

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
FOURTH REGION

**BEMIS COMPANY, INC.,**

Charging Party,

and

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

Respondent.

Cases: 04-CB-215127

**EMPLOYER BEMIS COMPANY, INC.’S EXCEPTIONS TO  
ADMINISTRATIVE LAW JUDGE’S DECISION**

Pursuant to Section 102.46 of the National Labor Relations Board’s Rules and Regulations, the Employer, Bemis Company, Inc. (“Bemis”) respectfully files the following exceptions and supporting brief to the Decision of Administrative Law Judge (“ALJ”) David I. Goldman dated February 1, 2019.<sup>1</sup>

**I. EXCEPTIONS**

1. Bemis takes exception to the ALJ’s conclusion that Respondent did not violate Section 8(b)(1)(A) of the Act by Andrews’ confrontation and tirade against Stasko in the employee break room on December 18<sup>th</sup>, 2017. (ALJD, p. 11, L11-13).

2. Bemis takes exception to the ALJ’s finding that Andrews’ threat of an investigation was not an implicit threat to take reprisals against Stasko or Samsel in a manner that affects their employment. (ALJD, p. 11, L29-34).

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<sup>1</sup> The Administrative Law Judge’s decision is cited as “ALJD” followed by the appropriate page and line numbers.

3. Bemis takes exception to the ALJ's dismissal of Paragraph 6(a) of the complaint. (ALJD, p. 11, L41-42).

4. Bemis takes exception to the ALJ's dismissal of the 8(b)(2) allegations, including the finding that there was insufficient evidence to prove that Andrews attempted to cause Bemis to discriminate against Stasko. (ALJD, p. 13, L41-43; p. 16, L36-37).

5. Bemis takes exception to the ALJ's finding that there were no "directions or instructions" from Andrews to discriminate against Stasko. (ALJD, p. 13, L45-48).

6. Bemis takes exception to the ALJ's finding that there was no chance that Stasko would be disciplined for the alleged safety violations reported by Andrews, and that this fact was known by Andrews, Stasko, Eisley, Pienkowski, and Passler. (ALJD, p. 14, L7-10).

7. Bemis takes exception to the ALJ'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, p. 15, L1-2).

8. Bemis takes exception to the ALJ's finding that the Union did not engage in that "efficacious" attempt to have Stasko disciplined. (ALJD, p. 15, L7-11).

9. Bemis takes exception to the ALJ's finding that the Union did not attempt to cause the employer to take action against an employee. (ALJD, p. 15, L13-16).

10. Bemis takes exception to the ALJ's finding that Andrews did not attempt to cause Bemis to discriminate against Stasko. (ALJD, p. 16, L8-9; L26-28).

11. Bemis takes exception to the ALJ's dismissal of the allegation of violation of Section 8(b)(1)(A). (ALJD, p. 17, L1-8).

## **II. CONCLUSION**

WHEREFORE, for the reasons stated herein and in Bemis's brief filed

contemporaneously herewith, Bemis submits that the findings and the conclusions of the ALJ, as identified above, should be reversed, and the Board should find that Respondent violated the Act as alleged in the Complaint.

Respectfully submitted this 1<sup>st</sup> day of April 2019.

**OGLETREE, DEAKINS, NASH, SMOAK &  
STEWART, P.C.**

By: *s/ Timothy Kamin* \_\_\_\_\_

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**COUNSEL FOR BEMIS COMPANY INC.**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on April 1, 2019, a copy of the foregoing  
**EMPLOYER BEMIS COMPANY, INC.'S EXCEPTIONS TO ADMINISTRATIVE LAW  
JUDGE'S DECISION** was served via email upon the following:

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