06-CA-217980

**PITTSBURGH NEWSPAPER PRINTING
PRESSMEN'S/PAPER HANDLERS LOCAL UNION
NO. 9N, A/W THE GRAPHIC COMMUNICATIONS
CONFERENCE/INTERNATIONAL BROTHERHOOD
OF TEAMSTERS AND ITS LOCAL 24M/9N**

Case 06-CA-218637, and

**INTERNATIONAL UNION OF OPERATING
ENGINEERS, AFL-CIO, LOCAL 95**

Case 06-CA-220480

**RESPONDENT'S REPLY BRIEF
TO COUNSEL FOR THE CHARGING PARTIES ANSWERING BRIEF**

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TO COUNSEL FOR THE CHARGING PARTIES ANSWERING BRIEF**

STATEMENT OF THE CASE

This Reply Brief is submitted in response to Counsel for the Charging Parties Answering Brief (Answering Brief) in these cases.

On October 16, 2018¹, Administrative Law Judge (ALJ) David Goldman issued his Decision and Recommended Order in these cases (ALJD). On November 13, PG Publishing Co., Inc. d/b/a Pittsburgh Post-Gazette (Respondent) filed Exceptions to the Decision of the Administrative Law Judge (Exceptions) and a Brief in Support of Exceptions (Supporting Brief). On November 27, Counsel for the Charging Parties (Charging Parties) filed the Answering Brief.²

I. THE EXCEPTIONS AND SUPPORTING BRIEF ARE NOT PROCEDURALLY DEFICIENT.

The Exceptions and Supporting Brief are not procedurally deficient and are in compliance with the Board's rules.

Section 102.46(b)(1) of the Board's Rules and Regulations provides that exceptions (i) shall set forth specifically the questions of procedure, fact, law or policy to which exception is taken; (ii) shall identify that part of the administrative law judge's decision to which objection is made; (iii) shall designate by precise citation of page the portions of the record relied on; and (iv) shall concisely state the grounds for the exception. If a supporting brief is filed, the exceptions document shall not contain any argument or citation of authority in support of the exceptions, but such matters shall be set forth only in the brief. The supporting brief shall contain a clear and concise statement of the case, a specification of the questions involved with reference to the

¹ All dates hereinafter refer to 2018 unless otherwise specified.

² References to page numbers of the Transcript (Tr.), Stipulated Facts (Jt. Stip.), Joint Exhibits (Jt. Ex.), General Counsel Exhibits (GC Ex.), and Respondent Exhibits (R. Ex.), are followed in each instance by the page number, stipulation number or exhibit number. References to the ALJD are followed in each instance by the page and, where found, line numbers. References to the Supporting Brief will be cited as "S.Br." and to the Answering Brief as "A.Br.", followed by the appropriate page number.

exceptions and argument presenting the facts, and most appropriately in these cases, with the law relied upon in support of the exceptions. 29 CFR Section 102.46(b)(1).

The Exceptions, as supplemented by the Supporting Brief meet those requirements. These cases present questions of law; the facts are relatively undisputed. The Exceptions and Supporting Brief identify each finding and conclusion of law of the ALJD to which Respondent excepted, identified to the extent possible the page and line number of each finding or conclusion to which it objected, and stated the grounds for the exception. The Supporting Brief satisfies the requirements of Section 102.46, identifying the Exceptions to which each argument therein applied. Reading the Exceptions and Supporting Brief, there can be no doubt as to each of the grounds and the bases for those grounds upon which the ALJD should be reversed.

Assuming, *arguendo*, the Exceptions and Supporting Brief are not in hyper technical compliance with the Rules, they are in substantial compliance with those Rules. They sufficiently designate Respondent's points of disagreement with the ALJD. Charging Parties were not prejudiced by any alleged lack of compliance.³ The Board has repeatedly rejected similar arguments of hyper-technicality and has refused to strike exceptions and supporting briefs. *See, e.g., TSS Facility Services, Inc.*, 363 NLRB No. 27, n. 1 (2015); *Chapin Hill at Red Bank*, 359 NLRB 1119, n. 1 (2013); *Farr Company*, 304 NLRB 203, n. 1 (1991); *Williams Services, Inc.*, 302 NLRB 492, n. 1 (1991); *Elion Concrete, Inc.*, 287 NLRB 69, n. 1 (1987); *Conway Mill*, 284 NLRB 135, n. 1 (1987). Therefore, the Exceptions and Supporting Brief should not be stricken.

³ The Answering Brief adopted the facts and arguments raised in General Counsel's Answering Brief. (A. Br. 1). GC's Answering Brief devoted 29 pages to a refutation of Respondent's Supporting Brief. (A. Br. 9-37). GC and Charging Parties certainly understood the gravamen of Respondent's Exceptions and Supporting Brief.

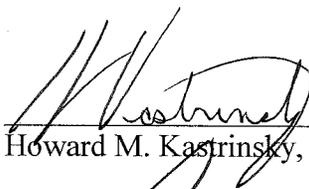
CONCLUSION

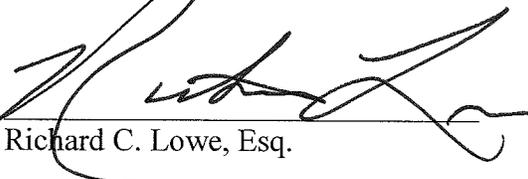
The Answering Brief presents no compelling reason to reject the Exceptions and Supporting Brief. The Exceptions should be granted and the ALJ's findings and conclusions should be reversed.

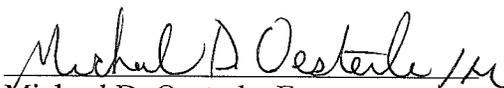
Dated this 10th day of December 2018.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned, as attorney for Respondent, hereby certifies that a true and exact copy of the foregoing Respondent's Reply Brief to Counsel For the Charging Parties Answering Brief was electronically filed via the NLRB E-Filing System with the National Labor Relations Board and served on the parties listed below via email and first-class mail, postage prepaid:

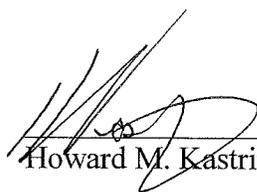
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This 10th day of December 2018.


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