

**BEFORE THE
NATIONAL LABOR RELATIONS BOARD**

In the Matter of:)
)
FORT DEARBORN CORPORATION,)
)
 Respondent,)
)
and)
)
DISTRICT COUNCIL FOUR, GRAPHIC)
COMMUNICATIONS CONFERENCE OF)
THE INTERNATIONAL BROTHERHOOD)
OF TEAMSTERS,)
)
 Charging Party.)

Case No. 13-CA-46331

**CROSS-EXCEPTIONS OF CHARGING PARTY
DISTRICT COUNCIL FOUR, GCC/IBT
TO THE DECISION AND RECOMMENDED ORDER
OF THE ADMINISTRATIVE LAW JUDGE**

Charging Party District Council Four, Graphic Communications Conference of the International Brotherhood of Teamsters, pursuant to Section 102.46 of the National Labor Relations Board’s Rules and Regulations, Series 8, as amended, files its Cross-Exceptions to the Decision and Recommended Order of Administrative Law Judge Arthur J. Amchan (“the ALJ”), issued on November 30, 2011, as follows:

1. Charging Party excepts to the ALJ’s failure to find that Corporate Senior Vice-President Bill Johnstone’s statement on June 4, 2010, to Marcus Hedger, in front of the Union negotiating committee, that “We’re watching you, we are going to catch you and we are going to fire you” was an illegal threat to fire Hedger and watch him with closer scrutiny because of his Union and protected concerted activity, in violation of Section 8(a)(1) of the Act, as alleged in the

Complaint (ALJD, p. 3, lines 24-42). As grounds for this exception, Charging Party asserts that the ALJ found that Johnstone did in fact state this, based on the credited testimony of Marcus Hedger and David Ishac; that the Company has not excepted to that finding, and in context Johnstone's statement was clearly an illegal threat.

2. Charging Party excepts to the ALJ's failure to include a finding that Corporate Senior Vice-President Bill Johnstone's statement of June 4, 2010, discussed in Exception 1, above, violated Section 8(a)(1) in his Conclusions of Law, and to include a remedy for this violation in his proposed Remedy and recommended Order.

3. Charging Party excepts to the ALJ's failure to find that Bill Johnstone's statement of June 4, 2010, discussed in Exception 1, above, further established the Company's animus.

4. Charging Party excepts to the ALJ's failure to find that the suspension of Marcus Hedger on August 18, 2010, violated Section 8(a)(3) and (1) of the Act (ALJD, p. 9, lines 13-15), and the failure to include a remedy for this violation in his proposed Remedy and recommended Order.

5. Charging Party excepts to the ALJ's failure to find that the statement of Corporate Senior Vice-President Bill Johnstone in 2009 to Marcus Hedger and the other Union stewards that Marcus Hedger was not a good steward; that he lied to the guys and bullied and badgered them; that he fed them half-truths and misinformation; and that he was leading the guys down the wrong path and leading them to nowhere (Tr. 42-44, 101-102, 108-109, 235-237, 350-351) further established the Company's animus

6. Charging Party excepts to the ALJ's failure to find that the Company's two-day delay in June, 2010, in removing a sticker from the locked Company bulletin board with a cartoon

character wearing the letter "H," the slogan, "Say No to Blockheads," and a hand-written sign saying, "Does the 'H' in This Sticker stand for HEDGER?" (Tr. 75-76; G.C.Exh. 11) further established the Company's animus.

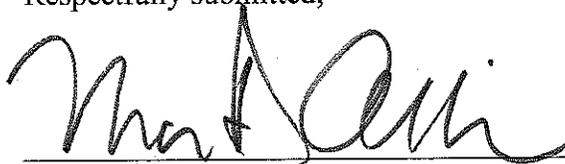
7. Charging Party excepts to the ALJ's failure to find that Bob Kester's letter of June 23, 2010, threatening to discipline Marcus Hedger up to and including discharge for his authorized postings on the Union bulletin board (G.C.Exh. 15; Tr. 39), further established the Company's animus.

8. Charging Party excepts to the ALJ's failure to find that the Company's disproportionate reaction to learning that Marcus Hedger may have escorted someone through the plant further established the Company's animus.

9. Charging Party excepts to the ALJ's failure to find that terminating Marcus Hedger for something that his foreman had approved further established the Company's animus.

10. Charging Party excepts to the ALJ's failure to credit Marcus Hedger's testimony (Tr. 33-35) as to what Bob Kester said to him on June 11, 2010, in connection with the death of Linda Gonzalez's husband (ALJD, p. 7, fn. 11).

Respectfully submitted,



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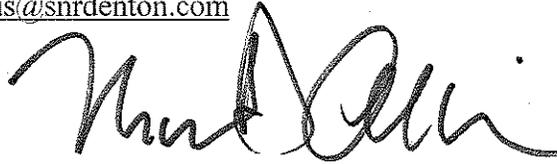
February 8, 2012

CERTIFICATE OF SERVICE

The undersigned counsel for Charging Party certifies that he electronically filed the foregoing Exceptions of Charging Party District Council Four, Graphic Communications Conference of the International Brotherhood of Teamsters, to the Decision and Recommended Order of Administrative Law Judge Arthur J. Amchan with the Board's Executive Secretary, and served copies of these Exceptions on the following counsel for the parties, all by e-mail on February 8, 2012:

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