

**United States Government  
National Labor Relations Board  
OFFICE OF THE GENERAL COUNSEL**

# Advice Memorandum

DATE: June 12, 2009

TO : Alan B. Reichard, Regional Director  
Region 32

FROM : Barry J. Kearney, Associate General Counsel  
Division of Advice

SUBJECT: United Healthcare Workers - West, SEIU (Kaiser Permanente)  
Case 32-CB-6644

This case involving a Section 8(b)(1)(A) allegation was submitted to the Division of Advice for review in light of the current dispute between the SEIU-UHW-W and the National Union of Healthcare Workers (NUHW).

The Region may proceed in its discretion in dismissing this charge, which raises the following allegation:

The Charged Party Union violated Section 8(b)(1)(A) by handling her grievance in an arbitrary, invidious or capricious manner. Rather, the evidence indicated that the Union filed a grievance on February 20, 2009, over the Charging Party's termination, which it took to step two of the grievance and arbitration process on March 5. The grievance is active and currently pending step three. The evidence was insufficient to establish that the Union's handling of this matter was unlawful in any way.

B.J.K.