

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

**ATLANTICARE MANAGEMENT LLC D/B/A
PUTNAM RIDGE NURSING HOME**

and

**Case Nos. 02-CA-177329
 02-CA-193189
 02-CA-198370
 02-CA-206253
 02-CA-210245**

1199 SEIU UNITED HEALTHCARE WORKERS EAST

**COUNSEL FOR THE GENERAL COUNSEL'S
CROSS EXCEPTIONS
TO THE ADMINISTRATIVE LAW JUDGE'S DECISION**

Dated at New York, New York
This 29nd Day of March 2019

Joane Si Ian Wong
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Counsel for the General Counsel, pursuant to Section 102.46(e) of the National Labor Relations Board's Rules and Regulations, submit the following cross exceptions to Administrative Law Judge Benjamin Green's Decision dated December 12, 2018.

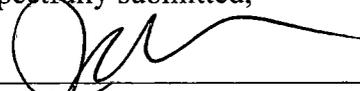
1. The ALJ inadvertently stated the election was on December 4, 2016 instead of December 4, 2015, and therefore incorrectly stated the certification was in 2016. (ALJD 6:33-37 and 7: 22)¹
2. The ALJ correctly concluded that a *Mar-Jac* remedy was appropriate, but inadvertently failed to include it in the recommended order, and to assert that the one-year extension of the certification year is to commence when the Respondent begins to bargain in good faith with the Union. (ALJD 38-40 and 38:11-17)
3. The ALJ erred in concluding that a total of about 21 employees would have been entitled to a wage increase under the Respondent's proposed minimum wage rates. (ALJD 14:34-40)
4. The ALJ erred in deciding that "Respondent's modification of its formula for merit wage increases would not necessarily (at least initially) have resulted in a reduction of employees' total wage increases if it were combined with the wage increases the Respondent proposed in contract negotiations." (ALJD 29:27-30)
5. The ALJ erred in finding that "the Respondent adjusted its formula for granting merit pay increases in order to ensure that employees would continue to receive wage increases comparable to what they received in the past (not dramatically higher) if the Union accepted the Respondent's wage proposal." (ALJD 29:40 – 30:1)
6. The ALJ erred in finding that the Respondent did not propose to reduce the wages of employees. (ALJD 33:22-32)
7. The ALJ erred in failing to find that Respondent's economic proposal, if accepted as a package, would leave employees worse off than they were before unionizing. (ALJD 33:34-35)
8. The ALJ erred in finding that the decrease to the unit's benefits in the Respondent's proposal would be offset by the potential for wage increases. (ALJD 33:38-40)
9. The ALJ erred in failing to conclude that Respondent engaged in overall bad faith bargaining. (ALJD 2:6-9)

¹ The Administrative Law Judge's Decision are referenced as "ALJD page(s): line(s)."

10. The ALJ erred in failing to order that Respondent pay the Union's bargaining expenses.
(ALJD 2:1-4)

Dated at New York, New York
on March 29, 2019

Respectfully submitted,



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AFFIDAVIT OF SERVICE

I, the undersigned, certify that the *Counsel for General Counsel's Cross Exceptions and Cross Exceptions Brief to the Administrative Law Judge Decision* was served on the parties on Friday, March 29, 2019, as follows:

By E-filing

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