

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

**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**

**MOTION OF COUNSEL FOR THE ACTING GENERAL COUNSEL TO THE  
NATIONAL LABOR RELATIONS BOARD FOR LEAVE TO FILE A  
SUPPLEMENTAL BRIEF**

Pursuant to Section 102.24 of the Board’s Rules and Regulations, Counsel for the Acting General Counsel hereby submits this Motion and urges the Board to allow the Acting General Counsel to submit a supplemental brief.

Pursuant to a charge filed by the Graphic Communications International Union, GCC/International Brotherhood of Teamsters Local 24M/9N (“the Union”) on January 7, 2019, and amended on February 14, 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.

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 an ALJ based on a stipulated record, which the ALJ granted on June 8, 2020. On September 14, 2020, the ALJ issued a Decision and recommended Order in the above-referenced case dismissing the Complaint allegations.

On November 5, 2020 Counsel for then-General Counsel Peter B. Robb filed a brief in support of exceptions (“Brief”) to the ALJ’s Decision, in part, urging the Board to overrule the Board’s decision in *Finley Hospital*<sup>1</sup> to the extent that it allows time-bound contractual terms - such as the term at issue here - to constitute the post-expiration status quo.

Former General Counsel Robb’s term ended on January 20, 2021 and Acting General Counsel Peter Sung Ohr was designated by President Biden on January 25, 2021. Acting General Counsel Ohr disagrees with the recommendation set forth in former General Counsel Robb’s Brief to overturn established Board law finding that durational limiting language in a collective-bargaining agreement only “limits the effective period of the contractual obligation, but does not address the employer’s post-expiration conduct or obligations or authorize unilateral action of any kind” and allows time-bound contractual terms, as in the present case, to constitute the post-expiration status quo.<sup>2</sup> Acting General Counsel Ohr believes that *Finley Hospital* was appropriately decided.

Acting General Counsel Ohr therefore moves the Board to allow Acting General Counsel Ohr to file a supplemental brief withdrawing the recommendation that the Board overturn established case law.

Dated at Pittsburgh, Pennsylvania, this 25th day of Febuary, 2021.

Respectfully submitted,

/s/ Clifford E. Spungen  
Clifford E. Spungen  
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<sup>1</sup> 362 NLRB 915 (2015), enforcement denied, 827 F. 3d 720 (8th Cir. 2016).

<sup>2</sup> *Finley Hospital*, 362 NLRB at 918.

