

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

QUALITY HEALTH SERVICES OF P.R.,
INC. D/B/A HOSPITAL SAN CRISTOBAL

and

UNIDAD LABORAL DE ENFERMERAS(OS)
Y EMPLEADOS DE LA SALUD

Case

24-CA-11438
24-CA-11507
24-CA-11537

MOTION TO CORRECT CAPTION

TO THE HONORABLE BOARD:

COMES NOW the undersigned Counsel for the Acting General Counsel and respectfully states and prays as follows:

1. The Regional Director for the 24th Region of the National Labor Relations Board issued an Order Consolidating Cases, Consolidated Amended Complaint and Notice of Hearing on August 20, 2010, based on charges filed by Unidad Laboral de Enfermeras(os) y Empleados de la Salud (hereinafter "Union") against Quality Health Services of P.R., Inc., d/b/a Hospital San Cristobal (hereinafter "Respondent") in Cases 24-CA-11438, 24-CA-11507, 24-CA-11537 and 24-CA-11549. The Consolidated Amended Complaint alleges that Respondent committed several violations to Section 8(a)(1) and (5) of the Act by unilaterally changing terms and conditions of employment of unit employees without prior notification to the Union or affording it an opportunity to bargain.

2. The hearing on this matter was held before the Honorable Administrative Law Judge William N. Cates on September 15 and 16, 2010, in San Juan, Puerto Rico.

Prior to the conclusion of the hearing, Judge Cates authorized a partial non-Board settlement agreement reached by the parties relating to several allegations set forth in the Consolidated Amended Complaint, specifically those alleged in sub-paragraphs 8(d) and 8(g), and paragraphs 9 (a) and (b), and 10. This partial settlement resolved all plead allegations in Case 24-CA-11549. Therefore, consistent with the partial settlement, Judge Cates dismissed the settled allegations from the Complaint and deleted Case 24-CA-11549 from the caption of the case, as expressly stated in his Decision.

3. The remaining allegations pertaining to Cases 24-CA-11438, 24-CA-11507, and 24-CA-11537, plead in paragraphs 8(a), 8(b), 8(c), 8(e), and 8(f) of the Consolidated Amended Complaint, were fully litigated and submitted to the consideration and resolution of Judge Cates.

4. On November 9, 2010, Judge Cates issued a Decision on the relevant Case numbers referenced above in paragraph 3, finding that Respondent violated Section 8(a)(1) and (5) of the Act by making several unilateral changes to its employees' terms and conditions of employment without having given the Union prior notice or the opportunity to bargain, including 1) eliminating its past practice of granting holiday pay even to those employees that were on their day off work; 2) implementing a new policy that eliminated its past practice of allowing employees to use sick leave when reported to the Workers Insurance Fund; 3) eliminating permanent shifts in the Respiratory Care department; and 4) implementing a new holiday calendar.

5. On February 17, 2010, this Honorable Board issued a Decision and Order affirming the findings of Judge Cates and adopting the Decision and Recommended

Order, thereby ordering Respondent to take such actions as set forth in the Order. Quality Health Services, 356 NLRB No. 95 (2011).

6. However, the Board's Decision and Order inadvertently omitted from its caption any reference to Cases 24-CA-11507 and 24-CA-11537, and only referenced Case 24-CA-11438.

7. For of the above stated reasons, Counsel for General Counsel requests that this Honorable Board issue an Order correcting the caption in its Decision and Order to also include Cases 24-CA-11507 and 24-CA-11537.

RESPECTFULLY SUBMITTED at San Juan, Puerto Rico, this 23rd day of March 2011.

Jose Luis Ortiz-Marciales
Counsel for the General Counsel
National Labor Relations Board
Region 24
525 F.D. Roosevelt Ave.
Suite 1002 La Torre de Plaza
San Juan, Puerto Rico 00918-1002
Telephone: (787) 766-5347
Fax: (787) 766-5478
E-mail: jose.ortiz@nlrb.gov

CERTIFICATE OF SERVICE

I hereby certify that on this same date a true copy of the "MOTION TO CORRECT CAPTION" was served upon the following:

By Regular Mail:

Jose A. Oliveras-Gonzalez
PO Box 22792, UPR Station
Rio Piedras, PR 00931

Unidad Laboral De Enfermeras(os)
y Empleados de la Salud
Calle Hector Salaman
354 Urb. Ext. Roosevelet

Dated at San Juan, Puerto Rico this 23RD day of March 2011.

Jose L. Ortiz-Marciales
Counsel for General Counsel