UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
WASHINGTON, D.C.

In the Matter of: SAINT LUKE'S MEMORIAL HOSPITAL, INC., D/B/A HOSPITAL SAN LUCAS PONCE, Employer, and UNIDAD LABORAL DE ENFERMERAS (OS) Y EMPLEADOS DE LA SALUD (ULEES) Petitioner.	Case No. 24-RC-099271

WAIVER TO OPEN AND COUNT BALLOTS WHILE BOARD RULES ON SAINT LUKE'S MEMORIAL HOSPITAL'S REQUEST FOR REVIEW OF REGIONAL DIRECTOR'S DECISION AND DIRECTION OF ELECTION

TO THE HONORABLE BOARD:

COMES NOW, SAINT LUKE'S MEMORIAL HOSPITAL, INC., D/B/A HOSPITAL EPISCOPAL SAN LUCAS PONCE (hereinafter "Saint Luke's" or the "Hospital"), through the undersigned counsel, and pursuant to Section 11274 of this Honorable Board's Casehandling Manual Part Two, Representation Proceedings, very respectfully presents this **waiver to open and count election ballots** while the review of the Decision and Direction of Election (hereinafter the "Decision") issued by the Regional Director for Region 24 (hereinafter the "Regional Director") of the National Labor Relations Board (hereinafter referred to as the "Board" or "NLRB") is pending before this Board.

1. The Formal Hearings in the case of caption were held at Region 24 of the National Labor Relations Board, on March 14, 15, 19, 21, 22, 28, and April 1, 2, 3, 4, 5, 8, 2013 (hereinafter the "Hearing"), before a Hearing Officer.

2. On May 31, 2013, the Regional Director issued her Decision and Direction of Election whereby she erroneously found that the appropriate unit comprised of all full time and regular part time registered nurses employed by the Hospital were not supervisors within the meaning of Section 2(11) of the National Labor Relations Act and ordered an election to be held.

3. On June 24, 2013, the Hospital presented before this Honorable Board its Request for Review of the Regional Director's Decision.

4. Further, on July 8, 2013, the Petitioner filed its Opposition to Request for Review.

5. Pursuant to Section 102.67(b) of the NLRB's Rules and Regulations, notwithstanding that a Request for Review has been filed before the Board, the Regional Director shall schedule and conduct the election directed by the decision. Ordinarily the filing of a Request for Review does not stay the elections.

6. Accordingly, the Regional Director has scheduled the election in this case to be held in Ponce, Puerto Rico on Thursday, July 11, 2013.

7. Section 11274 of the NLRB's Casehandling Manual Part Two states in part, "that the Regional Director, in the absence of a waiver, may not open and count any ballots that may be challenged until the Board has ruled on any request for review that may be filed."

8. The Hospital, pursuant to Section 11274 of the NLRB's Casehandling Manual Part Two, hereby presents this waiver to the impounding of the election ballots and requests this Honorable Board to order the Regional Director to immediately open on the close of the election, July 11, 2013, and count the ballots while the Petition for Review is pending before this Board.

9. Even though the Hospital is firm on its position that the Registered Nurses are supervisors within the meaning of Section 2(11) of the Act, it feels that it is on the best interest of all parties involved in this case that the election results be known expeditiously. Moreover,

the Petitioner would not be prejudiced by the waiver to open and count the election ballots, evident by Petitioner's filing of the Opposition to Request for Review.

WHEREFORE the Hospital respectfully requests that this Honorable Board take note of the above waiver allowing the elections ballots to be opened and counted on July 11, 2013, at the close of the election, while the Hospital's Request for Review is pending before this Board. Further, pursuant to Section 102.69 of the NLRB's Rule and Regulations, the Hospital respectfully requests that this Honorable Board order the Regional Director that upon the conclusion of the election the ballots should be counted and a tally of ballots prepared and immediately made available to the parties.

RESPECTFULLY SUBMITTED.

CERTIFICATE OF SERVICE: I hereby certify that a true copy of this document has been filed through the NLRB E-filing System, which shall a copy of the same to the Regional Director. In addition a true copy of this document shall be sent to the Petitioner's representative, Harold E. Hopkins, Esq., by email snikpohh@yahoo.com.

In San Juan, Puerto Rico, this **9th** day of July, **2013**.

JIMÉNEZ, GRAFFAM & LAUSELL
P.O. BOX 366104
SAN JUAN, P. R. 00936-6104
TEL.: (787) 767-1030
FAX: (787) 751-4068

s/Raquel M. Dulzaides
RAQUEL M. DULZAIDES