

NOT INCLUDED IN
BOUND VOLUMES

PHJ
Mystic, CT

UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

SSC MYSTIC OPERATING COMPANY,
LLC, d/b/a PENDLETON HEALTH &
REHABILITATION CENTER

Employer

and

Case 01-RC-098982

NEW ENGLAND HEALTH CARE EMPLOYEES
UNION, DISTRICT 1199, SEIU

Petitioner

DECISION AND CERTIFICATION OF REPRESENTATIVE

The National Labor Relations Board, by a three-member panel, has considered objections to an election held on April 4, 2013, and the hearing officer's report recommending disposition of them. The election was conducted pursuant to a Stipulated Election Agreement. The tally of ballots shows 64 for and 40 against the Petitioner, with no challenged ballots.

The Board has reviewed the record in light of the exceptions and brief,¹ has adopted the hearing officer's

¹ In the absence of exceptions, we adopt pro forma the hearing officer's recommendation to overrule Objection 4.

findings² and recommendations, and finds that a certification of representative should be issued.

CERTIFICATION OF REPRESENTATIVE

IT IS CERTIFIED that a majority of the valid ballots have been cast for New England Health Care Employees Union, District 1199, SEIU, and that it is the exclusive collective-bargaining representative of the employees in the following appropriate unit:

All full-time and regular part-time employees working in the following classifications at the Employer's Mystic, CT facility: Licensed Practical Nurse, Resident Care Specialist, Resident Care Advisor, Food Service Aide, Cook, Maintenance Technician, Rehab Aid, Activities Assistant, Central Supply Coordinator, Unit Assistant and Health Information/Medical Records Clerk; but excluding all other employees, Housekeeping and Laundry employees, Occupational Therapist, Occupational Therapy Assistant, Speech

² The Employer has explicitly excepted to some of the hearing officer's credibility findings. The Board's established policy is not to overrule a hearing officer's credibility resolutions unless the clear preponderance of all the relevant evidence convinces us that they are incorrect. *Stretch-Tex Co.*, 118 NLRB 1359, 1361 (1957). We have carefully examined the record and find no basis for reversing the findings.

No party has excepted to the hearing officer's finding that Diane Mackin, in her capacity as unit manager, was a statutory supervisor. In addition, no party has excepted to the hearing officer's findings regarding the nature and extent of Mackin's prounion conduct, or the hearing officer's conclusion that Mackin's conduct would have been coercive absent mitigating circumstances.

In adopting the hearing officer's finding that Mackin's prounion conduct was effectively mitigated, we note that the Employer here engaged in an extensive antiunion campaign that included a string of mandatory meetings during the critical period, the dissemination of antiunion literature via mailings, handouts, and postings, and the distribution of antiunion bracelets.

Therapist, Registered Nurses, Physical Therapist, Physical Therapist Assistant, Unit Coordinators, Registered Dieticians, Social Workers, MDS Coordinators, Business Office employees, Admissions employees, Scheduler, Receptionists, Department Managers, and other professional employees, guards, and supervisors as defined in the Act.

Dated, Washington, D.C., December 3, 2013

Mark Gaston Pearce, Chairman

Kent Y. Hirozawa, Member

Harry I. Johnson, III, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD