

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

UPS SUPPLY CHAIN SOLUTIONS,
INC.

Respondent

and

Cases 32-CA-295913
32-CA-297314

TEAMSTERS LOCAL 439,
INTERNATIONAL
BROTHERHOOD OF
TEAMSTERS

Charging Party

**COUNSEL FOR THE GENERAL COUNSEL'S
MOTION TO WITHDRAW EXCEPTIONS TO
ADMINISTRATIVE LAW JUDGE'S DECISION**

Pursuant to Section 102.47 of the Rules and Regulations of the National Labor Relations Board, Counsel for the General Counsel moves to withdraw its exceptions filed on June 28, 2024, in the above-captioned cases.¹

On May 17, 2024, Administrative Law Judge Gerald Etchingham (ALJ) issued a decision and recommended order. On June 28, 2024, Counsel for the General Counsel filed exceptions and a brief in support of exceptions. Counsel for the General Counsel's exceptions generally concern the ALJ's failure to find that Respondent violated Section 8(a)(1) by: (1) requiring employees to attend captive audience meetings in April and May 2022 (Exceptions 1 and 2); and (2) threatening employees that they would no longer be able to raise complaints directly with Respondent if they chose the Union as their representative (Exceptions 3 and 4).

Subsequently, the Board issued two decisions. First, on November 8, 2024, the Board

¹ These exceptions were filed under prior General Counsel Jennifer A. Abruzzo, and do not reflect the views of the current General Counsel, Crystal S. Carey, who was sworn in on January 7, 2026.

issued its decision in *Siren Retail Corp. d/b/a Starbucks*, 373 NLRB No. 135 (2024) overruling *Tri-Cast, Inc.*, 274 NLRB 377 (1985), which created a new test for evaluating whether employer predictions about the impact of unionization on the relationship between individual employees and their employer are unlawful threats. Second, on November 13, 2024, the Board issued its decision in *Amazon.com Services LLC.*, 373 NLRB No. 136 (2024) in which it held that an employer violates Section 8(a)(1) of the Act by conducting mandatory employee meetings about unionization without informing its employees that their participation was voluntary and there would be no retaliation if they chose not to participate. The Board held that both these cases would apply on a prospective basis only.

Considering the Board's holdings in *Amazon.com Services LLC.*,² and *Siren Retail Corp.*,³ Counsel for the General Counsel hereby moves to withdraw Exceptions 1 – 4. Counsel for the General Counsel also withdraws its remaining exception - Exception 5 - regarding the ALJ's failure to order a Notice reading. The conclusions of law and remedies awarded by the ALJ in his decision and recommended order are based on well-established Board law and should be affirmed by the Board.

Dated at San Francisco, California, this 13th day of May 2026.

Respectfully submitted,

/s/Kathleen C. Schneider

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² Counsel for the General Counsel urges the Board to reverse *Amazon.com Services LLC.*, 373 NLRB No. 136 (2024), and revert to the law and rationale set forth in *Babcock & Wilcox*, 77 NLRB 577, 578 (1948), which was properly decided by the Board more than seven decades ago.

³ Counsel for the General Counsel urges the Board to reverse *Siren Retail Corp. d/b/a Starbucks*, 373 NLRB No. 135 (2024), and revert to the law and rationale set forth in *Tri-Cast*, 274 NLRB 377 (1985), which was properly decided more than four decades ago.

Cases 32-CA-295913
32-CA-297314

CERTIFICATE OF SERVICE

I hereby certify that the foregoing COUNSEL FOR THE GENERAL COUNSEL'S MOTION TO WITHDRAW EXCEPTIONS TO ADMINISTRATIVE LAW JUDGE'S DECISION was e-filed and served by e-mail as indicated below on this 13th day of May, 2026:

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