

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
Region 10**

**RIDGEWOOD HEALTH CARE CENTER, INC.
AND RIDGEWOOD HEALTH SERVICES INC., A
SINGLE EMPLOYER**

and

Case 10-CA-113669

**UNITED STEEL, PAPER AND FORESTRY,
RUBBER, MANUFACTURING, ENERGY,
ALLIED INDUSTRIAL AND SERVICE
WORKERS INTERNATIONAL UNION (USW)
AFL-CIO**

and

RIDGEWOOD HEALTH SERVICES INC.

and

Case 10-CA-136190

**UNITED STEEL, PAPER AND FORESTRY,
RUBBER, MANUFACTURING, ENERGY,
ALLIED INDUSTRIAL AND SERVICE
WORKERS INTERNATIONAL UNION (USW)**

**COUNSEL FOR THE GENERAL COUNSEL'S MOTION TO CORRECT
REMEDY IN THE ADMINISTRATIVE LAW JUDGE'S DECISION**

Pursuant to Section 102.47 of the Rules and Regulations of the National Labor Relations Board (the Board), Counsel for the General Counsel respectfully moves the Board to correct the Administrative Law Judge's omission of a make whole remedy for Respondents' unlawful unilateral changes as found by the Administrative Law Judge (also ALJ) in his Decision (ALJD). In support of this Motion, Counsel for the General Counsel states as follows:

1. A hearing in the above-captioned cases was held before Administrative Law Judge Michael A. Rosas on December 15 through December 17, 2014.

2. Judge Rosas issued his Decision and Order transferring Proceedings to the Board on March 27, 2015.

3. In the ALJD, the ALJ Rosas found that Respondents unilaterally changed bargaining unit employees' terms and conditions of employment in violation of Section 8(a)(5) and (1) of the Act. (ALJD 21:2-3).

4. Consistent with that finding, the ALJ recommended in his remedy that Respondents, upon request, rescind any and all unlawful unilateral changes and restore the terms and conditions of employment in effect prior to those changes. (ALJD 22:3-5). However, the ALJ made no mention of a make whole remedy for this violation.

5. Where an employer violates Section 8(a)(5) by unilaterally changing terms and conditions of employment, the Board orders the employer to restore the status quo ante by, among other things, providing for a make whole remedy. *See, e.g., Fibreboard Paper Products Corp. v. NLRB*, 379 U.S. 203, 216–17 (1964); *Carey Salt Co.*, 358 NLRB No. 124, slip op. at 1, n.3 (Sept. 12, 2012); *Alta Vista Regional Hospital*, 355 NLRB 265, 268 (2010); *Uniserv*, 351 NLRB 1361, 1361 n.1, 1362 (2007).

6. Accordingly, as a make whole remedy is the appropriate remedy where an employer has made unilateral changes in violation of Section 8(a)(5), it would appear that the omission of such a remedy by the ALJ was inadvertent.

7. Moreover, any Board order in this case which does not include a make whole remedy would unfairly punish employees who may have suffered financial losses due to Respondents' unlawful changes and would permit Respondents to retain the fruits of its unlawful

conduct. Thus, it is respectfully submitted that a make whole remedy is required to prevent these unintended consequences.

WHEREFORE, Counsel for the General Counsel respectfully requests that the Honorable Board grant this motion and correct the ALJD by including in any Board order a make whole remedy for any loss of earnings or benefits suffered as a result of Respondents' unlawful unilateral changes described herein and as found in the ALJD.

Respectfully submitted,

/s/ Jeffrey D. Williams
Jeffrey D. Williams
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National Labor Relations Board
Region 10
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Dated at Atlanta, Georgia,
this 29th day of July, 2016.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of Counsel for the General Counsel's Motion Requesting Correction of Remedy in Administrative Law Judge's Decision was filed via the Board's electronic filing system and served via electronic mail upon the following parties on this, the 29th day of July, 2016:

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Dated at Atlanta, Georgia, this 29th day of July, 2016.

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