

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

JVK OPERATIONS, LTD. OF NEW JERSEY

and

Case 04-CA-066441

**LAUNDRY, DISTRIBUTION AND FOOD
SERVICE JOINT BOARD a/w
WORKERS UNITED, SEIU**

DECISION AND ORDER

Statement of the Case

On May 9, 2012, JVK Operations, LTD. of New Jersey (the Respondent), Laundry, Distribution and Food Service Joint Board a/w Workers United, SEIU (the Union), and the Acting General Counsel of the National Labor Relations Board entered into a Formal Settlement Stipulation, subject to the Board's approval, providing for the entry of a consent order by the Board and a consent judgment by any appropriate United States Court of Appeals. The parties waived all further and other proceedings before the Board to which they may be entitled under the National Labor Relations Act, as amended, and the Board's Rules and Regulations, and the Respondent waived its right to contest the entry of a consent judgment or to receive further notice of the application therefor.

The Formal Settlement Stipulation is approved and made a part of the record, and the proceeding is transferred to and continued before the Board in Washington, D.C., for the entry of a Decision and Order pursuant to the provisions of the Formal Settlement Stipulation.

Based on the Formal Settlement Stipulation and the entire record, the Board makes the following:

Findings of Fact

1. The Respondent's business

The Respondent is a New Jersey corporation with a facility in Turnersville, New Jersey (the Turnersville facility) and is engaged in the operation of a commercial laundry.

In conducting its business operations at the Turnersville facility during the past year, and on an annual basis, the Respondent has purchased and received goods valued in excess of \$50,000 directly from outside the State of New Jersey.

The Respondent is now, and has been at all material times, an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

2. The labor organization involved

The Union is a labor organization within the meaning of Section 2(5) of the Act.

ORDER

Based on the above findings of fact, the Formal Settlement Stipulation and the entire record and pursuant to Section 10(c) of the National Labor Relations Act, as amended, the National Labor Relations Board orders that

The Respondent, JVK Operations, LTD. of New Jersey, its officers, agents, successors, and assigns shall

1. Cease and desist from

(a) Promising employees a wage increase and health insurance benefits, and promising to procure unlawful work documents for employees if they abandoned their support for Laundry, Distribution and Food Service Joint Board a/w Workers United, SEIU (the Union).

(b) Telling employees that they were laid off because they collectively asked for a new supervisor to oversee their work.

(c) Laying off its employees, or in any other manner discriminating in regard to their hire or tenure of employment or other term or condition of employment in order to discourage them from supporting the Union or any other labor organization.

(d) In any like or related manner interfering with, restraining, or coercing employees in the exercise of their Section 7 rights to self-organization, to form labor organizations, to join or assist the Union or any other labor organization, to bargain collectively through representatives of their own choosing and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, or to refrain from any and all such activities.

2. Take the following affirmative action necessary to effectuate the policies of the Act.

(a) Within 14 days of the Respondent's resumption of laundry operations at its facility in Turnersville, New Jersey, (the Turnersville facility), offer Julia Cruz, Reina Flores, Margarita Lima, Anna Lopez, Marina Lopez, Elia Lucero, Maria Martinez, Luis Ortiz, Virginia Trejo, Francisca Valdizon and Margoth Villeda, full reinstatement to their former jobs or, if those jobs no longer exist, to substantially equivalent positions, without prejudice to their seniority or any other rights or privileges previously enjoyed.

(b) On or before April 25, 2012, remove from the Respondent's files any reference to the October 2011 layoffs of Julia Cruz, Reina Flores, Margarita Lima, Anna Lopez, Marina Lopez, Elia Lucero, Maria Martinez, Luis Ortiz, Virginia Trejo, Francisca Valdizon and Margoth Villeda, and within three days thereafter, notify those employees, in writing, that this has been done and that the October 2011 layoffs will not be used against them in any way.

(c) On or before April 25, 2012, make whole the following employees for any loss of pay they may have suffered by reason of the discrimination against them, by payment to them of the amounts set forth opposite their respective names.

Name of Employee	Amount of Backpay Owed
Julia Cruz	\$ 1,164
Reina Flores	\$ 1,069
Margarita Lima	\$ 1,216
Anna Lopez	\$ 1,083
Marina Lopez	\$ 1,157
Elia Lucero	\$ 1,500
Maria Martinez	\$ 1,186
Luis Ortiz	\$ 1,610
Virginia Trejo	\$ 1,187
Francisca Valdizon	\$ 1,113
Margoth Villeda	\$ 1,164
TOTAL BACKPAY:	\$13,449

(d) Make whole the above-named employees for any additional loss of pay caused by the Respondent's failure, if any, to reinstate them in accordance with the provisions of this Order, within 14 days of the Respondent's resumption of laundry operations at its Turnersville facility, by payment to them of the respective amounts that they would have earned if properly reinstated, from the 15th day after the Respondent's resumption of laundry operations at its Turnersville facility, less their net interim earnings during such period, plus interest, such amounts to be computed on a quarterly basis.

(e) Within 14 days after service by the Region, the Respondent shall duplicate and mail, at its own expense, copies of the attached Notices marked Appendix A (English) and Appendix B (Spanish) to all current employees and former employees employed by the Respondent at any time since July 28, 2011. Within 14 days after service by the Region, or within 14 days after the resumption of laundry operations at its Turnersville facility, whichever occurs later, the Respondent shall also post copies of the attached Notices (Appendices A and B) at its Turnersville facility. Copies of the Notices, on forms provided by the Regional Director for Region 4, after being signed by the Respondent's authorized representative, shall be mailed by the Respondent, and shall

be posted by the Respondent and maintained for 60 consecutive days in conspicuous places, including all places where notices to employees are customarily posted. Reasonable steps shall be taken by the Respondent to ensure that the posted notices are not altered, defaced, or covered by any other material.

(f) Within 21 days after service by the Region, file with the Regional Director a sworn certification of a responsible official on a form provided by the Region attesting to the steps that the Respondent has taken to comply.

Dated, Washington, D.C., August 8, 2012.

Mark Gaston Pearce, Chairman

Brian E. Hayes, Member

Sharon Block, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD

APPENDIX A

NOTICE TO EMPLOYEES

Posted by Order of the National Labor Relations Board An Agency of the United States Government

PURSUANT TO A FORMAL SETTLEMENT STIPULATION PROVIDING FOR A BOARD ORDER AND A CONSENT JUDGMENT OF ANY APPROPRIATE UNITED STATES COURT OF APPEALS

FEDERAL LAW GIVES YOU THE RIGHT TO:

Section 7 of the National Labor Relations Act gives you as employees these rights:

- Form, join, or assist a union;
- Choose a representative to bargain with us on your behalf;
- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.

WE WILL NOT do anything to prevent you from exercising the above rights.

WE WILL NOT promise you a wage increase, health insurance benefits, or assistance with getting lawful work documents in exchange for abandonment of your support of Laundry, Distribution, and Food Service Joint Board a/w Workers United, SEIU (the Union).

WE WILL NOT tell you that you were laid off because you came together and complained about a supervisor.

WE WILL NOT lay you off or in any other manner discriminate against you in regard to your hire, tenure of employment, or any other term or condition of employment in order to discourage you from supporting the Union or any other labor organization.

WE WILL NOT, in any like or related manner, interfere with your rights under Section 7 of the National Labor Relations Act. Some of those rights are set forth above.

WE WILL offer full reinstatement to Julia Cruz, Reina Flores, Margarita Lima, Anna Lopez, Marina Lopez, Elia Lucero, Maria Martinez, Luis Ortiz, Virginia Trejo, Francisca Valdizon and Margoth Villeda to their former positions, or if those positions no longer exist, to substantially equivalent positions without prejudice to their seniority or any other rights or privileges they previously enjoyed.

WE WILL remove from our files all references to the October 2011 layoffs of Julia Cruz, Reina Flores, Margarita Lima, Anna Lopez, Marina Lopez, Elia Lucero, Maria Martinez, Luis Ortiz, Virginia Trejo, Francisca Valdizon and Margoth Villeda and WE WILL notify them in writing that this has been done and that their October 2011 layoffs will not be used against them in any way.

WE WILL make whole Julia Cruz, Reina Flores, Margarita Lima, Anna Lopez, Marina Lopez, Elia Lucero, Maria Martinez, Luis Ortiz, Virginia Trejo, Francisca Valdizon and Margoth Villeda for the wages and other benefits they lost because we laid them off, with interest.

JVK OPERATIONS, LTD. OF NEW JERSEY

(Respondent)

DATE: _____ BY: _____
(Representative) (Title)

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. We conduct secret ballot elections to determine whether employees want union representation and we investigate and remedy unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below or you may call the Board's toll-free number 1-866-667-NLRB (1-866-667-6572). Hearing impaired persons may contact the Agency's TTY service at 1-866-315-NLRB. You may also obtain information from the Board's website: www.nlrb.gov.

Telephone: 1-215-597-7601

Hours of Operation: 8:30 a.m. to 5:00 p.m.

APPENDIX B

AVISO A LOS EMPLEADOS

Fijado Conforme a la Orden de la Junta Nacional de Relaciones del Trabajo

Una Agencia del Gobierno de los Estados Unidos

Según un acuerdo formal estipulado por una orden de la Junta y una sentencia por consentimiento de cualquier corte de apelaciones de los Estados Unidos apropiada

LA LEY FEDERAL LE DA EL DERECHO A

- Formar, afiliarse a, ó aistir a una unión
- Escoger a representantes para negociar con nosotros de parte de ustedes
- Actuar juntos con otros empleados para su beneficio y protección
- Escoger no participar en ningunas de estas actividades protegidas

NOSOTROS NO haremos nada para evitar que ustedes ejerzan lo derechos acabados de citar.

NOSOTROS NO les prometeremos un aumento de sueldo, beneficios de seguro médico, o asistencia en obtener permisos de trabajo legales a cambio de abandonar su apoyo a Laundry, Distribution, and Food Service Joint Board a/w Workers United, SEIU (la Unión).

NOSTROS NO les diremos que fueron cesanteados porque se unieron para quejarse de un supervisor.

NOSOTROS NO los cesantearemos ni discriminaremos contra ustedes de ninguna forma en cuanto a su empleo, antigüedad, a cualquier otro término o condición de empleo para disuadirlos de apoyar a la unión o cualquier otra organización laboral.

NOSOTROS NO, de cualquier forma igual o relacionada, los restringiremos o coaccionaremos en el ejercicio de lo derechos garantizados por la Sección 7 de la Ley Nacional de Relaciones del Trabajo. Algunos de esos derechos están citados arriba.

NOSOTROS les ofreceremos a Julia Cruz, Reina Flores, Margarita Lima, Anna López, Marina López, Elia Lucero, Maria Martinez, Luis Ortiz, Virginia Trejo, Francisca Valdizón, y Margoth Villeda, reinstalación a sus puestos antiguo o, si esos puestos ya no existen, a posiciones esencialmente equivalente, sin prejuicios contra su antigüedad o cualquier otro derecho o privilegio previamente disfrutado.

NOSOTROS eliminaremos de nuestros expedientes cualquier referencia a las cesantías en octubre de 2011 de Julia Cruz, Reina Flores, Margarita Lima, Anna

López, Marina López, Elia Lucero, Maria Martinez, Luis Ortiz, Virginia Trejo, Francisca Valdizón, y Margoth Villeda y **NOSOTROS** les notificaremos a ellos por escrito cuando lo hayamos hecho y les notificaremos a ellos que sus cesantías no serán usadas contra ellos en forma alguna.

NOSOTROS les restituiremos a Julia Cruz, Reina Flores, Margarita Lima, Anna López, Maria López, Elia Lucero, Maria Martinez, Luis Ortiz, Virginia Trejo, Francisca Valdizón, y Margoth Villeda, con intereses, cualquier pérdida de sueldo u otros beneficios resultantes de sus cesantías.

JVK OPERATIONS, LTD. OF NEW JERSEY
(Patrón)

Fecha: _____ Por: _____
(Titulo)

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