

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

Our Lady of the Resurrection Medical Center,)	
)	
Employer,)	
and)	Case No. 13-RC-22035
)	
AFSCME Council 31, American Federation of State, County and Municipal Employees, AFL-CIO,)	
)	
Petitioner.)	

**PETITIONER'S EXCEPTIONS TO
HEARING OFFICER'S REPORT AND
RECOMMENDATIONS ON OBJECTIONS TO ELECTION**

Petitioner, AFSCME Council 31, American Federation of State, County and Municipal Employees, AFL-CIO (Union), by its attorneys, and pursuant to Section 102.69 of the Board's Rules and Regulations, excepts to the Hearing Officer's Report and Recommendations on Objections to Election, as follows:

1. The Union excepts to the Hearing Officer's finding that Objection 1, which alleges Employer surveillance of employees' Union activity and support, should be dismissed.

2. The Union excepts to the Hearing Officer's finding that Objection 2, which alleges that supervisors and managers interrogated nurses regarding their Union support, should be dismissed.

3. The Union excepts to the Hearing Officer's finding that Objection 3, which alleges that the Employer threatened nurses with adverse changes in terms and conditions of employment if they voted for the Union or if the Union won the election, should be dismissed.

4. The Union excepts to the Hearing Officer's finding that Objection 6, which alleges that the Employer removed Union literature from employee break rooms, should be dismissed.

5. The Union objects to the Hearing Officer's finding that Objection 7, which alleges that the Employer prohibited nurses who are open Union supporters from discussing the Union with other nurses in non-work areas and non-patient-care areas of the hospital on non-working time, should be dismissed.

6. The Union objects to the Hearing Officer's finding that Objection 8, which alleges that the Employer solicited grievances from employees in order to discourage Union support, should be dismissed.

7. The Union objects to the Hearing Officer's finding that Objection 10, which alleges that members of the Employer's medical staff, acting as agents of the Employer, interrogated employees regarding their Union support, should be dismissed.

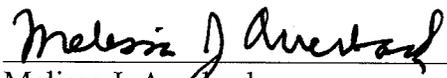
8. The Union objects to the Hearing Officer's finding that Objection 11, which alleges that members of the Employer's medical staff, acting as agents of the Employer, threatened employees that if the Union won the election the hospital would close, should be dismissed.

9. The Union objects to the Hearing Officer's failure to consider the Objections cumulatively and failure to find that the objectionable conduct considered cumulatively affected the results of the election and warranted setting aside the election and the ordering of a new election.

For the foregoing reasons, and for the reasons set forth in Petitioner's Brief in Support of Exceptions filed herewith, Petitioner requests that the Board reverse the findings of the Hearing Officer set forth above, find that objectionable conduct affecting the results of the election occurred, and order that the results of the election in this matter be set aside and that a new election be conducted.

Respectfully submitted,

CORNFIELD AND FELDMAN

By: 
Melissa J. Auerbach

Attorneys for Petitioner

Dated: March 20, 2012

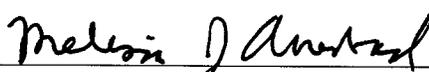
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CERTIFICATE OF SERVICE

Melissa J. Auerbach, an attorney, hereby certifies that on March 20, 2012, she caused the foregoing **Petitioner's Exceptions to Hearing Officer's Report and Recommendations on Objections to Election** to be served upon the following by email attachment to the addresses shown below.

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