

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 19

LAURELHURST VILLAGE, LLC

and

Case 36-CA-10444

SERVICE EMPLOYEES INTERNATIONAL
UNION LOCAL 503, OREGON PUBLIC
EMPLOYEES UNION

COMPLAINT AND NOTICE OF HEARING

Service Employees International Union Local 503, Oregon Public Employees Union ("Union"), has charged that Laurelhurst Village, LLC ("Respondent"), has been engaging in unfair labor practices as set forth in the National Labor Relations Act (the "Act"), 29 U.S.C. § 151 *et seq.*

Based thereon, the General Counsel of the National Labor Relations Board (the "Board"), by the undersigned, pursuant to § 10(b) of the Act and § 102.15 of the Board's Rules and Regulations, issues this Complaint and Notice of Hearing and alleges as follows:

1.

(a) The Charge was filed by the Union on April 3, 2009, and was served on Respondent by regular mail on about that date.

(b) The First Amended Charge was filed by the Union on May 5, 2009, and was served on Respondent by regular mail on about that date.

(c) The Second Amended Charge was filed by the Union on May 28, 2009, and was served on Respondent by regular mail on about that date.

2.

(a) Respondent is a State of Oregon corporation engaged in the operation of a nursing home in Portland, Oregon (the "facility").

(b) Respondent, during the past twelve months, which period is representative of all material times, in conducting its business operations described above in paragraph 2(a), derived gross revenues in excess of \$100,000.

(c) Respondent, during the past twelve months, which period is representative of all material times, in conducting its business operations described above in paragraph 2(a), purchased and received goods valued in excess of \$5,000 at its Portland, Oregon, facility directly from points outside the State of Oregon.

(d) Respondent has been at all material times an employer engaged in commerce within the meaning of §§ 2(2), (6) and (7) of the Act and has been a health care institution within the meaning of § 2(14) of the Act.

3.

The Union is, and has been at all material times, a labor organization within the meaning of § 2(5) of the Act.

4.

At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors within the meaning of § 2(11) of the Act and/or agents within the meaning of § 2(13) of the Act acting on Respondent's behalf:

Hannah Austin	–	Director of Operations
Ronelle Herrick	–	Director of Nursing Services
Kelly Dodd	–	Environmental Services Director
Diana Rhodes	–	Human Resources Manager

Sandy Ouellette	–	Administrator
Richard Menegat	–	Executive Chef
Robin Nueva	–	Housekeeping Supervisor

5.

(a) In or around March 2009, Respondent modified its extant employee access policy by orally promulgating a rule restricting access to its facility for certain of its off-duty employees (“No Access Rule”).

(b) On or about March 30 and April 1, 2009, Respondent enforced its No Access Rule against employees engaged in union and/or protected concerted activities.

(c) On or about April 1, 2009, Respondent enforced its No Access Rule by calling the police and threatening employees with arrest for engaging in union and/or protected concerted activities.

(d) Respondent modified its extant employee access rule and promulgated, maintained, and enforced its No Access Rule to discourage its employees from forming, joining, or assisting the Union or engaging in other protected, concerted activities.

6.

On or about March 30, 2009, Respondent, by Austin, in Austin’s office at the facility:

(a) Created an impression among its employees that their union activities were under surveillance; and

(b) Interrogated its employees about their union and protected concerted activities, and about the Union and protected, concerted activities of other employees.

7.

On or about April 1, 2009, Respondent, by Ouellette and Menegat, in the break room at the facility, engaged in surveillance of its employees' union and/or protected concerted activities.

8.

On or about April 1, 2009, Respondent, by Dodd, at the facility, impliedly threatened employees with unspecified reprisals because they were distributing pro-union literature and/or engaging in protected, concerted activities in non-work areas on non-work time.

9.

(a) On or about April 2, 2009, Respondent issued employee Andrea Glaser a documented verbal warning.

(b) Respondent engaged in the conduct described above in paragraph 9(a) because employee Glaser engaged in union and/or protected, concerted activities and to discourage employees from engaging in these activities.

10.

(a) On or about April 2, 2009, Respondent issued a documented verbal warning to employee Elizabeth Lehr.

(b) On or about April 2, 2009, Respondent issued two written warnings to employee Lehr.

(c) On or about April 2, 2009, Respondent discharged employee Lehr.

(d) Respondent engaged in the conduct described above in paragraphs 10(a) through (c) because employee Lehr engaged in union and/or protected, concerted activities and to discourage employees from engaging in these activities.

11.

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

12.

By the acts and conduct described above in paragraphs 5, 9, and 10, Respondent has been discriminating in regard to the hire or tenure or terms or conditions of employment of its employees, thereby discouraging membership in a labor organization and engaging in unfair labor practices affecting commerce within the meaning of §§ 8(a)(3) and (1) of the Act.

13.

By the acts described above in paragraphs 5 through 10, Respondent has engaged in unfair labor practices affecting commerce within the meaning of §§ 2(6) and (7) of the Act.

WHEREFORE, as part of the remedy for the unfair labor practices alleged above in paragraph 10, the General Counsel seeks an Order requiring Respondent, *inter alia*, to pay quarterly compound interest on any back pay or monetary remedies ordered in this case.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to §§ 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 June 12, 2009, or postmarked on or before June 11, 2009. Unless filed electronically in a pdf format, 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 by using the E-filing system on the Agency's website. In order to file an Answer electronically, access the Agency's website at <http://www.nlr.gov>, click on E-Gov, then click on the E-Filing link on the pull-down menu. Click on the "File Documents" button under "Regional, Subregional and Resident Offices" and then follow the directions. 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 § 102.21. If the Answer being filed electronically is a pdf document containing the required signature, no paper copies of the document need to be transmitted to the Regional Office. However, if the electronic version of an

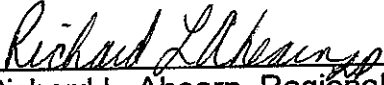
Answer to a Complaint is not a pdf file containing the required signature, then the E-filing rules require that such Answer containing the required signature be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing.

Service of the Answer on each of the other parties must be accomplished in conformance with the requirements of § 102.114 of 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.

NOTICE OF HEARING

PLEASE TAKE NOTICE that on the 14th day of July, 2009, at 9:00 a.m. in Suite 1910, ODS Tower, 601 S.W. Second Avenue, Portland, Oregon, and on consecutive days thereafter until concluded, a hearing will be conducted before an Administrative Law Judge of the National Labor Relations Board. At the hearing Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this 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 at Seattle, Washington, this 29th day of May, 2009.


Richard L. Ahearn, Regional Director
National Labor Relations Board, Region 19
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