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6 Attorneys for Respondent
7 MEDIC AMBULANCE SERVICE, INC.

8 **UNITED STATES OF AMERICA**
9 **BEFORE THE NATIONAL LABOR RELATIONS BOARD**
10 **WASHINGTON, D.C.**

11 UNITED EMERGENCY MEDICAL)	Case No. 20-CA-193784
12 SERVICES WORKERS, AFSCME LOCAL)	
4911,)	RESPONDENT MEDIC AMBULANCE
)	SERVICE, INC.'S RESPONSE TO
13 Charging Party,)	NOTICE TO SHOW CAUSE
vs.)	
14)	
MEDIC AMBULANCE SERVICE, INC.,)	
15)	
Respondent.)	
16)	

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1 On May 26, 2020, the Board issued a Notice to Show Cause as to why the complaint
2 allegations involving the maintenance of Medic Ambulance Service, Inc.'s ("Medic Ambulance")
3 "Electronic Mail and Monitoring Policy" and the "Acceptable Use of Electronic Communications
4 Policy" should not be severed and remanded to the administrative law judge for further proceedings
5 consistent with the Board's decision in *Caesars Entertainment d/b/a Rio All-Suites Hotel & Casino*,
6 368 NRLB No. 143, slip op. (2019).

7 In *Caesar's Entertainment*, the Board overruled *Purple Communications, Inc.*, 361 NRLB
8 1050 (2014), effectively reinstating the standard in *Register Guard*, 351 NRLB 1110 (2007), and
9 adding an exception for circumstances where the use of employer-provided email is the only
10 reasonable means for employees to communicate with one another on non-working time during the
11 work day. It is undisputed that this exception does not apply to the instant case. (*See* Counsel for
12 the General Counsel's Response to Medic Ambulance's Exception, pg. 17-18, and its Response to
13 Order to Show Cause (conceding the electronic mail and communications policies are lawful under
14 *Caesar's Entertainment* and that no exception applies).)

15 For this reason, the complaint allegations involving the maintenance of Medic Ambulance's
16 electronic mail and electronic communications policies should not be severed and remanded to the
17 ALJ for further proceedings. Rather, the parties agree that the interests of justice and judicial
18 economy are best served by a dismissal of allegations concerning these policies.

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Dated: June 9, 2020

Carothers, DiSante & Freudenberger LLP

By: 

Nicole A. Legrottaglie
Attorneys for Respondent
Medic Ambulance Service, Inc.

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF SACRAMENTO.

I, the undersigned, declare that I am employed in the aforesaid County, State of California. I am over the age of 18 and not a party to the within action. My business address is 900 University Avenue, Suite 200, Sacramento, CA 95825. On June 9, 2020, I served upon the interested party(ies) in this action the following document described as:

RESPONDENT MEDIC AMBULANCE SERVICE, INC.'S RESPONSE TO NOTICE TO SHOW CAUSE

By the following method:

(e-mail) I caused the document(s) to be sent to the persons at the electronic notification addresses listed below.

Manuel A. Boigues, Esq.
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I certify that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on June 9, 2020, at Sacramento, California.

I declare under penalty of perjury that the foregoing is true and correct.

Melissa Adams

(Type or print name)



(Signature)