

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

AMERICAN MEDICAL RESPONSE OF
CONNECTICUT, INC.

and

INTERNATIONAL ASSOCIATION OF EMTS
AND PARAMEDICS LOCAL R1-999,
NAGE/SEIU LOCAL 5000

Case No. 01-CA-263985

**COUNSEL FOR THE GENERAL COUNSEL'S OPPOSITION
TO RESPONDENT'S MOTION TO EXTEND HEARING DATE**

Initially, this hearing was scheduled to open on December 16, 2020. On November 9, 2020, Respondent American Medical Response of Connecticut, Inc. ("Respondent") filed its first Motion to Extend Hearing. The Region granted that motion and rescheduled this hearing to a date Respondent had proposed: January 19, 2021. On January 11, 2021, Respondent filed its second Motion to Extend Hearing (the "Motion"), in which it requested that this hearing be postponed until February 25, 2021. Counsel for the General Counsel opposes that request.

1. Counsel for the General Counsel does not doubt the monumental challenges that the ongoing COVID-19 pandemic presents to Respondent and to the front-line responders who constitute the Union's membership and leadership.¹ In light of the challenging circumstances that both Respondent and the Union have faced for nearly a year, it is unfortunate that they must be diverted from their ongoing public health duties to litigate an information request case. However, Counsel for

¹ Local R1-999's elected leadership are all working EMTs.

the General Counsel does not believe that postponing this hearing again presents a viable path forward. Ideally, the hearing would be obviated entirely by the parties' settlement of the issues. However, as Respondent has not yet communicated any willingness to provide any of the information at issue in the Complaint, litigation seems unavoidable.

2. Assuming that this hearing must be litigated, there is no reason to believe that the public health situation will be more favorable for conducting this hearing on February 25 than on January 19. Although infection and positivity rates *could* improve during that time, it is no less possible that they might *worsen*. Witnesses or other necessary parties could themselves become ill, and even assuming he is still healthy, Mr. Schietinger may be just as busy or even more busy at the end of February.²
3. Respondent also argues that "postponement would allow the parties to remain focused on their renewed efforts to resolve the case." However, there is no reason to believe that opening the hearing on January 19 will hurt settlement prospects. As everyone knows, cases can settle before a hearing opens, during a hearing, or after a hearing. Whether or not this case settles will depend on whether Respondent is willing to provide some or all of the information at issue in the Complaint. Unfortunately, as of this date, Counsel for the General Counsel has no objective basis for optimism regarding settlement.

² Respondent does not argue that Mr. Schietinger is himself medically incapacitated, but rather that he is too busy with his work obligations to attend the hearing or assist Respondent's counsel in preparation for the hearing.

4. Respondent's *Jefferson Chemical* argument is misguided. Although there is an open investigation into another charge in Region 1, Respondent's argument presupposes that the Region will find merit to that charge. However, that charge could be dismissed, withdrawn, or deferred. Even if the Region were to find merit to that charge, *Jefferson Chemical* would be completely inapposite. Nevertheless, should Respondent wish to litigate the applicability of *Jefferson Chemical*, those arguments are not properly advanced in *this* proceeding, and so Counsel for the General Counsel will not burden this record by shadowboxing against an unripe argument. The fact that there is another pending charge against Respondent does not allow Respondent to dictate the timing of this proceeding.

Counsel for the General Counsel is acutely aware of the unprecedented challenges that COVID-19 has presented for everyone, but especially first responders and others in the health care professions. The Region's first preference is not to litigate the information requests at issue in the Complaint, but to resolve them. However, if Respondent insists on litigating the issues, Counsel for the General Counsel believes that they should be litigated sooner rather than later.

Respectfully submitted,

/s/ John A. McGrath

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Dated at Hartford, Connecticut, this 11th day of January 2021.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on January 11, 2021, the aforesaid Opposition to Motion to Extend Hearing Date was e-filed with the Division of Judges and served on the following individuals/parties in the manner set forth below:

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