

The Fremont-Rideout Health Group d/b/a Fremont Medical Center and Rideout Memorial Hospital and California Nurses Association, AFL-CIO. Cases 20-CA-034194 and 20-CA-034227

January 15, 2012

DECISION AND ORDER

BY CHAIRMAN PEARCE AND MEMBERS GRIFFIN
AND BLOCK

On August 27, 2009, the two sitting members of the Board issued a Decision and Order in this proceeding, which is reported at 354 NLRB 453.¹ On June 17, 2010, the United States Supreme Court issued its decision in *New Process Steel, L.P. v. NLRB*, 130 S.Ct. 2635 (2010), holding that under Section 3(b) of the

¹ Effective midnight December 28, 2007, Members Liebman, Schaumber, Kirsanow, and Walsh delegated to Members Liebman, Schaumber, and Kirsanow, as a three-member group, all of the powers of the National Labor Relations Board in anticipation of the expiration of the terms of Members Kirsanow and Walsh on December 31, 2007. Thereafter, pursuant to this delegation, the two sitting members issued decisions and orders in unfair labor practice and representation cases.

Act, in order to exercise the delegated authority of the Board, a delegee group of at least three members must be maintained.

In a motion filed October 2, 2012, the Acting General Counsel requested, in view of the Court's decision in *New Process Steel*, that a duly constituted Board review this case. The Acting General Counsel asserts that a decision by the Board is needed to assist in establishing the history of the Respondent's recidivism and furnish the basis for broader remedies. The Acting General Counsel's motion is unopposed.

The National Labor Relations Board has considered the judge's decision and the record in light of the exceptions and briefs and has decided to affirm the judge's rulings, findings, and conclusions and to adopt the recommended Order to the extent and for the reasons stated in the decision reported at 354 NLRB 453 (2009), which is incorporated here by reference.²

² We do not, however, incorporate the personal statements of former Member Schaumber in fns. 3 and 4 of the two-member decision.