

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 13**

**FORT DEARBORN COMPANY
Respondent**

and

**DISTRICT COUNCIL FOUR, GRAPHIC
COMMUNICATION CONFERENCE
INTERNATIONAL BROTHERHOOD
OF TEAMSTERS**

Case 13-CA-46331

Charging Party

**COUNSEL FOR THE ACTING GENERAL COUNSEL'S CROSS-EXCEPTIONS
TO THE DECISION OF THE ADMINISTRATIVE LAW JUDGE**

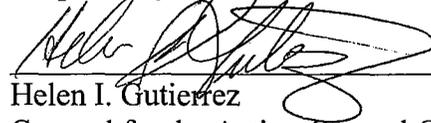
Pursuant to Section 102.46 of the Board's Rules and Regulations, the Acting General Counsel, by the undersigned, respectfully files these Exceptions to the November 30, 2011 Decision of Administrative Law Judge Arthur J Amchan in this case¹. Counsel for the Acting General Counsel excepts to the ALJ's decision to dismiss the allegations that Respondent violated Section 8(a)(1) of the Act by threatening to watch employees with closer scrutiny and to discharge employees because of their union and protected activity. (ALJD p. 3) Counsel for the Acting General Counsel further takes exception to the ALJ's failure to find that Respondent violated Section 8(a)(3) of the Act by suspending Marcus Hedger. (ALJD p. 9) Specifically, Counsel for the Acting General Counsel excepts to the following:

¹ In these Cross-Exceptions, the Administrative Law Judge will be referred to as the "ALJ," the National Labor Relations Board will be referred to as the "Board," the District Council Four, Graphic Communication Conference, International Brotherhood of Teamsters will be referred to as "the Union," and Fort Dearborn Company will be referred to as "Respondent." Citations to the ALJ's Decision will be referred to as "ALJD" followed by the specific page(s) and line(s) referenced.

1. The ALJ's finding that "it is not clear whether or not Johnstone was referring to catching Hedger using company copying equipment, as opposed to conduct that is protected" when Respondent's vice president Bill Johnstone threatened Marcus Hedger on June 4, 2010 that "we are watching you, we are going to catch you and we are going to fire you" (ALJD p. 3 L 40-42)
2. The ALJ's failure to find that Johnstone's threat to watch, catch and fire Hedger constituted unlawful 8(a)(1) conduct . (ALJD p. 3 L 40-42)
3. The ALJ's failure to find that Johnstone's threats to watch, catch and fire Hedger further established animus in the suspension and discharge of Marcus Hedger.
4. The ALJ's failure to find that Respondent violated Section 8(a)(3) of the Act by suspending Hedger. (ALJD p. 9 L14-15)
5. The ALJ's inadvertent error in finding that statements made by Kester to Hedger relating to the death of a coworker's husband occurred in 2009 rather than 2010. (ALJD p. 7 L 19-20)

DATED at Chicago, Illinois, this 8th day of February, 2012

Respectfully submitted,



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CERTIFICATE OF SERVICE

The undersigned Counsel for the General Counsel hereby certifies that true and correct copies of Counsel for the Acting General Counsel's Cross-Exceptions to the Decision of the Administrative Law Judge has been electronically filed on February 8, 2012. Pursuant to Section 102.114, revised on January 23, 2009, true and correct copies of that document have also been served on the same date upon the following parties of record via electronic mail and U.S. regular mail as set forth below:

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