

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

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**PG PUBLISHING CO., INC. d/b/a  
PITTSBURGH POST GAZETTE**

**and**

**Case 06-CA-233676**

**GRAPHIC COMMUNICATIONS  
INTERNATIONAL UNION,  
GCC/INTERNATIONAL BROTHERHOOD OF  
TEAMSTERS LOCAL 24M/9N**

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**COUNSEL FOR THE GENERAL COUNSEL'S ANSWERING BRIEF IN OPPOSITION  
TO RESPONDENT'S CROSS-EXCEPTIONS TO THE DECISION OF THE  
ADMINISTRATIVE LAW JUDGE**

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**Submitted by:**

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Pursuant to charges filed by the Graphic Communications International Union, GCC/International Brotherhood of Teamsters Local 24M/9N (“the Union”) on January 7, 2019, the Regional Director of Region Six of the National Labor Relations Board (“the Board”) issued a Complaint and Notice of Hearing (“Complaint”) against PG Publishing Inc., d/b/a Pittsburgh Post-Gazette (“Respondent”) on March 16, 2020. This Complaint alleges several violations of Section 8(a)(1) and (5) of the Act, all of which arose from Respondent’s failure to meet its obligations of good faith bargaining during successor collective bargaining agreement negotiations. The alleged violations include Respondent’s failure and refusal to provide relevant information requested on September 27, 2018 by the Union, and Respondent’s unilateral elimination of a contractually provided five-shift per week guarantee and layoff of unit employees covered by this minimum shift guarantee without bargaining to agreement or to overall impasse for a successor contract.

On June 8, 2020, the Counsel for the General Counsel (“General Counsel”), the Union and Respondent filed a Joint Motion to submit this case to the Administrative Law Judge (ALJ) based on a stipulated record, which the ALJ granted on June 8, 2020. On September 14, 2020, ALJ David Goldman (ALJ) issued a decision (“ALJD”) and recommended order in the above-referenced case dismissing all Complaint allegations.

On November 5, 2020, the General Counsel filed Exceptions to the ALJD. On November 13, 2020, Respondent filed its Answering Brief to the General Counsel’s Exceptions, along with fourteen (14) Cross-Exceptions and an accompanying Brief in Support of these Cross-Exceptions.

Pursuant to Section 102.46 of the National Labor Relations Board’s Rules and Regulations, the General Counsel files this Answering Brief to Respondent’s Cross-Exceptions

to the ALJD. The General Counsel does not concede or agree to the validity or applicability of any of the statements or arguments made by Respondent in its Cross-Exceptions, including those which are not specifically addressed or referred to herein.

Respondent's Brief in Support of Cross-Exceptions and its Answering Brief contain the same information, arguments, and legal citations effectively verbatim. Additionally, both documents were recycled practically verbatim from Respondent's Post-Hearing Brief to the ALJ. Indeed, after doing a line-for-line comparison of each document, it appears that Respondent copied and pasted the same information, legal citations and arguments from its original Post-Hearing Brief submitted to the ALJ to its Answering Brief and now to its Brief in Support of Cross-Exceptions. Although this information has been reorganized to form Cross-Exceptions and now contains reference to the ALJD, all the arguments and legal authority are mere repetitions of Respondent's same arguments throughout this entire proceeding.

As Respondent has not raised any new arguments or legal authority in its Cross-Exceptions that it has not raised already in its Post-Hearing Brief or its Answering Brief to General Counsel's Exceptions, it feels redundant and unnecessary for the General Counsel to repeat the same responses provided in its Reply Brief.<sup>1</sup> It is understood that the Board has and will review all of these briefs, so out of respect for the efficiency of the Board's review of this case, General Counsel will not recycle and repeat the arguments it has already made in these prior filings.

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<sup>1</sup> For instance, Respondent has recycled the same misleading "Statement of Facts" section that it has used in all of its previous briefs, which the General Counsel has addressed in its Reply Brief and explained why Respondent is not actually citing facts in the record to support its arguments. As another example, Respondent again argues that *Bottom Line Enterprises* and *RBE Electronic* do not apply to *First National Maintenance* decisions, but the General Counsel has maintained why *Bottom Line* should apply to situations such as the instant case in its Reply Brief.

Based on the foregoing and General Counsel's Brief in Support of Exceptions, the General Counsel again urges the Board to reject the ALJ's findings, reject Respondent's Cross-Exceptions, and grant the General Counsel's Exceptions and order Respondent to fully remedy its unlawful acts as set forth in the Brief in Support of Counsel for the General Counsel's Exceptions to the Administrative Law Judge's Decision.

Dated at Pittsburgh, Pennsylvania this 16<sup>th</sup> day of December 2020.

Respectfully submitted,

/s/ Julie M. Polakoski-Rennie

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**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 6**

**AFFIDAVIT OF SERVICE OF COUNSEL FOR THE GENERAL COUNSEL'S  
ANSWERING BRIEF IN OPPOSITION TO RESPONDENT'S CROSS-EXCEPTIONS  
TO THE DECISION OF THE ADMINISTRATIVE LAW JUDGE**

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on December 16, 2020 I served the above-entitled document(s) by **electronic mail**, as noted below, upon the following persons, addressed to them at the following addresses:

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December 16, 2020  
Date

/s/ Julie M. Polakoski-Rennie  
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