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ALSO ADMITTED IN
WASHINGTON, D.C.

July 8, 2013

Henry S. Breiteneicher
Associate Executive Secretary
Nation Labor Relations Board
1099 14th Street, NW
Washington, DC 20570

Re: Bristol Manor Health Care Center
Case 2-CA-087652

Dear Mr. Breiteneicher:

This firm represents charging party, 1199 SEIU United Healthcare Workers East, New Jersey Region.

Enclosed please find a letter to David Jasinski, counsel for Respondent, disputing the claim in his June 28, 2013 letter that the Respondent has fully complied with the Union's information request.

Very truly yours,

Ellen Dichner (ZHL)

Ellen Dichner

Enclosure

Cc: David Jasinski
Dorothy Foley
Michael Silverstein

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July 8, 2013

David Jasinski
Jasinski, P.C.
60 Park Place, 8th Floor
Newark, NJ 07102

Re: Bristol Manor Health Care Center
Case 2-CA-087652

Dear David:

On June 10, 2013, you provided bi-weekly payroll records for CNAs and three LPNs for the period December 18, 2011 through May 18, 2013. However, I still have not received payroll documents for dietary, housekeeping and recreation employees. Please provide payroll employee ledgers for these workers.

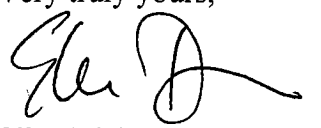
I request that you provide the information for these remaining job titles in the format provided with your December 27, 2012 letter for the CNAs: those documents, entitled "employee ledgers" showed the total hours, earnings, holiday pay, etc. for each employee for the entire year on one or two sheets per employee as opposed to the "payroll registers" provided with your June 10, 2013 letter which are bi-weekly payroll runs. The former makes it much easier to calculate accrued holiday time because the totals are tabulated at the end of each employee's ledger for the year whereas the documents provided on June 10 require that we go through each bi-weekly payroll register, separate out each employee from each register and calculate accruals for every payroll period for each employee.

As repeatedly requested, please provide an explanation of the payroll codes B, B2, BA, BD, BN, BO, BT, C, WO and T.

In addition, you have not provided schedules showing holidays taken for any employees other than the CNAs. Finally, as described in my June 5, 2013 letter, "time off request forms" were provided only for three months in 2013; no such documents were furnished for 2012 even though the Union has been seeking these documents since June 2012.

Your claim that the information you provided demonstrates the Employer's compliance with the CBA is contradicted by the partial records and accruals charts you provided that show many employees have not been paid for a number of the contractual holidays. The Union's efforts to obtain information so that it can effectively establish the breach in arbitration and determine the extent of the contractual breach as well as the remedy has been dragging on for over a year due to the Employer's failure to comply with the Union's information request.

Very truly yours,



Ellen Dichner

Cc: Henry S. Breiteneicher
Dorothy Foley
Michael Silverstein

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