UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
DIVISION OF JUDGES

ALAMEDA CENTER FOR
REHABILITATION AND HEALTHCARE, INC.

And **Cases 22-CA-180564**
22-CA-188462

1199 SERVICE EMPLOYES INTERNATIONAL
UNION, UNITED HEALTHCARE WORKERS EAST,
NEW JERSEY

Sharon Chau, Esq., for the General Counsel.
David F. Jasinski, Esq. (Jasinski, P.C.), for the Respondent.
William Massey (Gladstein, Reif & Meginniss, LLP), for the Charging Party.

SUPPLEMENTAL ORDER

BENJAMIN W. GREEN, Administrative Law Judge. On March 20, 2020, I issued a supplemental compliance decision in the above-captioned case. Therein, I noted that the compliance specification included certain inadvertent miscalculations for Maribel Gonzalez, Faimy Louis Jean, and Gilma Rivera. Accordingly, I ordered that the calculation for those employees be redone.

On March 20, 2020, in response to an inquiry by the General Counsel, I notified the parties by email that (1) the General Counsel should file and serve a corrected compliance calculation and (2) the Respondent would then have three days to submit a response either accepting the accuracy of the revised calculation or providing a corrected one. I further advised the parties that I would issue a supplemental decision once I received the General Counsel's corrected compliance calculation and the Respondent's response.

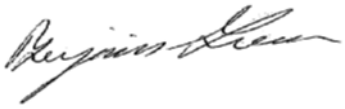
On March 24, 2020, the General Counsel filed a revised compliance calculation. On April 2, 2020, by email, I notified the parties that, having received no response to the revised backpay calculation, I would assume that the Respondent does not contest the accuracy of those figures. By email on April 3, 2020, the Respondent's attorney stated, "It is our position that we are not waiving our rights to file exceptions to the ALJ's decision." The Respondent has not contested the accuracy of the General Counsel's revised compliance calculation. A revised calculation is appended hereto as Attachment A.

For clarity and completeness, the record will be reopened for the purpose of allowing the General Counsel to submit into evidence its revised compliance calculation and the emails referenced above. Therefore, as soon as possible, given Covid-19 restrictions on the Regional offices, the General Counsel may submit such marked exhibits (beginning with General Counsel Exhibit 9) to the court reporting service and serve them on the parties.

Accordingly, it is hereby ORDERED that the record will be reopened to allow the General Counsel to enter into evidence the exhibits referenced above, and

It is further ORDERED that the Respondent, Alameda Center for Rehabilitation and Healthcare Inc., its officers, agents, successors, and assigns, shall make Maribel Gonzalez, Faimy Louis Jean, Guernelle Mondesire, Margaret Ogondare, Neha Patel, Nidhi Patel, Enid Rivera, Gilma Rivera, Alucienne Sainte, and Lamercie St. Juste whole by submitting to the 401(k) plans of those employees the employee contributions and matching contributions which should have been made on pay dates between May 5, 2016 and January 12, 2017, using the method of the compliance specification, as reflected in Attachment A appended hereto.

Dated, Washington, D.C., April 3, 2020



Benjamin W. Green
Administrative Law Judge

ATTACHMENT A

A	B	C	D	E	F	G	H	I	J	K	L	M
Name	% of gross pay deducted for 401(k) employee contribution	% Employer Match Owed	% Total deduction and ER match owed	401(k) owed for 2nd QTR 2016	Lost Investment for 2nd QTR 2016	401(k) owed for 3rd QTR 2016	Lost Investment for 3rd QTR	401(k) owed for 4th QTR 2016	Lost Investment for 4th QTR 2016	401(k) owed for 1st QTR 2017	Lost Investment for 1st QTR 2017	TOTAL
Gonzalez, Maribel	4%	1.50%	5.5%	$479.00	$9.10	$594.00	$35.82	$737.00	$60.28	$120.00	$112.55	$2,147.75
Luis jean, Faimy	4%	1.50%	5.5%	$443.00	$8.42	$584.00	$34.27	$624.00	$55.04	$154.00	$105.22	$2,007.96
Mondesir, Guernelle	5%	1.50%	6.5%	$716.00	$13.60	$923.00	$54.70	$1,071.00	$90.29	$207.00	$170.08	$3,245.68
Ogundre, Margaret	10%	1.50%	11.5%	$803.00	$15.26	$809.00	$53.86	$1,359.00	$98.80	$335.00	$192.11	$3,666.03
Patel, Neha	5%	1.50%	6.5%	$675.00	$12.83	$964.00	$54.68	$1,265.00	$96.57	$197.00	$180.56	$3,445.63
Patel, Nidhi	5%	1.50%	6.5%	$739.00	$14.04	$1,010.00	$58.36	$1,401.00	$104.73	$187.00	$194.33	$3,708.46
Rivera, Enid	3%	1.50%	4.5%	$401.00	$7.62	$500.00	$30.08	$560.00	$48.71	$126.00	$92.54	$1,765.94
River, Gilma	5%	1.50%	6.5%	$375.00	$7.13	$538.00	$30.46	$875.00	$59.33	$194.00	$114.96	$2,193.88
Sainte, Alucienne	5%	1.50%	6.5%	$744.00	$14.14	$1,013.00	$58.62	$1,260.00	$100.42	$228.00	$189.03	$3,607.20
St. Just, Lamercie	10%	1.50%	11.5%	$1,106.00	$21.01	$1,588.00	$89.87	$1,687.00	$145.99	$329.00	$274.67	$5,241.53
TOTALS				$6,481.00	$123.14	$8,523.00	$500.72	$10,839.00	$860.16	$2,077.00	$1,626.05	$31,030.06

NOTES

S&P Quarterly Returns for Relevant Period

2nd QTR 2016	1.90%
3rd QTR 2016	3.31%
4th QTR 2016	3.25%
1st QTR 2017	5.53%