

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 12**

**HARTMAN AND TYNER, INC.  
d/b/a MARDI GRAS CASINO AND  
HOLLYWOOD CONCESSIONS, INC.**

**and**

**Cases 12-CA-072234, 12-CA-072238  
12-CA-072245, 12-CA-072246  
12-CA-072248, 12-CA-072251  
12-CA-072254, 12-CA-072257  
12-CA-072263**

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

Pursuant to Section 102.46 of the Board's Rules and Regulations, Counsel for the Acting General Counsel, hereby submits the following cross-exceptions to the Decision of Administrative Law Judge George Carson II, dated September 18, 2012 in the above captioned case.

1. The ALJ failed to require that the Notice to Employees be posted in Haitian Creole and other languages determined by the Regional Director to be necessary to fully communicate with Respondent's employees, as well as English.<sup>1</sup> (ALJD 28:45 to 29:8).
2. The ALJ failed to require that in addition to physical posting of paper notices, Respondent be ordered to distribute the Notice to Employees electronically, such as by email, posting on an intranet or an internet site, and/or by other electronic means, if the Respondent customarily communicates with its employees by such means. (ALJD 28:45 to 29:8).

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<sup>1</sup> Judge Carson's Decision will be identified by "ALJD," page, and line.

3. The ALJ failed to require that Respondent conduct a public reading of the Notice To Employees in English, Haitian Creole, and other languages determined by the Regional Director to be necessary to fully communicate with Respondent's employees, as well as English , with the reading to be done by a responsible management official or officials, , with a Board Agent present, during a meeting or meetings scheduled during work time to ensure the widest possible attendance by the Charged Party's employees at its Hallandale Beach, Florida facility, or in the alternative, with the reading to be done by a Board agent or Board agents with a responsible management official present. (ALJD 28:45 to 29:8).
4. The ALJ failed to include in his recommended remedy and order that Respondent is required to reimburse the unlawfully discharged employees for any excess federal and state income taxes they may owe from receiving a lump-sum backpay award. (ALJD 27:19-35).
5. The ALJ failed to include in his recommended remedy and order that Respondent is required to submit the appropriate documentation to the Social Security Administration so that when backpay is paid to the unlawfully discharged employees, it will be allocated to the appropriate calendar quarters. (ALJD 27:19-35).

It is respectfully requested that the Board grant the Acting General Counsel's cross-exceptions and modify the Administrative Law Judge's Decision in the above respects, as further explained in the accompanying brief.

DATED at Miami, Florida, this 16<sup>th</sup> day of November, 2012.

Respectfully submitted,

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## CERTIFICATE OF SERVICE

I hereby certify that the Acting General Counsel's Cross-Exceptions to the Administrative Law Judge's Decision in the matter of Hartman and Tyner, Inc. d/b/a Mardi Gras Casino and Hollywood Concessions, Inc., Case 12-CA-072234, et al., was electronically filed with the Executive Secretary of the National Labor Relations Board and served by electronic mail upon the below-listed parties on this 16<sup>th</sup> day of November, 2012.

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