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Hackensack Meridian Health Carrier Clinic and District 1199J, National Union of Hospital and Healthcare Employees, AFSCME, AFL-CIO.
Case 22-CA-360422

February 4, 2026

DECISION AND ORDER

BY MEMBERS PROUTY, MURPHY, AND MAYER

This is a refusal-to-bargain case in which Hackensack Meridian Health Carrier Clinic (the Respondent) is contesting the Union's certification as bargaining representative in the underlying representation proceeding. Pursuant to a charge filed on February 14, 2025, and amended February 24 and 27, 2025, by District 1199J, National Union of Hospital and Healthcare Employees, AFSCME, AFL-CIO (the Union), the Acting General Counsel issued a complaint on February 27, 2025, alleging that the Respondent has violated Section 8(a)(5) and (1) of the Act by failing and refusing to recognize and bargain with the Union following the Union's certification in Case 22-RC-340992. (Official notice is taken of the record in the representation proceeding as defined in the Board's Rules and Regulations, Secs. 102.68 and 102.69(d). *Frontier Hotel*, 265 NLRB 343 (1982).) The Respondent filed an answer admitting in part and denying in part the allegations in the complaint and asserting affirmative defenses.

On March 18, 2025, the Acting General Counsel filed a Motion for Summary Judgment. On March 21, 2025, the Board issued an Order Transferring the Proceeding to the Board and a Notice to Show Cause why the motion should

not be granted. On April 4, 2025, the Respondent filed a response to the Notice to Show Cause.

Ruling on Motion for Summary Judgment

The Respondent admits that it has refused to bargain but asserts that it has no duty to bargain and contests the validity of the Union's certification of representative based on its objections to the election in the underlying representation proceeding.¹

All representation issues raised by the Respondent were or could have been litigated in the prior representation proceeding. The Respondent does not offer to adduce at a hearing any newly discovered and previously unavailable evidence, nor has it established any special circumstances that would require the Board to reexamine the decision made in the representation proceeding. We therefore find that the Respondent has not raised any representation issue that is properly litigable in this unfair labor practice proceeding. See *Pittsburgh Plate Glass Co. v. NLRB*, 313 U.S. 146, 162 (1941). Accordingly, we grant the Motion for Summary Judgment.²

On the entire record, the Board makes the following

FINDINGS OF FACT

I. JURISDICTION

At all material times, the Respondent has been a New Jersey corporation with an office and place of business located at 252 County Road 601, Belle Mead, New Jersey (the Respondent's facility), and has been engaged in providing behavioral health services.

Annually, in the course and conduct of its business operations described above, the Respondent derived gross revenues in excess of \$250,000 and purchased and received at the Respondent's facility goods and supplies valued in excess of \$5000, directly from points outside the State of New Jersey.

¹ In its answer, the Respondent largely admits the complaint allegations, including the allegation that it is refusing to recognize and bargain with the Union. The Respondent's answer, however, repeatedly "states that the Regional Director's administrative certification of the unit in Case 22-RC-340992 is improper due to the Union's objectionable conduct that precluded the conduct of a free and fair election." In addition, it reiterates that claim in its response to the Board's Notice to Show Cause. In that response, it also raises for the first time in this proceeding its allegation of Board Agent misconduct previously raised in the underlying representation proceeding. The Respondent's objections were fully litigated and resolved in that proceeding. Accordingly, the Respondent's denials, its second affirmative defense, and its response to the Notice to Show Cause do not raise any litigable issue in this proceeding.

The Respondent's answer advances two additional affirmative defenses: that the complaint fails to state a claim upon which relief can be granted and that no remedy is appropriate because the Respondent has not engaged in any unfair labor practice. The Respondent has not, however, offered any explanation or evidence to support those bare assertions. Thus, we find that they are insufficient to warrant denial of the Acting General Counsel's Motion for Summary Judgment. See,

e.g., *Sysco Central California, Inc.*, 371 NLRB No. 95, slip op. at 1 fn. 1 (2022); *Station GVR Acquisition, LLC d/b/a Green Valley Ranch Resort Spa Casino*, 366 NLRB No. 58, slip op. at 1 fn. 1 (2018) (citing cases), enfd. sub nom. *Operating Engineers Local 501 v. NLRB*, 949 F.3d 477 (9th Cir. 2020). Moreover, the Respondent admits that it has refused to recognize and bargain with the Union. As such, "the complaint does indeed state claims upon which relief can be granted." *Wolf Creek Nuclear Operating Corp.*, 366 NLRB No. 30, slip op. at 1 fn.2 (2018), enfd. 762 F. App'x 461 (10th Cir. 2019).

Lastly, in its response to the Board's Notice to Show Cause, the Respondent claims that the Board could not lawfully issue that Notice and cannot act on the Acting General Counsel's motion because the Board has lacked a quorum since the date President Trump removed Member Gwynne A. Wilcox from office, January 27, 2025. Even assuming, arguendo, that the Board lacked a quorum at the time that it issued the Notice to Show Cause, there can be no question that the Board currently has a valid quorum. Accordingly, we hereby ratify the March 21, 2025 issuance of the Notice to Show Cause.

² The Respondent's request that the complaint be dismissed is therefore denied.

We find that the Respondent is an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act and that the Union is a labor organization within the meaning of Section 2(5) of the Act.

II. ALLEGED UNFAIR LABOR PRACTICES

A. The Certification

Following an election conducted by secret ballot on May 30 and 31, 2024, the Regional Director for Region 1 issued a Decision on Objections and Certification of Representative in Case 22–RC–340992 on October 2, 2024, certifying the Union as the exclusive collective-bargaining representative of the employees in the following appropriate unit:

All full-time, regular part-time, and per-diem mental health technicians employed by the Employer at its 252 County Road 601, Belle Mead, New Jersey facility; but excluding all office clerical employees, confidential employees, per diem and non-per diem mental health technicians admissions, including non-per diem mental health technicians, managers, directors, guards, and supervisors as defined in the Act, and all other employees.

On December 6, 2024, the Board denied the Respondent's request for review of the Regional Director's decision.³ The Union continues to be the exclusive collective-bargaining representative of the employees in the unit under Section 9(a) of the Act.

B. Refusal to Bargain

By letters dated October 10, 2024, November 21, 2024, and January 29, 2025,⁴ the Union requested that the Respondent bargain with the Union as the exclusive collective-bargaining representative of the unit. Since about December 11, 2024, and continuing to date, the Respondent has failed and refused to recognize and bargain with the Union as the exclusive collective-bargaining representative of the unit.

We find that the Respondent's conduct constitutes an unlawful failure and refusal to recognize and bargain with the Union in violation of Section 8(a)(5) and (1) of the Act.

CONCLUSION OF LAW

By failing and refusing to recognize and bargain with the Union as the exclusive collective-bargaining representative of the employees in the unit since about December 11, 2024, the Respondent has engaged in unfair labor

practices affecting commerce within the meaning of Section 8(a)(5) and (1) and Section 2(6) and (7) of the Act.

REMEDY

Having found that the Respondent has violated Section 8(a)(5) and (1) of the Act, we shall order it to cease and desist, to bargain on request with the Union and, if an understanding is reached, to embody the understanding in a signed agreement.

To ensure that the employees are accorded the services of their selected bargaining agent for the period provided by law, we shall construe the initial period of the certification as beginning on the date the Respondent begins to bargain in good faith with the Union. *Mar-Jac Poultry Co.*, 136 NLRB 785 (1962); accord *Burnett Construction Co.*, 149 NLRB 1419, 1421 (1964), *enfd.* 350 F.2d 57 (10th Cir. 1965); *Lamar Hotel*, 140 NLRB 226, 229 (1962), *enfd.* 328 F.2d 600 (5th Cir. 1964), *cert. denied* 379 U.S. 817 (1964).

ORDER

The National Labor Relations Board orders that the Respondent, Hackensack Meridian Health Carrier Clinic, Belle Mead, New Jersey, its officers, agents, successors, and assigns, shall

1. Cease and desist from

(a) Failing and refusing to recognize and bargain with District 1199J, National Union of Hospital and Healthcare Employees, AFSCME, AFL–CIO (the Union) as the exclusive collective-bargaining representative of the employees in the bargaining unit.

(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) On request, bargain with the Union as the exclusive collective-bargaining representative of the employees in the following appropriate unit concerning terms and conditions of employment and, if an understanding is reached, embody the understanding in a signed agreement:

All full-time, regular part-time, and per-diem mental health technicians employed by the Employer at its 252 County Road 601, Belle Mead, New Jersey facility; but excluding all office clerical employees, confidential employees, per diem and non-per diem mental health technicians admissions, including non-per diem mental

³ Members Murphy and Mayer did not participate in the prior representation proceeding. They agree, however, that the Respondent has not raised any new matters that are properly litigable in this unfair labor practice proceeding and that summary judgment is appropriate, with the parties retaining their respective rights to litigate relevant issues on appeal.

⁴ Complaint par. 7(a), which the Respondent admits in its answer, alleges that the Union's letter was dated December 2, 2024. The Acting General Counsel's motion and the letters attached thereto as Exhs. J(a)-(c) show letters dated October 10, 2024, November 21, 2024, and January 29, 2025. The Respondent does not dispute the authenticity of these exhibits.

health technicians, managers, directors, guards, and supervisors as defined in the Act, and all other employees.

(b) Within 14 days of service by the Region, post at its facility in Belle Mead, New Jersey, copies of the attached notice marked "Appendix."⁵ Copies of the notice, on forms provided by the Regional Director for Region 22, 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 December 11, 2024.

(c) Within 21 days after service by the Region, file with the Regional Director for Region 22 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.

Dated, Washington, D.C. February 4, 2026

David M. Prouty, Member

James R. Murphy, Member

Scott A. Mayer, Member

(SEAL) NATIONAL LABOR RELATIONS BOARD

APPENDIX

NOTICE TO EMPLOYEES

POSTED BY 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 fail and refuse to recognize and bargain with District 1199J, National Union of Hospital and Healthcare Employees, AFSCME, AFL-CIO (the Union) as the exclusive collective-bargaining representative of our employees in the bargaining unit.

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, on request, bargain with the Union and put in writing and sign any agreement reached on terms and conditions of employment for our employees in the following appropriate bargaining unit:

All full-time, regular part-time, and per-diem mental health technicians employed by the Employer at its 252 County Road 601, Belle Mead, New Jersey facility; but excluding all office clerical employees, confidential employees, per diem and non-per diem mental health technicians admissions, including non-per diem mental health technicians, managers, directors, guards, and supervisors as defined in the Act, and all other employees.

HACKENSACK MERIDIAN HEALTH CARRIER CLINIC

The Board's decision can be found at www.nlr.gov/case/22-CA-360422 or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1015 Half Street, S.E., Washington, D.C. 20570, or by calling (202) 273-1940.

⁵ If this Order is enforced by a judgment of a United States court of appeals, the words in the notice reading "Posted by Order of the National Labor Relations Board" shall read "Posted Pursuant to a Judgment of the

United States Court of Appeals Enforcing an Order of the National Labor Relations Board."

