

**UNITED STATES
NATIONAL LABOR RELATIONS BOARD**

**INTERNATIONAL BROTHERHOOD OF TEAMSTERS
TEAMSTERS, Union**

-and-

ERNIE AHMAD, an individual,

**Case Nos: 07-CA-207685
07-CA-211090
07-CA-215356**

Charging Parties,

-and-

BANNUM PLACE OF SAGINAW,

Respondent.

RESPONDENT BANNUM PLACE OF SAGINAW'S MOTION TO POSTPONE TRIAL

NOW COMES Respondent, BANNUM PLACE OF SAGINAW (hereinafter "Bannum" or "Respondent"), by and through attorneys FOSTER SWIFT COLLINS & SMITH PC, and moves for a postponement of trial pursuant to 29 CFR §102.16, stating in support as follows:

1. This matter arises out of a Complaint filed by the Charging Parties alleging various unfair labor practices against Respondent.
2. The hearing for this matter is scheduled for February 24, 2020.
3. Katrina Teel is the contract compliance officer for Bannum Place. She is a necessary witness and her testimony will be required at trial.
4. Subsequent to issuance of the notice of hearing in this matter, Ms. Teel was advised by the Bureau of Prisons of its intention to perform an audit of another facility owned by Bannum Place located in Greenville, South Carolina.
5. The audit is scheduled to take place on location and will commence the week of February 24, 2020. (See **Exhibit A**)

6. The audit is mandatory and required by Bannum's contract with the Bureau of Prisons.

7. Ms. Teel is the only individual who is qualified and able to represent Bannum at the audit.

8. Under 29 CFR §102.16, the Regional Director may on its own motion or upon proper cause shown by any other party extend the hearing date. The authority to extend the hearing date is limited to certain circumstances, including where all parties agree or no party objects to extension of the hearing date or where more than 21 days remain before the scheduled hearing date.

9. Respondent asserts that there is proper cause to extend the hearing date in order to allow for a necessary witness to appear at the hearing.

10. Given that there are less than 21 days before trial, Respondent sought concurrence in its motion from the Charging Parties but was unable to obtain the same.

11. As such, Respondent brings this motion under §102.16(b), which requires the motion to be filed with the Division of Judges in accordance with 102.24(a).

WHEREFORE, Respondent, Bannum Place of Saginaw, through its attorneys, Foster, Swift, Collins, & Smith, P.C., respectfully request a Postponement of Trial under §102.16(b) to a date and time reasonable to the parties.

Respectfully Submitted,

Foster, Swift, Collings, & Smith, P.C.

By: /s/Clifford L. Hammond
Clifford L. Hammond (P62164)
Attorneys for Respondent
28411 Northwestern Highway, Suite 500
Southfield, MI 48034
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Fax: (248) 200-0252
chammond@fosterswift.com

Dated: February 18, 2020

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NATIONAL LABOR RELATIONS BOARD**

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-and-

BANNUM PLACE OF SAGINAW,

Respondent.

BRIEF IN SUPPORT OF MOTION

Respondent relies for support for this motion on 29 CFR §102.16, which states as follows:

- (a) Upon the Regional Director's own motion or upon proper cause shown by any other party, the Regional Director issuing the complaint may extend the hearing date or change the hearing place, except that the Regional Director's authority to extend the hearing date is limited to the following circumstances:
 - 1. Where all parties agree or no party object to extension of the hearing date;
 - 2. Where a new charge or charges have been filed which, if meritorious, might be appropriate for consolidation with the pending complaint;
 - 3. Where negotiations which could lead to settlement of all or a portion of the complaint are in progress;
 - 4. Where issues related to the complaint are pending before the General Counsel's Division of Advice or Office of Appeals; or
 - 5. Where more than 21 days remain before the scheduled hearing date.
- (b) In circumstance other than those set forth in paragraph (a) of this section, motions to reschedule the hearing may be filed with the Division of Judges in accordance with § 102.24(a). When a motion to reschedule has been granted, the Regional Director issuing the complaint retains the authority to order a new hearing date . . .

The Regional Director may postpone a hearing upon “proper cause” shown by either party. 29 CFR §102.16(a). Here, proper cause exists for postponing the scheduled hearing. As stated in the body of the Motion, Katrina Teel serves as Bannum Place’s contract compliance officer. As such, she is a necessary witness and will be called to testify at the pending hearing on February 24, 2020. Unfortunately, Ms. Teel has recently learned that her appearance is required at a mandatory Bureau of Prisons audit that is scheduled to take place in Greenville, South Carolina at the same time. Ms. Teel is the only individual qualified and able to represent Bannum at the upcoming audit, which is mandated by contract. Respondent merely requests a short postponement to allow for Ms. Teel to appear at both the audit and the hearing in this matter.

Respondent sought concurrence in this matter pursuant to 29 CFR §102.16(a)(1). The Charging Parties refused to provide the same. Given that this hearing is scheduled to take place in less than 21 days, Respondent files its Motion and Brief in Support of Postponement of Trial with the Division of Judges in accordance with § 102.24(a) and 29 CFR §102.16(b).

WHEREFORE, Respondent, Bannum Place of Saginaw, through its attorneys, Foster, Swift, Collins, & Smith, P.C., respectfully request a Postponement of Trial under §102.16(b) to a date and time reasonable to the parties.

Respectfully Submitted,
Foster, Swift, Collings, & Smith, P.C.

By: /s/Clifford L. Hammond
Clifford L. Hammond (P62164)
Attorneys for Respondent
28411 Northwestern Highway, Suite 500
Southfield, MI 48034
Telephone: (248) 538-6324
Fax: (248) 200-0252
chammond@fosterswift.com

Dated: February 18, 2020

PROOF OF SERVICE

The undersigned certifies that on February 18, 2020, a copy of the foregoing instrument was served upon:

Donna Nixon: Donna.Nixon@nlrb.gov

Michael Fayette: mfayette@psfklaw.com

Ernie Ahmad: eahmad4318@gmail.com

by emailing same to them at the respective email addresses listed above. I declare under penalty of perjury that the above statement is true to the best of my knowledge, information and belief.

/s/ Gayle E. Rossi

Gayle E. Rossi

EXHIBIT A



U.S. Department of Justice
Federal Bureau of Prisons

Atlanta Residential Reentry Office
719 McDonough Blvd. SE
Atlanta, Georgia 30315

January 23, 2020

Mr. John Rich, Executive Director
Bannum, Incorporated
Odessa, FL 33556

RE: Upcoming Full Monitoring Inspection
Bannum, Incorporated, Greenville, SC
February 25-28, 2020
Contract No: DJB-200296 (AAW)

Dear Mr. Rich:

This letter is to inform you that we plan to conduct our annual Full Monitoring inspection of the Bannum Incorporated Greenville South Carolina Residential Re-Entry Center, on February 25-28, 2020.

During this monitoring we intend to review a portion inmate accountability procedures, personal files, case management programs, resident employment, community relations, staff responsiveness, life safety, and sanitation. In addition, training will be held on Thursday, February 27, 2020, 9:00 am.

Please have ready at the start of the monitoring all of the documents listed on the attached page.

If you have any further questions, please contact me at phone number (404) 635-5679. Thank you for your time and consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Nicole Chisholm", written over the word "Sincerely,".

Nicole Chisholm
Residential Reentry Manager

cc: Contracting Officer Central Office

Re: Contract # DJB-200296 (AAW)

Please have the following documentation available for review upon our arrival on February 25, 2020.

- Most recent Fire Marshal Inspection Report.
- Most recent Health Department Inspection of your food service operation.
- Pest control contract
- Fire extinguisher service bills that indicate inspections are being conducted quarterly
- Copy of food service menu signed by a certified dietician.
- Copies of Fire Alarm System, Sprinkler System and Emergency Light inspections
- Copies of three most recent fire drills conducted on site.
- Copies of sanitation inspections, conducted by RRC staff (1 month).
- Copy of agreement with local hospital indicating emergency medical service.
- Current copies of Certificate of Occupancy.
- Copy of current staff roster with position title and the date of employment.
- Staff meeting minutes (September 2019 thru January 2020)
- Monthly vehicle searches
- First Aid and CPR certification cards for all staff
- Copy of paid invoices from the drug testing laboratory
- Housekeeping and Maintenance Plan
- List of volunteers
- List of sub-contractors
- Copies of kitchen staff food handler permits or certifications (if applicable)
- A copy of an intake packet that is completed on new arrivals
- Proof of zoning
- Current Occupancy permit
- Tax exempt status (if applicable)
- Liability insurance
- Organizational chart
- Long range goals
- Resident Handbook
- Employee Handbook
- RRC Rules & Regulations (for inmates)
- Last Community Relations Board Minutes
- Emergency Plans
- Copy of PREA compliance audit or current status.