



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
REGION 21
888 S FIGUEROA ST
FL 9
LOS ANGELES, CA 90017-5449

Agency Website: www.nlr.gov
Telephone: (213)894-5204
Fax: (213)894-2778

September 11, 2012



Re: SEIU, United Healthcare Workers West
(Kaiser Permanente)
Case 21-CB-075064

Dear 

We have carefully investigated and considered your charge that SEIU UNITED HEALTHCARE WORKERS WEST has violated the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have concluded that further proceedings are not warranted and I am dismissing your charge for the following reasons:

Your charge alleges that the Union violated Section 8(b)(1)(A) of the Act by failing to process and arbitrate your grievance for arbitrary, discriminatory, or invidious reasons, and/or by processing your grievance in a perfunctory manner. The investigation revealed that the Union processed your grievance to Step 3 of the grievance process. The investigation also revealed that the Union did not inform you about the status of your grievance for a period of approximately 14 months. The investigation further disclosed that the Union decided not to arbitrate your grievance because it believed that it would not prevail in arbitration. Although the delay in reaching this decision and in notifying you about the status of your grievance was negligent, there is insufficient evidence to show that the Union's conduct was arbitrary, discriminatory, or in bad faith.

Your Right to Appeal: You may appeal my decision to the Acting General Counsel of the National Labor Relations Board, through the Office of Appeals. If you appeal, you may use the enclosed Appeal Form, which is also available at www.nlr.gov. However, you are encouraged to also submit a complete statement of the facts and reasons why you believe my decision to dismiss your charge 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, 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 Acting 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: The appeal is due on **September 25, 2012**. If you file the appeal electronically, we will consider it timely filed if you send the appeal together with any other documents you want us to consider through the Agency's website so the transmission is completed by **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 Office of Appeals 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 September 24, 2012.

Extension of Time to File Appeal: Upon good cause shown, the Acting 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, 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 September 25, 2012**. 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: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,

William M. Pate

WILLIAM M. PATE
Acting Regional Director

Enclosure

cc: (See next page.)

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(Kaiser Permanente)
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September 11, 2012

cc ACTING GENERAL COUNSEL
OFFICE OF APPEALS
FRANKLIN COURT BUILDING
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WMP/cw