

NOT TO BE INCLUDED
IN BOUND VOLUMES

PGB
Chester, PA

UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

CLIFF HOUSE SENIOR LIVING, L.P.,
d/b/a RESIDENCES AT CHESTNUT
RIDGE,

and

Case 04-RC-080782

DISTRICT 1199C, NATIONAL UNION
OF HOSPITAL AND HEALTH CARE
EMPLOYEES, AFSCME, AFL-CIO

DECISION AND CERTIFICATION OF RESULTS OF ELECTION

The National Labor Relations Board has considered objections to an election held June 21, 2012, and the hearing officer's report recommending disposition of them. The election was conducted pursuant to a Stipulated Election Agreement. The tally of ballots shows 28 for and 29 against the Petitioner, with no challenged ballots.

The Board has reviewed the record in light of the exceptions and briefs, has adopted the hearing officer's findings and recommendations,¹ and finds that a certification of results of election should be issued.

CERTIFICATION OF RESULTS OF ELECTION

¹ In adopting the hearing officer's recommendation to overrule Objection 2, we find that the evidence fails to establish that the Employer informed employee Leroy Lawrence, during the critical period, that he would receive health insurance benefits. We therefore find it unnecessary to pass on the hearing officer's further finding that informing Lawrence of his receipt of health insurance during the critical period would not constitute an objectionable grant of benefits.

In adopting the hearing officer's recommendation to overrule Objection 3, we do not rely on the hearing officer's statement that, even if Director of Nursing Denise Johnson urged employee Lakeiya Hudson to "Just vote the right way. Do what is right. Do the right thing," these comments were protected by Sec. 8(c) of the Act. It is settled that Sec. 8(c) does not apply to representation cases. See *Kalin Construction*, 321 NLRB 649, 652 (1996).

IT IS CERTIFIED that a majority of the valid ballots have not been cast for District 1199C, National Union of Hospital and Health Care Employees, AFSCME, AFL-CIO, and that it is not the exclusive representative of these bargaining-unit employees.

Dated, Washington, D.C., March 1, 2013.

Mark Gaston Pearce, Chairman

Richard F. Griffin, Jr., Member

Sharon Block, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD