

NOT INCLUDED IN
BOUND VOLUMES

LBH
Salem, NJ

UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

SALEM HOSPITAL CORPORATION a/k/a
THE MEMORIAL HOSPITAL OF SALEM
COUNTY

Employer

and

Case 4-RC-21697

HEALTH PROFESSIONALS AND ALLIED
EMPLOYEES (HPAE)

Petitioner

DECISION AND CERTIFICATION OF REPRESENTATIVE

The National Labor Relations Board, by a three-member panel, has considered objections to an election held September 1 and September 2, 2010, and the administrative law judge's decision recommending disposition of them.¹ The election was conducted pursuant to a Decision and Direction of Election. The tally of ballots shows 73 ballots for and 48 against the Petitioner, with no void ballots and 21 challenged ballots, an insufficient number to affect the results.

¹ On February 22, 2011, the Board issued an Order in this proceeding ruling that the Employer's Objections 1-16 did not raise substantial and material factual issues that would warrant a hearing. On March 8, 2011, the Employer filed a motion for reconsideration of that Order. The Employer's motion is denied as it fails to raise any issues warranting reconsideration by the Board.

The Board has reviewed the record in light of the exceptions and briefs,² has adopted the judge's findings³ and recommendations, and finds that a certification of representative should be issued.

CERTIFICATION OF REPRESENTATIVE

IT IS CERTIFIED that a majority of the valid ballots have been cast for Health Professionals and Allied Employees (HPAE), and that it is the exclusive collective-bargaining representative of the employees in the following appropriate unit:

All full-time, regular part-time, and per-diem Registered Nurses, including Staff Nurses, Case Managers, and Charge Nurses, employed by the Employer at The Memorial Hospital of Salem County located at Woodstown Road, Salem, New Jersey, excluding all other employees, managers, guards, and supervisors as defined in the Act.

² The Employer filed 20 objections, but withdrew Objection 17 before the hearing. The Employer excepted to the judge's recommendations to overrule Objections 1 through 16 and Objections 18 through 20.

³ In adopting the judge's recommendations, we do not rely on his statement that the Employer was obliged to present testimony by the Board agent who conducted the election to establish misconduct by her. In any event, on its face, the Board agent's conduct clearly was not objectionable. Indeed, Chairman Liebman and Member Becker find the entirety of the Employer's exceptions wholly baseless. As in *C&G Heating and Air*, 356 NLRB No. 133, slip op. at 2 fn.5 (2011), Member Hayes finds no need at this stage of Board representation case proceedings to characterize the relative strength, or lack thereof, in argument made and evidence adduced in support of the exceptions.

Dated, Washington, D.C., August 3, 2011

Wilma B. Liebman, Chairman

Craig Becker, Member

Brian E. Hayes, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD