

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

In a Matter Between: )

HOSPITAL OF BARSTOW, INC. d/b/a )  
BARSTOW COMMUNITY HOSPITAL )

Cases 31-CA-090049  
31-CA-096140

and )

CALIFORNIA NURSES ASSOCIATION/ )  
NATIONAL NURSES ORGANIZING )  
COMMITTEE (CNA/NNOC), AFL-CIO )  
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**EXCEPTIONS BY CHARGING PARTY  
CALIFORNIA NURSES ASSOCIATION/NATIONAL NURSES ORGANIZING  
COMMITTEE (CNA/NNOC) TO DECISION OF ADMINISTRATIVE LAW JUDGE**

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CALIFORNIA NURSES ASSOCIATION/  
NATIONAL NURSES ORGANIZING COMMITTEE  
(CNA/NNOC)  
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Pursuant to NLRB Rules and Regulations §102.46, Charging Party, California Nurses Association/National Nurses Organizing Committee (hereinafter “CNA/NNOC” or “Union”), excepts to the following portions of the Decision of Administrative Law Judge<sup>1</sup> Jay R. Pollack in Hospital of Barstow, Inc. d/b/a Barstow Community Hospital, JD(SF)-41-13, dated September 9, 2013:

**Exception No. 1:**

CNA/NNOC excepts to the ALJ’s finding that Respondent changed its policy on how nurses could obtain training for their required certifications in April, prior to the Union’s certification. (ALJD 3:44-45)

**Exception No. 2:**

CNA/NNOC excepts to the ALJ’s declining to award a notice reading remedy. (ALJD 8:40-9:28) A notice reading is appropriate in this case under Board law.

**Exception No. 3:**

CNA/NNOC excepts to the ALJ’s declining to grant the Union’s negotiation costs. (ALJD 8:40-9:28) Under Board law, negotiation costs are appropriate in this case.

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<sup>1</sup> The Administrative Law Judge is referred to as the “ALJ” and citations to the ALJ’s decision are referred to as “ALJD \_\_\_\_” followed by applicable page and line numbers.

**Exception No. 4:**

CNA/NNOC excepts to the ALJ's declining to grant the Union's litigation costs. (ALJD 8:40-9:28) Under Board law, litigation costs are warranted in this case.

Dated: October 23, 2013

Respectfully submitted,

CALIFORNIA NURSES ASSOCIATION/  
NATIONAL NURSES ORGANIZING  
COMMITTEE (CNA/NNOC)  
LEGAL DEPARTMENT



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Nicole Daro  
Counsel for Charging Party  
CNA/NNOC

**PROOF OF SERVICE**

The undersigned hereby declares under penalty of perjury that I am a citizen of the United States, over the age of eighteen years, and not a party to the within action; that my business address is 2000 Franklin Street, Oakland, California 94612.

On the date below, I served a true copy of the following documents:

**EXCEPTIONS BY CHARGING PARTY CALIFORNIA NURSES ASSOCIATION/  
NATIONAL NURSES ORGANIZING COMMITTEE (CNA/NNOC) TO DECISION OF  
ADMINISTRATIVE LAW JUDGE [NLRB Cases 31-CA-090049 and 31-CA-096140]**

**BRIEF IN SUPPORT OF EXCEPTIONS BY CHARGING PARTY  
CALIFORNIA NURSES ASSOCIATION/NATIONAL NURSES ORGANIZING  
COMMITTEE (CNA/NNOC) TO DECISION OF ADMINISTRATIVE LAW JUDGE  
[NLRB Cases 31-CA-090049 and 31-CA-096140]**

via electronic mail addressed as follows:

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I declare under penalty of perjury under the laws of the United States and the State of California that the foregoing is true and correct.

DATED: October 23, 2013

  
\_\_\_\_\_  
Nicole Daro