

ORIGINAL

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

WINDSOR REDDING CARE CENTER, LLC

Petitioner/Cross-Respondent

v.

NATIONAL LABOR RELATIONS BOARD

Respondent/Cross-Petitioner

Nos. 18-1299
19-1010

SERVICE EMPLOYEES INTERNATIONAL UNION
LOCAL 2015, AS SUCCESSOR TO SEIU UNITED
HEALTHCARE WORKERS-WEST, CTW, CLC

Intervenor

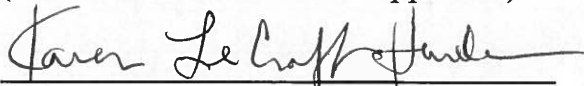
JUDGMENT

Before: HENDERSON and ROGERS, Circuit Judges, and EDWARDS,
Senior Circuit Judge.

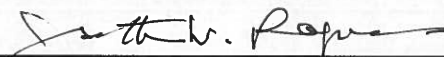
THIS CAUSE came to be heard upon a petition filed by Windsor Redding Care Center, LLC to review an Order of the National Labor Relations Board dated July 17, 2018, in Case Nos. 20-CA-070465, 20-CA-070964, 20-CA-075426, and 20-CA-082287, reported at 366 NLRB No. 127, and upon a cross-application for enforcement filed by the National Labor Relations Board to enforce said Order. The Court heard argument of the parties and has considered the briefs and agency record filed in this cause. On December 10, 2019, the Court, being fully advised in the premises, handed down its opinion granting in part the petition of Windsor Redding Care Center, LLC and granting in part the Board's cross-application for enforcement. In conformity therewith, it is hereby

ORDERED AND ADJUDGED by the Court that Windsor Redding Care Center, LLC, its officers, agents, successors, and assigns, shall abide by the said

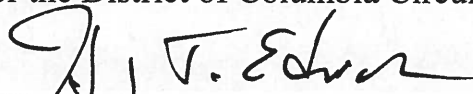
order as modified by the Court. (See Attached Order and Appendix).



Judge, United States Court of Appeals
for the District of Columbia Circuit



Judge, United States Court of Appeals
for the District of Columbia Circuit



Judge, United States Court of Appeals
for the District of Columbia Circuit

ENTERED: January 15, 2020

WINDSOR REDDING CARE CENTER, LLC

v.

NATIONAL LABOR RELATIONS BOARD

ORDER

Windsor Redding Care Center, LLC, Redding, California, its officers, agents, successors, and assigns, shall

1. Cease and desist from
 - (a) Changing the terms and conditions of employment of its unit employees without first notifying Service Employees International Union, Local 2015, as successor to SEIU United Healthcare Workers-West, CTW, CLC and giving it an opportunity to bargain.
 - (b) In any like or related manner interfering with, restraining, or coercing employees in the exercise of the rights guaranteed them by Section 7 of the Act.
2. Take the following affirmative action necessary to effectuate the policies of the Act.
 - (a) To the extent it has not already done so, make employees whole for any loss of pay and other benefits suffered as a result of the unlawful suspension of its merit raise program, in the manner set forth in the remedy section of the Board's July 17, 2018 decision.
 - (b) Preserve and, within 14 days of a request, or such additional time as the Regional Director may allow for good cause shown, provide at a reasonable place designated by the Board or its agents, all payroll records, social security payment records, timecards, personnel records and reports, and all other records, including an electronic copy of such records if stored in electronic form, necessary to analyze the amount of backpay due under the terms of this Order.
 - (c) Within 14 days after service by the Region, post at its Redding, California facility copies of the attached notice marked "Appendix." Copies of the notice, on forms provided by the Regional Director for Region 20, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in

conspicuous places, including all places where notices to employees are customarily posted. In addition to physical posting of paper notices, notices shall be distributed electronically, such as by email, posting on an intranet or an internet site, and/or other electronic means, if the Respondent customarily communicates with its employees by such means. Reasonable steps shall be taken by the Respondent to ensure that the notices are not altered, defaced, or covered by any other material. If the Respondent has gone out of business or closed the facility involved in these proceedings, the Respondent shall duplicate and mail, at its own expense, a copy of the notice to all current employees and former employees employed by the Respondent at any time since June 1, 2011.

- (d) Within 21 days after service by the Region, file with the Regional Director for Region 20 a sworn certification of a responsible official on a form provided by the Region attesting to the steps that the Respondent has taken to comply.

APPENDIX

NOTICE TO EMPLOYEES
POSTED PURSUANT TO A JUDGMENT OF THE UNITED STATES COURT OF APPEALS
ENFORCING AN ORDER OF THE NATIONAL LABOR RELATIONS BOARD
An Agency of the United States Government

The National Labor Relations Board has found that we violated Federal labor law and has ordered us to post and obey this notice.

FEDERAL LAW GIVES YOU THE RIGHT TO
Form, join, or assist a union
Choose representatives to bargain with us on your behalf
Act together with other employees for your benefit and protection
Choose not to engage in any of these protected activities.

WE WILL NOT change your terms and conditions of employment without first notifying Service Employees International Union, Local 2015 and giving it an opportunity to bargain.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce you in the exercise of the rights listed above.

WE WILL, to the extent we have not already done so, make you whole for any loss of earnings or other benefits resulting from our unlawful suspension of our merit raise program from June 1, 2011, until August 1, 2012, in accordance with the settlement reached with the Union in the 2012 collective-bargaining agreement.

WINDSOR REDDING CARE CENTER, LLC

UNITED STATES COURT OF APPEALS
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SERVICE EMPLOYEES INTERNATIONAL UNION	:	
LOCAL 2015, AS SUCCESSOR TO SEIU UNITED	:	
HEALTHCARE WORKERS-WEST, CTW, CLC	:	
	:	
Intervenor	:	

CERTIFICATE OF SERVICE

I hereby certify that on December 19, 2019, I electronically filed the foregoing document with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit using the appellate CM/ECF system. I further 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
Acting Deputy Associate General Counsel
National Labor Relations Board
1015 Half St., S.E.
Washington, D.C. 20570

Dated at Washington, D.C.
this 19th day of December 2019