UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 9

TRUCK DRIVERS, CHAUFFEURS AND
HELPERS, LOCAL UNION NO. 100,
AFFILIATED WITH THE INTERNATIONAL
BROTHERHOOD OF TEAMSTERS

and Case 09-CB-232458

SAMUEL BUCALO, AN INDIVIDUAL

COUNSEL FOR THE GENERAL COUNSEL'S
LIMITED EXCEPTIONS TO THE
ADMINISTRATIVE LAW JUDGE'S DECISION

Counsel for the General Counsel takes limited exceptions to Administrative Law Judge Arthur J. Amchan's October 24, 2019 decision in the above-captioned case. Pursuant to Section 102.46(c) of the Rules and Regulations of the National Labor Relations Board, Counsel for the General Counsel hereby submits the following limited exceptions to the Administrative Law Judge's Decision:

1. To the finding that Respondent "has a valid reason for giving preference to drivers who have no income over those receiving a pension or social security benefits" (ALJD p. 8, ll.39-41); and "clearly has a legitimate reason for placing retirees in the lowest referral category." (ALJD p. 9, ll.19-20)

2. To the finding that Respondent did not violate Section 8(b)(2) of the Act. (ALJD p. 10, ll. 17-21)

3. To the failure to recommend that Respondent update its referral lists to place all Group VII applicants in the highest group for which they qualify without reference to their retiree status. (See recommended affirmative actions, ALJD p. 11)

4. To the failure to recommend that Respondent make all Group VII applicants whole for any loss of earnings and other benefits suffered as a result of being referred for film industry work pursuant to a policy that resulted in their being referred only after all non-retired job applicants. (ALJD p. 10, ll.19-21, p. 11 (recommended Order) and Appendix (recommended Notice to Members))

5. To the failure to recommend that Respondent revise its Movie Industry Referral Procedure and Rules to eliminate the Group VII "retiree" classification and to not base referral opportunities for job applicants on whether individual are receiving a pension or retirement benefits from any source or Social Security Retirement Benefits. (See recommended Notice to Members, Appendix)

6. Finally, to the following statement of law that appears to have been made in error: That once it is shown that Respondent put Charging Party Bucalo into the lowest (retiree) category due to his dissident activity, "the Union must show that would not put retirees and/or Bucalo in the lowest referral category in the absence of an unlawful motive." (ALJD p. 9, ll.10-11) It should be corrected to state that "the Union must show that it would have put retirees and/or Bucalo in the lowest referral category in the absence of an unlawful motive."

Dated this 21st day of November 2019.

Respectfully submitted,

/s/ Naima R. Clarke,

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