UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 32

CHILDREN'S HOSPITAL and RESEARCH CENTER OF OAKLAND, INC. d/b/a CHILDREN'S HOSPITAL OF OAKLAND Employer and NATIONAL UNION OF HEALTHCARE WORKERS Petitioner and SERVICE EMPLOYEES INTERNATIONAL UNION - UNITED HEALTHCARE WORKERS - WEST Intervenor	**Case 32-RC-005617**

ORDER CORRECTING SUPPLEMENTAL DECISION ON CHALLENGED BALLOTS AND OBJECTIONS AND NOTICE OF HEARING BY ISSUING ATTACHED APPENDICES A AND B

IT IS HEREBY ORDERED that the November 17, 2011 Supplemental Decision on Challenged Ballots and Objections and Notice of Hearing, which inadvertently did not attach Appendices A and B, be corrected by issuing attached Appendices A and B.

Dated: December 5, 2011

William A. Baudler

William A. Baudler, Regional Director
National Labor Relations Board
Region 32
1301 Clay Street, Suite 300N
Oakland, CA 94612-5224

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UNITED STATES OF AMERICA

NATIONAL LABOR RELATIONS BOARD

REGION 32

CHILDREN'S HOSPITAL OF OAKLAND, Employer, and, NATIONAL UNION OF HEALTHCARE WORKERS, Petitioner, and, SEIU, UNITED HEALTHCARE WORKERS – WEST, Intervenor Union.	Case No. 32-RC-5617 **OBJECTIONS TO CONDUCT OF ELECTION**

COMES NOW SEIU United Healthcare Workers – West (the "Union") and pursuant to Section 102.69 of the Rules of the Board, as amended, objects to conduct of the election and/or to conduct affecting the outcome of the election in this matter held herein on August 17, 2011:

1. The names of persons not eligible to vote are on the *Excelsior* List.

2. The *Excelsior* List failed to include complete zip codes, phone numbers, email addresses, worksites for each eligible voter, classification, and shift.

3. The *Excelsior* List was not produced to the parties in a timely manner.

4. The employer told eligible voters that they would lose employment opportunities if they supported the Union.

5. The employer promised benefits to those eligible voters who would vote against the Union, and/or made promises of benefits to all eligible employees as an inducement not to vote for the Union, and/or promised benefits if the Union lost the election.

6. The employer and Petitioner interfered with the rights of employees by singling out known Union adherents and publicly insulting them.

7. The employer threatened to close part of the facility and/or to take other retaliatory measures if the Union won the election.

8. The employer gave employees more onerous working conditions because of their support for their Union.

9. The employer questioned and polled employees regarding their support for the Union during the pre-election period.

10. The employer imposed a discriminatory, no-solicitation and/or discriminatory no-distribution rule on employees and/or the Union in a manner designed to interfere with conduct of a fair election.

11. The employer denied employees access to their Union representatives during the period proceeding the conduct of the NLRB election.

12. The employer and Petitioner created an atmosphere of fear and coercion, interfering with the laboratory conditions necessary for the conduct of a fair election.

13. The Petitioner made captive audience speeches to employees within 24 hours before the scheduled time of the Board conducted election.

14. The employer and Petitioner engaged in surveillance of employees as they were voting in the National Labor Relations Board conducted election, interfering with the laboratory conditions necessary for the conduct of a fair election.

15. The employer undermined the Union by unilaterally changing terms and conditions of employment relating to a notice provision involving the closure of part of a department, and by refusing to process a grievance over the issue.

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16. The employer's agents physically assaulted Union representatives in the presence of eligible voters.

17. The employer instituted new rules without bargaining with the Union.

18. The Petitioner altered a NLRB document which makes it appear that the NLRB supported it.

19. There was confusion over the identity of the Union, as Petitioner claimed that they were "Local 250," the predecessor labor organization to SEIU-UHW.

20. The employer and Petitioner engaged in surveillance of voters at or near the election area, interfering with the laboratory conditions necessary for the conduct of a fair election.

21. The employer's managers held meetings in the polling area during voting times, interfering with the laboratory conditions necessary for the conduct of a fair election.

22. The Petitioner promised eligible voters that they would pay less dues and/or not have to pay initiation fees if they voted for NUHW.

23. The employer's agents made pro-NUHW statements to eligible voters in the period prior to the election.

24. The Petitioner took photographs or videotapes of Union supporters engaged in protected, concerted activity.

25. The employer's agents demonstrated favoritism toward Petitioner by, among other things, hugging Sal Rosselli, NUHW's President, and allowing him and other NUHW staff access to non-public areas of the hospital, including but not limited to break rooms, to campaign for Petitioner.

26. The employer's agents demonstrated favoritism toward Petitioner by allowing and/or encouraging its charge nurses to campaign for Petitioner.

27. The employer's agents demonstrated favoritism toward Petitioner by joining and supporting Petitioner's staff while they were participating in another labor organization's informational picket and by meeting with Petitioner's staff in management's offices at the facility.

28. The employer terminated Union supporters because of their protected, concerted Union activity.

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29. The employer undermined the Union by repudiating a grievance settlement agreement just before the election.

30. The employer, by its agents, escorted Union representatives through the facility.

31. The employer aided and assisted Petitioner by recognizing and bargaining with an "NUHW Steward" over the termination of a member of the Union in order to deprive that worker the right of Union representation and arbitration that is set forth in the grievance procedure section of CBA.

32. The Petitioner prevented the prompt scheduling of the election after receipt of the original *Excelsior* list, interfering with the laboratory conditions necessary for the conduct of a fair election.

33. The Petitioner linked its predictions and/or risk-warnings related generally to bargaining and, specifically, to health insurance, to the employer's unfair labor practice related to health insurance.

34. The employer, by its agents, denied employees access to their Union representatives during the period preceding the NLRB conducted election by, among other things, refusing Union representatives access to members and the facility.

35. The employer, by its agents, interfered with, restrained, and/or coerced its employees in the exercise of their rights guaranteed by Section 7 of the Act.

Dated: August 24, 2011

WEINBERG, ROGER & ROSENFELD
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By: Manuel A. Boigues
BRUCE A. HARLAND
MANUEL A. BOIGUES
Attorneys for Intervenor Union
SEIU-UHW – West

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PROOF OF SERVICE

I am a citizen of the United States, and a resident of the State of California. I am over the age of eighteen years, and not a party to the within action. My business address is 1001 Marina Village Parkway, Suite 200, Alameda, California 94501-1091. On August 24, 2011, I served upon the following parties in this action:

National Union of Healthcare Workers
5801 Christie Avenue, Suite 525
Emeryville, CA 94608
Facsimile: 510-834-2019

Latika Malkani
Benjamin Siegel
Siegel, LeWitter & Malkani
1939 Harrison Street, Suite 307
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Facsimile: 510-452-5004

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Chris Baker
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Facsimile: 415-984-8300

William Baudler
Regional Director
NLRB, Region 32
1301 Clay Street, Room 300N
Oakland, CA 94612-5211
Facsimile: 510-637-3315

copies of the document(s) described as:

OBJECTIONS TO CONDUCT OF ELECTION

[X] **BY MAIL** I placed a true copy of each document listed herein in a sealed envelope, addressed as indicated herein, and caused each such envelope, with postage thereon fully prepaid, to be placed in the United States mail at Alameda, California. I am readily familiar with the practice of Weinberg, Roger & Rosenfeld for collection and processing of correspondence for mailing, said practice being that in the ordinary course of business, mail is deposited in the United States Postal Service the same day as it is placed for collection.

[X] **BY FACSIMILE** I caused to be transmitted each document listed herein via the fax number(s) listed above or on the attached service list.

I certify that the above is true and correct. Executed at Alameda, California, on August 24, 2011.

J. L. Aranda

J. L. Aranda

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AUGUST 17

WE ARE VOTING NUHW

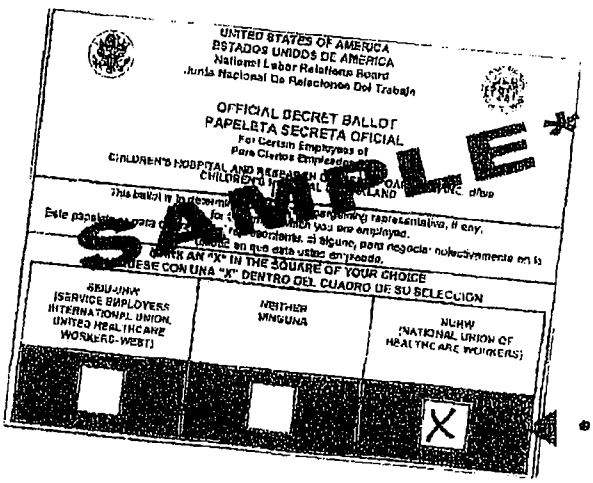
We're voting for NUHW to win back what SEIU has given away:

- ✓ Free family health insurance with our choice of doctors
- ✓ Reliable representation by experienced leaders
- ✓ A strong contract that protects our seniority rights

OPC BOARD ROOM

- 6 AM-8 AM
- 12 noon to 1 PM
- 2 PM to 4 PM
- 5 PM to 8 PM

Walnut Creek Clinic 2:45-4:15pm
Surgery Break Room



NUHW
NATIONAL UNION OF HEALTHCARE WORKERS

* The NLRB does not endorse any choice in this election. Any markings that you may see were no put there by the NLRB

The Right Choice for Children's

Appendix B