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7 UNITED STATES OF AMERICA
8 NATIONAL LABOR RELATIONS BOARD
9 REGION 19

10 UNITED FOOD AND COMMERCIAL) Case No. 19-CB-9660
11 WORKERS UNION LOCAL 4, affiliated with)
12 UNITED FOOD AND COMMERCIAL)
WORKERS UNION) **MOTION FOR RECONSIDERATION**

13 Respondent,

14 and

15 PAMELA BARRETT, an individual
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18 Respondent hereby moves the Board for an Order reconsidering its Decision and Order in
19 this matter.

20 This motion is based upon two grounds: 1) Member Becker recognized in footnote 3 that
21 the Board and the Department of Labor should make their reporting requirements consistent. The
22 Board should engage in discussions with the Department of Labor to ensure that this happens and
23 pending that process, the Board's Decision and Order should be rescinded.

24 The second ground for this request is that the Board's recent decision *in International*
25 *Association of Machinists, (L-3 Communications)* 355 NLBR No. 174 (2010), restates the principle
26 that the appropriate standard in determining whether the union's auditing procedure is adequate as
27 the duty of fair representation standard, not some higher more difficult standard.

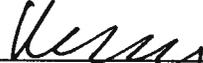
1 Here, the union was not arbitrary in choosing the Review Report procedure to fulfill its
2 financial reporting to its members and to any dues cheater like Ms. Barrett. Coupled with the LM-
3 2 it adequately disclosed its finances. The duty of fair representation does not presume that the
4 union's conduct needs outside verification by anyone including an auditor . There can be no claim
5 that the procedure is arbitrary, when as member Becker point out in footnote 3, the union also has
6 to file it's LM-2 to a more exacting standard.

7 For these reasons, the Board should reconsider its Decision and Order.

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9 Dated: September 9, 2010

Respectfully submitted,

10 WEINBERG, ROGER & ROSENFELD
A Professional Corporation

11 By: 
12 DAVID A. ROSENFELD
13 Attorneys for Respondent

14 117150/588203

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PROOF OF SERVICE
(CCP 1013)

I am a citizen of the United States and an employee in the County of Alameda, State of California. I am over the age of eighteen years and not a party to the within action; my business address is 1001 Marina Village Parkway, Suite 200, Alameda, California 94501-1091. On September 9, 2010, I served upon the following parties in this action:

Pamela Barrett
1103 Shasta Lane
Polson, MT 59860-3309

NLRB, Region 19
915 Second Avenue, Room 2948
Seattle, WA 98174-1078
Fax: (206) 220-6305

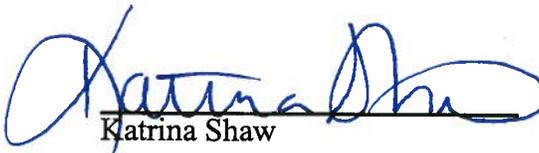
copies of the document(s) described as:

MOTION FOR RECONSIDERATION

BY MAIL I placed a true copy of each document listed herein in a sealed envelope, addressed as indicated herein, and caused each such envelope, with postage thereon fully prepaid, to be placed in the United States mail at Alameda, California. I am readily familiar with the practice of Weinberg, Roger & Rosenfeld for collection and processing of correspondence for mailing, said practice being that in the ordinary course of business, mail is deposited in the United States Postal Service the same day as it is placed for collection.

BY FACSIMILE I caused to be transmitted each document listed herein via the fax number(s) listed above or on the attached service list.

I certify under penalty of perjury that the above is true and correct. Executed at Alameda, California, on September 9, 2010.


Katrina Shaw