

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 29**

**ART TO FRAMES, INC.**

**and**

**Case No. 29-CA-266298**

**CATHOLIC MIGRATION SERVICES**

**MOTION TO TRANSFER PROCEEDINGS TO THE BOARD  
AND MOTION FOR DEFAULT JUDGMENT**

Pursuant to Section 102.24 and 102.50 of the National Labor Relations Board Rules and Regulations and Statement of Standard Procedures, as amended, the General Counsel respectfully moves that the National Labor Relations Board: (1) transfer this case and continue proceedings before the Board; (2) deem the allegations set forth in the Complaint issued on December 15, 2020, as admitted to be true without taking substantive evidence supporting the allegations; and (3) grant a Default Judgment and issue a Decision and Order on the basis of the following:

1. (a) The charge in this proceeding was filed by the Charging Party on September 17, 2020, and a copy was served on Respondent by U.S. mail on September 18, 2020. A copy of the charge, along with the Affidavit of Service is attached hereto as Exhibit A.

(b) The first amended charge in this proceeding was filed by the Charging Party on September 29, 2020, and a copy was served on Respondent by U.S. mail on October 9, 2020. A copy of the charge, along with the Affidavit of Service is attached hereto as Exhibit B.

(c) The second amended charge in this proceeding was filed by the Charging Party on October 9, 2020, and a copy was served on Respondent by U.S. mail on October 9, 2020. A copy of the charge, along with the Affidavit of Service is attached hereto as Exhibit C.

(d) The third amended charge in this proceeding was filed by the Charging Party on December 10, 2020, and a copy was served on Respondent by U.S. mail on December 10, 2020. A copy of the charge, along with the Affidavit of Service is attached hereto as Exhibit D.

2. On December 15, 2020, based upon the charge described above in paragraph 1, the General Counsel, by the Acting Regional Director for Region 29, pursuant to Section 10(b) of the Act and Section 102.15 of the Board's Rules and Regulations, issued a Complaint and Notice of Hearing (Complaint).

3. On December 15, 2020, a true copy of the Complaint was duly served upon Respondent by regular mail. A copy of the Complaint and Notice of Hearing, including the affidavit of service, is attached as Exhibit E.

4. In the paragraph of the Complaint titled "Answer Requirement," Respondent was notified that pursuant to Section 102.20 and 102.21 of the Board's Rules, it was required to file an Answer to the Complaint within 14 days from the date of service, which was December 15, 2020. Respondent was further clearly notified that failure to timely file its Answer to the Complaint would result in all the allegations of the Complaint being deemed admitted to be true and so found by the Board. Respondent failed to file its Answer on or before December 29, 2020. Furthermore, at no time did Respondent file a request for an extension of time to file its Answer.

5. By letter dated January 8, 2020, sent by regular and electronic mail, Counsel for the General Counsel advised Respondent that it had not filed its Answer to the Complaint. A copy of the Complaint was attached to this letter. In that regard, Counsel for the General Counsel further advised Respondent that unless it filed an appropriate answer by January 15, 2020, Counsel for the General Counsel would file a Motion for Default Judgement with the Board. A copy of the letter, electronic mail, and affidavit of service are attached as Exhibit F.

6. To date, Respondent has failed to file its Answer to the Complaint, nor has Respondent filed a document purporting to be an appropriate answer nor a request for an extension of time to file its Answer.

7. Section 102.20 of the Board's Rules and Regulations, provides, in pertinent part, that: "All allegations in the Complaint, if no answer is filed ... will be deemed to be admitted and true and will be so found by the Board, unless good cause to the contrary is shown." Because Respondent failed to file its Answer to the Complaint, all the allegations of the Complaint should be deemed to be admitted and found to be true. *Local 307, National Postal Mailhandlers Union*, 367 NLRB No. 144 (June 4, 2019); *SDS Distributing Corp.*, 245 NLRB 322 (1979); *Neal B. Scott Commodities, Inc.*, 238 NLRB 32 (1978). Based on the foregoing, it is clear that a hearing on the merits in this matter is not necessary and it is appropriate for the Board to issue a Decision and Order without further proceedings.

8. Wherefore, Counsel for the General Counsel respectfully moves that the Board:

(a) Transfer the Complaint to the Board and continue all proceedings related thereto before the Board.

(b) Find that that all the allegations of the Complaint be deemed to be true; and that no hearing is necessary regarding the allegations in the Complaint.

(c) Find that the Respondent violated Section 8(a)(1) of the Act, as alleged in the Complaint.

(d) Issue a Decision and Order against Respondent containing findings of fact and conclusions of law based on, and in accordance with, the allegations of the Complaint. General

Counsel requests that an Order issue providing for a full remedy for the violations found and grant such other relief as may be appropriate and proper to remedy the allegations in the Complaint.

Dated: January 27, 2021

/s/ Brent Childerhose

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Brent E. Childerhose  
Francisco Guzmán  
Counsel for the General Counsel  
National Labor Relation Board, Region 29  
Two MetroTech Center, Suite 5100  
Brooklyn, NY 11201-3838  
Telephone (718) 765-6187  
E-mail: Brent.Childerhose@nlrb.gov,  
Francisco.Guzman@nlrb.gov

# GC EXHIBIT A

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**CHARGE AGAINST EMPLOYER**

<b>DO NOT WRITE IN THIS SPACE</b>	
Case <b>29-CA-266298</b>	Date Filed <b>9/17/2020</b>

**INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

<b>1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT</b>	
a. Name of Employer Art to Frames	b. Tel. No. (718) 788-6200
	c. Cell No.
	f. Fax No.
d. Address (Street, city, state, and ZIP code) 770 5th Avenue NY Brooklyn 11232- ____	e. Employer Representative
	g. e-Mail
	h. Number of workers employed 150
i. Type of Establishment (factory, mine, wholesaler, etc.) Basic Materials	j. Identify principal product or service frames and canvases
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) _____ of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.	
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)	
--See additional page--	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) Luis Jacome Title: _____	
4a. Address (Street and number, city, state, and ZIP code) 444 40th St. (1L) NY Brooklyn 11232- ____	4b. Tel. No. (646) 577-6454
	4c. Cell No.
	4d. Fax No.
	4e. e-Mail mbarbosa@catholicmigration.org
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)	
<b>6. DECLARATION</b>	
I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.	
By Magdalena Barbosa (signature of representative or person making charge)	Magdalena Barbosa Title: Managing Attorney (Print/type name and title or office, if any)
4701 Queens Blvd. Address Sunnyside NY 11104-____	09/17/2020 17:33:09 (date)
	Tel. No. (347) 472-3500
	Office, if any, Cell No.
	Fax No. (347) 472-3501
	e-Mail mbarbosa@catholicmigration.org

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**

**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

## Basis of the Charge

### 8(a)(1)

Within the previous six months, the Employer discharged an employee(s) because the employee(s) engaged in protected concerted activities by, inter alia, protesting terms and conditions of employment and in order to discourage employees from engaging in protected concerted activities.

<b>Name of employee discharged</b>	<b>Approximate date of discharge</b>
Araceli Pulido	03/19/2020
Luis Jacome	03/19/2020
Awilda Jiminian	03/19/2020
Digna Rivera	03/19/2020
Betzaida Arellano	03/19/2020
Dulce Nunez	03/19/2020
Eddy Lopez	03/19/2020
Laura Escalante	03/19/2020
Ramon Rosario Begazo	03/19/2020
Socorro Hernandez	03/19/2020

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

<p><b>ART TO FRAMES</b></p> <p>Charged Party</p> <p>and</p> <p><b>LUIS JACOME</b></p> <p>Charging Party</p>
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**Case 29-CA-266298**

**AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER**

I, the undersigned employee of the National Labor Relations Board, state under oath that on September 18, 2020, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

Art to Frames  
770 5th Avenue  
Brooklyn, NY 11232-\_\_\_\_\_

September 18, 2020  
Date

Linette Gayle, Designated Agent of NLRB  
Name

*Linette Gayle*

\_\_\_\_\_  
Signature

# GC EXHIBIT B

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**FIRST AMENDED CHARGE  
AGAINST EMPLOYER**

DO NOT WRITE IN THIS SPACE	
Case 29-CA-266298	Date Filed 9/29/20

**INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

<b>1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT</b>	
a. Name of Employer Art to Frames	b. Tel. No. 718-788-6200
	c. Cell No.
d. Address (Street, city, state, and ZIP code) 770 5th Avenue, Brooklyn, New York 11232	f. Fax No.
	e. Employer Representative N/A
i. Type of Establishment (factory, mine, wholesaler, etc.) factory	g. e-mail
	h. Number of workers employed 150
j. Identify principal product or service factory produces frames and canvases	
The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.	
<b>2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)</b>	
This above named Employer, through its officers, agents, and/or representatives, discharged employees, including Luis Jacome, Araceli Pulildo, Awilda Jiminian, Digna Rivera, Betzaida Arellano, Dulce Maria Nunez, Eddy Lopez, Laura Escalante, Ramon Rosario Begazo, Socorro Hernandez, Tayde Flores, Jesus Rivera Lopez, Yolanda Arias, Veronica Rodriguez, Maria Santos, Mandy Williams, Luis Garcia, Jonathan Garcia, Isiah Lopez, Diego Lopez, Denny Cruz, Fanny Alvarado and Carlos Martinez.	
<b>3. Full name of party filing charge (if labor organization, give full name, including local name and number)</b>	
Catholic Migration Services	
4a. Address (Street and number, city, state, and ZIP code)  Catholic Migration Services c/o Magdalena Barbosa 47-01 Queens Blvd. Sunnyside, New York 11104	4b. Tel. No. 347-472-3500
	4c. Cell No.
	4d. Fax No. 347-472-3501
	4e. e-mail mbarbosa@catholicmigration.org
<b>5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)</b>	
<b>6. DECLARATION</b>	
I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.	
 _____ (signature of representative or person making charge)	Magdalena Barbosa, Managing Attorney
	_____
(Print/type name and title or office, if any)	
Catholic Migration Services, 4701 Queens Blvd, Address Sunnyside, NY 11104	Tel. No. 347-472-3500, ext. 1017
	Office, if any, Cell No.
Date 9/29/2020	Fax No. 347-472-3501
	e-mail mbarbosa@catholicmigration.org

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)  
PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully

set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.

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

**ART TO FRAMES**  
Charged Party  
and  
**LUIS JACOME**  
Charging Party

**Case 29-CA-266298**

**AFFIDAVIT OF SERVICE OF FIRST AMENDED CHARGE AGAINST EMPLOYER**

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on October 9, 2020, I served the above-entitled document(s) by regular mail upon the following persons, addressed to them at the following addresses:

Art to Frames  
770 5th Avenue  
Brooklyn, NY 11232-\_\_\_\_\_

October 9, 2020

\_\_\_\_\_

Date

FREDA DEVONSHIRE, Designated  
Agent of NLRB

\_\_\_\_\_

Name

/S/ FREDA DEVONSHIRE

Signature

# GC EXHIBIT C

**second amended**  
**CHARGE AGAINST EMPLOYER**

DO NOT WRITE IN THIS SPACE	
Case <b>29-CA-266298</b>	Date Filed 10/9/20

**INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT	
a. Name of Employer Art to Frames	b. Tel. No. 718-788-6200
	c. Cell No.
d. Address (Street, city, state, and ZIP code) 770 5th Avenue, Brooklyn, New York 11232	f. Fax No.
	e. Employer Representative N/A
i. Type of Establishment (factory, mine, wholesaler, etc.) Factory	g. e-mail
	h. Number of workers employed 150
j. Identify principal product or service Factory produces frames and canvases.	
The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 8(a)(3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.	
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) Thee above named Employer, through its officers, agents, and/or representatives, discharged and/or discriminated against employees due to their participation in protected concerted activities, including Luis Jacome, Araceli Pulido, Awilda Jiminian, Digna Rivera, Betzaida Arellano, Dulce Maria Nunez, Eddy Lopez, Laura Escalante, Ramon Rosario Begazo, Socorro Hernandez, Tayde Flores, Jesus Rivera Lopez, Yolanda Arias, Veronica Rodriguez, Maria Santos, Mandy Williams, Luis Garcia, Jonathan Garcia, Isaiah Lopez, Diego Lopez, Denny Cruz, Fanny Alvarado, Carlos Martinez and Paola de la Cruz.	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) Catholic Migration Services	
4a. Address (Street and number, city, state, and ZIP code)  Catholic Migration Services c/o Magdalena Barbosa 47-01 Queens Blvd. Sunnyside, NY 11104	4b. Tel. No. (347) 472-3500
	4c. Cell No.
	4d. Fax No. (347) 472-3501
	4e. e-mail mbarbosa@catholicmigration.org
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)	
6. DECLARATION	
I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.	
 <i>(signature of representative or person making charge)</i>	Tel. No. (347) 472-3500 ext.1017
	Office, if any, Cell No.
Catholic Migration Services Address <u>47-01 Queens Blvd. Sunnyside, NY 11104</u>	Fax No. (347) 472-3501
	e-mail mbarbosa@catholicmigration.org
Date <u>10/7/2020</u>	

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**  
**PRIVACY ACT STATEMENT**

set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.

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

**ART TO FRAMES**  
Charged Party  
and  
**LUIS JACOME**  
Charging Party

**Case 29-CA-266298**

**AFFIDAVIT OF SERVICE OF SECOND AMENDED CHARGE AGAINST EMPLOYER**

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on October 9, 2020, I served the above-entitled document(s) by regular mail upon the following persons, addressed to them at the following addresses:

Art to Frames  
770 5th Avenue  
Brooklyn, NY 11232-\_\_\_\_\_

October 9, 2020

\_\_\_\_\_  
Date

FREDA DEVONSHIRE, Designated  
Agent of NLRB

\_\_\_\_\_  
Name

/S/ FREDA DEVONSHIRE

Signature

# GC EXHIBIT D

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**CHARGE AGAINST EMPLOYER**  
**Third Amended Charge**

DO NOT WRITE IN THIS SPACE	
Case <b>29-CA-266298</b>	Date Filed <b>12/10/2020</b>

**INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

**1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT**

a. Name of Employer Art to Frames		b. Tel. No. 718-788-6200
		c. Cell No.
		f. Fax No.
d. Address (Street, city, state, and ZIP code) 770 5th Ave., Brooklyn, New York 11232	e. Employer Representative N/A	g. e-mail
		h. Number of workers employed 150
i. Type of Establishment (factory, mine, wholesaler, etc.) Factory	j. Identify principal product or service Factory produces frames and canvases.	

The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

**2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)**  
The above named Employer, through its officers, agents and/or representatives, discharged and/or discriminated against employees due to their participation in protected concerted activities, including Enrique Maza, Araceli Pulido, Awilda Jiminian, Digna Rivera, Betzaida Arellano, Dulce Maria Nunez, Eddy Lopez, Laura Escalante, Ramon Rosario Begazo, Socorro Hernandez, Tayde Flores, Jesus Rivera Lopez, Yolanda Arias, Veronica Rodriguez, Maria Santos, Mandy Williams, Jose Luis Garcia, Jonathan Garcia, Isaiah Lopez, Diego Lopez, Denny Cruz, Fanny Alvarado, Carlos Martinez and Paola de la Cruz.

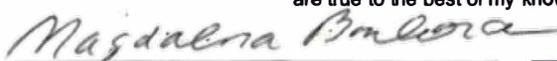
**3. Full name of party filing charge (if labor organization, give full name, including local name and number)**  
Catholic Migration Services

4a. Address (Street and number, city, state, and ZIP code) Catholic Migration Services c/o Magdalena Barbosa 47-01 Queens Blvd. Sunnyside, NY 11104		4b. Tel. No. 347-472-3500
		4c. Cell No.
		4d. Fax No. 347-472-3501
		4e. e-mail mbarbosa@catholicmigration.org

**5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)**

**6. DECLARATION**

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

  
\_\_\_\_\_  
(signature of representative or person making charge)

Magdalena Barbosa  
\_\_\_\_\_  
(Print/type name and title or office, if any)

Tel. No. 347-472-3500 ext. 1017
Office, if any, Cell No.
Fax No. 347-472-3501
e-mail mbarbosa@catholicmigration.org

Catholic Migration Services 47-01 Queens Blvd.  
Address Sunnyside, NY 11104

Date 12/9/2020

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)  
PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.

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

**ART TO FRAMES**  
Charged Party  
and  
**MAGDALENA BARBOSA**  
Charging Party

**Case 29-CA-266298**

**AFFIDAVIT OF SERVICE OF THIRD AMENDED CHARGE AGAINST EMPLOYER**

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on December 10, 2020, I served the above-entitled document(s) by regular mail upon the following persons, addressed to them at the following addresses:

Art to Frames  
770 5th Avenue  
Brooklyn, NY 11232

December 10, 2020

\_\_\_\_\_  
Date

Sharon Marfan, Designated Agent of  
NLRB

\_\_\_\_\_  
Name

/s/

\_\_\_\_\_  
Signature

# GC EXHIBIT E

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 29**

**ART TO FRAMES**

**And**

**Case No. 29-CA-266298**

**CATHOLIC MIGRATION SERVICES**

**COMPLAINT AND NOTICE OF HEARING**

This Complaint and Notice of Hearing is based on a charge filed by Catholic Migration Services (Charging Party). It is issued pursuant to Section 10(b) of the National Labor Relations Act (the Act), 29 U.S.C. § 151 et seq., and Section 102.15 of the Rules and Regulations of the National Labor Relations Board (the Board) and alleges that Art to Frames (Respondent) has violated the Act as described below.

1. (a) The charge in this proceeding was filed by the Charging Party on September 17, 2020, and a copy was served on Respondent by U.S. mail on September 18, 2020.

(b) The first amended charge in this proceeding was filed by the Charging Party on September 29, 2020, and a copy was served on Respondent by U.S. mail on October 9, 2020.

(c) The second amended charge in this proceeding was filed by the Charging Party on October 9, 2020, and a copy was served on Respondent by U.S. mail on October 9, 2020.

(d) The third amended charge in this proceeding was filed by the Charging Party on December 10, 2020, and a copy was served on Respondent by U.S. mail on December 10, 2020.

2. (a) At all material times, Respondent has been a domestic corporation with an office and place of business located at 770 5<sup>th</sup> Avenue, Brooklyn, New York (Brooklyn facility), and has been engaged in the retail sale of custom picture frames and home decor.

(b) In conducting its business operations described above in paragraph 2, during the past twelve-month period, which period is representative of its annual operations generally, Respondent:

(a) derived gross revenues in excess of \$500,000; and

(b) purchased and received good and materials valued in excess of \$5,000 at its Brooklyn facility directly from entities located outside the State of New York.

3. At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

4. At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the Act and agents of Respondent within the meaning of Section 2(13) of the Act:

(a) Schneur Minsky - Owner

(b) Yossi Prus - Production Manager

5. On or about March 19, 2020, Respondent's employees Enrique Maza, Araceli Pulido, Awilda Jiminian, Digna Rivera, Betzaida Arellano, Dulce Maria Nunez, Eddy Lopez, Laura Escalante, Ramon Rosario Begazo, Socorro Hernandez, Tayde Flores, Jesus Rivera Lopez, Yolanda Arias, Veronica Rodriguez, Maria Santos, Mandy Williams, Jose Luis Garcia, Jonathan Garcia, Isiah Lopez, Diego Lopez, Denny Cruz, Fanny Alvarado and Carlos Martinez, and Paola de la Cruz engaged in the following conduct:

a) concerted complaint to Respondent's Production Manager Prus regarding the wages, hours and working conditions of Respondent's employees, including the lack of safe working conditions due to Respondent's failure to provide employees with personal protective equipment; and

b) concerted cessation of work and commencement of protest on a public sidewalk outside of Respondent's Brooklyn facility regarding Respondent's employees' unsafe working conditions.

6. (a) On or about March 20, 2020, Respondent laid off its employees named in paragraph 5 above.

(b) From about March 20, 2020 to about December 4, 2020, Respondent failed or refused to reinstate its employees Enrique Maza, Araceli Pulido, Awilda Jiminian, Digna Rivera, Betzaida Arellano, Dulce Maria Nunez, Laura Escalante, Ramon Rosario Begazo, Socorro Hernandez, Tayde Flores, Jesus Rivera Lopez, Yolanda Arias, Veronica Rodriguez, Maria Santos, Mandy Williams, Jose Luis Garcia, Isiah Lopez, Diego Lopez, Denny Cruz, Fanny Alvarado, Carlos Martinez, and Paola de la Cruz.

(c) From about March 20, 2020, to about April 23, 2020, Respondent failed or refused to reinstate Eddy Lopez.

(d) From about March 20, 2020, to a date presently unknown in April 2020, failed or refused to reinstate its employee Jonathan Garcia.

7. Respondent engaged in the conduct described above in paragraph 6 because the employees named above in paragraph 5 engaged in the conduct described in paragraph 5, and to discourage employees from engaging in these or other concerted activities.

8. By the conduct described above in paragraphs 6 and 7, Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

9. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

10. As part of the remedy for Respondent's conduct described in paragraphs 6, 7 and 8, the General Counsel seeks that Respondent be required to submit to the Regional Director for Region 29 the W-2 reflecting backpay paid to each discriminatee named above in paragraph 5.

### **ANSWER REQUIREMENT**

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the complaint. The answer must be **received by this office on or before December 29, 2020 or postmarked on or before December 28, 2020**. Respondent should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties.

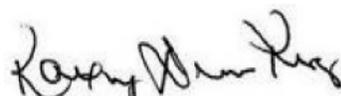
An answer may also be filed electronically through the Agency's website. To file electronically, go to [www.nlr.gov](http://www.nlr.gov), click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

Any request for an extension of time to file an answer must, pursuant to Sections 102.22 and 102.24(a) of the Board's Rules and Regulations, be filed electronically by the close of business on **December 28, 2020**. The request should be in writing and addressed to the Regional Director of Region 29.

**NOTICE OF HEARING**

PLEASE TAKE NOTICE THAT on March 2, 2021 at 9:30 AM, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board by videoconference, or in a manner and at a location otherwise ordered by the Administrative Law Judge. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this Second Consolidated Complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated: December 15, 2020



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KATHY DREW-KING  
REGIONAL DIRECTOR  
NATIONAL LABOR RELATIONS BOARD  
REGION 29  
Two Metro Tech Center  
Suite 5100  
Brooklyn, NY 11201-3838

Attachments

UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD  
**NOTICE**

Case 29-CA-266298

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements **will not be granted** unless good and sufficient grounds are shown **and** the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in **detail**;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

Art to Frames  
770 5th Avenue  
Brooklyn, NY 11232

Magdalena Barbosa, Managing Attorney  
444 40th St. (1L)  
Brooklyn, NY 11232

Magdalena Barbosa, Managing Attorney  
Catholic Migration Services  
47-01 Queens Blvd.  
Sunnyside, NY 11104

## Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: [www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules\\_and\\_regs\\_part\\_102.pdf](http://www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf).

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at [www.nlr.gov](http://www.nlr.gov), click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

**Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement.** The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

### I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.
- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

### II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.
- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered

**in evidence.** If a copy of any exhibit is not available when the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the ALJ before the close of hearing. If a copy is not submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

- **Transcripts:** An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.
- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.
- **Date for Filing Post-Hearing Brief:** Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and to will set a deadline for filing, up to 35 days.

### III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.
- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.
- **Exceptions to the ALJ's Decision:** The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 29**

**ART TO FRAMES**

**and**

**Case 29-CA-266298**

**CATHOLIC MIGRATION SERVICES**

**AFFIDAVIT OF SERVICE OF: Complaint and Notice of Hearing (with forms NLRB-4338 and NLRB-4668 attached)**

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on **December 15, 2020**, I served the above-entitled document(s) by **email and regular mail**, as noted below, upon the following persons, addressed to them at the following addresses:

Art to Frames  
770 5th Avenue  
Brooklyn, NY 11232

**FIRST CLASS MAIL**

Magdalena Barbosa, Managing Attorney  
444 40th St. (1L)  
Brooklyn, NY 11232

**FIRST CLASS MAIL**

Magdalena Barbosa, Managing Attorney  
Catholic Migration Services  
47-01 Queens Blvd.  
Sunnyside, NY 11104

**FIRST CLASS MAIL**

December 15, 2020

\_\_\_\_\_  
Date

Linette Gayle, Designated Agent of NLRB

\_\_\_\_\_  
Name

*Linette Gayle*

\_\_\_\_\_  
Signature

# GC EXHIBIT F



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 29  
Two Metro Tech Center  
Suite 5100  
Brooklyn, NY 11201-3838

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (718)330-7713  
Fax: (718)330-7579

January 8, 2021

VIA US MAIL AND ELECTRONIC MAIL

Jeff Minsky  
Art to Frames Inc.  
770 5th Avenue  
Brooklyn, NY 11232

Re: ART TO FRAMES INC.  
Case 29-CA-266298

Mr. Minsky:

To date, this Regional Office has not received an Answer to the Complaint and Notice of Hearing filed against Art of Frames Inc. The Complaint was served by mail December 15, 2020. The Answer to this Complaint was due on or before December 29, 2020. A copy of the Complaint and Notice of Hearing is enclosed. Please file your Answer, pursuant to Section 102.20 and 102.21 of the Board's Rules and Regulations, by or before January 15, 2021. Should you fail to file an Answer prior to this deadline, the Region will file a Motion for Default Judgment with regard to this Complaint.

Should you have any questions or concerns, please do not hesitate to contact me directly at (718)765-6187, or e-mail, [Brent.Childerhose@nlrb.gov](mailto:Brent.Childerhose@nlrb.gov).

Regards,

/s/

Brent E. Childerhose,  
Francisco Guzman  
National Labor Relations Board, Region 29  
Two MetroTech Center, 5th Floor  
Brooklyn, New York 11201  
Tel: (718) 765-6187

**From:** [Guzman, Francisco](#)  
**To:** [jeff@yalepf.com](mailto:jeff@yalepf.com)  
**Cc:** [Childerhose, Brent E.](#)  
**Subject:** NLRB Case 29-CA-266298 Art to Frames  
**Date:** Friday, January 8, 2021 2:17:40 PM  
**Attachments:** [LTR.29-CA-266298 No Answer letter.pdf](#)  
[CPT.29-CA-266298.Complaint and Notice of Hearing with Attachments.pdf](#)

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Mr. Minsky:

To date, this Regional Office has not received an Answer to the Complaint and Notice of Hearing filed against Art of Frames Inc. The Complaint was served by mail December 15, 2020. The Answer to this Complaint was due on or before December 29, 2020. A copy of the Complaint and Notice of Hearing is enclosed. Please file your Answer, pursuant to Section 102.20 and 102.21 of the Board's Rules and Regulations, by or before January 15, 2021. Should you fail to file an Answer prior to this deadline, the Region will file a Motion for Default Judgment with regard to this Complaint.

Should you have any questions or concerns, please do not hesitate to contact me directly at (718)765-6187, or e-mail, [Brent.Childerhose@nlrb.gov](mailto:Brent.Childerhose@nlrb.gov).

Regards,

/s/

Brent E. Childerhose,  
Francisco Guzman  
National Labor Relations Board, Region 29  
Two MetroTech Center, 5th Floor  
Brooklyn, New York 11201  
Tel: (718) 765-6187

**Francisco Guzmán**

United States Government  
National Labor Relations Board, Region 29  
Two MetroTech Center, Suite 5100  
Brooklyn, New York 11201  
Tel. (718) 765-6198 | Fax (718) 330-7579  
[www.nlrb.gov](http://www.nlrb.gov)

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 29**

**ART TO FRAMES**

**and**

**Case 29-CA-266298**

**MAGDALENA BARBOSA, an Individual**

**AFFIDAVIT OF SERVICE OF** Letter Requesting Answer to Complaint

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on January 8, 2021, I served the above-entitled document(s) by **regular mail** upon the following persons, addressed to them at the following addresses:

Jeff Minsky  
Art to Frames, Inc.  
770 5th Avenue  
Brooklyn, NY 11232

January 8, 2021

Maria Gonzalez-Berger , Designated Agent  
of NLRB

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name

/s/

\_\_\_\_\_  
Signature