



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD  
Region 20  
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San Francisco, California 94103-1735

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Website: [www.nlr.gov](http://www.nlr.gov)

June 23, 2011

[REDACTED]  
National Right to Work Legal Defense Foundation  
8001 Braddock Road Suite 600  
Springfield, VA 22160

**Re:** *SEIU United Healthcare Workers-West (Sutter Roseville  
Medical Center)*  
**Case** 20-CB-13784

Dear [REDACTED]

The Region has carefully investigated and considered your charge against SEIU United Healthcare Workers-West alleging violations under Section 8 of the National Labor Relations Act.

*Decision to Dismiss:* Your charge alleges, in part, that SEIU-UHW WEST (the Union) violated Section 8(b)(1)(A) and (2) of the Act by failing to reduce your dues and fees for Fee Year 2010 and by failing to provide you with the Union's and the International Union's financial information for such year.

Based on the investigation, I have concluded that further proceedings are not warranted with regard to your allegations pertaining to Fee Year 2010, and I am dismissing that portion of your charge. The investigation revealed that upon receiving your membership resignation and *Beck* objection on December 18, 2009, the Union sent you a packet via certified mail within a week containing the Union's and the International Union's financial information for Fee Year 2010, and that someone at your address refused the package. Further, the investigation established that on March 10, 2010, the Union mailed you a check for \$221.36, reflecting that the Union charged you only for financial core fees for Fee Year 2010. As the conduct alleged as violative of the Act occurred more than six months prior to the filing and service of the charge, further proceedings regarding this allegation are barred by Section 10(b) of the Act. Moreover, even if the allegation was not time-barred, the Union did not violate the Act in these circumstances where it immediately sent financial information for Fee Year 2010, but the packet sent by certified mail was refused and where the Union only charged you for financial core fees for Fee Year 2010. The remaining allegations in your charge are not being dismissed and will be the subject of further proceedings.

*Your Right to Appeal:* You have the right to appeal this decision. See attached copy of Form NLRB-4938, Procedures for Filing an Appeal, for instructions applicable for filing an appeal by close of business on July 7, 2011.

Very truly yours,

/s/ Olivia Garcia

Olivia Garcia  
Acting Regional Director

OG:wc

Enclosures: Form NLRB-4938, Procedures for Filing an Appeal  
Form NLRB-4767, Appeal form(s)

cc: see next page

General Counsel  
Attention: Office of Appeals  
National Labor Relations Board  
Room 8820, 1099 14<sup>th</sup> Street, NW  
Washington, DC 20570



Director Labor/ Employee Relations  
Sutter Roseville Medical Center  
One Medical Plaza Drive  
Roseville, CA 95661

SEIU United Healthcare Workers - West  
Membership Auditor/Membership Dep't  
560 Thomas L. Berkley Way  
Oakland, CA 94612-1602



Weinberg Roger & Rosenfeld  
1001 Marina Village Parkway Suite 200  
Alameda, CA 94501-1091

United States of America  
National Labor Relations Board  
**PROCEDURES FOR FILING AN APPEAL**

The National Labor Relations Board Rules and Regulations permit you to obtain a review of this action by filing an appeal with the GENERAL COUNSEL of the National Labor Relations Board. Use of the Appeal Form (Form NLRB-4767) will satisfy this requirement. However, you are encouraged to submit a complete statement setting forth the facts and reasons why you believe that the decision was incorrect.

**Means of Filing:** An appeal may be filed electronically, by mail, or by delivery service. Filing an appeal electronically is preferred but not required. The appeal MAY NOT be filed by fax. *To file an appeal electronically, go to the Agency's website at [www.nlr.gov](http://www.nlr.gov), click on **File Case Documents**, enter the NLRB Case Number, and follow the detailed instructions.* To file an appeal by mail or delivery service, address the appeal to the General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1099 14th Street, N.W., Washington D.C. 20570-0001. Unless filed electronically, a copy of the appeal should also be sent to me.

**Appeal Due Date and Time:** The appeal is due on July 7, 2011. If you file the appeal electronically it will be considered timely filed if the transmission of the entire document through the Agency's website is accomplished **no later than 11:59 p.m. Eastern Time** on the due date. If you mail the appeal or send it by a delivery service it must be received by the General Counsel in Washington, D.C. by the close of business at **5:00 p.m. Eastern Time** or be postmarked or given to the delivery service no later than July 6, 2011.

**Extension of Time to File Appeal:** Upon good cause shown, the General Counsel may grant you an extension of time to file the appeal. A request for an extension of time may be filed electronically, by fax, by mail, or by delivery service. *To file electronically, go to [www.nlr.gov](http://www.nlr.gov), click on **File Case Documents**, enter the NLRB Case Number and follow the detailed instructions.* The fax number is (202) 273-4283. A request for an extension of time to file an appeal **must be received on or before the original appeal due date**. A request for an extension of time that is mailed or given to the delivery service and is postmarked or delivered to the service before the appeal due date but received after the appeal due date will be rejected as untimely. Unless filed electronically, a copy of any request for extension of time should be sent to me.

**Confidentiality/Privilege:** Please be advised that we cannot accept any limitations on the use of any appeal statement or evidence in support thereof provided to the Agency. Thus, any claim of confidentiality or privilege cannot be honored, except as provided by the FOIA, 5 U.S.C. 552, and any appeal statement may be subject to discretionary disclosure to a party upon request during the processing of the appeal. In the event the appeal is sustained, any statement or material submitted may be subject to introduction as evidence at any hearing that may be held before an administrative law judge. Because we are required by the Federal Records Act to keep copies of documents used in our case handling for some period of years after a case closes, we may be required by the FOIA to disclose such records upon request, absent some applicable exemption such as those that protect confidential source, commercial/financial information or personal privacy interests (e.g., FOIA Exemptions 4, 6, 7(C) and 7(d), 5 U.S.C. § 552(b)(4), (6), (7)(C), and (7)(D)). Accordingly, we will not honor any requests to place limitations on our use of appeal statements or supporting evidence beyond those prescribed by the foregoing laws, regulations, and policies.

**Notice to Other Parties of the Appeal:** You should notify the other party(ies) to the case that an appeal has been filed. Therefore, at the time the appeal is sent to the General Counsel, please complete the enclosed Appeal Form (NLRB-4767) and send one copy of the form to all parties whose names and addresses are listed.