

**BEFORE THE
NATIONAL LABOR RELATIONS BOARD**

In the Matter of:

HARGROVE ELECTRIC CO., INC., **Case No. 16-CA-27812**
Respondent,

ALMAN CONSTRUCTION SERVICES, **Case No. 16-CA-27813**
LP,
Respondent,

BOGGS ELECTRIC CO., INC., **Case No. 16-CA-27814**
Respondent

and

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS LOCAL 20,
Charging Party.

**CHARGING PARTY IBEW LOCAL 20'S
EXCEPTIONS TO THE DECISION
OF THE ADMINISTRATIVE LAW JUDGE**

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Pursuant to Rule 102.46 of the Board's Rules and Regulations, Charging Party International Brotherhood of Electrical Workers Local 20 ("Charging Party" or "Charging Party Local 20") hereby submits the following Exceptions to the January 13, 2012 Decision of the Administrative Law Judge in the referenced consolidated cases, stating as follows:

1. Charging Party excepts to the Administrative Law Judge's Finding and Conclusion, stated at p. 13, ll. 1-2 of her decision, where she states "I find that Respondents' unilateral cessation of dues checkoff on or about December 11, 2010 did not violate Section 8(a)(5) of the Act," for the reason that the stated Finding and Conclusion is contrary to what should be applicable law, as more fully discussed in Local 20's Brief in Support of Exceptions filed herewith.

2. Charging Party excepts to the Administrative Law Judge's decision at p. 12, ll. 35-45 where she relies on *Bethlehem Steel*, 136 NLRB 1500 (1962) and *Hacienda Resort Hotel & Casino (Hacienda III)*, 355 NLRB No. 154 (2010) as controlling precedent in regard to the legality of Respondents' unilateral cessation of dues deduction beginning on or about December 11, 2010, for the reason that her reliance upon these Board decisions is contrary to what should be applicable law, as more fully discussed in Local 20's Brief in Support of Exceptions filed herewith.

3. Charging Party excepts to the Administrative Law Judge's failure to apply the decision of the Ninth Circuit in *Local Joint Executive Board of Las Vegas v. NLRB*, 657 F.3d 865 (9th Cir. 2011), at p. 13, ll. 35-45 as controlling legal authority in regard to whether Respondents' unilateral cessation of dues checkoff on or about December 11, 2010 violated Section 8(a)(5) of the Act, for the reason that the Ninth Circuit's decision constitutes better reasoned legal authority which should control disposition of the identified issue.

4. Charging Party excepts to the failure of the Administrative Law Judge to conclude that Respondents' unilateral cessation of dues checkoff on or about December 11, 2010, violated Sections 8(a)(5) and (1) of the Act, among her conclusions set out in her decision at p. 13, l. 5 - p. 14, l. 31, for reasons more fully discussed in Local 20's Brief in Support of Exceptions filed herewith.

5. Charging Party excepts to the Administrative Law Judge's failure to provide a remedy for Respondents' unlawful unilateral cessation of dues checkoff beginning on or about December 11, 2010, among items of remedy set out at p. 14, l. 35 - p. 15, l. 10, for reasons more fully discussed in Local 20's Brief in Support of Exceptions filed herewith.

6. Charging Party excepts to the failure of the Administrative Law Judge to order as a remedy identified in her decision at p. 15, l. 14 - p. 18, l. 30, the requirement that Respondents make Charging Party whole for all lost dues checkoff, together with applicable interest, without resort to deduction of such amounts from affected employees' wages, as a result of Respondents' unlawful unilateral cessation of dues checkoff beginning on or about December 11, 2010, for reasons stated in more detail in Charging Party's Brief In Support of Exceptions filed herewith.

Respectfully submitted,

s/G. William Baab
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**ATTORNEY FOR CHARGING PARTY
IBEW LOCAL 20**

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of February, 2012, the foregoing Charging Party IBEW Local 20's Exceptions to the Decision of the Administrative Law Judge was filed as follows:

Electronically and Original and seven (7) copies by UPS Next Day Air:

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National Labor Relations Board
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