



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 1  
10 Causeway St Fl 6  
Boston, MA 02222-1001

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (617)565-6700  
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March 25, 2016

████████████████████  
BEVERLY HEALTHCARE CALIFORNIA, INC.,  
D/B/A GOLDEN LIVING CENTERS- CLOVIS  
1000 FIANNA WAY  
LABOR AND EMPLOYMENT LAW  
FORT SMITH, AR 72919-4839

Re: UNITED FOOD & COMMERCIAL  
WORKERS, LOCAL 1445 (GGNSC  
GLOUCESTER LLC d/b/a GOLDEN  
LIVING CENTER - GLOUCESTER)  
Case 01-CG-164974

Dear ██████████:

We have carefully investigated and considered your charge that UNITED FOOD & COMMERCIAL WORKERS INTERNATIONAL UNION, LOCAL 1445 has violated the National Labor Relations Act.

**Decision to Dismiss:** Based on that investigation, I have decided to dismiss your charge for the reasons discussed below.

The charge alleges that, around October 2015, the Union violated Section 8(g) of the Act when it engaged in picketing in front of the Employer's Gloucester, Massachusetts facility without providing the required 10-days' notice. The investigation revealed that UFCW, Local 1445 organized a demonstration on or around October 26, 2015, where Union representatives and off-duty Union members stationed themselves on a public sidewalk about 100 feet from the Employer's entrance. The investigation did not reveal evidence that the demonstration contained the element of confrontation necessary to constitute picketing, such as proximity to the entrance of the facility, blocking ingress or egress, or patrolling. As such, the conduct engaged in by the union and off-duty employees did not constitute "picketing" and, therefore, the Union was not required to give the ten-day notice required under Section 8(g) of the Act.

**Your Right to Appeal:** You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals. If you appeal, you may use the enclosed Appeal Form, which is also available at [www.nlr.gov](http://www.nlr.gov). However, you are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect.

**Means of Filing:** An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. Filing an appeal electronically is preferred but not required. The appeal MAY NOT be filed by fax or email. To file an appeal electronically, go to the Agency's website at

[www.nlr.gov](http://www.nlr.gov), click on **E-File Documents**, enter the **NLRB Case Number**, and follow the detailed instructions. To file an appeal by mail or delivery service, address the appeal to the **General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

**Appeal Due Date:** The appeal is due on **April 8, 2016**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service **no later than April 7, 2016**. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

**Extension of Time to File Appeal:** The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before April 8, 2016**. The request may be filed electronically through the *E-File Documents* link on our website [www.nlr.gov](http://www.nlr.gov), by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received **after April 8, 2016, even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

**Confidentiality:** We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

UNITED FOOD & COMMERCIAL  
WORKERS, LOCAL 1445 (GGNSC  
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Case 01-CG-164974

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Very truly yours,



Robert P. Redbord  
Acting Regional Director

RPR:cds

Enclosure

cc:

[REDACTED]  
UNITED FOOD & COMMERCIAL WORKERS INTERNATIONAL  
UNION, LOCAL 1445  
30 STERGIS WAY  
DEDHAM, MA 02026-2637

[REDACTED]  
PYLE ROME EHRENBERG PC  
2 LIBERTY SQUARE, 10TH FLOOR  
BOSTON, MA 02109

GGNSC GLOUCESTER LLC D/B/A GOLDEN LIVING CENTER -  
GLOUCESTER  
272 WASHINGTON ST  
GLOUCESTER, MA 01930-4888

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD

**APPEAL FORM**

To: General Counsel  
Attn: Office of Appeals  
National Labor Relations Board  
1015 Half Street SE  
Washington, DC 20570-0001

Date:

Please be advised that an appeal is hereby taken to the General Counsel of the National Labor Relations Board from the action of the Regional Director in refusing to issue a complaint on the charge in

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Case Name(s).

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Case No(s). *(If more than one case number, include all case numbers in which appeal is taken.)*

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*(Signature)*