

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 6**

**COMPREHENSIVE HEALTHCARE  
MANAGEMENT SERVICES, LLC d/b/a  
BRIGHTON REHABILITATION AND  
WELLNESS CENTER**

**and**

**Cases 06-CA-208544 and  
06-CA-210861**

**SEIU HEALTHCARE PENNSYLVANIA**

**MOTION FOR DEFAULT JUDGMENT**

Counsel for the General Counsel, pursuant to Sections 102.24, 102.26 and 102.50 of the Board's Rules and Regulations, Series 8, as amended, makes this Motion to transfer this case to the Board and to grant default judgment against Comprehensive Healthcare Management Services, LLC d/b/a Brighton Rehabilitation And Wellness Center, herein called Respondent, based on the pleadings and related documents which accompany this Motion. In support of this Motion, Counsel for the General Counsel submits because Respondent failed to file any Answer to the Order Consolidating Cases, Consolidated Complaint and Notice of Hearing issued, all allegations of the Consolidated Complaint should be deemed to be true and so found by the Board as to Respondent without the necessity of a hearing. In support of this Motion, Counsel for the General Counsel further submits that the pleadings raise no material issues of either fact or law, and states the following:

1. On March 29, 2018, an Order Consolidating Cases, Consolidated Complaint and Notice of Hearing, a copy of which is attached hereto as Exhibit A, issued in the instant matter alleging that Respondent had engaged in unfair labor practices affecting commerce within the meaning of Sections 8(a)(1) and (5) and Sections 2(6) and (7) of the Act by failing and refusing

to bargain collectively and in good faith with the exclusive collective-bargaining representative of its employees by failing and refusing to provide, and delaying in providing, information requested by Charging Party SEIU Healthcare Pennsylvania, herein called the Union, which is necessary for, and relevant to, the Union's performance of its duties as the exclusive collective-bargaining representative of the bargaining unit; and by refusing to schedule dates to bargain with the Union as the exclusive collective-bargaining representatives of the employees in the bargaining unit regarding the job classifications included in the bargaining unit as a result of the unit clarification proceeding at Case 06-UC-194427.

2. A true and correct copy of the Order Consolidating Cases, Consolidated Complaint and Notice of Hearing was duly served by certified mail upon Respondent on March 29, 2018.

3. In the Order Consolidating Cases, Consolidated Complaint and Notice of Hearing, Respondent was advised that pursuant to Section 102.20 and 102.21 of the Board's Rules and Regulations, an Answer was due by April 12, 2018, and that any failure to deny the allegations of the Consolidated Complaint in the manner required under the Board's Rules and Regulations could result in a determination that the allegations of the Consolidated Complaint were true.

4. As Respondent failed to file any Answer to the Consolidated Complaint or to serve any Answer upon the Union, the Regional Attorney for Region Six of the National Labor Relations Board, by letter dated April 13, 2018, and served by certified mail, again advised Respondent of the obligation to file an Answer under Sections 102.20 of the Board's Rules and Regulations. A copy of the letter is attached hereto and marked as Exhibit B. In her letter, the Regional Attorney further advised that unless an Answer was filed, a Motion for Default Judgment would be filed with the Board.

5. To date, no Answer or request for extension of time to file an Answer has been received from Respondent.

**WHEREFORE**, Counsel for the General Counsel respectfully requests the following:

- A. That the Board grant this Motion for Default Judgment;
- B. That all allegations in the Consolidated Complaint be deemed to be admitted to be true; and
- C. That Respondent be found to have violated Section 8(a)(1) and (5) of the Act in the manner alleged in the Consolidated Complaint without the taking of evidence in support of the allegations of the Consolidated Complaint and that an appropriate remedial Order issue. See, e.g., *Malik Roofing Corporation*, 338 NLRB 930 (2003).

Dated at Pittsburgh, Pennsylvania, this 23rd day of April, 2018.

Respectfully submitted,

/s/Julie R. Stern

Julie R. Stern  
Counsel for the General Counsel

National Labor Relations Board, Region Six  
William S. Morehead Federal Building, Room 904  
1000 Liberty Avenue  
Pittsburgh, PA 15222-4111  
412-690-7121  
Email: [julie.stern@nlrb.gov](mailto:julie.stern@nlrb.gov)

Attachments



**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
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**COMPREHENSIVE HEALTHCARE  
MANAGEMENT SERVICES, LLC d/b/a  
BRIGHTON REHABILITATION AND  
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**Cases 06-CA-208544 and  
06-CA-210861**

**SEIU HEALTHCARE PENNSYLVANIA**

**ORDER CONSOLIDATING CASES, CONSOLIDATED  
COMPLAINT AND NOTICE OF HEARING**

Pursuant to Section 102.33 of the Rules and Regulations of the National Labor Relations Board (the Board) and to avoid unnecessary costs or delay, IT IS ORDERED THAT Case 06-CA-208544 and Case 06-CA-210861, which are based on a charges filed by SEIU Healthcare Pennsylvania (Union), against Comprehensive Healthcare Management Services, LLC d/b/a Brighton Rehabilitation and Wellness Center (Respondent), are consolidated.

This Order Consolidating Cases, Consolidated Complaint and Notice of Hearing, which is based on these charges, 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 Board's Rules and Regulations, and alleges Respondent has violated the Act as described below.

1. (a) The charge Case 06-CA-208544 was filed by the Union on October 23, 2017, and a copy was served on Respondent by U.S. mail on October 25, 2017.

(b) The first amended charge in Case 06-CA-208544 was filed by the Union on March 27, 2018, and a copy is served on Respondent with this Order Consolidating Cases, Consolidated Complaint and Notice of Hearing.

(c) The charge in Case 06-CA-210681 was filed by the Union on December 2, 2017, and a copy was served on Respondent by U.S. mail on December 4, 2017.

(d) The first amended charge in Case 06-CA-210861 was filed by the Union on March 27, 2018, and a copy is served on Respondent with this Order Consolidating Cases, Consolidated Complaint and Notice of Hearing.

2. Respondent, a limited liability corporation, with an office and place of business located at 246 Friendship Circle, Beaver, Pennsylvania, herein called Respondent's facility, is engaged in the operation of a nursing home.

3. (a) In conducting its operations during the 12-month period ending September 30, 2017 described above in paragraph 2, Respondent derived gross revenues in excess of \$100,000.

(b) In conducting its operations during the 12-month period ending September 30, 2017 described above in paragraph 2, Respondent purchased and received at its Beaver, Pennsylvania facility goods valued in excess of \$50,000 directly from suppliers located outside the Commonwealth of Pennsylvania.

4. At all material times, Respondent has been engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act, and has been a health care institution within the meaning of Section 2(14) of the Act.

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

6. At all material times, Jan Kelly held the position of Respondent's Director of Human Resources and has been a supervisor of Respondent within the meaning of Section 2(11) of the Act and an agent of Respondent within the meaning of Section 2(13) of the Act.

7. The following employees of Respondent (the Unit) constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All full-time and regular part-time non-professional employees in the Laundry, Maintenance (including maintenance assistant managers), Dietary, Nursing Services (Licensed Practical Nurse, Certified Nursing Assistants, Respiratory Specialists Licensed Practical Nurses (vent LPNs) and Hospitality Aides)\*, Recreational Therapy, Restorative, Central Supply Departments, employed at Respondent's Beaver, Pennsylvania facility; excluding Managers, supervisors, first-level supervisors, confidential employees, guards, and employees hired on a seasonal or temporary basis, that is employees hired for a definite limited time for a period of less than ninety (90) calendar days, casual employees employed in positions other than nursing.

\*Also included are non-professional employees employed on a casual basis in Nursing Services (Licensed Practical Nurse, Certified Nursing Assistants, Respiratory Specialists Licensed Practical Nurses (vent LPNs))

8. Since about March 1, 2014, and at all material times, Respondent has recognized the Union as the exclusive collective-bargaining representative of the Unit. This recognition has been embodied in successive collective bargaining agreements the most recent of which is effective from April 1, 2017 to September 30, 2021.

9. At all times since March 1, 2014, based on Section 9(a) of the Act, the Union has been the exclusive collective-bargaining representative of the Unit.

10. (a) Since about August 24, 2017, the Union has requested, orally, that Respondent furnish the Union with the following information: a list of the RNs in the Unit and a list of the employees in the job classifications which were included in the Unit as a result of the unit clarification proceeding at Case 06-UC-194427.

(b) Since about November 17, 2017, the Union has requested, by electronic mail message, that Respondent furnish the Union with the following information:

(1) Copy of Elizabeth Henry's personnel file;

(2) Copies of all disciplines issued to any employee (union or non-union since the social media policy applies to both) who was charged with violating any section of the social media policy;

(3) With regard to number 2 above, provide any notes of investigations, e-mails, notes, correspondence, etc. related to such disciplines; and

(4) Copies of all communications (or the written memorialization of any oral communications) received by or known to the Employer referring or relating to the Facebook post for which Elizabeth Henry was discharged.

11. The information requested by the Union, as described above in paragraph 10, is necessary for, and relevant to, the Union's performance of its duties as the exclusive collective-bargaining representative of the Unit.

12. (a) From about August 24, 2017, to about November 21, 2017, Respondent unreasonably delayed in providing the Union with the information requested by it as described above in paragraph 10(a).

(b) Since about November 17, 2017, Respondent has failed and refused to furnish the Union with the information requested by it as described above in paragraph 10(b).

13. Since about August 28, 2017, Respondent has refused to schedule dates to bargain with the Union as the exclusive collective-bargaining representatives of the employees in the Unit regarding the job classifications included in the Unit as a result of the unit clarification proceeding at Case 06-UC-194427.

14. By the conduct described above in paragraphs 12 and 13, Respondent has been failing and refusing to bargain collectively and in good faith with the exclusive

collective-bargaining representative of its employees in violation of Section 8(a)(1) and (5) of the Act.

15. 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 consolidated complaint. The answer must be **received by this office on or before April 12, 2018 or postmarked on or before April 11, 2018.** 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.

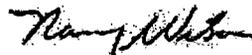
An answer may also be filed electronically through the Agency's website. To file electronically, go to [www.nlr.gov](http://www.nlr.gov), click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests 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 consolidated complaint are true.

**NOTICE OF HEARING**

PLEASE TAKE NOTICE THAT on July 30, 2018 at 10:00 a.m., at the National Labor Relations Board, Region Six Office, William S. Moorhead Federal Building, 1000 Liberty Avenue, Room 904, Pittsburgh, PA, 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 consolidated 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: March 29, 2018



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NANCY WILSON  
REGIONAL DIRECTOR  
NATIONAL LABOR RELATIONS BOARD  
REGION 06  
1000 Liberty Ave Rm 904  
Pittsburgh, PA 15222-4111

Attachments

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD

FIRST AMENDED CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
06-CA-208544	3-27-18

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Comprehensive Healthcare Management Services, LLC d/b/a Brighton Rehabilitation and Wellness Center		b. Tel. No. (724)775-7100
		c. Cell No.
d. Address (street, city, state ZIP code) 246 Friendship Cir. Beaver, PA 15009-9722	e. Employer Representative Jan Kelly Human Resources Director	f. Fax No.
		g. e-Mail jkelly@brighton.com
		h. Dispute Location (City and State) Beaver, PA
i. Type of Establishment (factory, nursing home, hotel) nursing home	j. Principal Product or Service health care services	k. Number of workers at dispute location 300

1. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (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)

Since on or about October 3, 2017, and continuing thereafter the above named employer has refused to bargain with the Union with regard to certain recently clarified employees into the bargaining unit and has also refused to provide certain information which was requested orally on or about August 24, 2017 necessary for collective bargaining.

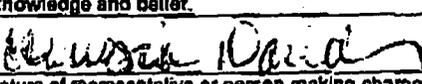
3. Full name of party filing charge (if labor organization, give full name, including local name and number)

Service Employees International Union Healthcare Pennsylvania

4a. Address (street and number, city, state, and ZIP code) 1500 North Second Street, Suite 12 Harrisburg, PA 17102	4b. Tel. No. (717)238-3030
	4c. Cell No.
	4d. Fax No. (717)238-8354
	4e. e-Mail

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)

SEIU

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.		Tel. No. (412)391-7709
By:  (signature of representative or person making charge)	Claudia Davidson Print Name and Title	Office, if any, Cell No. (412)559-0128
Address: 429 Fourth Avenue, Suite 1804 Pittsburgh, PA 15219	Date: 3/27/18	Fax No. (412)391-1190
		e-Mail

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 is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth 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 to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

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PITTSBURGH, PA

UNITED STATES OF AMERICA  
 NATIONAL LABOR RELATIONS BOARD  
**FIRST AMENDED CHARGE AGAINST EMPLOYER**

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
06-CA-210861	3-27-18

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

**1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT**

a. Name of Employer Comprehensive Healthcare Management Services, LLC d/b/a, Brighton Rehabilitation and Wellness Center		b. Tel. No. (724)775-7100
		c. Cell No.
d. Address (street, city, state ZIP code) 246 Friendship Cir., Beaver, PA 15009-9722	e. Employer Representative Jan Kelly Human Resources Director	f. Fax No.
		g. e-Mail jkelly@brighton.com
		h. Dispute Location (City and State) Beaver, PA
i. Type of Establishment (factory, nursing home, hotel) nursing home	j. Principal Product or Service healthcare services	k. Number of workers at dispute location 300

1. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (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)

Since on or about November 17, 2017 and continuing thereafter, the above named employer has refused to provide relevant information to the Union necessary for the processing of grievances and collective bargaining.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)  
SEIU Healthcare Pennsylvania

4a. Address (street and number, city, state, and ZIP code) 1500 North Second Street, Suite 12 Harrisburg, PA 17102	4b. Tel. No. (717)238-3030
	4c. Cell No.
	4d. Fax No. (717)238-8354
	4e. e-Mail

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)

SEIU

8. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		Tel. No. (412) 391-7709
By: 	Claudia Davidson	Office, if any, Cell No. (412)559-0128
(signature of representative or person making charge)	Print Name and Title	Fax No. (412)391-1190
Address: 429 Fourth Avenue, Suite 1904 Pittsburgh, PA 15219	Date: 3/27/18	e-Mail

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

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2018 MAR 27 AM 10:16

PITTSBURGH, PA



United States Government  
**NATIONAL LABOR RELATIONS BOARD**  
**REGION 6**

William S. Moorhead Federal Building  
1000 Liberty Avenue, Room 904  
Pittsburgh, PA 15222-4111

Telephone: (412) 395-4400  
Fax: (412) 395-5986  
Website: [www.nlr.gov](http://www.nlr.gov)

April 13, 2018

Re: Comprehensive Healthcare Management  
Services, LLC d/b/a Brighton Rehabilitation  
and Wellness Center  
Cases 06-CA-208544 and 06-CA-210861

Comprehensive Healthcare Management  
Services, LLC d/b/a Brighton Rehabilitation  
and Wellness Center  
Attn: Human Resources  
246 Friendship Circle  
Beaver, PA 15009-9722

Dear Sir or Madam:

This is to notify you that Respondent's Answer to the Consolidated Complaint issued in the above-captioned matter due on April 12, 2018, has not been filed in accordance with Section 102.20 of the Board's Rules and Regulations and Statements of Procedure, Series 8, as amended. Unless an Answer is received in this office from Respondent by the close of business on the third business day following receipt of this letter, or unless an extension of time for filing the Answer has been granted pursuant to Section 102.20 of the Board's Rules and Regulations, a Motion for Default Judgment will be filed with the Board.

Very truly yours,

Suzanne C. Bennett  
Regional Attorney

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Exhibit B