

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 2**

<b>In the Matter of</b>	)	
	)	
<b>ATLANTICARE MANAGEMENT</b>	)	
<b>LLC D/B/A PUTNAM RIDGE</b>	)	
<b>NURSING HOME</b>	)	
	)	
<b>Respondent</b>	)	
	)	
<b>and</b>	)	<b>Case Nos.   02-CA-177329</b>
	)	<b>02-CA-193189</b>
<b>1199 SEIU UNITED HEALTHCARE</b>	)	<b>02-CA-198370</b>
<b>WORKERS EAST</b>	)	<b>02-CA-206253</b>
	)	<b>02-CA-210245</b>
	)	
<b>Charging Party</b>	)	
	)	

**CHARGING PARTY’S CROSS-EXCEPTIONS TO THE DECISION  
OF THE ADMINISTRATIVE LAW JUDGE**

Charging Party, 1199 SEIU United Healthcare Workers East (“Union”), through its attorneys, Gladstein, Reif & Meginniss, LLP, pursuant to Section 102.46 of the Rules and Regulations of the National Labor Relations Board (“NLRB”), files these cross-exceptions to the Administrative Law Judge’s (“ALJ”) decision and recommended order in the above-captioned cases. These cross-exceptions, identified below, concern the ALJ’s failure to find that Respondent engaged in overall bad faith surface bargaining and failure to award bargaining expenses as requested by the General Counsel and the Union.

**Exception 1:** Page 32, lines 42-45; Page 34, lines 42-45: The ALJ erred by failing to find that Respondent engaged in overall bad faith surface bargaining.

**Exception 2:** Page 33, lines 21-26, 34-36: The ALJ erred by finding that Respondent’s bargaining proposals would not result in employees receiving lower annual wage increases than under their existing terms and conditions of employment.

**Exception 3:** Page 33, lines 30-33: The ALJ erred by finding that incumbent employees would receive wage increases under Respondent’s proposed minimum rates.

**Exception 4:** Page 34, lines 4-7: The ALJ erred by failing to find that Respondent’s bargaining proposals were indicia of surface bargaining.

**Exception 5:** Page 35, fn. 29: The ALJ erred by finding that the Union did not present an economic proposal until September 12, 2016.

**Exception 6:** Page 37, lines 24-25, 40-45: The ALJ erred by failing to recommend that bargaining expenses and/or make whole remedies for negotiators be awarded.

Dated: New York, New York  
March 29, 2019

Respectfully submitted,

GLADSTEIN, REIF & MEGINNISS

s/ Katherine H. Hansen  
Katherine H. Hansen

817 Broadway, 6<sup>th</sup> Floor  
New York, New York 10003  
(212) 228-7727

Counsel for 1199 SEIU United  
Healthcare Workers East