

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

DIRECTV U.S. DIRECTV HOLDINGS, LLC

and

Case 21-CA-39546

INTERNATIONAL ASSOCIATION OF
MACHINISTS AND AEROSPACE
WORKERS, DISTRICT LODGE 947
AFL-CIO

COUNSEL FOR THE ACTING GENERAL COUNSEL'S
LIMITED EXCEPTIONS TO THE
ADMINISTRATIVE LAW JUDGE'S DECISION

On December 13, 2011, the Honorable Gerald A. Wacknov, Administrative Law Judge, herein referred to as the ALJ, issued his decision in the above-captioned case. Pursuant to Section 102.46 of the Board's Rules and Regulations, Counsel for the Acting General Counsel hereby files the following limited exceptions:

1. The ALJ's finding that the each of the Atlantic Steel¹ factors weighs in favor of the Respondent's contention that Edmonds' remarks removed him from the protection of the Act and, therefore, the finding that Edmonds was not discharged for his protected concerted activity in violation of Section 8(a)(1) of the Act. (ALJD 12:28-13:19).

¹ Atlantic Steel Co., 245 NLRB 814 (1979),

2. In recommending that Edmonds be reinstated and made whole for any loss of pay and other benefits resulting from his unlawful discharge,² the ALJ's failure to order that Edmonds be reimbursed an amount equal to the difference in taxes owed upon receipt of a lump-sum payment and taxes that would have been owed had there been no discrimination. (ALJD 20: 39-42).

3. In recommending that Edmonds be reinstated and made whole for any loss of pay and other benefits resulting from his discharge, the ALJ's failure to order the Respondent to submit appropriate documentation to the Social Security Administration so that when backpay is paid, it will be allocated to the appropriate periods. (ALJD 20: 39-42).

4. The ALJ's finding that the maintenance of a provision in Respondent's Employee Handbook regarding the use of company systems, equipment and resources, provision 2.4, does not restrict an employee's right to engage in Section 7 activity in violation of Section 8(a)(1) of the Act. (ALJD 19:27-34).

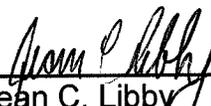
5. The ALJ's relegation of remedial action for the unlawful rules and policy provisions in Respondent's Employee Handbook and Policy on Communications, Public Relations, and Corporate Events³ to the compliance stage of the proceeding and his

² The record contains substantial, credible evidence to support the ALJ's findings and conclusions that Edmonds was discharged because of his union and other protected concerted activity in violation of Section 8(a)(1) and (3) of the Act.

³ The record contains substantial, credible evidence to support the ALJ's findings and conclusions that Respondent maintained certain rules in its Employee Handbook and Policy on Communications, Public Relations, and Corporate Events in violation of Section 8(a)(1) of the Act.

failure to order the notice to employees to be both physically posted nationwide and electronically distributed nationwide. (ALJD 19:16-25, 20-15-17).

Respectfully submitted,



Jean C. Libby
Counsel for the Acting General Counsel
National Labor Relations Board

DATED at Los Angeles, California
this 6th day of February, 2012.

STATEMENT OF SERVICE

I hereby certify that a copy of the Counsel for the Acting General Counsel's **Limited Exceptions to the Administrative Law Judge's Decision** in Case 21-CA-039546 was submitted by E-filing to the National Labor Relations Board, Washington, D.C., on February 6, 2012. The following parties were served with a copy of the same Brief by electronic mail:

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Respectfully submitted,



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