

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
TWENTY-SEVENTH REGION

SCHWAN'S HOME SERVICE, INC.  
A WHOLLY OWNED SUBSIDIARY OF  
THE SCHWAN FOOD COMPANY

Case No. 27-CA-066674

PATRICK K. WARDELL, an Individual

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**ACTING GENERAL COUNSEL'S EXCEPTIONS TO  
THE ADMINISTRATIVE LAW JUDGE'S DECISION AND ORDER**

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Pursuant to the Board's Rules and Regulations, series 8, Section 102.46, Counsels for the Acting General Counsel of the National Labor Relations Board file the following exceptions to the Administrative Law Judge's Decision and Order in this matter:

1. The Administrative Law Judge's misstatement of the issue as being whether the Respondent "promulgated and maintained" unlawful rules and policies, when the issue is only whether the Respondent maintained unlawful rules and policies (ALJD 2: 20-22).

2. The Administrative Law Judge's failure to find that Respondent violated Section 8(a)(1) of the Act by maintaining the "Security of Company Information" rule in its Employee Handbook (ALJD 6:1-12):

3. The Administrative Law Judge's failure to find that Respondent violated Section 8(a)(1) of the Act by maintaining the "Use of the Company Name" rule in its Employee Handbook (ALJD 6:1-12):

4. The Administrative Law Judge's failure to find that Respondent violated Section 8(a)(1) of the Act by maintaining the "Conflicts of Interests" rule in its Employee Handbook (ALJD 6:1-12):

5. The Administrative Law Judge's failure to find that Respondent violated Section 8(a)(1) of the Act by maintaining its Employment, Confidentiality, Ownership & Noncompete Agreement which prohibits the disclosure of "Confidential or Proprietary" information, which is defined as information "pertaining to the wages, commissions, performance, or identity of employees of Employer" (ALJD 7: 7-9).

6. The Administrative Law Judge's failure to include in his Recommended Order and Notice to Employees the standard remedy for his conclusion of law that Respondent violated Section 8(a)(1) of the Act by maintaining a rule in its employee handbook that prohibited solicitation in work areas during nonworking time.

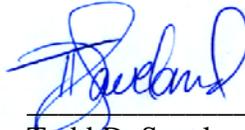
7. The Administrative Law Judge's failure to include in the Recommended Order and Notice to Employees the standard remedy for his conclusion of law that Respondent violated Section 8(a)(1) of the Act by issuing suspension notices to its employees which prohibited them from discussing their status with anyone inside or outside the company.

Dated at Denver, Colorado, this 12<sup>th</sup> day of October, 2012.

Respectfully submitted,



Renée C. Barker



Todd D. Saveland

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## CERTIFICATE OF SERVICE

I hereby certify that a copy of the **ACTING GENERAL COUNSEL'S EXCEPTIONS TO THE ADMINISTRATIVE LAW JUDGE'S DECISION AND ORDER**, together with this Certificate of Service, was E-Filed or E-mailed or mailed, as indicated below, to the following parties on: October 12, 2012.

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National Labor Relations Board  
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