

National Labor Relations Board

Weekly Summary of NLRB Cases



Division of Information

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Tel. (202) 273-1991

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CASES SUMMARIZED
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A & C Healthcare Services, Inc. (20-CA-33588, 33780; 354 NLRB No. 33) Millbrae, CA, June 8, 2009. The Board adopted the administrative law judge's findings that the Respondent violated Section 8(a)(5) and (1) of the Act by: (1) refusing to recognize and bargain with the Union from sometime prior to Nov. 8, 2007 until Jan. 3, 2008, and (2) making unilateral changes in the unit employees' terms and conditions of employment on and after Nov. 8, 2007. The judge found, inter alia, that the Respondent was a successor employer and it was unnecessary to decide if the Respondent was a "perfectly clear successor" under *NLRB v. Burns International Security Services, Inc.*, 406 U.S. 272, 294-295 (1972). The judge also rejected the Respondent's argument that its successorship status could not occur during the interim management period while it waited to obtain its own operating license. See *Golden Cross Health Care of Fresno*, 314 NLRB 1201, 1205-1206 (1994). The judge further found no merit in the Respondent's argument that it could escape its successor obligations for a while because it initially hired the predecessor employer's workers as probationary employees. See *Windsor Convalescent Center of North Long Beach*, 351 NLRB 975, 978 (2007). [\[HTML\]](#) [\[PDF\]](#)

(Chairman Liebman and Member Schaumber participated.)

Charges filed by Service Employees, United Healthcare Workers-West; complaint alleged violations of Section 8(a)(1) and (5). Hearing at San Francisco, Sept. 18, 2007 and Jan. 23, 2008. Adm. Law Judge Gerald A. Wacknov issued his decision July 18, 2008.

LIST OF DECISIONS OF ADMINISTRATIVE LAW JUDGES

Dickens, Inc. (an Individual) Commack, NY, June 8, 2009. 29-CA-29080, et al.; JD(NY)-21-09, Judge Raymond P. Green.

Approved Electric Corp. (Electrical Workers [IBEW] Local 25) Bronx, NY, June 9, 2009. 29-CA-29184; JD(NY)-22-09, Judge Raymond P. Green.

Courtesy Bus Co., Inc. (Transit Workers Local 252) Oceanside, NY, June 9, 2009. 29-CA-29399; JD(NY)-23-09, Judge Eleanor MacDonald.

Side Bar and Associates Security (Individuals) Seattle, WA, June 9, 2009. 19-CA-31197, 31550; JD(SF)-20-09, Judge William G. Kocol.

Willis Roof Consulting, Inc. (Roofers, Waterproofers and Allied Workers Local 162) Las Vegas, NV, June 9, 2009. 28-CA-20852; JD(SF)-21-09, Judge Burton Litvack.

LM Waste Service, Corp. (Union De Tronquistas De Puerto Rico, Local 901) Caguas, PR, June 10, 2009. 24-CA-10837, 10894; JD(ATL)-13-09, Judge Keltner W. Locke.

**LIST OF UNPUBLISHED BOARD DECISIONS AND ORDERS
IN REPRESENTATION CASES**

*(In the following case, the Board adopted Report of
Regional Director or Hearing Officer in the absence of exceptions)*

**DECISION AND DIRECTION
[that Regional Director open and count ballots]**

MPW Industrial Services, Inc., Franklin, OH, 9-RC-18242, June 12, 2009

*(In the following case, the Board denied request for review
of Decision and Direction of Election (D&DE) and
Decision and Order (D&O) of Regional Director)*

Fred Meyer Stores, Inc., University Place, WA, 19-RC-15194, June 11, 2009
(Chairman Liebman and Member Schaumber)
