



United States Government

**NATIONAL LABOR RELATIONS BOARD**

**OFFICE OF THE GENERAL COUNSEL**

Washington, D.C. 20570

December 14, 2020

Patricia S. Dodszuweit,  
Clerk of the Court  
U.S. Court of Appeals for the Third Circuit  
21400 United States Courthouse  
601 Market Street  
Philadelphia, PA 19106

Re: *NLRB v. Wilkes-Barre Behavioral Hospital Co., LLC*  
*d/b/a First Hospital Wyoming Valley*  
3<sup>rd</sup> Cir No. 20-3210  
Board Case No. 04-CA-215690

Dear Ms. Dodszuweit:

I am enclosing a certified copy of the agency record in this case.

Very truly yours,

/s/ David Habenstreit

David Habenstreit  
Assistant General Counsel  
NATIONAL LABOR RELATIONS BOARD  
1015 Half Street, SE  
Washington, DC 20570  
(202) 273-2960

Enclosure

**UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT**

NATIONAL LABOR RELATIONS BOARD	)	
Petitioner	)	No. 20-3210
	)	
v.	)	Board Case No.
	)	04-CA-215690
WILKES-BARRE BEHAVIORAL HOSPITAL CO., LLC	)	
d/b/a FIRST HOSPITAL WYOMING VALLEY	)	
Respondent	)	

**CERTIFIED AGENCY RECORD**

Pursuant to authority delegated in Section 102.115 of the National Labor Relations Board’s Rules and Regulations, 29 C.F.R. § 102.115, I certify that the attached papers and documents constitute the record before the Board in *Wilkes-Barre, Behavioral Hospital Co., LLC, d/b/a First Hospital Wyoming Valley*, Case No. 04-CA-215690.

*Roxanne L. Rothschild*

---

Roxanne L. Rothschild  
Executive Secretary  
NATIONAL LABOR RELATIONS BOARD  
1015 Half Street SE  
Washington, DC 20570-0001  
(202) 273-2960

December 14, 2020

## INDEX TO CERTIFIED LIST

<u>VOLUME I</u> -	Transcript of Testimony 08/05/19 and 08/06/19	<u>Pages</u> 1-451
<u>VOLUME II</u> -	General Counsel's Exhibits 1(a-1) <sup>1</sup> 1(m)(withdrawn) 1(n-t) 2-27	<u>Pages</u> 452-761
	Respondent's (Wilkes-Barre) Exhibits 1-46 47-48(rejected) 49-51	<u>Pages</u> 762-967
	Charging Party's (SEIU) Exhibits 1-2	<u>Pages</u> 968-971
<u>VOLUME III</u> -	<u>Pleadings</u>	
<u>Date</u>	<u>Documents</u>	<u>Pages</u>
11/05/19	Administrative Law Judge's Decision	972-1006
11/05/19	Order transferring Proceeding to the National Labor Relations Board	1007
11/22/19	Respondent's (Wilkes-Barre) Request for Extension of Time to File Exceptions	1008-1009
11/22/19	Executive Secretary's Letter Granting Extension of Time to File Exceptions to the Administrative Law Judge's Decision	1010
12/10/19	Respondent's (Wilkes-Barre) Exceptions to the Administrative Law Judge's Decision	1011-1063

---

<sup>1</sup> General Counsel's Exhibit 1 contains the formal documents filed with the Board.

12/16/19	General Counsel's Request for Extension of Time to File Cross-Exceptions and Answering Brief to the Administrative Law Judge's Decision	1064
12/16/19	Executive Secretary's Letter Granting Extension of Time to File Exceptions to the Administrative Law Judge's Decision	1065
12/23/19	General Counsel's Request for Extension of Time to File Cross-Exceptions and Answering Brief to the Administrative Law Judge's Decision	1066
12/27/19	Executive Secretary's Letter Granting Extension of Time to File Cross-Exceptions to the Administrative Law Judge's Decision	1067
02/19/20	Errata	1068
03/05/20	General Counsel's Answering Brief to the Respondent's (Wilkes-Barre) Exceptions	1069-1100
03/05/20	General Counsel's Limited Cross-Exceptions to the Administrative Law Judge's Decision	1101-1102
03/05/20	Charging Party's (SEIU) Answering Brief to the Respondent's (Wilkes-Barre) Exceptions	1103-1110
03/17/20	Respondent's (Wilkes-Barre) Request for Extension of Time to File Reply to Charging Party's (SEIU) Answering Brief	1111-1112
03/17/20	Respondent's (Wilkes-Barre) Request for Extension of Time to File Answering Brief to Cross-Exceptions	1113-1114
03/17/20	Executive Secretary's Letter Granting Extension of Time to File Cross-Exceptions to the Administrative Law Judge's Decision	1115
04/02/20	Respondent's (Wilkes-Barre) Answering Brief to the General Counsel's Cross-Exceptions	1116-1142

04/02/20	Respondent's (Wilkes-Barre) Reply Brief to Charging Party's (SEIU) Answering Brief to Respondent's (Wilkes-Barre) Exceptions	1143-1155
04/02/20	Respondent's (Wilkes-Barre) Reply Brief to the General Counsel's Answering Brief to Respondent's (Wilkes-Barre) Exceptions	1156-1168
09/11/20	Decision and Order (370 NLRB No. 17)	1169-1188

**UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT**

NATIONAL LABOR RELATIONS BOARD	)	
Petitioner	)	No. 20-3210
	)	
v.	)	Board Case No.
	)	04-CA-215690
WILKES-BARRE BEHAVIORAL HOSPITAL CO., LLC	)	
d/b/a FIRST HOSPITAL WYOMING VALLEY	)	
Respondent	)	

**CERTIFICATE OF SERVICE**

I hereby certify that on December 14, 2020, I filed the foregoing document with the Clerk of the Court for the United States Court of Appeals for the Third Circuit by using CM/ECF system. I certify that the foregoing document was served on all parties or their counsel of record through the appellate CM/ECF system.

/s/ David Habenstreit  
David Habenstreit  
Assistant General Counsel  
NATIONAL LABOR RELATIONS BOARD  
1015 Half Street SE  
Washington, DC 20570-0001  
(202) 273-2960

Dated at Washington, D.C.  
this 14th day of December 2020