

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

**GRAPHIC COMMUNICATIONS  
CONFERENCE/INTERNATIONAL  
BROTHERHOOD OF TEAMSTERS LOCAL  
UNION NO. 735-S**

**and**

**Case 04-CB-215127**

**BEMIS COMPANY, INC.**

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

Pursuant to Section 102.46 of the Board’s Rules and Regulations, Series 8, as amended, the undersigned Counsel for the General Counsel respectfully files the following Exceptions to the Decision issued by Administrative Law Judge David I. Goldman on February 1, 2019:

1. To the Judge’s failure to find that the purpose of Respondent’s Secretary Treasurer Lynn Andrews’ complaints about employee Joseph Stasko was to have him disciplined. (ALJD 10, fn. 8).<sup>1</sup>
2. To the Judge’s conclusion that Andrews’ December 18, 2017 confrontation and “tirade” against Stasko in the press break room does not violate Section 8(b)(1)(A). (ALJD 11:11-42).
3. To the Judge’s failure to conclude that Respondent’s Vice President Kevin Davidovich’s statement that Respondent’s President had told Board members to harass those who had cooperated in the investigation violated Section 8(b)(1)(A). (ALJD 12:8-32 and fn. 10)

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<sup>1</sup> Throughout this brief, abbreviated references are employed as follows: “ALJD” followed by page and line numbers to designate the ALJ’s Decision; “T” followed by page number to designate Transcript pages.

4. To the Judge's finding that there is insufficient evidence to prove that Andrews attempted to cause the Employer to discriminate against Stasko. (ALJD 13:41-43).

5. To the Judge's finding that Andrews did not explicitly request that Stasko be disciplined. (ALJD 13:45-46).

6. To the Judge's failure to address testimony by both Carl Passler, Environmental Health and Safety Manager, and Leslie Pienkowski, HR Manager, that during their conversation on January 26, 2018 after Andrews stated "we've disciplined people for less" she then asked "what we were going to do" about Stasko? (ALJD 10:1-2; T. 35, 128)

7. To the Judge's finding that there was no chance that Stasko was going to be disciplined or have any adverse action taken against him by the Employer for either or both of the two alleged safety violations for which Andrews reported him. (ALJD 14:8-10).

8. To the Judge's finding that "Reporting an employee for a violation for which he will not be disciplined is not an attempt to have him disciplined." (ALJD 15:1-2; 9-11).

9. To the Judge's finding that Andrews was just making a point about favoritism and what she believed was disparate treatment by the Employer and not attempting to cause discipline when she reported Stasko. (ALJD 16:11-28).

10. To the Administrative Law Judge's characterization of the "policing" of union action" in this case as instigated by the Employer. (ALJD 16:34-35).

11. To the Administrative Law Judge's failure to find that Respondent violated Section 8(b)(2) by reporting Stasko to the Employer for safety violations. (ALJD 13:41-42; 16:30-37).

12. To the Administrative Law Judge's failure to find that Respondent derivatively violated Section 8(b)(1)(A) by reporting Stasko to the Employer for safety violations. (ALJD 17:1-8).

Respectfully submitted,



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**LEA F. ALVO-SADIKY**

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Dated: March 29, 2019