



United States Government
NATIONAL LABOR RELATIONS BOARD
REGION 7

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March 1, 2011

Lester Heltzer, Executive Secretary
National Labor Relations Board
1099 14th St., NW
Washington, DC 20005-3419

Re: Comau, Inc.
Cases 7-CA-52614 and 7-CA-52939
Comau Employees Association (CEA)
Case 7-CB-16912

Dear Sir:

Attached is an electronic copy of the Counsel for the Acting General Counsel's Cross-Exceptions and Brief in Support of Cross-Exceptions to the decision of the Administrative Law Judge in the above case. As indicated on the last page of the document, copies have been electronically served on all parties of record.

Very truly yours,

Darlene Haas Awada
Counsel for the Acting General Counsel

Attachments: Counsel for the Acting General Counsel's Cross-Exceptions, Brief in Support of Cross-Exceptions, and Certificate of Service

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
WASHINGTON, D.C.**

COMAU, INC.

Respondent Employer

and

Cases 7-CA-52614 and 7-CA-52939

COMAU EMPLOYEES ASSOCIATION (CEA)

Party in Interest/Respondent Union

and

Case 7-CB-16912

AUTOMATED SYSTEMS WORKERS LOCAL 1123,

affiliated with

**CARPENTERS INDUSTRIAL COUNCIL, UNITED BROTHERHOOD OF
CARPENTERS AND JOINERS OF AMERICA**

Charging Party

**COUNSEL FOR THE ACTING GENERAL COUNSEL'S CROSS-
EXCEPTIONS**

Counsel for the Acting General Counsel, pursuant to Section 102.46(e) of the Board's Rules and Regulations, files the following cross-exceptions to the decision of Administrative Law Judge Geoffrey Carter (ALJD), in the above-captioned matter which issued on December 21, 2010. Counsel for the Acting General Counsel excepts to the following:

1. The ALJ's failure to make a conclusion of law that Harry Yale, James Reno, and Nelson Burbo III were agents of Respondent Comau within the meaning of Section 2(13) of the Act. (ALJD, p. 17 n. 32, lines 46-51)

2. The ALJ's failure to find and conclude that Respondent Comau violated Section 8(a)(5) and (2) of the Act by withdrawing recognition from Automated Systems Workers Local 1123, affiliated with Carpenters Industrial Council, United Brotherhood of Carpenters and Joiners of America (hereinafter "ASW") and recognizing Respondent CEA based on a disaffection petition tainted by its circulation by agents of Respondent Comau. (ALJD p. 17 n.32 lines 46-51)
3. The ALJ's finding and conclusion that "there is no evidence that Comau officials knew the disaffection was being circulated before December 21, 2009, and decided not to enforce the rules for circulating such materials." (ALJD p. 11, n.21, lines 44-46)
4. The ALJ's failure to consider, in his analysis of the evidence with regard to Respondent Comau's knowledge of the circulation of the disaffection petition, Harry Yale's admission (Tr. 255) that he informed Fred Begle within a couple of days of when he began circulating the petition that he was circulating it. (ALJD p. 11, n.21, lines 44-51)
5. The ALJ's failure to find and conclude that under the circumstances of the disaffection petition's circulation by agents of Respondent Comau, an employee would reasonably believe the petition was supported by Respondent Comau. (ALJD p. 11, n.21, lines 37-51)

The portions of the record and authority relied upon to support these cross-exceptions are contained in the accompanying supporting brief.

Respectfully submitted this 1st day of March, 2011.

/s/ Sarah Pring Karpinen

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CERTIFICATE OF SERVICE

I certify that on the 1st day of March, 2011, I electronically served copies of Counsel for the Acting General Counsel's Cross-Exceptions and Brief in Support of Cross-Exceptions on the following parties of record:

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