UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

KAISER FOUNDATION HEALTH PLAN, INC;
KAISER FOUNDATION HOSPITALS;
SOUTHERN CALIFORNIA PERMANENTE
MEDICAL GROUP; THE PERMANENTE MEDICAL
GROUP, INC.
Employers

and Case 32-RC-5775

NATIONAL UNION OF HEALTHCARE WORKERS
Petitioner

and

SEIU-UHW (SERVICE EMPLOYEES
INTERNATIONAL UNION, UNITED
HEALTHCARE WORKERS—WEST)
Intervenor

ORDER

The Petitioner filed exceptions to the Acting Regional Director's Report and Recommendations on Objections and Notice of Hearing, involving objections to a mail ballot election held between September 13 and October 4, 2010.[1] In his Report, the Acting Regional Director ordered that certain objections warranted a hearing and recommended that others be overruled without a hearing. In its exceptions, the Petitioner contends that the Acting Regional Director erred by recommending overruling certain of its objections without a hearing.[2]

On July 14, 2011, Administrative Law Judge Lana Parke issued a report and recommendations on the objections that were set for hearing, recommending that the election in

[1] The election was conducted pursuant to a Stipulated Election Agreement. The tally of ballots shows 11, 364 for the Petitioner, 18, 290 for the Intervenor, 365 for neither, 1, 222 void ballots, and 276 challenged ballots, a number insufficient to affect the results of the election.
[2] The Petitioner excepted to the Acting Regional Director's recommendation to overrule Objections 1 (part two), 4, 10, 13, 15, 18, 32, 39 (in part), 41, 42, 43, 44, 45, 47, 48, 49, 62, 68, 88, and 92.

this case be set aside and a new election held. On July 27, 2011, the Employers and Intervenor filed motions to remand this case to the Regional Director for the scheduling of a new election. On August 10, 2011, the Board[3] granted the Employers' and the Intevenor's Motions to Remand this case to the Regional Director for further appropriate action, including the scheduling of a new election.[4]

In view of this remand, the exceptions filed by the Petitioner to the Acting Regional Director's Report and Recommendations on Objections and Notice of Hearing are moot.[5]

WILMA B. LIEBMAN, CHAIRMAN

MARK GASTON PEARCE, MEMBER

BRIAN E. HAYES, MEMBER

Dated, Washington, D.C. August 16, 2011.

[3] Member Becker was recused and did not participate in the consideration of the Motions to Remand.
[4] The Motions stated that the Employers and the Intervenor will not file exceptions to Administrative Law Judge Lana Parke's Report and Recommendations on Objections; they waive their rights to a decision by the Board on the objections filed by the Petitioner; and they agree to the setting aside of the election held in this case and proceeding to a second election.
[5] Member Becker is recused and did not participate in the consideration of this case.