UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

ACO-118

NATIONAL LABOR RELATIONS BOARD	:	
	:	
Petitioner	:	No. 19-3016
v.	:	
	:	Board Case No.:
THE LEAGUERS, INC.	:	22-CA-189289
	:	
Respondent	:	

JUDGMENT ENFORCING AN ORDER OF THE
NATIONAL LABOR RELATIONS BOARD

Before: McKEE, SHWARTZ, and BIBAS, Circuit Judges

This cause was submitted upon the application of the National Labor Relations Board for summary entry of a judgment against Respondent, The Leaguers, Inc., its officers, agents, successors, and assigns, enforcing its order dated June 26, 2019, in Case No. 22-CA-189289, and the Court having considered the same, it is hereby

ORDERED AND ADJUDGED by the Court that the Respondent The Leaguers, Inc., its officers, agents, successors, and assigns, shall abide by said order (See Attached Order and Appendix).

Mandate shall issue forthwith.

BY THE COURT

s/Stephanos Bibas

Circuit Judge

DATED: October 8, 2019
lmr/cc: David Habenstreit
Melvin C. Randall

NATIONAL LABOR RELATIONS BOARD

v.

THE LEAGUERS, INC.

ORDER

The Leaguers, Inc., its officers, agents, successors, and assigns, shall

1. Cease and desist from

   (a) Unilaterally implementing changes in its medical health care plan of its unit employees.

   (b) In any like or related manner interfering with, restraining, or coercing employees in the exercise of the rights guaranteed them by Section 7 of the Act.

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

   (a) Upon request of the Union, rescind the unilaterally implemented changes in the unit employees' health care coverage, copays, and premiums and restore the coverage, copays, and premiums available to employees prior to October 31, 2016.[1]

   (b) Make all affected employees whole, with interest, in the manner set forth in the remedy section of this decision for any losses they suffered or expenses they incurred as a result of the unlawful action by Respondent.

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[1] The proper remedy for unilaterally implementing changes to the employee health plan is recession of the unlawful unilateral changes and to restore the benefits that existed before the unilateral changes upon request from the Union. *UPS Supply Chain Solutions, Inc.*, 364 NLRB No. 8 (2016). However, if the Union decides not to request the restoration of the status quo ante by returning to the original health care plan before the unilateral changes, the employer must nevertheless make whole the unit employees for all losses they suffered as a result of the unlawful changes in the health insurance plan. *Goya Foods of Florida*, 356 NLRB 1461 (2011).

(c) Preserve and, within 14 days of a request, make available to the Board or its agents for examination, all payroll records, social security payment records, timecards, personnel records and reports, and all other records, including an electronic copy of such records if stored in electronic form, necessary to analyze the amount of reimbursement of costs incurred as a result of the change in the employees' health care insurance under the terms of this Order.

(d) Within 14 days after service by the Region, post at its Newark, Irvington, Elizabeth, and Roselle, New Jersey facilities, where unit employees work, copies of the attached notice in English and Spanish marked "Appendix A." Copies of the notice, on forms provided by the Regional Director for Region 22, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places including all places where notices to employees are customarily posted. In addition to physical posting of paper notices, notices shall be distributed electronically, such as by email, posting on an intranet or an internet site, and/or other electronic means, if the Respondent customarily communicates with its employees by such means. Reasonable steps shall be taken by the Respondent to ensure that the notices are not altered, defaced, or covered by any other material. If the Respondent has gone out of business or closed the facility involved in these proceedings, the Respondent shall duplicate and mail, at its own expense, a copy of the notice to all current employees and former employees employed by the Respondent at any time since November 1, 2016.

(e) Within 21 days after service by the Region, file with the Regional Director for Region 22 a sworn certification of a responsible official on a form provided by the Region attesting to the steps that the Respondent has taken to comply.

APPENDIX

NOTICE TO EMPLOYEES

POSTED PURSUANT TO A JUDGMENT OF THE UNITED STATES
COURT OF APPEALS ENFORCING AN ORDER OF THE
NATIONAL LABOR RELATIONS BOARD
An Agency of the United States Government

The National Labor Relations Board has found that we violated Federal labor law and has ordered us to post and obey this Notice.

FEDERAL LAW GIVES YOU THE RIGHT TO
Form, join, or assist a union
Choose representatives to bargain with us on your behalf
Act together with other employees for your benefits and protection
Choose not to engage in any of these protected activities

WE WILL NOT fail and refuse to bargain collectively with the Communications Workers of American, AFL–CIO (the Union) by unilaterally implementing a new health care insurance plan without first giving notice to the Union and an opportunity to bargain over the changes of the employees in the following unit:

All full-time and regular part-time Teachers, Lead Teachers, EHS Teachers, and Family advocates, Receptionists, Associate Teachers, EHS Teaching Assistants, Assistants/Aides, Child Care Providers, Home Visitor Specialists, Health/Nutrition Specialists, EHS/CCP Clerks, Floaters, Cooks, Food Service Workers, Maintenance Workers, Custodians, and Substitute including Teachers and Cooks, employed by the Employer at its various New Jersey locations, including its Newark, New Jersey facilities, its Irvington, New Jersey facilities, its Elizabeth, New Jersey facility, and its Roselle, New Jersey facility, but excluding all Office Clerical employees, Administrative Assistants, Managerial Employees, Directors, Guards and Supervisors as defined in the Act, and all other employees.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce you in the exercise of the rights guaranteed you by Section 7 of the Act.

WE WILL, upon request of the Union, rescind the unilaterally implemented changes in unit employees' health care coverage, copays, and premiums and restore the

coverage, copays, and premiums available to employees prior to November 1, 2016.

WE WILL make you whole for any losses that you suffered or expenses you incurred as a result of the unlawful action taken against you, with interest.

The Leaguers, Inc.
(Employer)

Dated _____ By _____
(Representative) (Title)

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. It conducts secret-ballot elections to determine whether employees want union representation and it investigates and remedies unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below. You may also obtain information from the Board's website: www.nlrb.gov.

National Labor Relations Board Region 22
20 Washington Place, 5th Floor
Newark, New Jersey 07102
Hours of Operation: 8:30 a.m. to 5 p.m.
973–645–2100

The Administrative Law Judge's decision can be found at www.nlrb.gov/case/22-CA-189289 or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1015 Half Street, S.E., Washington, D.C. 20570, or by calling (202) 273–1940.

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE

THIS NOTICE MUST REMAIN POSTED FOR 60 CONSECUTIVE DAYS FROM THE DATE OF POSTING AND MUST NOT BE ALTERED, DEFACED, OR COVERED BY ANY OTHER MATERIAL. ANY QUESTIONS CONCERNING THIS NOTICE OR COMPLIANCE WITH ITS PROVISIONS MAY BE DIRECTED TO THE ABOVE REGIONAL OFFICE'S COMPLIANCE OFFICER, 973–645–3784.