



United States Government
NATIONAL LABOR RELATIONS BOARD
Region 2
26 Federal Plaza – Room 3614
New York, New York 10278-0104

Telephone: (212) 264-0300
Facsimile: (212) 264-2450
Email: moriah.berger@nlrb.gov

July 13, 2015

National Labor Relations Board
Attn. Gary Shinnars, Executive Secretary
1015 Half Street SE
Washington, DC 20570-0001

Re: Micropower USA Corp.
Case No. 02-CA-144773

Dear Mr. Shinnars,

Enclosed please find Counsel for the General Counsel's Motion for Default Judgment and supporting Memorandum of Law in the above-referenced matter. I have also enclosed an affidavit of service.

Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Moriah Berger".

Moriah Berger
Field Attorney

Encl.

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 2**

MICROPOWER USA CORP.

and

Case No. 02-CA-144773

**PROFESSIONALS AT MICROPOWER
NEW YORK STATE UNITED TEACHERS,
AFT, AFL-CIO**

**PETITION FOR DEFAULT JUDGMENT
AND ISSUANCE OF DECISION AND ORDER**

The undersigned Counsel for the General Counsel (General Counsel) respectfully shows and alleges:

1. On January 20, 2015,¹ a charge in Case No. 02-CA-144773 was filed with the Regional Director of Region 2 of the National Labor Relations Board (Regional Director) by Professionals at Micropower, New York State United Teachers (the Union). The charge alleged that Micropower USA Corp.² (Respondent) failed to respond to the Union's written request to bargain over the effects of a layoff of teachers in Respondent's medical assistant and dental assistant programs, in violation of Section 8(a)(5) and (1) of the National Labor Relations Act (the Act). Before the charge in this matter was filed, on or around October 17, 2014, Respondent closed Micropower Career Institute. A copy of the charge was therefore served by regular mail on Respondent's President, Suresh "Sam" Hiranandaney, at his home address, on January 21. Copies of the charge and affidavit of service are attached hereto as Exhibits A and B.

¹ All dates hereafter are in 2015, unless otherwise indicated.

² Although the charge in this matter names "Micropower Career Institute" as the Charged Party, the certified Employer is Micropower USA Corp. Micropower USA Corp. owns and operated Micropower Career Institute, a private, for-profit school that, until its closure on or around October 17, 2014, offered courses in vocational trades and English as a second language, and was located at 137 West 25th Street, New York, New York, the only facility involved herein.

2. On May 28, the Regional Director issued a Complaint and Notice of Hearing in the instant matter (the Complaint), alleging that Respondent, since on or about January 6, has failed and refused to bargain with the Union, the exclusive collective-bargaining representative of all full-time and regular part-time teachers at Respondent's Manhattan facility, regarding the effects of the layoff of teachers in Respondent's medical assistant and dental assistant programs. The Complaint was served on Respondent via regular and certified mail, in accordance with Rule 102.113(a) of the Board's Rules and Regulations. Again, due to the closure of Micropower Career Institute, the Complaint was mailed to Respondent's President and Vice President at their home addresses. Copies of the Complaint, Affidavit of Service of the Complaint, and United States Postal Service Certified Mail Receipts are attached hereto as Exhibits C, D and E.

3. Respondent did not file an Answer within fourteen days of service of the Complaint, as required by Section 102.20 and 102.21 of the Board's Rules and Regulations.

4. On June 12, the General Counsel, by the undersigned, by letter sent via email and first class mail, notified Respondent that it had not filed an Answer to the Complaint.³ The letter provided Respondent an additional opportunity to file an Answer, by no later than June 19. Respondent was further advised that if it failed to file an Answer by that date, the General Counsel would take appropriate action. A copy of the email and letter are attached hereto as Exhibits F and G.

5. To date, Respondent has not filed an Answer to the Complaint.

WHEREFORE all Complaint allegations being deemed admitted and there being no issues to be determined by a hearing, Counsel for the General Counsel respectfully moves:

(A) That the following findings be made:

(i) Respondent is an educational institution providing training in vocational trade and English as a second language, and at material times had an office and place of business at 137 West 25th Street, Fifth Floor, New York New York. Respondent annually derived gross revenue in excess of \$1,000,000 in conducting its operations, and annually

³ The June 12 letter was also sent to the home addresses of Respondent's President and Vice President.

purchased and received goods, supplies and materials valued in excess of \$5,000 directly from points outside New York State; therefore, Respondent is an employer engaged in commerce within the meaning of Section 2(2), (6) and (7) of the Act;

(ii) Respondent failed to file an Answer to the Complaint, as required by Sections 102.20 and 102.21 of the Rules and Regulations, and that Respondent has therefore admitted all the allegations contained in the Complaint;

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

(iv) At all material times, the following individuals held the position set forth opposite their respective names and were supervisors of Respondent within the meaning of Section 2(11) of the Act and/or agents of respondent within the meaning of Section 2(13) of the Act:

Sam Hiranandaney	President
Lalit Chabria	Vice President

(v) The Union has at all times since April 14, 2014 been the exclusive collective-bargaining representative of all full-time and regular part-time teachers employed by Respondent at Micropower Career Institute, located at 137 West 25th Street, Fifth Floor, New York New York (the Unit);

(vi)

(a) On or about August 22, 2014, Respondent closed the medical assistant and dental assistant programs at its Manhattan campus;

(b) On or about August 22, 2014, Respondent laid off bargaining unit employees working in those programs;

(vii)

(a) Via email on or about January 5, the Union requested that Respondent bargain collectively with the Union as the exclusive collective-bargaining representative of the Unit over the effects of the layoff;

(b) Via U.S. certified mail on or about January 6, the Union requested that Respondent bargain collectively with the Union as the exclusive collective-bargaining representative of the Unit over the effects of the layoff;

(c) The effects of the layoff of teachers in the medical assistant and dental assistant programs, relate to wages, hours and other terms and conditions of employment, and are mandatory subjects for collective bargaining; and

(viii) Since January 5, Respondent has failed and refused to bargain with the Union as the exclusive collective-bargaining representative of the Unit concerning the effects of the layoff of teachers in the medical assistant and dental assistant programs, in violation of Section 8(a)(5) and (1) of the Act.

(B) That a Decision and Order issue against Respondent containing findings of fact and conclusions of law with respect to the allegations in the Complaint and which remedies the unfair labor practice; and

(C) That the Board grant any additional relief that is appropriate.

Dated: July 13, 2015
New York, New York



Moriah Berger
Counsel for the General Counsel
National Labor Relations Board, Region 2
26 Federal Plaza, Room 3614
New York, New York 10278

INTERNET
FORM NLRB-501
(2-08)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE	
Case 02-CA-144773	Date Filed 1/20/2015

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT	
a. Name of Employer Micropower Career Institute	
b. Tel. No. 212-279-2550	
c. Cell No.	
f. Fax No. 212-279-2580	
g. e-Mail samhira@gmail.com	
h. Number of workers employed	
d. Address (Street, city, state, and ZIP code) 137 West 25th Street, 5th Floor New York, NY 10001	e. Employer Representative Sam Hiranandaney, Owner
i. Type of Establishment (factory, mine, wholesaler, etc.) School	j. Identify principal product or service ESL and Career Education
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (5) _____ of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.	
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) On or about January 5, 2015, the Union, by its representative, Daniel Esakoff, notified the Employer through US Mail and Email, of its desire to negotiate the effects of the layoff of the medical assistant and dental assistant instructors on August 22, 2014. The Employer did not respond.	
3. Full name of party filing charge (If labor organization, give full name, including local name and number) Professionals at Micropower, New York State United Teachers, American Federation of Teachers	
4a. Address (Street and number, city, state, and ZIP code) 339 Lafayette Street, #202 New York, NY 10012	
4b. Tel. No. 212-989-3470	
4c. Cell No.	
4d. Fax No. 212-989-8154	
4e. e-Mail organize@nysutmail.org	
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) American Federation of Teachers, American Federation of Labor - Congress of Industrial Organizations	
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief. By <u><i>Daniel Esakoff</i></u> Daniel Esakoff, Organize (signature of representative or person making charge) (Print/type name and title or office, if any) Address 339 Lafayette Street, #202, New York, NY 10012 1/20/2015 (date)	
Tel. No. same	
Office, if any, Cell No.	
Fax No. same	
e-Mail same	

RECEIVED
NLRB
REGION 2
NEW YORK, NY
JAN 20 PM 4: 27

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information by the National Labor Relations Board (NLRB) is in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are published in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

MICROPOWER CAREER INSTITUTE

Charged Party

and

**PROFESSIONALS AT MICROPOWER, NYSUT,
AFT**

Charging Party

Case 02-CA-144773

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on , I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

SURESH HIRANANDANEY, OWNER
MICROPOWER USA CORP.
111 DIX HWY
DIX HILLS, NY 11746-6413

1/21/2015

Date

E. Languigne, Designated Agent of NLRB

Name



Signature



**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 2**

MICROPOWER USA CORP.

And

Case No. 02-CA-144773

**PROFESSIONALS AT MICROPOWER
NEW YORK STATE UNITED TEACHERS,
AFT, AFL-CIO**

COMPLAINT AND NOTICE OF HEARING

This Complaint and Notice of Hearing is based on a charge filed by Professionals at Micropower New York State United Teachers, AFT, AFL-CIO (“Charging Party” or “Union”). It is issued pursuant to Section 10(b) of the National Labor Relations Act (the Act), 29 U.S.C. § 151 et seq., and Section 102.15 of the Rules and Regulations of the National Labor Relations Board (the Board) and alleges that Micropower USA Corp. (“Respondent”), has violated the Act as described below.

1. The charge in this proceeding was filed by the Charging Party on January 20, 2015, and a copy was served upon Respondent by U.S. mail on January 21, 2015.

2. (a) At all material times, Respondent, a New York corporation, had an office and place of business located at 137 West 25th Street, Fifth Floor, New York, New York (“Manhattan campus”), and was an educational institution providing courses in vocational trades and English as a second language.

(b) At material times, Respondent, in conducting its operations described above in paragraph 2(a), annually derived gross revenues in excess of \$1,000,000 from performance of services.



(c) At material times, Respondent, in conducting its operations described above in paragraph 2(a), annually purchased and received goods, supplies and materials valued in excess of \$5,000 directly from points outside the State of New York.

3. At material times, Respondent, has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

4. At all material times, the Union has been a labor organization within the meaning of Section 2(5) of the Act.

5. At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the Act and/or agents of Respondent within the meaning of Section 2(13) of the Act:

Sam Hiranandancy	President
Lalit Chabria	Vice President

6. (a) The following employees of Respondent (“the Unit”) constitute a unit appropriate for the purpose of collective-bargaining within the meaning of Section 9(b) of the Act:

All full-time and regular part-time teachers employed by Respondent at its facility located at 137 West 25th Street, New York, New York, excluding all other employees and guards and supervisors as defined in the Act.

(b) On April 14, 2014, the Board certified the Union as the exclusive collective-bargaining representative of the Unit.

(c) At all times since April 14, 2014, based on Section 9(a) of the Act, the Union has been the exclusive collective-bargaining representative of the Unit.

7. (a) On or about August 22, 2014, Respondent closed the medical and dental assistant programs at its Manhattan campus.

(b) On or about August 22, 2014, Respondent laid-off bargaining unit employees that worked at the Manhattan campus.

8. (a) On or about January 5, 2015, the Union, by email, requested that Respondent bargain collectively with the Union as the exclusive collective-bargaining representative of the Unit over the effects of the layoffs.

(b) On or about January 6, 2015, the Union, by U.S. certified mail, requested that Respondent bargain collectively with the Union as the exclusive collective-bargaining representative of the Unit over effects of the layoffs.

(c) The subjects set forth above in subparagraphs (a) and (b) relate to wages, hours and other terms and conditions of employment and are mandatory subjects for collective bargaining.

9. Since January 5, 2015, Respondent has failed and refused to bargain with the Union as the exclusive collective-bargaining representative of the Unit concerning the effects of the layoffs.

10. By the conduct described above in paragraph 9, Respondent been failing and refusing to bargain collectively with the exclusive collective-bargaining representative of its employees, in violation of Section 8(a)(5) and (1) of the Act.

11. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the complaint. The answer must be **received by this office on or before June 11, 2015, or postmarked on or before June 10, 2015**. Respondent should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties.

An answer may also be filed electronically through the Agency's website. To file electronically, go to www.nlr.gov, click on **File Case Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the

Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on **July 23, 2015** at **9:30 a.m. at the Mary Taylor Walker Room at 26 Federal Plaza, Room 3614, New York, New York** and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated: at New York, New York
May 28, 2015



Karen P. Fernbach
Regional Director
National Labor Relations Board
Region 2
26 Federal Plaza Ste 3614
New York, NY 10278-3699

Attachments

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 2

MICROPOWER USA CORP.

and

Case No. 02-CA-144773

**PROFESSIONALS AT MICROPOWER
NEW YORK STATE UNITED TEACHERS,
AFT, AFL-CIO**

AFFIDAVIT OF SERVICE OF: Complaint and Notice of Hearing (with forms NLRB-4338 and NLRB-4668 attached)

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on , I served the above-entitled document(s) by **certified or regular mail**, as noted below, upon the following persons, addressed to them at the following addresses:

Suresh Hiranandaney, Owner
c/o Micropower USA Corp.
111 Dix Highway
Dix Hills, NY 11746-6413

CERTIFIED MAIL AND REGUAL MAIL

Lalit Chabria, President
c/o Micropower USA Corp.
9 Dover Lane
Old Bethpage, NY 11804-1605

CERTIFIED MAIL AND REGULAR MAIL

Daniel Esakoff, Organizer
Workers Essential at Lake and Watts
(WELAW), NYSUT, Local 7980
339 Lafayette Street
New York, NY 10012-2723

REGULAR MAIL

May 28, 2015

Date

Lisa Coleman, Designated Agent of NLRB

Name



Signature



7006 2760 0002 1736 9077

U.S. Postal Service™
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Postage	\$ CPT	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To: *Suresh H. Manjivani*
E/C Micro Paper USA Corp
 Street, Apt. No. or PO Box No.: *111 Dix Highway*
 City, State, ZIP+4: *Dix Hills, NY 11744*

PS Form 3800, August 2006 See Reverse for Instructions

Coleman
2-CA1473

7006 2760 0002 1736 9084

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

Postage	\$ CPT	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To: *FAIR CHAIR*
E/C Micro Paper USA Corp
 Street, Apt. No. or PO Box No.: *9 Dover Lane*
 City, State, ZIP+4: *Old Bethpage NY 11774*

PS Form 3800, August 2006 See Reverse for Instructions

2-CA-14773



Berger, Moriah

From: Berger, Moriah
Sent: Friday, June 12, 2015 1:50 PM
To: 'Sam Hira'
Cc: lchabria@yahoo.com
Subject: Failure to File Answer to Complaint in Micropower USA Corp., NLRB Case No. 02-CA-144773
Attachments: LTR.02-CA-144773.Micropower.Failure to File ANS.PDF

Sensitivity: Personal

Flag Status: Completed

NxGen: Uploaded

Please review the attached correspondence.

Regards,

Moriah Berger
Field Attorney
NLRB, Region 2
26 Federal Plaza, Room 3614
New York, NY 10278
(212) 264-0324





United States Government
**NATIONAL LABOR RELATIONS
BOARD**

Region 2

26 Federal Plaza – Room 3614
New York, New York 10278-0104

phone: (212) 264-0300
fax: (212) 264-2450

June 12, 2015

Via E-mail and First Class Mail

Suresh Hiranandaney
111 Dix Highway
Dix Hills, New York 11746
samhira54@optimum.net

Re: Micropower USA Corp.
Case No. 02-CA-144773

Dear Mr. Hiranandaney:

A Complaint and Notice of Hearing in the above-captioned matter issued on May 28, 2015. (A copy is enclosed.) According to records obtained from the U.S. Postal Service, the Complaint was served on you on June 1, 2015.

29 CFR §102.20 states:

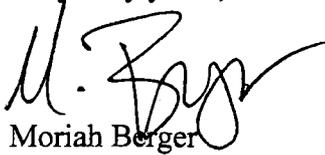
The respondent shall, within 14 days from the service of the complaint, file an answer thereto. The respondent shall specifically admit, deny, or explain each of the facts alleged in the complaint, unless the respondent is without knowledge, in which case the respondent shall so state, such statement operating as a denial. All allegations in the complaint, if no answer is filed, or any allegation in the complaint not specifically denied or explained in an answer filed, unless the respondent shall state in the answer that he is without knowledge, shall be deemed to be admitted to be true and shall be so found by the Board, unless good cause to the contrary is shown.

Although Respondent's Answer to the enclosed Complaint was due on June 11, 2015, to date it has not been filed. The Region will allow you an additional opportunity to file an Answer. The Answer must be received in this office by no later than the close of business on Friday, June 19, 2015. If an Answer is not filed by that date, the Region will consider the allegations in the Complaint admitted and will take appropriate action, including seeking a Default Judgment.

Please feel free to contact me if you have any questions or concerns.



Very truly yours,

A handwritten signature in black ink, appearing to read 'M. Berger', written over the printed name.

Moriah Berger
Counsel for the General Counsel
(212) 264-0324
moriah.berger@nlrb.gov

Enclosure

Cc: Lalit Chabria
9 Dover Lane
Old Bethpage, New York 11804
lchabria@yahoo.com

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 2**

MICROPOWER USA CORP.

And

Case No. 02-CA-144773

**PROFESSIONALS AT MICROPOWER
NEW YORK STATE UNITED TEACHERS,
AFT, AFL-CIO**

COMPLAINT AND NOTICE OF HEARING

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1. The charge in this proceeding was filed by the Charging Party on January 20, 2015, and a copy was served upon Respondent by U.S. mail on January 21, 2015.

2. (a) At all material times, Respondent, a New York corporation, had an office and place of business located at 137 West 25th Street, Fifth Floor, New York, New York (“Manhattan campus”), and was an educational institution providing courses in vocational trades and English as a second language.

(b) At material times, Respondent, in conducting its operations described above in paragraph 2(a), annually derived gross revenues in excess of \$1,000,000 from performance of services.

(c) At material times, Respondent, in conducting its operations described above in paragraph 2(a), annually purchased and received goods, supplies and materials valued in excess of \$5,000 directly from points outside the State of New York.

3. At material times, Respondent, has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

4. At all material times, the Union has been a labor organization within the meaning of Section 2(5) of the Act.

5. At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the Act and/or agents of Respondent within the meaning of Section 2(13) of the Act:

Sam Hiranandancy	President
Lalit Chabria	Vice President

6. (a) The following employees of Respondent (“the Unit”) constitute a unit appropriate for the purpose of collective-bargaining within the meaning of Section 9(b) of the Act:

All full-time and regular part-time teachers employed by Respondent at its facility located at 137 West 25th Street, New York, New York, excluding all other employees and guards and supervisors as defined in the Act.

(b) On April 14, 2014, the Board certified the Union as the exclusive collective-bargaining representative of the Unit.

(c) At all times since April 14, 2014, based on Section 9(a) of the Act, the Union has been the exclusive collective-bargaining representative of the Unit.

7. (a) On or about August 22, 2014, Respondent closed the medical and dental assistant programs at its Manhattan campus.

(b) On or about August 22, 2014, Respondent laid-off bargaining unit employees that worked at the Manhattan campus.

8. (a) On or about January 5, 2015, the Union, by email, requested that Respondent bargain collectively with the Union as the exclusive collective-bargaining representative of the Unit over the effects of the layoffs.

(b) On or about January 6, 2015, the Union, by U.S. certified mail, requested that Respondent bargain collectively with the Union as the exclusive collective-bargaining representative of the Unit over effects of the layoffs.

(c) The subjects set forth above in subparagraphs (a) and (b) relate to wages, hours and other terms and conditions of employment and are mandatory subjects for collective bargaining.

9. Since January 5, 2015, Respondent has failed and refused to bargain with the Union as the exclusive collective-bargaining representative of the Unit concerning the effects of the layoffs.

10. By the conduct described above in paragraph 9, Respondent been failing and refusing to bargain collectively with the exclusive collective-bargaining representative of its employees, in violation of Section 8(a)(5) and (1) of the Act.

11. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the complaint. The answer must be **received by this office on or before June 11, 2015, or postmarked on or before June 10, 2015**. Respondent should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties.

An answer may also be filed electronically through the Agency's website. To file electronically, go to www.nlr.gov, click on **File Case Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the

Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on **July 23, 2015** at **9:30 a.m. at the Mary Taylor Walker Room at 26 Federal Plaza, Room 3614, New York, New York** and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated: at New York, New York
May 28, 2015



Karen P. Fernbach
Regional Director
National Labor Relations Board
Region 2
26 Federal Plaza Ste 3614
New York, NY 10278-3699

Attachments

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

MICROPOWER USA CORP.

and

PROFESSIONALS AT MICROPOWER
NEW YORK STATE UNITED TEACHERS,
AFT, AFL-CIO

**AFFIDAVIT OF SERVICE OF: GENERAL COUNSEL'S PETITION FOR DEFAULT
JUDGMENT AND SUPPORTING MEMORANDUM**

I, the undersigned employee of the National Labor Relations Board, state under oath that, on the date indicated above, I served the above-entitled documents upon the following persons, in the manner indicated below:

By E-File

Gary Shinnars, Executive Secretary
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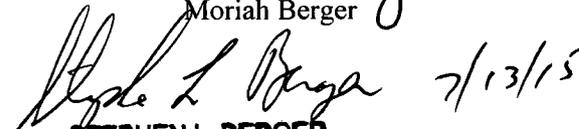
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Commission Expires Nov 30, 2018