

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

**FRANSULA FOODS, LLC D/B/A GF-EAST  
PATERSON FOODS, LLC**

and

**UNITED FOOD & COMMERCIAL WORKERS  
INTERNATIONAL UNION, LOCAL 464A**

**Cases 22-CA-196390  
22-CA-199467  
22-CA-208888**

**DECISION AND ORDER**

Statement of the Cases

On August 29, 2018, Fransula Foods, LLC d/b/a GF-East Paterson Foods, LLC (the Respondent) and the General Counsel of the National Labor Relations Board entered into a Formal Settlement Stipulation, subject to the Board's approval, providing for the entry of a consent order by the Board and a consent judgment by any appropriate United States Court of Appeals.<sup>1</sup> The Respondent waived all further and other proceedings before the Board to which it may be entitled under the National Labor Relations Act and the Board's Rules and Regulations, and the Respondent waived its right to contest the entry of a consent judgment or to receive further notice of the application therefor.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

The Formal Settlement Stipulation is approved and made a part of the record, and the proceeding is transferred to and continued before the Board in Washington, D.C., for the entry of a Decision and Order pursuant to the provisions of the Formal Settlement Stipulation.

Based on the Formal Settlement Stipulation and the entire record, the Board makes the following

**Findings of Fact**

1. The Employer's business

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<sup>1</sup> The Charging Party declined to enter into the Formal Settlement Stipulation, but has informed the Region that it has no intention of filing either formal objections or an appeal regarding this Stipulation with the Board. The Regional Director and the General Counsel recommend approval of the settlement on the grounds that, inter alia, it fully remedies all of the allegations of the consolidated complaint and provides for the entry of Board and court orders. We have concluded that it would effectuate the purposes and policies of the Act to approve the settlement agreement.

(a) The Respondent has been a limited liability company headquartered in Charlotte, North Carolina, with an office and place of business at 498 East 30th Street in Paterson, New Jersey (the Paterson facility), and has been operating a supermarket.

(b) In conducting its business operations during the twelve months preceding its execution of the settlement stipulation, the Respondent purchased and received at the Paterson facility goods valued in excess of \$50,000 directly from points outside the State of New Jersey.

(c) At all material times, the Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

2. The labor organization involved

At all material times, the United Food & Commercial Workers International Union, Local 464A (the Union) has been a labor organization within the meaning of Section 2(5) of the Act.

**ORDER**

Based on the above findings of fact, the Formal Settlement Stipulation, and the entire record, and pursuant to Section 10(c) of the National Labor Relations Act, the National Labor Relations Board orders that:

The Respondent, Fransula Foods, LLC d/b/a GF-East Paterson Foods, LLC, Paterson, New Jersey, its officers, agents, successors, and assigns, shall:

1. Cease and desist from:

(a) Unilaterally decreasing work hours without first notifying and bargaining with the Union;

(b) Unilaterally rescinding the decrease in work hours without first notifying and bargaining with the Union;

(c) Preparing and circulating letters encouraging employees to withdraw from the Union;

(d) Threatening employees with plant closure if the Union secures a collective-bargaining agreement;

(e) Bargaining with the Union without a representative authorized to make decisions on behalf of the Respondent; and

(f) In any other manner interfering with, restraining, or coercing employees in the exercise of the rights guaranteed by Section 7 of the Act.

2. Take the following affirmative action necessary to effectuate the policies of the Act:

(a) Bargain in good faith with the Union by having a representative at collective-bargaining negotiations who is authorized to make decisions on behalf of the Respondent;

(b) Within 14 days of service by the Region, make whole employees Omar Almonte Jimenez, Ricardo Correa, Enrique Gonzalez, Samuel Sosa, and Jose Roberto Silva, for wages lost as a result of the Respondent's unilateral changes, by payment to each of them in the amount opposite each name below. The Respondent will make appropriate withholdings for each named employee. No withholdings should be made from the interest portion. The Respondent will also file a report with the Region allocating the payment(s) to the appropriate time periods.

<b>Name</b>	<b>Wages</b>	<b>Interest</b>	<b>Total</b>
Omar Almonte Jimenez	\$120.00	\$5.00	\$125.00
Ricardo Correa	\$282.00	\$12.00	\$294.00
Enrique Gonzalez	\$220.00	\$9.00	\$229.00
Samuel Sosa	\$231.00	\$9.00	\$240.00
Jose Roberto Silva	\$124.00	\$5.00	\$129.00
<b>TOTAL DUE:</b>			<b>\$1,017.00</b>

(c) Within 14 days of service by the Region:

(i) Post at its facility, copies of the attached Notice marked as "Appendix A"<sup>2</sup>;

(ii) Copies of the Notice, on forms provided by the Regional Director for Region 22, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places at the Respondent's Paterson facility, including all places where notices to employees are customarily posted. The Respondent will take reasonable steps to ensure that the Notices are not altered, defaced, or covered by any other material;

(iii) In the event that, during the pendency of these proceedings, the Respondent has closed the facility involved in these proceedings, the Respondent shall duplicate and mail, at its own expense, a copy of the Notice to all current employees and former employees employed by the Respondent at the closed facility at any time since September 1, 2016.

(iv) Within 21 days after service by the Region, file with the Regional Director for Region 22 a sworn certification of a responsible official on a form provided by the

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<sup>2</sup> If this Order is enforced by a judgment of a United States Court of Appeals, the words in the notice reading "Posted by Order of the National Labor Relations Board" shall read "Posted Pursuant to a Judgment of the United States Court of Appeals Enforcing an Order of the National Labor Relations Board."

Region attesting to the steps the Respondent has taken to comply. The Regional Director shall be supplied a copy of the documents signed by the member of store management, attesting to the dates that the notices were received at the Paterson facility, and the dates that the notices were posted.

Dated, Washington, D.C., December 21, 2018

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John F. Ring, Chairman

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Lauren McFerran, Member

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William J. Emanuel, Member

(SEAL)

**NATIONAL LABOR RELATIONS BOARD**

## APPENDIX A

**NOTICE TO EMPLOYEES  
POSTED BY ORDER OF THE  
NATIONAL LABOR RELATIONS BOARD  
An Agency of the United States Government**

**PURSUANT TO A STIPULATION PROVIDING FOR A BOARD ORDER  
AND A CONSENT JUDGMENT OF ANY APPROPRIATE  
UNITED STATES COURT OF APPEALS**

**FEDERAL LAW GIVES YOU THE RIGHT TO:**

Form, join, or assist a union;  
Choose a representative to bargain with us on your behalf;  
Act together with other employees for your benefit and protection;  
Choose not to engage in any of these protected activities.

**WE WILL NOT** do anything to prevent you from exercising the above rights.

**WE WILL NOT** change the number of hours you work without first notifying and bargaining with the Union.

**WE WILL NOT** prepare and circulate letters encouraging you to withdraw from the Union.

**WE WILL NOT** threaten you with closing the supermarket if the Union secures a collective-bargaining agreement.

**WE WILL NOT** bargain with the Union without a representative authorized to make decisions on behalf of the supermarket.

**WE WILL NOT** in any other manner interfere with your rights under Section 7 of the Act.

**WE WILL** make whole Employees Omar Almonte Jimenez, Ricardo Correa, Enrique Gonzalez, Samuel Sosa, and Jose Roberto Silva for any loss of pay suffered because we reduced their working hours without first notifying and bargaining with the Union.

**WE WILL** bargain in good faith with the Union by having a representative at collective-bargaining negotiations who has the authority necessary to enter into a binding agreement on behalf of the supermarket.

**FRANSULA FOODS, LLC D/B/A GF-EAST PATERSON FOODS, LLC**

The Board's decision can be found at [www.nlrb.gov/case/22-CA-196390](http://www.nlrb.gov/case/22-CA-196390) or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1015 Half Street, S.E., Washington, D.C. 20570, or by calling (202) 273-1940.

