



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 4
100 Penn Square
Suite 403
Philadelphia, PA 19107

Agency Website: www.nlr.gov
Telephone: (215) 597-7601
Fax: (215) 597-7658

July 18, 2019

Roxanne L. Rothschild, Executive Secretary
National Labor Relations Board
1015 Half Street SE
Washington, DC 20570-0001

Re: H.W. Weidco/Ren LLC d/b/a South
Jersey Extended Care
Case 04-CA-213035

Dear Executive Secretary Rothschild :

Enclosed please find Counsel for the General Counsel's Second Motion for Default Judgment along with attachments in the above-referenced case.

Copies of the above Motion have been served this day on the persons below by first class mail.

Very truly yours,

15/ Deena E. Kobell

DEENA E. KOBELL
Counsel for the General Counsel

Enclosure

cc:

Daniel Schwartz, Administrator, South Jersey Extended Care, 99 Manheim Drive,
Bridgeton, NJ 08302-2114
David Watkins, Esquire, O'Brien, Belland & Bushinsky, LLC, 1526 Berlin Road, Cherry
Hill, NJ 08003-3623
United Food and Commercial Workers Union Local 152, 701 Route 50, Mays Landing, NJ
08330-2150

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

**H.W. WEIDCO/REN LLC d/b/a
SOUTH JERSEY EXTENDED CARE**

and

Case 04-CA-213035

**UNITED FOOD AND COMMERCIAL
WORKERS UNION LOCAL 152**

**SECOND MOTION TO TRANSFER PROCEEDINGS TO THE BOARD AND
MOTION FOR DEFAULT JUDGMENT**

Pursuant to Sections 102.24 and 102.50 of the Rules and Regulations of the National Labor Relations Board (the Rules), Counsel for the General Counsel hereby moves that this case be transferred back to the National Labor Relations Board (the Board) and that the Board grant default judgment against H.W. Weidco/Ren LLC d/b/a South Jersey Extended Care (Respondent). In support of this Motion, Counsel for the General Counsel respectfully submits the following:

1. On January 16, January 31, and February 2, 2018, respectively, United Food and Commercial Workers Union Local 152 (the Union) filed the charge, first amended charge, and second amended charge in this matter. Copies thereof were served on Respondent on January 16, January 31, and February 2, 2018, respectively. Copies of the charge, first amended charge, second amended charge, and affidavits of service thereof are attached hereto as Exhibits A, B, C, D, E, and F, respectively. The sole substantive allegation of the charge was that on December 27, 2017, Respondent denied its employee,

Rosalind Hickman, a Union representative during an investigatory interview in violation of Section 8(a)(1) of the National Labor Relations Act (the Act).

2. On June 26, 2018, the Regional Director for Region Four of the Board (the Regional Director) issued a Complaint and Notice of Hearing (Complaint) in this matter alleging that Respondent engaged in conduct that violated Section 8(a)(1) of the Act and setting a hearing date of October 9, 2018. The Complaint stated, in pertinent part, that Respondent shall file an Answer to the Complaint by July 10, 2018 as required by Sections 102.20 and 102.21 of the Board's Rules, and that absent such action, all of the allegations in the Complaint may be deemed true and may be so found by the Board. Copies of the Complaint and the affidavit showing service thereof are attached hereto as Exhibits G and H, respectively.

3. Respondent did not file an Answer to the Complaint by July 10, 2018.

4. By letter dated July 11, 2018, the Regional Attorney for Region Four (the Regional Attorney) advised Respondent that Respondent had not filed an Answer to the Complaint, and that absent the filing of an Answer by July 18, 2018, a Motion for Default Judgment could be filed. A copy of the July 11, 2018 letter to Respondent is attached hereto as Exhibit I.

5. Respondent did not file an Answer to the Complaint by July 18, 2018.

6. Since Respondent failed to file its Answer to the Complaint, proffering no explanation for its failure to do so, and failed to comply with Section 102.20 of the Rules concerning the filing of an Answer, on July 25, 2018, Counsel for the General Counsel filed a Motion for Default Judgment (First Motion) in this case with the Board. Thereafter, on August 3, 2018, the Board issued an Order transferring the proceeding to the Board and

a Notice to Show Cause why the Motion should not be granted. The Respondent filed no response. The Motion and Board's Order transferring the case are attached as Exhibit J.

7. In a Decision and Order dated May 10, 2019 (367 NLRB No. 126), the Board denied Counsel for the General Counsel's Motion for Default Judgment because the Complaint did not include explicit allegations that: (1) the Union was the exclusive bargaining representative of the unit employees, and (2) that Rosalind Hickman was a bargaining unit employee. The Board further stated:

Nothing herein will require a hearing if, in the event the complaint is appropriately amended, the Respondent again fails to answer, thereby admitting evidence that would permit the Board to find the alleged violation. In such circumstances, the General Counsel may renew the motion for default judgment with respect to the amended complaint allegations.

The Board's Decision is attached hereto as Exhibit K.

8. On May 20, 2019, the Regional Director issued an Amended Complaint and Notice of Hearing (Amended Complaint) in this matter, again alleging that Respondent engaged in conduct that violated Section 8(a)(1) of the Act and setting a hearing date of August 15, 2019. Pursuant to the Board's direction, several new paragraphs were included in the Amended Complaint. Paragraph 5(a) sets forth the bargaining unit (the Unit) and alleges that it constituted a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act. Paragraph 5(b) alleges that Respondent has recognized the Union as the exclusive collective-bargaining representative of the Unit since approximately 1993. Paragraph 5(c) alleges that at all material times since at least 1993, based on Section 9(a) of the Act, the Union has been the exclusive collective bargaining representative of the Unit. Paragraph 6(b) alleges that at all material times, including on

December 27, 2017, Rosalind Hickman was in the Unit. The Amended Complaint further states, in pertinent part, that Respondent shall file an Answer to the Amended Complaint by June 3, 2019, and that absent such action, all of the allegations in the Amended Complaint may be deemed true and may be so found by the Board. Copies of the Amended Complaint and the affidavit showing service thereof are attached hereto as Exhibits L and M, respectively.

9. Respondent did not file an Answer to the Amended Complaint by June 3, 2019.

10. By letter dated July 8, 2019, the Regional Attorney advised Respondent that it had not filed an Answer to the Amended Complaint, and that absent the filing of an Answer by July 15, 2019, a Motion for Default Judgment could be filed. A copy of the July 8, 2019 letter to Respondent is attached hereto as Exhibit N.

11. Respondent did not file an Answer to the Amended Complaint by July 15, 2019.

12. Since Respondent failed to file its Answer to the Amended Complaint, proffered no explanation for its failure to do so, and failed to comply with Section 102.20 of the Rules concerning the filing of an Answer, Counsel for the General Counsel files this Second Motion for Default Judgment (Second Motion) with the Board.

13. It is submitted that Respondent has failed to comply with Section 102.20 of the Rules concerning the filing of an Answer and, accordingly, the allegations of the Amended Complaint should be deemed to be admitted as true and should be so found.

NOW THEREFORE, the undersigned Counsel for the General Counsel moves that: (1) the Amended Complaint in this proceeding be transferred to and continued before the Board; (2) the Board deem the allegations of the Amended Complaint to be true, and they be so found; (3) the Board issue a Decision and Order finding and concluding that Respondent has violated Section 8(a)(1) of the Act as alleged in the Amended Complaint, and requiring Respondent to cease and desist from its unlawful conduct and to post an appropriate Notice; and (4) the Board grant such other and further relief as may be appropriate.

Signed at Philadelphia, Pennsylvania this 18th day of July 2019.

Respectfully submitted,

15/ Deena E. Kobell
DEENA E. KOBELL
Counsel for the General Counsel
National Labor Relations Board, Region 4
The Wanamaker Building
100 East Penn Square
Suite 403
Philadelphia, PA 19107
(215)597-7650 (office)
(202)368-3932 (mobile)
215-597-7658 FAX

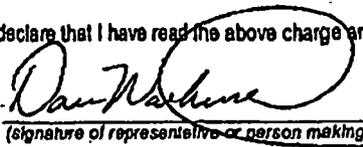
INTERNET
FORM NLRB-501
(2-08)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE	
Case 04-CA-213035	Date Filed 1/16/18

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT	
a. Name of Employer South Jersey Extended Care	b. Tel. No. 856-455-2100
	c. Cell No.
	f. Fax No.
d. Address (Street, city, state, and ZIP code) 99 Manheim Avenue Bridgeton, NJ 08302	e. Employer Representative Eli Weiss, Administrator eweiss@broadwayhealthcare.com
	g. e-Mail
	h. Number of workers employed 62
i. Type of Establishment (factory, mine, wholesaler, etc.) Healthcare	j. Identify principal product or service
k. 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) UFCW Local 152 ("Union") and South Jersey Extended Care ("Employer") are parties to an expired Collective Bargaining Agreement ("CBA") and a current Memorandum of Agreement ("MOA") which set the terms for a successor CBA. In or about December 2017, the Employer sought a disciplinary interview with a bargaining unit member ("Member"). The Member requested union representation at the meeting which the Employer denied. The Employer conducted the meeting in violation of the Member's Weingarten rights where the Member was disciplined. Union representatives attempted to grieve this matter through the grievance arbitration procedures in the CBA. The Employer has refused to respond at all to the Union's requests and has refused to participate in the CBA's grievance arbitration process. The Employer's Weingarten rights and refusal to participate in the grievance and arbitration procedures are in direct violation of Sections 8(a)(1) and (5) of the Act.	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) United Food and Commercial Workers, AFL-CIO, Local 152	
4a. Address (Street and number, city, state, and ZIP code) 701 Route 50 Mays Landing, NJ 08330	4b. Tel. No. 609-704-3900
	4c. Cell No.
	4d. Fax No. 609-625-0328
	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) United Food and Commercial Workers, AFL-CIO	
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.	
By  (signature of representative or person making charge)	David Watkins, Esquire (Print/type name and title or office, if any)
1526 Berlin Road, Cherry Hill, NJ 08003	
1/16/18 (date)	
Tel. No. 856-795-2181	
Office, if any, Cell No.	
Fax No. 856-795-2182	
e-Mail dwatkins@obbblaw.com	

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.

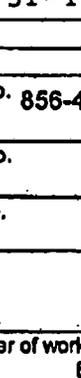
INTERNET
FORM NLRB-501
(2-08)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
Amended CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE	
Case 04-CA-213035	Date Filed 1-31-18

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT	
a. Name of Employer South Jersey Extended Care	b. Tel. No. 856-455-2100
	c. Cell No.
	f. Fax No.
d. Address (Street, city, state, and ZIP code) 99 Manhelm Avenue Bridgeton, NJ 08302	e. Employer Representative Eli Weiss, Administrator eweiss@broadwayhealthcare.com
	g. e-Mail
	h. Number of workers employed 62
i. Type of Establishment (factory, mine, wholesaler, etc.) Healthcare	j. Identify principal product or service
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (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) UFCW Local 152 ("Union") and South Jersey Extended Care ("Employer") are parties to an expired Collective Bargaining Agreement ("CBA") and a current Memorandum of Agreement ("MOA") which set the terms for a successor CBA. In or about December 2017, the Employer disciplined a bargaining unit member ("Member"). Union representatives attempted to grieve this matter through the grievance arbitration procedures in the CBA. The Employer has refused to respond at all to the Union's requests and has refused to participate in the CBA's grievance arbitration process. The Employer's refusal to participate in the grievance and arbitration procedures are in direct violation of Sections 8(a)(5) of the Act.	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) United Food and Commercial Workers, AFL-CIO, Local 152	
4a. Address (Street and number, city, state, and ZIP code) 701 Route 50 Mays Landing, NJ 08330	4b. Tel. No. 609-704-3900
	4c. Cell No.
	4d. Fax No. 609-625-0328
	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) United Food and Commercial Workers, AFL-CIO	
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.	
By  (signature of representative or person making charge)	David Watkins, Esquire (Print/Type name and title or office, if any)
1526 Berlin Road, Cherry Hill, NJ 08003	
1/31/18 (date)	
Tel. No. 856-795-2181	
Office, if any, Cell No.	
Fax No. 856-795-2182	
e-Mail dwtatkins@obbblaw.com	

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INTERNET
FORM NLRB-601
(2-08)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

2ND AMENDED

DO NOT WRITE IN THIS SPACE	
Case 04-CA-213035	Date Filed 2-2-18

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT	
a. Name of Employer South Jersey Extended Care	b. Tel. No. 856-455-2100
	c. Cell No.
	f. Fax No.
d. Address (Street, city, state, and ZIP code) 99 Manheim Avenue Bridgeton, NJ 08302	e. Employer Representative Eli Weiss, Administrator eweiss@broadwayhealthcare.com
	g. e-Mail
	h. Number of workers employed 62
i. Type of Establishment (factory, mine, wholesaler, etc.) Healthcare	j. Identify principal product or service
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (1) _____ 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) UFCW Local 152 ("Union") and South Jersey Extended Care ("Employer") are parties to an expired Collective Bargaining Agreement ("CBA") and a current Memorandum of Agreement ("MOA") which set the terms for a successor CBA. In or about December 2017, the Employer sought a disciplinary interview with a bargaining unit member ("Member"). The Member requested union representation at the meeting which the Employer denied. The Employer conducted the meeting in violation of the Member's Weingarten rights where the Member was disciplined. The Employer's violation of the Member's Weingarten rights are in direct violation of Sections 8(a)(1) and (5).	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) United Food and Commercial Workers, AFL-CIO, Local 152	
4a. Address (Street and number, city, state, and ZIP code) 701 Route 50 Mays Landing, NJ 08330	4b. Tel. No. 609-704-3900
	4c. Cell No.
	4d. Fax No. 609-625-0328
	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) United Food and Commercial Workers, AFL-CIO	
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.	
By  (signature of representative or person making charge)	David Watkins, Esquire (Print type name and title or office, if any)
1526 Berlin Road, Cherry Hill, NJ 08003	
2/2/18 (date)	
Tel. No. 856-795-2181	
Office, if any, Cell No.	
Fax No. 856-795-2182	
e-Mail dwatkins@obbblaw.com	

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UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

Exhibit D



REGION 4
615 Chestnut St Ste 710
Philadelphia, PA 19106-4413

Agency Website: www.nlr.gov
Telephone: (215)597-7601
Fax: (215)597-7658

Download
NLRB
Mobile App

January 16, 2018

Eli Weiss, Administrator
South Jersey Extended Care
99 Manheim Ave
Bridgeton, NJ 08302-2114

Re: South Jersey Extended Care
Case 04-CA-213035

Dear Mr. Weiss:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney DEENA E. KOBELL whose telephone number is (215)597-7650. If this Board agent is not available, you may contact Supervisory Attorney PATRICIA A. GARBER whose telephone number is (215)597-7625.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not

enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

January 16, 2018

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "Dennis P. Walsh". The signature is written in a cursive style with a long horizontal stroke at the end.

DENNIS P. WALSH
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

SOUTH JERSEY EXTENDED CARE

Charged Party

and

**UNITED FOOD AND COMMERCIAL
WORKERS UNION LOCAL 152**

Charging Party

Case 04-CA-213035

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on January 16, 2018, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

Eli Weiss, Administrator
South Jersey Extended Care
99 Manheim Ave
Bridgeton, NJ 08302-2114

January 16, 2018

Date

Janet T. Jackson
Designated Agent of NLRB

Name

/s/ Janet T. Jackson

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

Exhibit E



REGION 4
615 Chestnut St Ste 710
Philadelphia, PA 19106-4413

Agency Website: www.nlr.gov
Telephone: (215)597-7601
Fax: (215)597-7658

Download
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Mobile App

January 31, 2018

Eli Weiss, Administrator
South Jersey Extended Care
99 Manheim Ave
Bridgeton, NJ 08302-2114

Re: South Jersey Extended Care
Case 04-CA-213035

Dear Mr. Weiss:

Enclosed is a copy of the first amended charge that has been filed in this case.

Investigator: This charge is being investigated by Field Attorney DEENA E. KOBELL whose telephone number is (215)597-7650. If the agent is not available, you may contact Supervisory Attorney PATRICIA A. GARBER whose telephone number is (215)597-7625.

Presentation of Your Evidence: As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the first amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board agent. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains

the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

Very truly yours,

A handwritten signature in black ink that reads "Dennis P. Walsh". The signature is written in a cursive style with a large initial "D" and a long horizontal stroke at the end.

DENNIS P. WALSH
Regional Director

Enclosure: Copy of first amended charge

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

SOUTH JERSEY EXTENDED CARE

Charged Party

and

**UNITED FOOD AND COMMERCIAL
WORKERS UNION LOCAL 152**

Charging Party

Case 04-CA-213035

AFFIDAVIT OF SERVICE OF FIRST AMENDED CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on January 31, 2018, I served the above-entitled document(s) by regular mail upon the following persons, addressed to them at the following addresses:

Eli Weiss, Administrator
South Jersey Extended Care
99 Manheim Ave
Bridgeton, NJ 08302-2114

January 31, 2018

Date

Janet T. Jackson
Designated Agent of NLRB

Name

/s/ Janet T. Jackson

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

Exhibit

F



REGION 4
615 Chestnut St Ste 710
Philadelphia, PA 19106-4413

Agency Website: www.nlr.gov
Telephone: (215)597-7601
Fax: (215)597-7658

Download
NLRB
Mobile App

February 2, 2018

Eli Weiss, Administrator
South Jersey Extended Care
99 Manheim Avenue
Bridgeton, NJ 08302-2114

Re: South Jersey Extended Care
Case 04-CA-213035

Dear Mr. Weiss:

Enclosed is a copy of the second amended charge that has been filed in this case.

Investigator: This charge is being investigated by Field Attorney DEENA E. KOBELL whose telephone number is (215)597-7650. If the agent is not available, you may contact Supervisory Attorney PATRICIA A. GARBER whose telephone number is (215)597-7625.

Presentation of Your Evidence: As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the second amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board agent. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains

the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

Very truly yours,

A handwritten signature in black ink that reads "Dennis P. Walsh". The signature is written in a cursive style with a large initial "D" and a long horizontal stroke at the end.

DENNIS P. WALSH
Regional Director

Enclosure: Copy of second amended charge

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

<p>SOUTH JERSEY EXTENDED CARE</p> <p>Charged Party</p> <p>and</p> <p>UNITED FOOD AND COMMERCIAL WORKERS UNION LOCAL 152</p> <p>Charging Party</p>

Case 04-CA-213035

AFFIDAVIT OF SERVICE OF SECOND AMENDED CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on February 2, 2018, I served the above-entitled document(s) by regular mail upon the following persons, addressed to them at the following addresses:

Eli Weiss, Administrator
South Jersey Extended Care
99 Manheim Avenue
Bridgeton, NJ 08302-2114

February 2, 2018

Date

Janet T. Jackson
Designated Agent of NLRB

Name

/s/ Janet T. Jackson

Signature

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

**H.W.WEIDCO/REN, LLC d/b/a SOUTH JERSEY
EXTENDED CARE**

and

Case 04-CA-213035

**UNITED FOOD AND COMMERCIAL WORKERS
UNION LOCAL 152**

COMPLAINT AND NOTICE OF HEARING

United Food and Commercial Workers Union Local 152 (the Union) has charged that H.W. Weidco/Ren LLC d/b/a South Jersey Extended Care (Respondent) has been engaging in unfair labor practices as set forth in the National Labor Relations Act (the Act), 29 U.S.C. § 151 et seq. Based thereon, the General Counsel, by the undersigned, pursuant to Section 10(b) of the Act and Section 102.15 of the Rules and Regulations of the National Labor Relations Board (the Board) issues this Complaint and Notice of Hearing and alleges as follows:

1. (a) The charge in this proceeding was filed by the Union on January 16, 2018, and a copy was served on Respondent by U.S. mail on January 16, 2018.

(b) The first amended charge in this proceeding was filed by the Union on January 31, 2018, and a copy was served on Respondent by U.S. mail on January 31, 2018.

(c) The second amended charge in this proceeding was filed by the Union on February 2, 2018, and a copy was served on Respondent by U.S. mail on February 2, 2018.

2. (a) At all material times, Respondent, a New Jersey limited liability company, has operated a rehabilitation and long-term care nursing facility in Bridgeton, New Jersey (the Facility).

(b) During the past year, Respondent, in conducting its business operations described above in subparagraph (a), derived gross revenues in excess of \$100,000, and purchased and received at the Facility goods valued in excess of \$50,000 directly from points outside the State of New Jersey.

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

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

4. (a) At all material times, the following named individuals held the positions at the Facility set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the Act and agents of Respondent within the meaning of Section 2(13) of the Act:

Joshua Rosenberg	-	Administrator
Marquise Williams	-	Dietary Director.

5. (a) About December 27, 2017, Respondent, by Joshua Rosenberg, at a conference room at the Facility, denied the request of its employee Rosalind Hickman to be represented by a Union representative during an investigatory interview.

(b) Rosalind Hickman had reasonable cause to believe that the interview described above in subparagraph (a) would result in disciplinary action being taken against her.

(c) About December 27, 2017, Respondent, by Joshua Rosenberg and Marquise Williams, at a conference room at the Facility, conducted the interview described above in subparagraphs (a) and (b) with Rosalind Hickman, even though Respondent denied the employee's request for Union representation described above in subparagraph (a).

6. By the conduct described above in paragraph 5, Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

7. 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 complaint. The answer must be received by this office on or before July 10, 2018, or postmarked on or before July 9, 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, 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 complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT at 10:00 a.m. on October 9, 2018, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board, 615 Chestnut Street, Suite 710, Philadelphia, Pennsylvania. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this 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.

Signed at Philadelphia, Pennsylvania this 26th day of June, 2018.



DENNIS P. WALSH
Regional Director, Region 04
National Labor Relations Board

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

SOUTH JERSEY EXTENDED CARE

and

Case 04-CA-213035

**UNITED FOOD AND COMMERCIAL WORKERS
UNION LOCAL 152**

AFFIDAVIT OF SERVICE OF: COMPLAINT AND NOTICE OF HEARING

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on June 26, 2018, I served the above-entitled document(s) by **certified or regular mail**, as noted below, upon the following persons, addressed to them at the following addresses:

Daniel Schwartz, Administrator
South Jersey Extended Care
99 Manheim Ave
Bridgeton, NJ 08302-2114

**CERTIFIED MAIL, RETURN RECEIPT
REQUESTED**

David Watkins, Esquire
O' Brien, Belland & Bushinsky, LLC
1526 Berlin Road
Cherry Hill, NJ 08003-3623

FIRST CLASS MAIL

United Food and Commercial Workers
Union Local 152
701 Route 50
Mays Landing, NJ 08330-2150

CERTIFIED MAIL

 June 26, 2018

Date

 Diane Alessandrini

Name

 /s/ Diane Alessandrini

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 4
615 CHESTNUT ST
STE 710
PHILADELPHIA, PA 19106-4413

Agency Website: www.nlr.gov
Telephone: (215)597-7601
Fax: (215)597-7658

Exhibit I

July 11, 2018

Daniel Schwartz, Administrator
South Jersey Extended Care
99 Manheim Avenue
Bridgton, NJ 08302-2114

Re: South Jersey Extended Care
Case 04-CA-2134035

Dear Mr. Schwartz:

On June 26, 2018, a Complaint and Notice of Hearing issued in the above-captioned matter. The Answer was due on July 10, 2018 but to date, no Answer has been received. This is to advise you that unless an Answer is filed by July 18, 2018, I will recommend that a Motion for Default Judgment be filed with the Board. I have enclosed a copy of the Complaint as well as the Board's Rules and Regulations Sections 102.20 and 102.21 which set forth the requirements for Answers to Complaints.

Very truly yours,

RICHARD P. HELLER
Regional Attorney

Enclosures

ANSWER

Sec. 102.20 *Answer to complaint; time for filing; contents; allegations not denied deemed admitted.*—The respondent shall, within 14 days from the service of the complaint, file an answer thereto. The respondent shall specifically admit, deny, or explain each of the facts alleged in the complaint, unless the respondent is without knowledge, in which case the respondent shall so state, such statement operating as a denial. All allegations in the complaint, if no answer is filed, or any allegation in the complaint not specifically denied or explained in an answer filed, unless the respondent shall state in the answer that he is without knowledge, shall be deemed to be admitted to be true and shall be so found by the Board, unless good cause to the contrary is shown.

Sec. 102.21 *Where to file; service upon the parties; form.*— An original and four copies of the answer shall be filed with the Regional Director issuing the complaint. Immediately upon the filing of his answer, respondent shall serve a copy thereof on the other parties. An answer of a party represented by counsel or non-attorney representative shall be signed by at least one such attorney or non-attorney representative of record in his/her individual name, whose address shall be stated. A party who is not represented by an attorney or non-attorney representative shall sign his/her answer and state his/her address. Except when otherwise specifically provided by rule or statute, an answer need not be verified or accompanied by affidavit. The signature of the attorney or non-attorney party representative constitutes a certificate by him/her that he/she has read the answer; that to the best of his/her knowledge, information, and belief there is good ground to support it; and that it is not interposed for delay. If an answer is not signed or is signed with intent to defeat the purpose of this section, it may be stricken as sham and false and the action may proceed as though the answer had not been served. For a willful violation of this section an attorney or non-attorney party representative may be subjected to appropriate disciplinary action. Similar action may be taken if scandalous or indecent matter is inserted.

Sec. 102.22 *Extension of time for filing.*—Upon his own motion or upon proper cause shown by any other party, the Regional Director issuing the complaint may by written order extend the time within which the answer shall be filed.

Sec. 102.23 *Amendment.*—The respondent may amend his answer at any time prior to the hearing. During the hearing or subsequent thereto, he may amend his answer in any case where the complaint has been amended, within such period as may be fixed by the administrative law judge or the Board. Whether or not the complaint has been amended, the answer may, in the discretion of the administrative law judge or the Board, upon motion, be amended upon such terms and within such periods as may be fixed by the administrative law judge or the Board.

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

**H.W.WEIDCO/REN, LLC d/b/a SOUTH JERSEY
EXTENDED CARE**

and

Case 04-CA-213035

**UNITED FOOD AND COMMERCIAL WORKERS
UNION LOCAL 152**

COMPLAINT AND NOTICE OF HEARING

United Food and Commercial Workers Union Local 152 (the Union) has charged that H.W. Weidco/Ren LLC d/b/a South Jersey Extended Care (Respondent) has been engaging in unfair labor practices as set forth in the National Labor Relations Act (the Act), 29 U.S.C. § 151 et seq. Based thereon, the General Counsel, by the undersigned, pursuant to Section 10(b) of the Act and Section 102.15 of the Rules and Regulations of the National Labor Relations Board (the Board) issues this Complaint and Notice of Hearing and alleges as follows:

1. (a) The charge in this proceeding was filed by the Union on January 16, 2018, and a copy was served on Respondent by U.S. mail on January 16, 2018.

(b) The first amended charge in this proceeding was filed by the Union on January 31, 2018, and a copy was served on Respondent by U.S. mail on January 31, 2018.

(c) The second amended charge in this proceeding was filed by the Union on February 2, 2018, and a copy was served on Respondent by U.S. mail on February 2, 2018.

2. (a) At all material times, Respondent, a New Jersey limited liability company, has operated a rehabilitation and long-term care nursing facility in Bridgeton, New Jersey (the Facility).

(b) During the past year, Respondent, in conducting its business operations described above in subparagraph (a), derived gross revenues in excess of \$100,000, and purchased and received at the Facility goods valued in excess of \$50,000 directly from points outside the State of New Jersey.

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

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

4. (a) At all material times, the following named individuals held the positions at the Facility set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the Act and agents of Respondent within the meaning of Section 2(13) of the Act:

Joshua Rosenberg	-	Administrator
Marquise Williams	-	Dietary Director.

5. (a) About December 27, 2017, Respondent, by Joshua Rosenberg, at a conference room at the Facility, denied the request of its employee Rosalind Hickman to be represented by a Union representative during an investigatory interview.

(b) Rosalind Hickman had reasonable cause to believe that the interview described above in subparagraph (a) would result in disciplinary action being taken against her.

(c) About December 27, 2017, Respondent, by Joshua Rosenberg and Marquise Williams, at a conference room at the Facility, conducted the interview described above in subparagraphs (a) and (b) with Rosalind Hickman, even though Respondent denied the employee's request for Union representation described above in subparagraph (a).

6. By the conduct described above in paragraph 5, Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

7. 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 complaint. The answer must be received by this office on or before July 10, 2018, or postmarked on or before July 9, 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, 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 complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT at 10:00 a.m. on October 9, 2018, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board, 615 Chestnut Street, Suite 710, Philadelphia, Pennsylvania. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this 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.

Signed at Philadelphia, Pennsylvania this 26th day of June, 2018.



DENNIS P. WALSH
Regional Director, Region 04
National Labor Relations Board

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

**H.W. WEIDCO/REN LLC d/b/a
SOUTH JERSEY EXTENDED CARE**

and

Case 04-CA-213035

**UNITED FOOD AND COMMERCIAL
WORKERS UNION LOCAL 152**

**MOTION TO TRANSFER PROCEEDINGS TO THE BOARD AND
MOTION FOR DEFAULT JUDGMENT**

Pursuant to Sections 102.24 and 102.50 of the Rules and Regulations of the National Labor Relations Board (the Rules), Counsel for the General Counsel hereby moves that this case be transferred to the National Labor Relations Board (the Board) and that the Board grant default judgment against H.W. Weidco/Ren LLC d/b/a South Jersey Extended Care (Respondent). In support of this Motion, Counsel for the General Counsel respectfully submits the following:

1. On January 16, January 31, and February 2, 2018, respectively, United Food and Commercial Workers Union Local 152 (the Union) filed the charge, first amended charge, and second amended charge in this matter. Copies thereof were served on Respondent on January 16, January 31, and February 2, 2018, respectively. Copies of the charge, first amended charge, second amended charge, and affidavits of service thereof are attached hereto as Exhibits A, B, C, D, E, and F, respectively.
2. On June 26, 2018, the Regional Director for Region 4 of the Board issued a Complaint and Notice of Hearing (Complaint) in this matter alleging that Respondent

engaged in conduct that violated Section 8(a)(1) of the National Labor Relations Act, as amended (the Act) and setting a hearing date of October 9, 2018. The Complaint stated, in pertinent part, that Respondent shall file an Answer to the Complaint by July 10, 2018 as required by Sections 102.20 and 102.21 of the Rules, and that absent such action, all of the allegations in the Complaint may be deemed true and may be so found by the Board. Copies of the Complaint and the affidavit showing service thereof are attached hereto as Exhibits G and H, respectively.

3. Respondent did not file an Answer to the Complaint by July 10, 2018.

4. By letter dated July 11, 2018, the Regional Attorney for Region 4 advised Respondent that Respondent had not filed an Answer to the Complaint, and that absent the filing of an Answer by July 18, 2018, a Motion for Default Judgment could be filed. A copy of the July 11, 2018 letter to Respondent is attached hereto as Exhibit I.

5. To date, Respondent has failed to file its Answer to the Complaint and has proffered no explanation for its failure to do so.

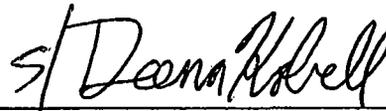
6. It is therefore submitted that Respondent has failed to comply with Section 102.20 of the Rules concerning the filing of an Answer and, accordingly, the allegations of the Complaint should be deemed to be admitted to be true and should be so found.

NOW THEREFORE, the undersigned Counsel for the General Counsel moves that: (1) the Complaint in this proceeding be transferred to and continued before the Board; (2) the Board deem the allegations of the Complaint to be true, and they be so found; (3) the Board issue a Decision and Order finding and concluding that Respondent has violated Section 8(a)(1) of the Act as alleged in the Complaint, and requiring

Respondent to cease and desist from its unlawful conduct and to post an appropriate Notice; and (4) the Board grant such other and further relief as may be appropriate.

Signed at Philadelphia, Pennsylvania this 25th day of July 2018.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "s/ Deena Kobell". The signature is written in a cursive style and is positioned above a horizontal line.

DEENA E. KOBELL

Counsel for the General Counsel
National Labor Relations Board, Region 4
615 Chestnut Street, Suite 710
Philadelphia, PA 19106
phone (215) 597-7650
fax (215) 597-7658
deena.kobell@nlrb.gov

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

**H.W. WEIDCO/REN LLC d/b/a
SOUTH JERSEY EXTENDED CARE**

and

Case 04-CA-213035

**UNITED FOOD AND COMMERCIAL
WORKERS UNION LOCAL 152**

**ORDER TRANSFERRING PROCEEDING TO THE BOARD
and
NOTICE TO SHOW CAUSE**

On July 25, 2018, the General Counsel filed with the National Labor Relations Board a Motion to Transfer Proceedings to the Board and Motion for Default Judgment on the ground that the Respondent has failed to file an answer to the Complaint.

Having duly considered the matter,

IT IS ORDERED that the above-entitled proceeding be transferred to and continued before the Board in Washington, D.C., and that the hearing scheduled for October 9, 2018 be postponed indefinitely.

NOTICE IS GIVEN that any party seeking to show cause why the General Counsel's motion should not be granted must do so in writing, filed with the Board in Washington, D.C., on or before August 17, 2018 (with affidavit of service on the parties to this proceeding). If a response to this Notice to Show Cause is filed, a party may file a reply to the response within 7 days of receipt of the response (with affidavit of service on the parties to this proceeding), but further responses will not be permitted except where there are special circumstances warranting leave to file such a response.

Dated, Washington, D.C., August 3, 2018.

By direction of the Board:

Farah Z. Qureshi
Associate Executive Secretary

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

**H.W. WEIDCO/REN LLC D/B/A
SOUTH JERSEY EXTENDED CARE**

and

**UNITED FOOD AND COMMERCIAL
WORKERS UNION LOCAL 152**

Case 04-CA-213035

DATE OF SERVICE August 3, 2018

**AFFIDAVIT OF SERVICE OF ORDER TRANSFERRING PROCEEDING TO THE BOARD AND
NOTICE TO SHOW CAUSE**

I, the undersigned employee of the National Labor Relations Board, being duly sworn, depose and say that on the date indicated above I served the above-entitled document(s) upon the persons at the addresses and in the manner indicated below. Persons listed below under "E-Service" have voluntarily consented to receive service electronically, and such service has been effected on the same date indicated above.

E-SERVICE

DAVID F. JASINSKI, ESQ.
JASINSKI, P.C.
60 PARK PLACE, 8TH FLOOR
MILITARY PARK BUILDING
NEWARK, NJ 07102-5504

REGULAR MAIL

DANIEL SCHWARTZ, ADMINISTRATOR
SOUTH JERSEY EXTENDED CARE
99 MANHEIM AVE
BRIDGETON, NJ 08302-2114

CERTIFIED & REGULAR MAIL

DAVID WATKINS, ESQ.
O' BRIEN, BELLAND & BUSHINSKY, LLC
1526 BERLIN ROAD
CHERRY HILL, NJ 08003-3623

REGULAR MAIL

UNITED FOOD AND COMMERCIAL WORKERS
UNION LOCAL 152
701 ROUTE 50
MAYS LANDING, NJ 08330-2150

E-SERVICE

REGION 04, PHILADELPHIA, PENNSYLVANIA
NATIONAL LABOR RELATIONS BOARD
615 CHESTNUT ST STE 710
PHILADELPHIA, PA 19106-4413

Subscribed and sworn before me this
3rd day of August 2018.

DESIGNATED AGENT
L.Carter

NATIONAL LABOR RELATIONS BOARD

NOTICE: This opinion is subject to formal revision before publication in the bound volumes of NLRB decisions. Readers are requested to notify the Executive Secretary, National Labor Relations Board, Washington, D.C. 20570, of any typographical or other formal errors so that corrections can be included in the bound volumes.

H.W. Weidco/Ren LLC d/b/a South Jersey Extended Care and United Food and Commercial Workers Union Local 152. Case 04-CA-213035

May 10, 2019

DECISION AND ORDER

BY MEMBERS MCFERRAN, KAPLAN, AND EMANUEL

The General Counsel seeks a default judgment in this case on the ground that H.W. Weidco/Ren, LLC d/b/a South Jersey Extended Care (the Respondent) failed to file an answer to the complaint. Upon a charge and amended charges filed by the United Food and Commercial Workers Union Local 152 (the Union) on January 16 and 31 and February 2, 2018, the General Counsel issued a complaint on June 26, 2018, alleging that the Respondent violated Section 8(a)(1) of the Act. The Respondent failed to file an answer.

On July 25, 2018, the General Counsel filed with the National Labor Relations Board a Motion for Default Judgment. Thereafter, on August 3, 2018, the Board issued an order transferring the proceeding to the Board and a Notice to Show Cause why the motion should not be granted. The Respondent filed no response. The allegations in the motion are therefore undisputed.

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

Ruling on Motion for Default Judgment

Section 102.20 of the Board's Rules and Regulations provides that the allegations in a complaint shall be deemed admitted if an answer is not filed within 14 days from service of the complaint, unless good cause is shown. In addition, the complaint affirmatively stated that unless an answer was received by July 10, 2018, the Board may find, pursuant to a motion for default judgment, that the allegations in the complaint are true. Further, the undisputed allegations in the General Counsel's motion disclose that the Region, by letter dated July 11, 2018, advised the Respondent that unless an answer was received by July 18, 2018, a motion for default judgment would be filed. Nonetheless, the Respondent failed to file an answer.

In the absence of good cause being shown for the failure to file an answer, we deem the allegations in the complaint to be admitted as true. Nevertheless, as discussed below, we deny the General Counsel's motion for default judgment without prejudice to renewing his motion in the event that the complaint is amended and the Respondent again fails to file an answer.

The Complaint Allegations

At all material times, the Respondent, a New Jersey limited liability company, has operated a rehabilitation and long-term care nursing facility in Bridgeton, New Jersey (the facility).

During the year preceding issuance of the complaint, the Respondent, in conducting its business operations described above, derived gross revenues in excess of \$100,000 and purchased and received at the facility goods valued in excess of \$50,000 directly from points outside the State of New Jersey.

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 and a health-care institution within the meaning of Section 2(14) of the Act, and that the Union is a labor organization within the meaning of Section 2(5) of the Act.

At all material times, the following named individuals held the positions at the facility set forth opposite their respective names and have been supervisors of the Respondent within the meaning of Section 2(11) of the Act and agents of the Respondent within the meaning of Section 2(13) of the Act:

Joshua Rosenberg	Administrator
Marquise Williams	Dietary Director

About December 27, 2017, the Respondent, by Joshua Rosenberg, at a conference room at the facility, denied the request of its employee Rosalind Hickman to be represented by a union representative during an investigatory interview.

Rosalind Hickman had reasonable cause to believe that the interview described above would result in disciplinary action being taken against her.

About December 27, 2017, the Respondent, by Joshua Rosenberg and Marquise Williams, at a conference room at the facility, conducted the interview described above with Rosalind Hickman, even though the Respondent denied the employee's request for union representation described above.

Analysis

We decline to grant the General Counsel's Motion for Default Judgment. The complaint does not include an explicit allegation that the Union is the exclusive bargaining representative of the unit employees, a necessary element of a *Weingarten* violation. See, e.g., *Provider Services Holdings, LLC*, 356 NLRB 1434, 1435 (2011). Nor does the complaint allege that Hickman is a unit employee. Absent the allegation of those necessary facts, we cannot find, for the purposes of this proceeding, that the Respondent violated the Act by denying Hickman a union representative. See, e.g., *Cannon Valley Woodwork, Inc.*, 333

NLRB No. 97, slip op at 1 fn. 1 (2001) (denying default judgment to the extent 8(a)(5) complaint alleged a failure to bargain over decision to close plant, as “the bare assertions of the complaint do not support a cause of action given the Supreme Court’s decision in *First National Maintenance*”); *Rio Piedras Mfg. Corp.*, 236 NLRB 1198, 1198 fn. 1 (1978) (denying default judgment to the extent complaint alleged 8(a)(3) plant closure since General Counsel had failed to allege “facts, not disputed by an answer, showing that Respondent was continuing operations at other facilities,” as required by *Darlington*).

We note that the case cited by our colleague, *Artesia Ready Mix Concrete, Inc.*, 339 NLRB 1224, 1226 (2003), presents a different situation. In that case, the complaint successfully pled all the elements necessary for finding the violations alleged.

Nothing herein will require a hearing if, in the event the complaint is appropriately amended, the Respondent again fails to answer, thereby admitting evidence that would permit the Board to find the alleged violation. In such circumstances, the General Counsel may renew the motion for default judgment with respect to the amended complaint allegations.

ORDER

IT IS ORDERED that the General Counsel’s motion for default judgment is denied and the proceeding is remanded to the Regional Director for Region 4 for further appropriate action.

Dated, Washington, D.C. May 10, 2019

Marvin E. Kaplan, Member

William J. Emanuel, Member

MEMBER MCFERRAN, dissenting.

I would grant the Motion for Default Judgment. Both Section 102.15 of the Board’s Rules and Regulations and Board precedent make clear that a complaint need not plead and substantiate each and every evidentiary element of an alleged violation—it is enough under a basic “notice pleading” standard to state clearly the violation alleged. *Artesia Ready Mix Concrete, Inc.*, 339 NLRB 1224, 1226 (2003). Unlike in civil litigation, in an administrative proceeding such as this—where the filing of the complaint is preceded by the filing of an unfair labor practice charge by a third party and an administrative investigation—the respondent is already aware of the charges against it and has been given an opportunity to present its position. *Id.* at 1226–1227 (citing *Patrician Assisted Living Facility*, 339 NLRB 1153 (2003)). In these circumstances, default judgment can ordinarily be appropriate without implicating due process concerns so long as the complaint provides sufficient notice of the basis of the General Counsel’s claim. *Id.* at 1227. Contrary to my colleagues’ view, the complaint here certainly meets that standard and raises no significant due process concerns. The omitted allegations from the complaint—the Union’s representative status and the relevant employee’s inclusion in the bargaining unit—are all implicit in the related allegations and established by the second amended unfair labor practice charge, which the Region served on the Respondent. Thus, the Respondent was in no way compromised in its ability to answer the complaint. Because it failed to do so, default judgment is appropriate.

Dated, Washington, D.C. May 10, 2019

Lauren McFerran, Member

NATIONAL LABOR RELATIONS BOARD

(SEAL) NATIONAL LABOR RELATIONS BOARD

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

H.W. WEIDCO/REN LLC D/B/A
SOUTH JERSEY EXTENDED CARE

and

UNITED FOOD AND COMMERCIAL
WORKERS UNION LOCAL 152

Case 04-CA-213035

DATE OF SERVICE May 10, 2019

AFFIDAVIT OF SERVICE OF BOARD DECISION AND ORDER

I, the undersigned employee of the National Labor Relations Board, being duly sworn, depose and say that on the date indicated above I served the above-entitled document(s) upon the persons at the addresses and in the manner indicated below. Persons listed below under "E-Service" have voluntarily consented to receive service electronically, and such service has been effected on the same date indicated above.

E-SERVICE

DAVID F. JASINSKI, ESQ.
JASINSKI, P.C.
60 PARK PLACE, 8TH FLOOR
MILITARY PARK BUILDING
NEWARK, NJ 07102-5504

REGULAR MAIL

DANIEL SCHWARTZ, ADMINISTRATOR
SOUTH JERSEY EXTENDED CARE
99 MANHEIM AVENUE
BRIDGETON, NJ 08302-2114

CERTIFIED & REGULAR MAIL

DAVID F. WATKINS, ESQ.
O' BRIEN, BELLAND & BUSHINSKY, LLC
1526 BERLIN ROAD
CHERRY HILL, NJ 08003-3623

REGULAR MAIL

UNITED FOOD AND COMMERCIAL WORKERS
UNION LOCAL 152
701 ROUTE 50
MAYS LANDING, NJ 08330-2150

E-SERVICE

REGION 04, PHILADELPHIA, PENNSYLVANIA
NATIONAL LABOR RELATIONS BOARD
100 E PENN SQUARE, SUITE 403
PHILADELPHIA, PA 19107

Subscribed and sworn before me this
10th day of May 2019.

DESIGNATED AGENT

L. Allen

NATIONAL LABOR RELATIONS BOARD

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

**H.W.WEIDCO/REN, LLC d/b/a SOUTH JERSEY
EXTENDED CARE**

and

Case 04-CA-213035

**UNITED FOOD AND COMMERCIAL WORKERS
UNION LOCAL 152**

AMENDED COMPLAINT AND NOTICE OF HEARING

United Food and Commercial Workers Union Local 152 (the Union) has charged that H. W. Weidco/Ren LLC d/b/a South Jersey Extended Care (Respondent) has been engaging in unfair labor practices as set forth in the National Labor Relations Act (the Act), 29 U.S.C. § 151 et seq. Based thereon, the General Counsel, by the undersigned, pursuant to Section 10(b) of the Act and Section 102.15 of the Rules and Regulations of the National Labor Relations Board (the Board) issues this Amended Complaint and Notice of Hearing and alleges as follows:

1. (a) The charge in this proceeding was filed by the Union on January 16, 2018, and a copy was served on Respondent by U.S. mail on January 16, 2018.

(b) The first amended charge in this proceeding was filed by the Union on January 31, 2018, and a copy was served on Respondent by U.S. mail on January 31, 2018.

(c) The second amended charge in this proceeding was filed by the Union on February 2, 2018, and a copy was served on Respondent by U.S. mail on February 2, 2018.

2. (a) At all material times, Respondent, a New Jersey limited liability company, has operated a rehabilitation and long-term care nursing facility in Bridgeton, New Jersey (the Facility).

(b) During the past year, Respondent, in conducting its business operations described above in subparagraph (a), derived gross revenues in excess of \$100,000, and purchased and received at the Facility goods valued in excess of \$50,000 directly from points outside the State of New Jersey.

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

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

4. (a) At all material times, the following named individuals held the positions at the Facility set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the Act and agents of Respondent within the meaning of Section 2(13) of the Act:

Joshua Rosenberg - Administrator
Marquise Williams - Dietary Director.

5. (a) 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 part-time janitors, dietary and kitchen employees, nurse's aides, orderlies, laundry, housekeeping employees, cooks, and restorative aides employed at Respondent's nursing home in Bridgeton, New Jersey, excluding all business office clerical employees, technical employees, registered nurses, confidential employees, managerial employees, and professional employees, guards, and supervisors as defined in the National Labor Relations Act, as amended.

(b) Since about 1993 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 was effective from April 15, 2014 through April 15, 2018, and was extended by agreement of the parties to May 31, 2019.

(c) At all material times since at least 1993, based on Section 9(a) of the Act, the Union has been the exclusive collective bargaining representative of the Unit.

6. (a) About December 27, 2017, Respondent, by Joshua Rosenberg, at a conference room at the Facility, denied the request of employee Rosalind Hickman to be represented by a Union representative during an investigatory interview.

(b) At all material times, including December 27, 2017, Rosalind Hickman was in the Unit.

(c) Rosalind Hickman had reasonable cause to believe that the interview described above in subparagraph (a) would result in disciplinary action being taken against her.

(d) About December 27, 2017, Respondent, by Joshua Rosenberg and Marquise Williams, at a conference room at the Facility, conducted the interview described above in subparagraph (a) with its employee Rosalind Hickman, even though Respondent denied the employee's request for Union representation described above in subparagraph (a).

7. By the conduct described above in paragraph 6, Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

8. 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 complaint. The answer must be **received by this office on or before Monday, June 3, 2019, or postmarked on or before June 2, 2019.** 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, 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 amended complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT at 10:00 a.m. on August 15, 2019, 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 Regional Office located at the Wanamaker Building, 100 Penn Square East, Suite 403, Philadelphia, Pennsylvania. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this amended 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.

Signed at Philadelphia, Pennsylvania this 20th day of May, 2019.

A handwritten signature in black ink, appearing to read "Dennis P. Walsh". The signature is written in a cursive style with a large initial "D".

DENNIS P. WALSH
Regional Director, Fourth Region
National Labor Relations Board

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 4**

**H.W. WEIDCO/REN LLC D/B/A SOUTH JERSEY
EXTENDED CARE**

and

Case 04-CA-213035

**UNITED FOOD AND COMMERCIAL WORKERS
UNION LOCAL 152**

AFFIDAVIT OF SERVICE OF: Amended Complaint and Notice of Hearing

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on May 20, 2019, I served the above-entitled document(s) by **certified or regular mail**, as noted below, upon the following persons, addressed to them at the following addresses:

David F. Jasinski, Esquire
Jasinski, P.C.
60 Park Place, 8th Floor
Military Park Building
Newark, NJ 07102-5504

FIRST CLASS MAIL

Daniel Schwartz, Administrator
South Jersey Extended Care
99 Manheim Avenue
Bridgeton, NJ 08302-2114

**CERTIFIED MAIL, RETURN RECEIPT
REQUESTED**

David F. Watkins, Esquire
O' Brien, Belland & Bushinsky, LLC
1526 Berlin Road
Cherry Hill, NJ 08003-3623

FIRST CLASS MAIL

United Food and Commercial Workers Union
Local 152
701 Route 50
Mays Landing, NJ 08330-2150

CERTIFIED MAIL

 May 20, 2019
Date

 Katrice Tyus, Designated Agent of NLRB
Name

 /s/ Katrice Tyus
Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 4
100 Penn Square East, Suite 403
Philadelphia, PA 19107

Agency Website: www.nlr.gov
Telephone: (215) 597-7601
Fax: (215) 597-7658

Agent's Direct Dial: (215) 597-7650

July 8, 2019

Daniel Schwartz, Administrator
or Current Administrator
South Jersey Extended Care
99 Manheim Avenue
Bridgton, NJ 08302-2114

Re: H.W. Weidco/Ren LLC d/b/a South Jersey
Extended Care
Case 04-CA-213035

Dear Mr. Schwartz:

On May 20, 2019, an Amended Complaint and Notice of Hearing issued in the above-captioned matter. The Answer was due on June 3, 2019 but to date, no Answer has been received. This is to advise you that unless an Answer is filed by **July 15, 2019**, I will recommend that a Motion for Default Judgment be filed with the Board. I have enclosed a copy of the Amended Complaint as well as the Board's Rules and Regulations Section 102.20 and 102.21 which set forth the requirements for Answers to Complaints.

Thank you.

Very truly yours,

RICHARD P. HELLER
Regional Attorney

Enclosures

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

**H.W.WEIDCO/REN, LLC d/b/a SOUTH JERSEY
EXTENDED CARE**

and

Case 04-CA-213035

**UNITED FOOD AND COMMERCIAL WORKERS
UNION LOCAL 152**

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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 complaint. The answer must be **received by this office on or before Monday, June 3, 2019, or postmarked on or before June 2, 2019.** 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, 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 amended complaint are true.

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Signed at Philadelphia, Pennsylvania this 20th day of May, 2019.

A handwritten signature in cursive script that reads "Dennis P. Walsh".

DENNIS P. WALSH
Regional Director, Fourth Region
National Labor Relations Board

ANSWER

§102.20 Answer to complaint; time for filing; contents; allegations not denied deemed admitted.

The Respondent must, within 14 days from the service of the complaint, file an answer. The Respondent must specifically admit, deny, or explain each of the facts alleged in the complaint, unless the Respondent is without knowledge, in which case the Respondent must so state, such statement operating as a denial. All allegations in the complaint, if no answer is filed, or any allegation in the complaint not specifically denied or explained in an answer filed, unless the Respondent states in the answer that the Respondent is without knowledge, will be deemed to be admitted to be true and will be so found by the Board, unless good cause to the contrary is shown.

§102.21 Where to file; service upon the parties; form.

An original and four copies of the answer shall be filed with the Regional Director issuing the complaint. Immediately upon the filing of the answer, Respondent shall serve a copy thereof on the other parties. An answer of a party represented by counsel or non-attorney representative shall be signed by at least one such attorney or non-attorney representative of record in his/her individual name, whose address shall be stated. A party who is not represented by an attorney or non-attorney representative shall sign his/her answer and state his/her address. Except when otherwise specifically provided by rule or statute, an answer need not be verified or accompanied by affidavit. The signature of the attorney or non-attorney party representative constitutes a certificate by him/her that he/she has read the answer; that to the best of his/her knowledge, information, and belief there is good ground to support it; and that it is not interposed for delay. If an answer is not signed or is signed with intent to defeat the purpose of this section, it may be stricken as sham and false and the action may proceed as though the answer had not been served. For a willful violation of this section an attorney or non-attorney party representative may be subjected to appropriate disciplinary action. Similar action may be taken if scandalous or indecent matter is inserted.

§102.22 Extension of time for filing.

Upon the Regional Director's own motion or upon proper cause shown by any other party, the Regional Director issuing the complaint may by written order extend the time within which the answer must be filed.

§102.23 Amendment.

The Respondent may amend its answer at any time prior to the hearing. During the hearing or subsequently, the Respondent may amend the answer in any case where the complaint has been amended, within such period as may be fixed by the Administrative Law Judge or the Board. Whether or not the complaint has been amended, the answer may, in the discretion of the Administrative Law Judge or the Board, upon motion, be amended upon such terms and within such periods as may be fixed by the Administrative Law Judge or the Board.