

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

OAKLAND PHYSICIANS MEDICAL  
CENTER, LLC d/b/a DOCTORS'  
HOSPITAL OF MICHIGAN,

Respondent,

and

CASE NO. 7-CA-120931

MICHIGAN ASSOCIATION OF POLICE  
(MAP),

Charging Union.

**RESPONDENT'S EXCEPTIONS TO  
ADMINISTRATIVE LAW JUDGE'S DECISION**

Respondent, through its attorneys, hereby files, pursuant to Section 102.46 of the Board's Rules and Regulations, its exceptions to Administrative Law Judge ("ALJ") Christine Dibble's August 15, 2014 Decision ("ALJD") issued in the above-captioned matter.

Respondent's Exceptions are as follows:

1. Respondent excepts to the ALJ's finding that Respondent failed to meet its burden of proof that deferral of the underlying dispute to the parties' contractual grievance/arbitration procedure is appropriate (ALJD, p. 10, line 28);
2. Respondent excepts to the ALJ's finding that the substantive question in this case is not a question of contract interpretation that is well suited for resolution through arbitration (ALJD, p. 10, lines 31-33);

3. Respondent excepts to the ALJ's finding that the issue of Respondent's contractual right to amend a health care plan design is not appropriate for arbitration (ALJD, p. 11, lines 1-5);
4. Respondent excepts to the ALJ's finding that because it did not give the Charging Union notice of the health plan design amendments until after their implementation, the violation of the collective bargaining agreement was so "obvious", there could be no contrary interpretation by an arbitrator (ALJD, p. 11, lines 3-5);
5. Respondent excepts to the ALJ's finding that the deferral of this case to arbitration would be inappropriate, and to the denial of Respondent's motion for dismissal and deferral of same (ALJD, p. 11, lines 10-12); and
6. Respondent excepts to the ALJ's conclusion of law that it violated Sections 8(a)(1), (5), and (d) of the Act by changing its health care insurance plan to a dissimilar plan and by changing the employee premium contribution percentage under the plan (ALJD, p. 13, lines 18-20).

Respectfully submitted,

EASTMAN & SMITH LTD.

/s/ K.C. Hortop\_\_\_\_\_

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Attorneys for Respondent

Dated: September 2, 2014

**PROOF OF SERVICE**

Copies of Respondent's Exceptions To Administrative Law Judge's Decision have been electronically transmitted to Scott Preston, Esq., Counsel for the General Counsel, National Labor Relations Board, Region 7, (Scott.Preston@nlrb.gov); and to M. Catherine Farrell, Esq., Counsel for the Charging Union (Catherine@farrellesq.com) on September 2, 2014.

/s/ K.C. Hortop  
Attorney for Respondent