

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 28**

**APEX LINEN SERVICE INC.**

**and**

**Cases 28-CA-192349  
28-CA-192774  
28-CA-193126  
28-CA-193231  
28-CA-196285  
28-CA-196459  
28-CA-197069  
28-CA-197182  
28-CA-197190  
28-CA-198033  
28-CA-202027  
28-CA-202209  
28-CA-203269**

**INTERNATIONAL UNION OF OPERATING  
ENGINEERS LOCAL 501, AFL-CIO**

**and**

**28-CA-193128**

**ADAM ARELLANO, an Individual**

**MOTION TO AMEND COMPLAINT**

On October 10, 2017, at the outset of the hearing in the captioned matter, Counsel for the General Counsel (CGC) moved to amend the Consolidated Complaint and Notice of Hearing (the Complaint) issued on August 31, 2017. The proposed amendment contained additional allegations. Your Honor recommended that CGC produce a single document containing all of the amendments. *See* Transcript at pages 8, 10-11; CGC's Exhibit 35. Fortunately, the hearing in this matter concluded earlier than expected. As a result, however, CGC did not submit a substitution for Exhibit 35 prior to the close of hearing.

Pursuant to Section 102.17 of the Board's Rules and Regulations, CGC seeks to do so now via motion,<sup>1</sup> requesting that the Complaint be amended in order to conform to the evidence by the addition or modification of the following paragraphs:

6. (f) About February 7, 2017, Respondent closed the engineer lunchroom being used by employees in the Unit.

(g) Respondent engaged in the conduct described above in paragraph 6(f) because the named employees and other employees assisted the Union and engaged in concerted activities, and to discourage employees from engaging in these activities.

7. (u) About March 29, 2017, Respondent bypassed the Union and dealt directly with its employees in the Unit by agreeing to change work schedules of employees in the Unit.

(v) About April 4, 2017, Respondent changed its policy regarding use of cell phones on the shop floor.

(w) Respondent engaged in the conduct described above in paragraph 7(v) without affording the Union an opportunity to bargain with Respondent with respect to this conduct and the effects of this conduct.

As part of the remedy for the unfair labor practices alleged above in paragraph 7, the General Counsel seeks an Order requiring that at a meeting or meetings scheduled to ensure the widest possible attendance, Respondent's representative, Glen Martin, to read the notice to the employees on worktime in the presence of a Board agent. Alternatively, the General Counsel seeks an order requiring that Respondent promptly have a Board agent read the notice to employees during

---

<sup>1</sup> That section states: "Any such complaint may be amended upon such terms as may be deemed just...until the case has been transferred to the Board pursuant to §102.45, upon motion, by the administrative law judge designated to conduct the hearing..."

worktime in the presence of Respondent's supervisors and agents identified above in paragraphs 7(a). In addition, the General Counsel seeks an Order requiring Respondent to bargain in good faith with the Union, on request, for the period required by *Mar-Jac Poultry Co.*, 136 NLRB 785 (1962), as the recognized bargaining representative in the appropriate unit. The General Counsel also seeks an Order requiring Respondent to: (1) bargain on request within 15 days of a Board Order; (2) bargain on request for a minimum of 15 hours a week until an agreement or lawful impasse is reached or until the parties agree to a respite in bargaining; (3) prepare written bargaining progress reports every 15 days and submit them to the Regional Director and also serve the reports on the Union to provide the Union with an opportunity to reply; and (4) make whole employee negotiators for any earnings lost while attending bargaining sessions. The General Counsel further seeks all other relief as may be just and proper to remedy the unfair labor practices alleged.

Each of these additional allegations is closely related to the allegations already contained in the Complaint, and, more importantly, each was litigated in full during the hearing. On that basis, CGC respectfully requests that the Complaint be amended as requested.

Dated at Las Vegas, Nevada, this 7<sup>th</sup> day of December 2017.

***/s/ Nathan A. Higley***

---

Nathan A. Higley  
Counsel for the General Counsel  
National Labor Relations Board  
Region 28 – Las Vegas Resident Office  
Foley Federal Building  
300 Las Vegas Boulevard South, Suite 2-901  
Las Vegas, NV 89101  
Telephone: (702) 388-6062  
Facsimile: (702) 388-6248  
E-Mail: [Nathan.Higley@nlrb.gov](mailto:Nathan.Higley@nlrb.gov)

## CERTIFICATE OF SERVICE

I hereby certify that the **MOTION TO AMEND COMPLAINT** in Apex Linen Service, Inc., Cases 28-CA-192349, et al., was served via E-Gov, E-Filing, and E-Mail, on this 7<sup>th</sup> day of December 2017, on the following:

### **Via E-Gov, E-Filing:**

Honorable Ariel L. Sotolongo  
Administrative Law Judge  
NLRB – Division of Judges  
901 Market Street, Suite 300  
San Francisco, CA 94103-1779

### **Via Electronic Mail:**

John Naylor, Attorney at Law  
Andrew J. Sharples, Attorney at Law  
Naylor & Braster, PLLC  
1050 Indigo Drive, Suite 200  
Las Vegas, NV 89145-8870  
Email: [asharples@naylorandbrasterlaw.com](mailto:asharples@naylorandbrasterlaw.com)  
[jnaylor@naylorandbrasterlaw.com](mailto:jnaylor@naylorandbrasterlaw.com)

Adam N. Stern, Attorney at Law  
The Myers Law Group  
9327 Fairway View Place, Suite 100  
Rancho Cucamonga, CA 91730-0969  
Email: [laboradam@aol.com](mailto:laboradam@aol.com)

*/s/ Dawn M. Moore*

---

Dawn M. Moore  
Administrative Assistant  
National Labor Relations Board  
Region 28 - Las Vegas Resident Office  
Foley Federal Building  
300 Las Vegas Boulevard South, Suite 2-901  
Las Vegas, Nevada 89101  
Telephone: (702) 820-7466  
Facsimile: (702) 388-6248  
E-Mail: [Dawn.Moore@nlrb.gov](mailto:Dawn.Moore@nlrb.gov)