

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

**CAYUGA MEDICAL CENTER AT ITHACA, INC.**

**and**

**1199 SEIU UNITED HEALTHCARE WORKERS EAST**

**Cases 03–CA–156375  
03–CA–159354  
03–CA–162848  
03–CA–165167  
03–CA–167194**

**MOTION TO WITHDRAW COMPLAINT ALLEGATIONS**

In light of the Board’s remand in the above-entitled matter, Counsel for the General Counsel (General Counsel) requests Your Honor approve her request to withdraw the complaint allegations regarding the workplace rule violations at issue, and to remand the matter to the Regional Director for administrative processing of the underlying allegations in the unfair labor practice charges.

1. On January 12, 2019, the Board remanded to Your Honor the severed allegations concerning Respondent’s Nursing Code of Conduct rules for further proceedings consistent with the Board’s decision in *The Boeing Co.*, 365 NLRB No. 154 (2017).
2. On February 14, 2019, in response to the Board’s remand, Your Honor issued an Order entertaining motions from the parties concerning amending and/or withdrawing allegations and/or reopening the record in this proceeding. This Order also encouraged continued settlement discussions.
3. In consideration of the Board’s decision in *The Boeing Co.*, 365 NLRB No. 154 (2017), Your Honor’s Order, and the Board’s remand, the parties have agreed to settle with the Region work rules 1, 4, and 6 with an informal Board settlement agreement

and notice posting. Similarly, the Charging Party seeks to withdraw the charge allegations concerning work rules 2, 3, and 5.

4. Based on the foregoing and to promote administrative efficiency, General Counsel requests to withdraw rules 2, 3, and 5 located in paragraph VI of the Complaint.
5. General Counsel further requests that Your Honor remand this entire matter to the Regional Director for further administrative processing.
6. The Charging Party and Respondent do not object to this Motion.

**DATED** at Buffalo, New York this  
1st day of March 2019

Respectfully submitted,

/s/ Jessica L. Cacaccio  
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## **CERTIFICATE OF SERVICE**

I certify that on this 1<sup>st</sup> day of March 2019, I electronically filed the General Counsel's Motion to the Administrative Law Judge in Cases 03-CA-156375, et. al., to the Division of Judges of the National Labor Relations Board using the National Labor Relations Board E-Filing System, and I hereby certify that I provided copies of the same document via electronic mail (e-mail) to the following: Raymond Pascucci at pascucr@bsk.com and Mimi Satter at msatter@satterlaw.com.