

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

American Medical Response of New Haven

Employer

and

Case No. 01-RC-102304

International Association of EMTs and
Paramedics/NAGE/SEIU Local 5000

Petitioner

and

National Emergency Medical Services
Association (NEMSA)

Intervenor

**NATIONAL EMERGENCY MEDICAL SERVICES ASSOCIATION'S
OPPOSITION TO PETITIONER'S SUPPLEMENT TO OPPOSITION TO REQUEST
FOR REVIEW AND REQUEST FOR EXPEDITED DECISION**

Petitioner National Association of Government Employees (“NAGE”) desperately seeks the Board’s assistance to reap the benefit of its improper raid on bargaining units represented by Intervenor National Emergency Medical Services Association (“NEMSA”). Despite determinations from the United States District Court¹ and an arbitrator that NAGE should be enjoined and stopped from continuing its efforts to acquire NEMSA bargaining units in violation of the parties’ affiliation and jurisdictional agreement, and further recognition from the arbitrator that NEMSA will be irreparably harmed if NAGE continues such actions, NAGE asks the Board to inflict such harm as expeditiously as possible.

NAGE erroneously suggests that the arbitrator’s decision not to order NAGE to withdraw its petition in this case “removes all bases to stay the election, impound the ballots or delay the continued processing of the petition in any way.” NAGE, however, ignores the fact that NEMSA’s request for review urged the Board to adopt a policy that does two things: (1) defers

¹ The First Circuit Court of Appeal subsequently stayed the District Court’s injunction and indicated that NEMSA should obtain the requested injunction relief from the arbitrator. Order of Court, Case No. 13-2057 (August 26, 2013).

to a judicial order requiring a petitioner to withdraw a representation petition in the first instance or (2) “stay[s] further processing on (sic) the petition pending resolution of the parties’ jurisdictional dispute through arbitration in anticipation that the petition will be withdrawn following arbitration.” (NEMSA’s Request for Review, p. 3)

While the arbitrator declined to issue a preliminary injunction ordering NAGE to withdraw its petition in this case in recognition of the Board’s existing jurisdiction over the matter, the Board nonetheless possesses the ability to stay further processing of the election and not certify the results until the arbitrator determines whether NAGE improperly sought to replace NEMSA as the bargaining representative in the Riverside unit. How the Board should handle such situations raises important issues of Board policy, which negates NAGE’s contention that NEMSA’s Request for Review is moot.

The Board should deny NAGE’s request to dismiss the Request for Review and should instead grant NEMSA’s Request for Review in order to resolve these important issues of Board policy.

Dated: September 8, 2013

Respectfully submitted,



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CERTIFICATE OF SERVICE

I, Heidi Primack Talbot, certify that on September 8, 2013, I e-filed and served via email and/or fax the **National Emergency Medical Services Association's Opposition to Petitioner's Supplement to Opposition to Request for Review and Request for Expedited Decision** to the following persons:

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