



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 32  
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September 12, 2012

LATIKA MALKANI, ESQ.  
SIEGEL, LEWITTER & MALKANI  
1939 HARRISON STREET  
SUITE 307  
OAKLAND, CA 94612

Re: Alta Bates Summit Medical Center  
Case 32-RC-088536

Dear Ms. Malkani:

The above-captioned case, petitioning for an investigation and determination of representative under Section 9(c) of the National Labor Relations Act, has been carefully investigated and considered.

**Decision to Dismiss:** As a result of the investigation, I find that further proceedings are unwarranted. The investigation disclosed that on December 19, 2011, Service Employees International Union, United Healthcare Workers-West, was certified as the representative for the bargaining unit involved in the instant petition. Thus, the instant petition, which was filed on September 4, 2012, runs afoul of the Board's certification-year rule, which precludes the processing of election petitions filed within one year of a Board certification in the petitioned-for bargaining unit, absent circumstances not shown to be present here. See *Americare-New Lexington Health Care Center*, 316 NLRB 1226 (1995); and *United Supermarkets*, 287 NLRB 119 (1987) (Board strictly applies certification-year rule). Accordingly, I am dismissing the petition in this matter.

**Right to Request Review:** Pursuant to Section 102.67 of the National Labor Relations Board's Rules and Regulations, you may obtain a review of this action by filing a request with the Executive Secretary, National Labor Relations Board, 1099 14th Street, N.W., Washington, D.C. 20570-0001. The request for review must contain a complete statement of the facts and reasons on which it is based.

**Procedures for Filing Request for Review:** A request for review must be received by the Executive Secretary of the Board in Washington, DC, by close of business (**5 p.m. Eastern Time**) on September 26, 2012, unless filed electronically. If filed electronically, it will be considered timely if the transmission of the entire document through the Agency's website is **accomplished by no later than 11:59 p.m. Eastern Time** on September 26, 2012.

**Consistent with the Agency's E-Government initiative, parties are encouraged, but not required, to file a request for review electronically.** Section 102.114 of the Board's Rules do not permit a request for review to be filed by facsimile transmission. A copy of the request for review must be served on each of the other parties to the proceeding, as well as on the undersigned, in accordance with the requirements of the Board's Rules and Regulations.

Filing a request for review electronically may be accomplished by using the Efiling system on the Agency's website at [www.nlrb.gov](http://www.nlrb.gov). Once the website is accessed, click on **File Case Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt of the request for review rests exclusively with the sender. A failure to timely file the request for review will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off line or unavailable for some other reason, absent a determination of technical failure of the site, with notice of such posted on the website.

Upon good cause shown, the Board may grant special permission for a longer period within which to file a request for review. A request for extension of time, which may also be filed electronically, should be submitted to the Executive Secretary in Washington, and a copy of such request for extension of time should be submitted to the Regional Director and to each of the other parties to this proceeding. A request for an extension of time must include a statement that a copy has been served on the Regional Director and on each of the other parties to this proceeding in the same manner or a faster manner as that utilized in filing the request with the Board.

Very truly yours,

/s/ William A. Baudler

William A. Baudler  
Regional Director

cc OFFICE OF THE EXECUTIVE SECRETARY  
FRANKLIN COURT BUILDING  
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