

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

TEAMSTERS, CHAUFFEURS,
WAREHOUSEMEN AND HELPERS,
LOCAL UNION NO. 542, INTERNATIONAL
BROTHERHOOD OF TEAMSTERS
(UNITED PARCEL SERVICE)

and

Case 21-CB-233544

DEREK CORREIA, AN INDIVIDUAL

**EXCEPTIONS OF THE TEAMSTERS, CHAUFFEURS,
WAREHOUSEMEN AND HELPERS, LOCAL UNION NO. 542
TO THE DECISION OF THE ADMINISTRATIVE LAW JUDGE**

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Pursuant to Section 102.46(a)(1) of the National Labor Relations Board's Rules and Regulations, Series 8, as amended, Respondent, Teamsters, Chauffeurs, Warehousemen and Helpers, Local Union No. 542 files the following exceptions to the Decision and Order of Administrative Law Judge, Gerald Etchingham.

1. **Exception No. 1.** Respondent excepts to the Administrative Law Judge's failure to specifically address issues raised by Respondent in its post hearing brief concerning Correia's credibility as to his testimony that Samson was calling him for advice.
2. **Exception No. 2.** Respondent excepts to the Administrative Law Judge failure to address issues raised by Respondent in its post hearing brief concerning Correia's credibility because there was no reason for Samson to threaten Correia.
3. **Exception No. 3.** Respondent excepts to the Administrative Law Judge connecting as a motivating factor the petitions concerning Samson circulated and discussed six-seven months prior to the alleged threat, to Correia, who did not sign the petitions, was not present at a meeting about the petitions and had nothing to do with the petitions. The General Counsel at the hearing stated that he was not contending Samson's alleged threat was in retaliation for the petitions circulated against Samson in April/May 2018 and discussed at a UPS meeting on June 2, 2018 (Tr.p.114:1-2). (ALJ Decision 2:24-26).
4. **Exception No. 4:** Respondent excepts to the Administrative Law Judge's finding that Samson did not testify that he did not make a threat and that there was no actual conflict between the testimonies of Samson, Correia and Vivanco regarding whether the threat was made. (ALJ Decision 8:16-21)
5. **Exception No. 5.** Respondent excepts to the Administrative Law Judge's failure to address in relation to Correia's credibility as to whether a threat was made, Correia's continuing

to handbill at UPS and adding handbilling at Costco after the alleged threat which the NLRB alleged restrained or coerced Correia in his Section 7 activities.

6. **Exception No. 6.** Respondent excepts to the Administrative Law Judge's finding that Union violated Section 8(b)(1)(A) of the Act (ALJ Decision 9:15-19; 10:15-16)

The arguments and authorities offered by Local 542 are set out in the Brief in Support of Exceptions filed and served herewith.

Dated: August 14, 2019

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BY: 
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