ABOUT THE WEEKLY SUMMARY

The Weekly Summary of NLRB cases, as the name implies, is a publication that summarizes each week all published NLRB decisions in unfair labor practice and representation election cases, except for summary judgment cases. It also lists all decisions of NLRB administrative law judges and direction of elections by NLRB regional directors. Links are established from the weekly summary index to the summaries and from the summaries to the full text of the decisions.

Weekly Summary of NLRB Cases

Index of Back Issues Online

April 5, 2002 W-2837

CASES SUMMARIZED

SUMMARIES CONTAIN LINKS TO FULL TEXT

Nittany Manor Care Associates, Altoona, PA

OTHER CONTENTS

List of Decisions of Administrative Law Judges

List of Withdrawal of Answer Cases

Operations-Management Memoranda:
(OM-02-53) Board's Interest Rate to be 6 Percent for Third Quarter, Fiscal Year 2002
(OM-02-56) Timely Issuance of Subpoenas in Representation Cases

Press Release:
(R-2451) Jacqueline Young Named to Head NLRB Legal Research Branch

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Grane Health Care, Inc., and Lexington, III, Inc. d/b/a Nittany Manor Care Associates, a Partnership d/b/a Altoona Hospital Center for Nursing Care and Amber Terrace (6-CA-31803; 337 NLRB No. 58) Altoona, PA Mar. 28, 2002. In the absence of exceptions, the Board adopted the administrative law judge's findings that the Respondent violated Section 8(a)(5) and (1) of the Act by refusing to bargain in good faith with Service Employees Local 585 by unilaterally granting wage increases to all

licensed practical nurses (LPNs) and certified nursing assistants (CNAs), without the Union's consent during the term of a collective-bargaining agreement. [HTML] [PDF]

The Respondent contended that the management rights provision of the parties' collective-bargaining agreement permitted it to provide a financial incentive to recruit and retain critical employees like the LPNs and CNAs. It argued that it acted reasonably and within the ambit of its contract authority to manage the Company by avoiding the loss of employees deemed critical to its operations because of an uncompetitive wage structure. The General Counsel argued that article XXI of the agreement clearly and unambiguously sets forth the agreed-upon wage structure and timetable for increases in unit employees' wages and that these dates and amounts are controlling and binding on the parties.

In his exceptions, the General Counsel requested only that the Board correct the Respondent's name in the caption and in the notice to employees, conform the notice to the judge's recommended Order, and correct an inadvertent error in the notice. The Respondent did not file exceptions to the judge's decision or an answering brief to the General Counsel's exceptions.

(Chairman Hurtgen and Members Cowen and Bartlett participated.)

Charge filed by Service Employees Local 585; complaint alleged violation of Section 8(a)(1) and (5). Hearing at Ebensburg, PA on June 19, 2001. Adm. Law Judge Earl E. Shamwell Jr. issued his decision Jan. 14, 2002.

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LIST OF DECISIONS OF ADMINISTRATIVE LAW JUDGES

West Virginia Steel Corporation a Wholly-Owned Subsidiary of Raleigh Mine & Industrial Supply, Inc. (Steelworkers) Poca, WV March 27, 2002. 9-CA-36690; JD-39-02, Judge Benjamin Schlesinger.

National Postal Mail Handlers, Laborers Local 308 (Individuals) Philadelphia, PA March 28, 2002. 4-CB-8500(P), et al.; JD-32-02, Judge Margaret M. Kern.

Valley Proteins (PA), Inc. (Teamsters Local 249) Pittsburgh, PA March 29, 2002. 6-CA-31989, 6-RC-11937; JD-40-02, Judge Robert M. Schwarzbart.

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WITHDRAWAL OF ANSWER

(In the following case, the Board granted the General Counsel's motion for summary judgment based on the withdrawal of the Respondent's answer to the complaint.)

Stage Employees Local 39 (an Individual) (15-CB-4873; 337 NLRB No. 57) New Orleans, LA March 25, 2002.