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8 UNITED STATES OF AMERICA
9 BEFORE THE NATIONAL LABOR RELATIONS BOARD
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11 In the Matter of:

12 DIRECTV U.S.; DIRECTV HOLDINGS, LLC,

13 Employer/Respondent

14 and

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

16 Charging Party
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Case No. 21-CA-39546

**CROSS EXCEPTIONS TO DECISION
OF ADMINISTRATIVE LAW JUDGE**

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19 Charging Party hereby takes the following exceptions to the Decision of the Administrative Law
Judge:
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- 21 Exception 1 P. 12:25, 13:20 To the finding that the conduct of Mr. Edmonds removed him
from the protection of the Act.
- 22 Exception 2 P. 13:11 To the finding that the company had claimed that the problem
would be resolved has an impact upon Mr. Edmond's conduct.
- 23 Exception 3 P. 13:6-19 To the failure of the ALJ to recognize that by talking loudly
enough, he was engaged in protected concerted activity.
- 24 Exception 4 P. 13: fn. 25 To the failure of the ALJ to recognize that profanity was
routinely used in the workplace and therefore use by Mr.
25 Edmonds was protected activity.
- 26 Exception 5 P.13:13 To the conclusion by the Judge that "Edmonds uttered
27 profanities". Statements which may be profanities to this
28 administrative law judge may be the essence of communication

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to other employees. The ALJ failed to make specific findings as to what Edmonds said.

Exception 6 P.13:16-17 To the failure of the ALJ to find that Mr. Edmond's statements were not provoked. In fact Mr. Zambrano to some degree provoked the incident because the line on the day in question was long and the employer has done nothing to resolve the problem.

Exception 7 P.19:26-34 To the failure of the ALJ to find that the restriction of the use of company systems does not violate the Act because it expressly prohibits use of the company property for "outside organization activity.

Exception 8 P.18:50-19:10 To the failure of the ALJ to find that Rule 3.4 is a form of interrogation.

Exception 9 P.18:50-19:10 To the failure of the ALJ to find that Section 3.4 of the handbook is unlawful. To the extent it restricts the right of employees to talk to law enforcement about wages, hours and working conditions.

Exception 10 P.18:50-19:10 To the failure of the ALJ to find that the confidentiality provision unlawfully restricts employees from disclosing company business for purposes of effective boycotting and other protected concerted activity. For example, employees have a right to disclose sales, promotions or weaknesses in the company business so that a Union can use them for engaging in lawful boycotting or other lawful economic activity. To the same degree employees are entitled to disclose this information to avoid lockouts or the hiring of scabs.

Exception 11 P.18:50-19:10 To the failure of the ALJ to find that the rule quoted at page 17:3-5 is unlawful because it prohibits employees from disclosing business information that may be useful for purposes of taking economic action including boycott.

Exception 12 P.19:16-25 To the failure of the ALJ to recommend that the unlawful rules be rescinded and expunged.

Exception 13 P.19:24-25 To the recommendation of the ALJ that remedial action be relegated to the compliance stage. The offending rules must be rescinded forthwith.

Exception 14 To the failure of the Order to encompass the unfair labor practices referred to in the exceptions.

Exception 15 P.19:45-20:17 To the failure of the ALJ to require intranet posting as required by the Board's decision in *Picini Floors*. The Notice should be posted nationwide and around the world.

Exception 16 To the failure of the ALJ to require that the notice be posted for the same period of time as arises between when the unfair labor practices were committed and when they are remedied

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CERTIFICATE OF SERVICE

I am a citizen of the United States and an employee in the County of Alameda, State of California. I am over the age of eighteen years and not a party to the withing action; my business address is 1001 Marina Village Parkway, Suite 200, Alameda, California 94501. I certify that on, February 13, 2012 the was served on all parties or their counsel of record as listed below.

Served Via Email

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Email: greg@wolfsim.com

Served Via E-Filing

Chief Administrative Law Judge
National Labor Relations
Division of Judges
www.nlr.gov

I certify under penalty of perjury that the above is true and correct.

Executed at Alameda, California, on February 13, 2012

/s/ _____
Marveline Carrell