

Before the
NATIONAL LABOR RELATIONS BOARD

International Falls Memorial Hospital Association
d/b/a Rainy Lake Medical Center,

Employer,

and

Minnesota Council 65, AFSCME, AFL-CIO,

Union, Petitioner.

**CASES: 18-RC-17705
18-RC-17706**

**EMPLOYER'S
EXCEPTIONS TO THE
REGIONAL
DIRECTOR'S
REPORT AND
RECOMMENDATION
ON OBJECTIONS**

Pursuant to Section 102.69 of the National Labor Relations Board's (the "Board") Rules and Regulations, the Employer, International Falls Memorial Hospital Association d/b/a Rainy Lake Medical Center, submits the following Exceptions to the Regional Director's June 30, 2010, Report and Recommendation in Cases 18-RC-17705 and 18-RC-17706:

- Exception 1: The Regional Director Erred In Both His Findings and Conclusions Resulting in Rejection of the Employer's Objection 1. The Board Should Order That the Employer is Allowed to Withdraw from the Stipulations.**
- Exception 2: The Regional Director Erred In Both His Findings and Conclusions Resulting in Rejection of the Employer's Objection 2. The Board Should Order That Stipulation-17706 Is Voidable Because of Material Misrepresentations Made by the Board and the Petitioner.**
- Exception 3: The Regional Director Erred In Both His Findings and Conclusions Resulting in Rejection of the Employer's Objection 3. The Board Should Find That Stipulation-17706 Is Ambiguous and Order That It Be Given Its Appropriate Meaning in Light of the Parties' Intent.**

Exception 4: The Regional Director Erred In Both His Findings and Conclusions Resulting in Rejection of the Employer's Objection 5. The Board Should Order the Election in Case 17706 Set Aside Because A Medical Technologist, a Professional Employee, Was Inadvertently Included in the Case 17706 Unit, Contravening Clear Board Law.

Exception 5: The Regional Director Erred In Both His Findings and Conclusions Resulting in Rejection of the Employer's Objection 6. The Board Should Find That the Units in the Stipulations Are Not Appropriate Units for Bargaining. When the Stipulations Are Vacated Unit Determination Hearings Should Follow.

Based on the arguments set forth in the accompanying Memorandum in Support of the Employer's Exceptions to the Regional Director's Report and Recommendation, the Employer asks for the following alternative relief:

- 1) For an order declaring that the Employer may withdraw from the Stipulated Election Agreements in Cases 18-RC-17705 and 17706 and ordering further proceedings in these cases consistent with that withdrawal, including unit determination hearings;
- 2) For an order declaring that the Stipulated Election Agreements in Cases 18-RC-17705 and 17706 are voidable by the Employer and ordering further proceedings in these cases, including unit determination hearings;
- 3) For an order setting aside the Election in Case 18-RC-17706 and ordering further proceedings in that case, including a unit determination hearing; and/or
- 4) For an order that a hearing be conducted to receive testimony and other evidence relevant to the Employer's Objections and/or Exceptions.

