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Personnel Staffing Group, LLC d/b/a Most Valuable Personnel and MVP Workforce, LLC, a single employer and Chicago Workers' Collaborative

Personnel Staffing Group, LLC d/b/a Most Valuable Personnel and MVP Workforce, LLC, a single employer and Jose Solorzano

Personnel Staffing Group, LLC d/b/a Most Valuable Personnel and MVP Workforce, LLC, a single employer and Isaura Martinez

Personnel Staffing Group, LLC d/b/a Most Valuable Personnel and MVP Workforce, LLC, a single employer and Marcella Gallegos

Personnel Staffing Group, LLC d/b/a Most Valuable Personnel and MVP Workforce, LLC, a single employer and Dora Iara

Personnel Staffing Group, LLC d/b/a Most Valuable Personnel and MVP Workforce, LLC, a single employer and Geraldine Benson

Personnel Staffing Group, LLC d/b/a Most Valuable Personnel and MVP Workforce, LLC, a single employer and Westside Health Authority. Cases 13-CA-149591, 13-CA-149592, 13-CA-149593, 13-CA-149594, 13-CA-149596, 13-CA-162002, and 13-CA-162270

November 16, 2016

ORDER DENYING MOTION

BY CHAIRMAN PEARCE AND MEMBERS MISCIMARRA
AND MCFERRAN

On July 29, 2016, the General Counsel issued an consolidated complaint alleging that the Respondents, Personnel Staffing Group, LLC d/b/a Most Valuable Personnel and MVP Workforce, LLC, a single employer, violated Section 8(a)(1) of the Act by certain conduct. On October 20, 2016, the Respondents filed a Motion for

Summary Judgment and a brief in support, on October 27, 2016, the General Counsel filed an opposition to the motion, and on November 3, 2016, the Respondents filed a reply to the General Counsel's opposition.

Having duly considered the matter, the Respondents' motion is denied. The Respondents have failed to establish that there are no genuine issues of material fact warranting a hearing and that they are entitled to judgment as a matter of law.¹

Dated, Washington, D.C. November 16, 2016

Mark Gaston Pearce, Chairman

Philip A. Miscimarra, Member

Lauren McFerran, Member

(SEAL) NATIONAL LABOR RELATIONS BOARD

¹ Member Miscimarra agrees with the denial of the Respondents' motion as indicated in the Board's Order. As Member Miscimarra stated in *L'Hoist North America of Tennessee, Inc.*, 362 NLRB No. 110, slip op. at 3 (2015) (concurring), "in response to a motion for summary judgment, . . . the General Counsel at least must explain in reasonably concrete terms why a hearing is required. Under the standard that governs summary judgment determinations, this will normally require the General Counsel to identify material facts that are genuinely in dispute." See also *Leukemia & Lymphoma Society*, 363 NLRB No. 124, slip op. at 2 (2016) (Member Miscimarra, dissenting). In the instant case, the General Counsel's Opposition has primarily argued questions of law, but it is evident from the parties' respective positions that disputes exist as to material facts regarding whether the Respondent violated the Act as alleged in the complaint. Member Miscimarra also joins the majority in finding that timely service of the charge is not rendered deficient by the fact that Respondent received the charge from the Region and not from the charging party. See, e.g., *General Motors Corp.*, 237 NLRB 1509, 1517 fn. 11 (1978); *General Marine Transport Corp.*, 238 NLRB 1372, 1375-1376 (1978). Member Miscimarra does not reach or pass on any other questions of law raised by the parties.