

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 25

| | | |
|-------------------------------|---|-------------------|
| AVI FOODSYSTEMS, INC. |) | |
| |) | |
| Employer |) | |
| |) | |
| and |) | Case 25-RC-259612 |
| |) | |
| TEAMSTERS LOCAL UNION NO. 135 |) | |
| |) | |
| Petitioner |) | |

EMPLOYER AVI FOODSYSTEMS, INC.
EXCEPTIONS TO REPORT ON OBJECTIONS, JD-41-20

Comes now AVI Foodsystems, Inc. (“Employer” or “AVI”) and excepts to Administrative Law Judge Arthur J. Amchan’s Report On Objections as follows:

1. Exception to Report on Objection #1.

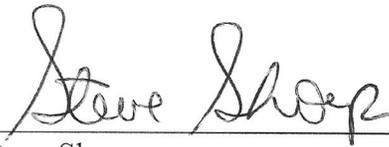
a. The Administrative Law Judge found that the Notice of Petition for Election was not properly posted on the warehouse bulletin board contrary to the credible testimony of AVI Office Supervisor Clark and improperly found that there was uncontradicted testimony that unit employees lacked access to the office area where the Notice was posted on a second bulletin board.

b. The Administrative Law Judge incorrectly cited the Board rule which establishes the requirement to post a Notice of Petition for Election as Section 103.20, contending the cited requirement is strictly enforced, *i.e.*, a violation requires an election to be set aside if a proper and timely objection is filed. The correct rule is Section 102.63(a)(2), which provides for discretion on the part of the Regional Director in the event the posting requirement is not strictly complied with.

2. Exception to Report on Objection #4. The Administrative Law Judge mischaracterized AVI supervisor Jeff Carpenter's testimony on pages 142-44 of the Transcript as misconduct which would reasonably tend to interfere with an employee's free and uncoerced choice in an election.

Dated: October 21, 2020

Respectfully submitted,



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on October 21, 2020 this Employer AVI Foodsystems, Inc. Exceptions To Report On Objections, JD-41-20 was electronically filed through the Board's website where it is available for viewing and downloading and has been sent via email to the following:

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