

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

CONVERGYS CORPORATION

and

Cases 14-CA-075249
and 14-CA-083936

HOPE GRANT, an Individual

**COUNSEL FOR THE GENERAL COUNSEL'S CROSS-EXCEPTIONS TO THE ORDER
AND NOTICE TO EMPLOYEES OF THE ADMINISTRATIVE LAW JUDGE**

Counsel for the Acting General Counsel (General Counsel) pursuant to Section 102.46 of the National Labor Relations Board's Rules and Regulations, Series 8, as amended, respectfully excepts to the Order and Notice to Employees issued by Administrative Law Judge Arthur J. Amchan on October 25, 2012.

The administrative law judge correctly found that Respondent violated Section 8(a)(1) of the Act by maintaining and enforcing a mandatory provision in its employment applications that waives the right to maintain class or collective actions in all forums. The administrative law judge erred in failing to include in the recommended order a cease and desist provision prohibiting Respondent from using the waiver agreement in any judicial or arbitral forums and failing to include affirmative action provision requiring Respondent to notify judicial or arbitral forums where the waiver agreement has been used to seek the dismissal of class or collective actions that the waiver agreement has been rescinded and, further, requiring Respondent to reimburse Hope Grant (Charging Party) for any attorneys' fees and litigation expenses directly related to responding to Respondent's Motion to Strike Class and Collective Allegations. The administrative law

judge further erred when he failed to include such cease and desist and affirmative provisions in his recommended notice posting, particularly where Respondent's motion to strike class and collective allegations in Charging Party Hope Grant's Fair Labor Standards Act suit is pending. (ALJD 4, LL. 20-39, 5 LL. 2-19; ALJD 6).

Accordingly, General Counsel respectfully excepts to:

1. The failure to include the following provisions in the Order:

Cease and desist from

Seeking the dismissal of class or collective actions in any judicial or arbitral forum on the basis of the waiver of such rights to maintain class or collective actions that applicants for employment and employees have been required to sign.

Take the following affirmative action necessary to effectuate the policies of the Act

Notify judicial or arbitral forums where the waiver agreement has been used to seek dismissal of class or collective actions that the waiver agreement has been rescinded and that Respondent no longer opposes the seeking of collective or class action type relief.

Reimburse employees for any attorneys' fees and litigation expenses directly related to responding to Respondent's Motion to Strike Class and Collective Allegations.

2. The failure to include the following provisions in the Notice to Employees:

WE WILL NOT seek the dismissal of any class or collective actions in any judicial or arbitral forums on the basis of the waiver of such rights to maintain class or collective actions that we have required you to sign.

WE WILL notify judicial or arbitral forums where the waiver agreement has been used to seek dismissal of the class or collective actions that the waiver agreement has been rescinded and that we no longer oppose the seeking of collective or class action type relief.

WE WILL reimburse employees for any attorneys' fees and litigation expenses directly related to responding to our Motion to Strike Class and Collective Allegations in the Fair Labor Standards Act

suit brought by Hope Grant and other employees.

Dated at St. Louis, Missouri, this 18th day of January 2013.

A handwritten signature in black ink, appearing to read "Rotimi Solanke", written over a horizontal line.

Rotimi Solanke

Counsel for the General Counsel
National Labor Relations Board
Region 14

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