



UNITED STATES GOVERNMENT  
**NATIONAL LABOR RELATIONS BOARD**  
OFFICE OF THE GENERAL COUNSEL  
Washington, D.C. 20570

November 29, 2012

████████████████████  
DOUGLAS DRACHLER MCKEE  
& GILBROUGH LLP  
1904 3RD AVE STE 1030  
SEATTLE, WA 98101-1170

Re: St. Charles Health System, Inc. d/b/a St.  
Charles Medical Center  
Case 19-CA-069088

Dear ██████████:

Your appeal from the Regional Director's partial refusal to issue complaint has been carefully considered. The appeal is denied substantially for the reasons in the Regional Director's letter of October 16, 2012.

As to your contentions regarding how contributions to health care are determined, the evidence attained during the Regional investigation disclosed that the health care budget is set by an outside consultant. The budget established by the consultant is non-negotiable and used to determine the amount of Employer and employee contributions to health care costs.

On the issue of whether the Employer maintained the status quo by basing employee contributions on a percentage of the premium, the evidence established that it had. The evidence established that prior to the Union's certification as the collective bargaining representative, the Employer had established that employee contributions to health care were determined by using a percentage of the total cost. The Employer applied these percentages to unit and non-unit employees and has maintained them throughout. Therefore based on the evidence presented, the Employer has established a past practice of paying for health care using percentages of the total cost. Any monetary increase to employees' contributions consistent with their share of health care costs is not a unilateral change, but rather a maintenance of the status quo. As to the cases you cite on appeal, they are distinguishable and do not support your position that the Employer exercised more than minimal discretion over health care costs or that the Employer's unilateral change was not consistent with the status quo.

Accordingly, further proceedings are unwarranted.

Sincerely,

Lafe E. Solomon  
Acting General Counsel

By:



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Yvonne T. Dixon, Director  
Office of Appeals

cc: RONALD K. HOOKS  
REGIONAL DIRECTOR  
NATIONAL LABOR RELATIONS BOARD  
915 2ND AVE STE 2948  
SEATTLE, WA 98174-1006

  
DOUGLAS DRACHLER MCKEE  
& GILBROUGH LLP  
1904 3RD AVE STE 1030  
SEATTLE, WA 98101-1170

  
ST. CHARLES HEALTH SYSTEM, INC.  
D/B/A ST. CHARLES MEDICAL CENTER  
2500 NEFF RD  
BEND, OR 97701

  
BARRAN LIEBMAN LLP  
601 SW 2ND AVE STE 2300  
PORTLAND, OR 97204-3159

  
SEIU LOCAL 49  
3536 SE 26TH AVE  
PORTLAND, OR 97202-2901

  
STOEL RIVES LLP  
900 SW 5TH AVE STE 2600  
PORTLAND, OR 97204-1229

  
STOEL RIVES LLP  
900 SW 5TH AVE STE 2600  
PORTLAND, OR 97204-1229

lmr