

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

BS&B Safety Systems, LLC,)	
)	
)	
Respondent,)	
)	
and)	
)	Case No. 14-CA-239530
United Steel, Paper and Forestry,)	
Rubber, Manufacturing, Energy)	
Allied Industrial and Service)	
Workers International Union,)	
AFL-CIO/CLC)	
)	
Charging Party.)	

**RESPONDENT’S ANSWERING BRIEF IN RESPONSE TO THE USW’S
CROSS-EXCEPTIONS TO THE ADMINISTRATIVE LAW JUDGE’S DECISION**

Respondent, BS&B Safety Systems, LLC (“BS&B”), respectfully submits this Answering Brief in Response to USW’s Cross-Exceptions to the Administrative Law Judge’s (“ALJ”) Decision.

The ALJ Properly Exercised Her Discretion by Denying the USW’s Request for the Remedy of Notice-Reading

In her decision, the ALJ denied the USW’s request that Dennis Amend, Dr. Hart, or a representative of the Board be required to read the notice attached to the decision as Appendix A to BS&B’s employees. The ALJ’s decision to not require notice-reading was correct and falls within the sound discretion afforded to ALJ’s regarding such matters.

An ALJ has “has broad discretion to fashion a remedy to fit the circumstances of each case.” *Stein, Inc. and Laborers International Union of North America (LIUNA)*, Nos. 09-CA-215131, 2019 WL 561317 (Jan. 24, 2019) (citing *Casino San Pablo*, 361 NLRB 1350, 1355-56 (2014); *Excel Case Ready*, 334 NLRB 4, 4-5 (2001)); *Gardner Trucking, Inc. and Teamsters*

Local No. 63, 2018 WL 1757018 (Apr. 11, 2018). The remedy of requiring a respondent to read aloud a notice to employees is an “extraordinary” or “special” remedy reserved for egregious cases. *In re Ishikawa Gasket America, Inc.*, 337 NLRB 175 (2001).

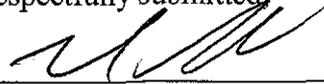
The Notice reading remedy is atypical and generally ordered when there is a showing that the Board’s traditional notice remedies are insufficient, such as when a respondent is a recidivist violator of the Act, when unfair labor practices are multiple and pervasive, or when circumstances exist that suggest employees will not understand or will not be appropriately informed by a notice posting.

Stein, Inc., 2019 WL 561317 (ALJ denying the General Counsel’s request for notice-reading as a remedy because even though the case involved serious violations, there was no findings of recidivism, pervasive violations, or that employees would not be informed by traditional notice posting).

Here, BS&B terminated the employment of Michael Stroup (“Stroup”) because he committed the most severe production error in the history of the company. (Tr. 67:17-20; 104:4-16; 221:23-222:8; 229:7-9; 236:17-20; 247:9-12; 263:19-20; 281:18-21; 318:11-16; 323:17-324:21; 336:24-337:1; 339:7-341:14; 368:2-4; 370:9-12; 375:18-20; 379:10-18; 396:24-398:13; 401:23-402:4; GC’s Ex. 16.) BS&B is not a recidivist violator as there have been no previous unfair labor practices for which BS&B has been found to be in violation of the Act. This case does not involve numerous violations as it centers on the termination of one employee, Stroup. And, the USW has not demonstrated employees will be unable to understand or be appropriately informed by notice posting. Therefore, this case is not one in which the extraordinary remedy of notice reading is justified.

While BS&B respectfully disagrees with the ALJ's decision that it violated the Act, the ALJ's refusal to require notice reading as a remedy falls well within the broad discretion given to her to fashion a remedy in this case.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that, on January 28, 2020, the above Reply Brief in Support of the Exceptions to the Decision of the Administrative Law Judge were filed via the Board's e-filing system with:

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I hereby also certify that, on January 28, 2020, copies of the Reply Brief in Support of the Exceptions were served via email on the following:

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