United States Government

NATIONAL LABOR RELATIONS BOARD

OFFICE OF THE GENERAL COUNSEL

Washington, D.C. 20570

February 26, 2015

Patricia S. Connor, Esquire
Clerk, United States Court of Appeals
for the Fourth Circuit
Lewis F. Powell, Jr. U.S. Courthouse Annex
1100 East Main Street, Suite 501
Richmond, VA 23219

Re: *NLRB v. Bluefield Hospital Company, LLC d/b/a Bluefield Regional Medical Center*
Board Case No. 10-CA-093042

Dear Mrs. Connor:

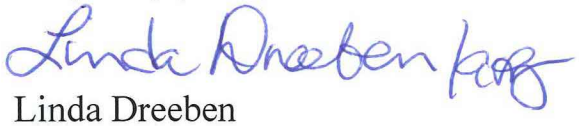
I am enclosing an original and three copies of the National Labor Relations Board's application for enforcement of its order in this case. Within 40 days of the Court's docketing of this application, I will file the agency record and a certified list of its contents.

Please serve a copy of this application on the Respondent, Bluefield Hospital Co., LLC d/b/a Bluefield Regional Medical Center, whose address appears on the service list. I have served a copy of the application on each party admitted to participate in the Board proceedings, and their names and addresses also appear on the service list.

I am counsel of record for the Board, and all correspondence should be addressed to me. I would appreciate your furnishing the Board's Regional Director, whose name and address also appear on the service list, with a copy of

any correspondence the Court sends to counsel in this case. The Board attorneys directly responsible for this case are Heather Beard (202-273-1788) and Jill Griffin (202-273-2949).

Very truly yours,



Linda Dreeben
Deputy Associate General Counsel
NATIONAL LABOR RELATIONS BOARD
1099 14th Street, N.W.
Washington, D.C. 20570
(202) 273-2960

Encls.

SERVICE LIST

NLRB v. Bluefield Hospital Co., LLC d/b/a Bluefield Regional Medical Center
Board Case No. 10-CA-093042

Don. T. Carmody, Esq. Law Offices of Don T. Carmody P.O. Box 3310 Brentwood, TN 37024	Respondent's Counsel
Bryan Carmody, Esq. 134 Evergreen Lane Glastonbury, CT 06033	Respondent's Counsel
Bluefield Hospital Co. LLC, d/b/a Bluefield Regional Medical Center Attn: William Hawley, CEO 500 Cherry Street Bluefield, WV 24701-3306	Respondent
M. Jane Lawhon, Esq. National Nurses Organizing Committee, AFL-CIO (NNOC) 2000 Franklin Street Oakland, CA 94612	Charging Party's Counsel
Roy Hong, Organizing Coordinator National Nurses Organizing Committee 225 W. Broadway, Suite 500 Glendale, CA 91204-1331	Charging Party
Claude T. Harrell, Jr. NLRB-Region 10 Harris Tower 233 Peachtree Street, NE Ste. 1000 Atlanta, GA 30303-1531	Regional Director

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

NATIONAL LABOR RELATIONS BOARD Petitioner	)
v.	)
BLUEFIELD HOSPITAL CO., LLC d/b/a BLUEFIELD REGIONAL MECICAL CENTER Respondent	)

APPLICATION FOR ENFORCEMENT
OF AN ORDER OF THE
NATIONAL LABOR RELATIONS BOARD

The National Labor Relations Board hereby applies to the Court for enforcement of its Order issued against Bluefield Hospital Co. LLC d/b/a Bluefield Regional Medical Center, on December 16, 2014, in Board Case No. 10-CA-093042, reported at 361 NLRB No. 154. The Board seeks enforcement of its Order in full.

The Court has jurisdiction over this application pursuant to Section 10(e) of the National Labor Relations Act, as amended (29 U.S.C. § 151, 160(e)). Venue is proper in this Circuit because the unfair labor practice occurred in Bluefield, West Virginia.

/s/Linda Dreeben
Linda Dreeben
Deputy Associate General Counsel
NATIONAL LABOR RELATIONS BOARD
1099 14th Street, N.W.
Washington, D.C. 20570
(202) 273-2960

Dated at Washington, D.C.
this 26th day of February 2015

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

NATIONAL LABOR RELATIONS BOARD Petitioner	)
v.	)
BLUEFIELD HOSPITAL CO., LLC d/b/a BLUEFIELD REGIONAL MECICAL CENTER Respondent	)

CERTIFICATE OF SERVICE

I hereby certify that on February 26, 2015, I electronically filed the foregoing document with the Clerk of the Court for the United States Court of Appeals for the Fourth Circuit by using the CM/ECF system. I certify that the foregoing document will be served via the CM/ECF system on the following counsel:

Don T. Carmody, Esq.
Law Offices of Don T. Carmody
P.O. Box 3310
Brentwood, TN 37024-3310

Bryan Carmody, Esq.
134 Evergreen Lane
Glastonbury, CT 06033

/s/Linda Dreeben
Linda Dreeben
Deputy Associate General Counsel
NATIONAL LABOR RELATIONS BOARD
1099 14th Street, N.W.
Washington, D.C. 20570

Dated at Washington, D.C.
this 26th day of February 2015

NOTICE: This opinion is subject to formal revision before publication in the bound volumes of NLRB decisions. Readers are requested to notify the Executive Secretary, National Labor Relations Board, Washington, D.C. 20570, of any typographical or other formal errors so that corrections can be included in the bound volumes.

Bluefield Hospital Company, LLC d/b/a Bluefield Regional Medical Center *and* National Nurses Organizing Committee, AFL–CIO (NNOC)

Greenbrier VMC, LLC d/b/a Greenbrier Valley Medical Center *and* National Nurses Organizing Committee, AFL–CIO (NNOC) Cases 10–CA 093042 and 10–CA– 093065

December 16, 2014

DECISION AND ORDER

BY CHAIRMAN PEARCE AND MEMBERS HIROZAWA AND SCHIFFER

This is a refusal-to-bargain case in which the Respondents are contesting the Union's certification as bargaining representative in the underlying representation proceedings. Pursuant to charges filed on November 9, 2012, by National Nurses Organizing Committee, AFL–CIO (the Union), the Regional Director issued an Order consolidating cases, consolidated complaint, and notice of hearing on November 29, 2012, alleging that the Respondents violated Section 8(a)(5) and (1) of the National Labor Relations Act by refusing the Union's request to recognize and bargain following the Union's certification in Cases 10–RC–087616 (Bluefield) and 10–RC–087613 (Greenbrier). (Official notice is taken of the records in the representation proceedings as defined in the Board's Rules and Regulations, Secs. 102.68 and 102.69(g). *Frontier Hotel*, 265 NLRB 343 (1982).) The Respondents filed an answer, admitting in part and denying in part the allegations in the consolidated complaint, and asserting affirmative defenses.

On December 19, 2012, the General Counsel[1] filed a motion to transfer cases to and continue proceedings before the Board and for Summary Judgment. On December 21, 2012, the Board issued an order transferring the proceeding to the Board and a Notice to Show Cause why the motion for summary judgment should not be granted. The Respondents filed a response. The Respondents also filed an amended answer to the consolidated complaint asserting an additional affirmative defense, which alleged that the affiliation of the Union with another labor organization created a lack of continuity of representation.[2]

In response to the Respondents' amended answer, the General Counsel filed a request for partial remand for further investigation and processing of the Respondents' newly asserted affirmative defense. The Charging Party filed an opposition to the General Counsel's request and the Respondents filed a reply. On June 20, 2013, the Board issued an Order Denying Motion and Remanding, which is reported at 359 NLRB No. 137 (2013).

Pursuant to the Board's Order, by letter dated July 9, 2013, the Region requested that the Respondents provide evidence in support of their newly asserted affirmative defense regarding the Union's affiliation. By letter dated July 17, 2013, the Respondents declined to do so.[3] On August 8, 2013, the General Counsel filed a renewed Motion for Summary Judgment.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

At the time of the Board's June 20, 2013 Order, the composition of the Board included two persons whose appointments to the Board had been challenged as constitutionally infirm. On June 26, 2014, the United States Supreme Court issued its decision in *NLRB v. Noel Canning*, 134 S.Ct. 2550 (2014), holding that the challenged appointments to the Board were not valid. Accordingly, the June 20, 2013 Order denying the General Counsel's motion and remanding the proceeding to the Region is set aside.

In view of the decision of the Supreme Court in *NLRB v. Noel Canning*, supra, we consider anew the General Counsel's Motion for Summary Judgment and Request for Partial Remand. We also consider the entire record, including the General Counsel's renewed Motion for Summary Judgment, the Respondents' amended answers and affirmative defenses, and the parties' responses.

Ruling on Request for Partial Remand

The General Counsel requests that the Board remand the Respondents' affirmative defense regarding the Union's affiliation to the Region for further investigation. We deny this request.

The Respondents contend that on January 3, 2013, they learned that the Union had affiliated with the National Union of Healthcare Workers (NUHW). The Respondents further maintain that this affiliation created a lack of continuity of representative that excuses their

[1] Although some actions in this proceeding were taken by the then-Acting General Counsel, this case is currently being litigated by the General Counsel. Therefore, all references are to the General Counsel, except when referring to the Respondent's argument regarding the validity of the Acting General Counsel's designation.

[2] Subsequently, the Respondents filed a second amended answer and a third amended answer, also asserting additional affirmative defenses.

[3] On July 22, 2013, the Respondents filed a motion for reconsideration of the Board's Order, which was denied as untimely filed by letter dated August 21, 2013.

refusals to recognize and bargain with the Union. However, the consolidated complaint alleges, and the Respondents admit in their answers, that the Respondents refused to bargain with the Union on October 16, 2012, before the Respondents learned of the affiliation.

It is well settled that an employer may not defend an earlier refusal to bargain by relying on subsequent events. *Laurel Baye Healthcare of Lake Lanier LLC*, 346 NLRB 159, 161 (2005) ("there is 'no useful purpose served by permitting the employer to defend the propriety of an earlier refusal to bargain by relying on subsequent events that had nothing to do with the refusal'"), enfd. 209 Fed.Appx. 345 (4th Cir. 2006), quoting *NLRB v. Springfield Hospital*, 899 F.2d 1305, 1315 (2d Cir. 1990) (denying motion to remand issue of union affiliation to the Board, noting that the 1989 affiliation was unrelated to the employer's refusals to negotiate with the union in 1986 and 1987). Therefore, as the Respondents may not validly raise the Union's later affiliation with NUHW as a defense to their prior refusal to bargain with the Union on October 16, 2012, we find no reason to remand this issue to the Region for investigation.[4]

Ruling on Motions for Summary Judgment

The Respondents admit their refusals to bargain, but contest the validity of the certifications on the basis of their contentions that (1) the bargaining units were constituted pursuant to the Board's Health Care Rule, 29 C.F.R. Section 103.30, in violation of Section 9(c)(5) of the Act; and (2) they had entered into an "Election Procedure Agreement" (described in their answers as an "oral 'ad hoc' agreement") with the Union that prevented the Respondents from submitting evidence in support of their election objections to the Regional Director, and to which the Board should now defer. The Respondents also assert a number of affirmative defenses based on their arguments that (1) the Board lacked a quorum under *NLRB v. Noel Canning*, 705 F.3d 490 (D.C. Cir. 2013), affd. in relevant part 134 S. Ct. 2550 (2014); (2) the designation of Lafe E. Solomon as Acting General Counsel was improper; and (3) the appointment of Claude T. Harrell as Regional Director in Region 10 was invalid. We find no merit in these arguments.[5]

All representation issues raised by the Respondent were or could have been litigated in the prior representation proceeding.[6] Accordingly, we grant the General Counsel's Motion and renewed Motion for Summary Judgment.[7]

On the entire record, the Board makes the following

FINDINGS OF FACT

I. JURISDICTION

At all material times Respondent Bluefield, a limited liability company, has been providing inpatient and out-

[4] While the affiliation issue is not relevant to the allegations in the consolidated complaint, in a subsequent compliance proceeding, if any, the Respondents may seek to establish that the Union's affiliation relieved them of their obligations to bargain with the Union prospectively. We note, however, that the Board has considered this issue in other cases and rejected the assertion that the Union's affiliation caused a discontinuity of representation. See *Hospital of Barstow d/b/a Barstow Community Hospital*, 361 NLRB No. 34, slip op. at 10 (2014) ("The affiliation has not changed the Union's leadership, the manner in which it represents its members, or its day-to-day operations. The Union operates as an autonomous entity before and after the affiliation."); *Fallbrook Hospital*, 360 NLRB No. 72, slip op. at 14 (2014) (same).

[5] The Respondents assert that Acting General Counsel Solomon was not validly designated for that position, and therefore lacked the authority to prosecute the consolidated complaint. This argument is rejected for the reasons stated in *Benjamin H. Realty Corp.*, 361 NLRB No. 103 (2014); and *Huntington Ingalls*, 361 NLRB No. 64, slip op. at 2, fn. 8 (2014). The Respondents also argue that the appointment of Claude T. Harrell, Jr. as Regional Director for Region 10 is invalid because it occurred at a time when the Board lacked a quorum, and because he was selected in part by Acting General Counsel Solomon. However, Harrell was appointed as Regional Director for Region 10 on December 22, 2011, prior to the loss of a quorum and, as noted, Acting General Counsel Solomon was validly designated for that position. Accordingly, Harrell had full authority to perform all of the actions he undertook in the underlying representation proceeding, including approving the consent election agreement, issuing the certification of representative, and issuing the consolidated complaint.

The Respondents further contend that the certification of representative is invalid because it was issued at a time when the Board lacked a quorum. This argument is rejected for the reasons stated in *Durham School Services*, 361 NLRB No. 66, slip op. at 1–2 (2014). Further, the Respondents' argument that Acting General Counsel Solomon and Regional Director Harrell did not have the authority to issue or prosecute the consolidated complaint because the Board lacked a quorum at the time it issued is rejected for the reasons stated in *Pallet Cos.*, 361 NLRB No. 33, slip op. at 1 (2014).

[6] The elections in the underlying representation proceedings took place pursuant to consent election agreements entered into by the Respondents, which provided that "[t]he method of investigation of objections and challenge, including whether to hold a hearing, shall be determined by the Regional Director, whose decision shall be final," and further provided that "[a]ll rulings and determinations made by the Regional Director will be final, with the same force and effect in that case as if issued by the Board." Therefore, in addition to being precluded from raising any representation issues in this unfair labor practice proceeding, the Respondents waived their right to have the Board review the Regional Director's actions as part of the representation proceedings. Further, although the Respondents are precluded from asserting in this proceeding that the Board's Health Care Rule violates the Act or that the Board should defer any election objections to their oral ad hoc agreement with the Union, we observe that the Respondent's deferral argument has been considered and rejected by the Board in related cases. See *Fallbrook Hospital*, supra, 360 NLRB No. 73, slip op. at 14 (adopting judge's finding that deferral to arbitration is not appropriate); *Hospital of Barstow, Inc. d/b/a Barstow Community Hospital*, supra, slip op. at 1 f n. 3 (same).

[7] We find it unnecessary to pass on the Charging Party's motion for a prompt ruling on the renewed motion for summary judgment.

patient care at its hospital located in Bluefield, West Virginia. At all material times Respondent Greenbrier, a limited liability company, has been providing inpatient and outpatient care at its hospital located in Ronceverte, West Virginia.

In conducting their operations annually, each Respondent derived gross revenues in excess of $250,000 and purchased and received at their respective hospitals goods valued in excess of $5,000 directly from points outside the state of West Virginia.

We find that the Respondents are employers engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act, and that the Union, National Nurses Organizing Committee, AFL–CIO, is a labor organization within the meaning of Section 2(5) of the Act.

II. ALLEGED UNFAIR LABOR PRACTICES

A. The Certifications

Following the representation election held on August 29, 2012, in the Bluefield unit and August 30, 2012, in the Greenbrier unit, the Union was certified on September 25, 2012, as the exclusive collective-bargaining representative of the employees in the following appropriate units:

> All full-time, regular part-time and per diem Registered Nurses, including those who serve as relief charge nurses, employed by Respondent Bluefield at its facility located at 500 Cherry Street, Bluefield, West Virginia; excluding all other employees, including managers, confidential employees, physicians, technical employees, service and maintenance employees, employees of outside registries and other agencies supplying labor to Respondent Bluefield, and guards and supervisors as defined in the Act.
>
> All full-time, regular part-time and per diem Registered Nurses, including those who serve as relief charge nurses, employed by Respondent Greenbrier at its facility located at 202 Maplewood Avenue, Ronceverte, West Virginia; excluding all other employees, including managers, confidential employees, physicians, technical employees, service and maintenance employees, employees of outside registries and other agencies supplying labor to Respondent Greenbrier, and guards and supervisors as defined in the Act.

The Union continues to be the exclusive collective-bargaining representative of the unit employees under Section 9(a) of the Act.

B. Refusal to Bargain

At all material times, Donald Carmody, attorney, has been an agent of the Respondents within the meaning of Section 2(13) of the Act.

On October 16 and 26, 2012, by electronic mail transmission, on October 17, 2012, in person and in writing, and on November 2, 2012, by letter, the Union requested that the Respondents recognize and bargain with it as the exclusive collective-bargaining representative of the units. Since October 16, 2012, the Respondents have failed and refused to recognize and bargain with the Union as the exclusive collective-bargaining representative of the units. We find that this failure and refusal constitutes an unlawful failure and refusal to recognize and bargain with the Union in violation of Section 8(a)(5) and (1) of the Act.

CONCLUSION OF LAW

By failing and refusing since October 16, 2012, to recognize and bargain with the Union as the exclusive collective-bargaining representative of employees in the appropriate units, the Respondents have engaged in unfair labor practices affecting commerce within the meaning of Section 8(a)(5) and (1) and Section 2(6) and (7) of the Act.

REMEDY

Having found that the Respondents have violated Section 8(a)(5) and (1) of the Act, we shall order them to cease and desist, to recognize and bargain on request with the Union and, if an understanding is reached, to embody the understanding in a signed agreement.

To ensure that the employees are accorded the services of their selected bargaining agent for the period provided by law, we shall construe the initial period of the certification as beginning the date the Respondents begin to bargain in good faith with the Union. *Mar-Jac Poultry Co.*, 136 NLRB 785 (1962); accord *Burnett Construction Co.*, 149 NLRB 1419, 1421 (1964), enfd. 350 F.2d 57 (10th Cir. 1965); *Lamar Hotel*, 140 NLRB 226, 229 (1962), enfd. 328 F.2d 600 (5th Cir. 1964), cert. denied 379 U.S. 817 (1964).

ORDER

A. The National Labor Relations Board orders that the Respondent, Bluefield Hospital Company, LLC d/b/a Bluefield Regional Medical Center, Bluefield, West Virginia, its officers, agents, successors, and assigns, shall

1. Cease and desist from

(a) Failing and refusing to recognize and bargain with National Nurses Organizing Committee, AFL–CIO, as the exclusive collective-bargaining representative of the employees in the bargaining unit.

(b) In any like or related manner interfering with, restraining, or coercing employees in the exercise of the rights guaranteed them by Section 7 of the Act.

2. Take the following affirmative action necessary to effectuate the policies of the Act.

(a) On request, bargain with the Union as the exclusive collective-bargaining representative of the employees in the following appropriate unit on terms and conditions of employment and, if an understanding is reached, embody the understanding in a signed agreement:

> All full-time, regular part-time and per diem Registered Nurses, including those who serve as relief charge nurses, employed by Respondent Bluefield at its facility located at 500 Cherry Street, Bluefield, West Virginia; excluding all other employees, including managers, confidential employees, physicians, technical employees, service and maintenance employees, employees of outside registries and other agencies supplying labor to Respondent Bluefield, and guards and supervisors as defined in the Act.

(b) Within 14 days after service by the Region, post at their facilities in Bluefield, West Virginia, copies of the attached notice marked "Appendix A."[8] Copies of the notice, on forms provided by the Regional Director for Region 10, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places, including all places where notices to employees are customarily posted. In addition to physical posting of paper notices, notices shall be distributed electronically, such as by email, posting on an intranet or an internet site, and/or other electronic means, if the Respondent customarily communicates with its employees by such means. Reasonable steps shall be taken by the Respondent to ensure that the notices are not altered, defaced, or covered by any other material. In the event that, during the pendency of these proceedings, the Respondent has gone out of business or closed the facility involved in these proceedings, the Respondent shall duplicate and mail, at its own expense, a copy of the notice to all current employees and former employees employed by the Respondent at any time since October 16, 2012.

(c) Within 21 days after service by the Region, file with the Regional Director for Region 10 a sworn certification of a responsible official on a form provided by the Region attesting to the steps that the Respondent has taken to comply.

ORDER

B. The National Labor Relations Board orders that the Respondent, Greenbrier VMC, LLC d/b/a Greenbrier Valley Medical Center, Ronceverte, West Virginia, its officers, agents, successors, and assigns, shall

1. Cease and desist from

(a) Failing and refusing to recognize and bargain with National Nurses Organizing Committee, AFL–CIO, as the exclusive collective-bargaining representative of the employees in the bargaining unit.

(b) In any like or related manner interfering with, restraining, or coercing employees in the exercise of the rights guaranteed them by Section 7 of the Act.

2. Take the following affirmative action necessary to effectuate the policies of the Act.

(a) On request, bargain with the Union as the exclusive collective-bargaining representative of the employees in the following appropriate unit on terms and conditions of employment and, if an understanding is reached, embody the understanding in a signed agreement:

> All full-time, regular part-time and per diem Registered Nurses, including those who serve as relief charge nurses, employed by Respondent Greenbrier at its facility located at 202 Maplewood Avenue, Ronceverte, West Virginia; excluding all other employees, including managers, confidential employees, physicians, technical employees, service and maintenance employees, employees of outside registries and other agencies supplying labor to Respondent Greenbrier, and guards and supervisors as defined in the Act.

(b) Within 14 days after service by the Region, post at its facility in Ronceverte, West Virginia, copies of the attached notice marked "Appendix B."[9] Copies of the notice, on forms provided by the Regional Director for Region 10, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places, including all places where notices to employees are customarily posted. In addition to physical posting of paper notices, notices shall be distributed electronically, such as by email, posting on an intranet or an internet site, and/or other electronic means, if the Respondent customarily communicates with its employees by

[8] If this Order is enforced by a judgment of a United States court of appeals, the words in the notice reading "Posted by Order of the National Labor Relations Board" shall read "Posted Pursuant to a Judgment of the United States Court of Appeals Enforcing an Order of the National Labor Relations Board."

[9] If this Order is enforced by a judgment of a United States court of appeals, the words in the notice reading "Posted by Order of the National Labor Relations Board" shall read "Posted Pursuant to a Judgment of the United States Court of Appeals Enforcing an Order of the National Labor Relations Board."

such means. Reasonable steps shall be taken by the Respondent to ensure that the notices are not altered, defaced, or covered by any other material. In the event that, during the pendency of these proceedings, the Respondent has gone out of business or closed the facility involved in these proceedings, the Respondent shall duplicate and mail, at its own expense, a copy of the notice to all current employees and former employees employed by the Respondent at any time since October 16, 2012.

(c) Within 21 days after service by the Region, file with the Regional Director for Region 10 a sworn certification of a responsible official on a form provided by the Region attesting to the steps that the Respondent has taken to comply.

Dated, Washington, D.C. December 16, 2014

Mark Gaston Pearce, Chairman

Kent Y. Hirozawa, Member

Nancy Schiffer, Member

(SEAL) NATIONAL LABOR RELATIONS BOARD

APPENDIX A

NOTICE TO EMPLOYEES
POSTED BY ORDER OF THE
NATIONAL LABOR RELATIONS BOARD
An Agency of the United States Government

The National Labor Relations Board has found that we violated Federal labor law and has ordered us to post and obey this notice.

FEDERAL LAW GIVES YOU THE RIGHT TO

Form, join, or assist a union

Choose representatives to bargain with us on your behalf

Act together with other employees for your benefit and protection

Choose not to engage in any of these protected activities.

WE WILL NOT fail and refuse to recognize and bargain with National Nurses Organizing Committee, AFL-CIO, as the exclusive collective-bargaining representative of the employees in the bargaining unit.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce you in the exercise of the rights listed above.

WE WILL, on request, bargain with the Union and put in writing and sign any agreement reached on terms and conditions of employment for our employees in the following bargaining unit:

> All full-time, regular part-time and per diem Registered Nurses, including those who serve as relief charge nurses, employed by Bluefield at its facility located at 500 Cherry Street, Bluefield, West Virginia; excluding all other employees, including managers, confidential employees, physicians, technical employees, service and maintenance employees, employees of outside registries and other agencies supplying labor to Respondent Bluefield, and guards and supervisors as defined in the Act.

BLUEFIELD HOSPITAL COMPANY, LLC
D/B/A/BLUEFIELD REGIONAL MEDICAL CENTER

The Board's decision can be found at www.nlrb.gov/case/10–CA–93042 or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1099 14th Street, N.W., Washington, D.C. 20570, or by calling (202) 273-1940.

APPENDIX B

NOTICE TO EMPLOYEES
POSTED BY ORDER OF THE
NATIONAL LABOR RELATIONS BOARD
An Agency of the United States Government

The National Labor Relations Board has found that we violated Federal labor law and has ordered us to post and obey this notice.

FEDERAL LAW GIVES YOU THE RIGHT TO

Form, join, or assist a union

Choose representatives to bargain with us on your behalf

Act together with other employees for your benefit and protection

Choose not to engage in any of these protected activities.

WE WILL NOT fail and refuse to recognize and bargain with National Nurses Organizing Committee, AFL–CIO, as the exclusive collective-bargaining representative of the employees in the bargaining unit.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce you in the exercise of the rights listed above.

WE WILL, on request, bargain with the Union and put in writing and sign any agreement reached on terms and conditions of employment for our employees in the following bargaining unit:

> All full-time, regular part-time and per diem Registered Nurses, including those who serve as relief charge nurses, employed by Greenbrier at its facility located at 202 Maplewood Avenue, Ronceverte, West Virginia; excluding all other employees, including managers, confidential employees, physicians, technical employees, service and maintenance employees, employees of outside registries and other agencies supplying labor to Respondent Greenbrier, and guards and supervisors as defined in the Act.

GREENBRIER VMC, LLC D/B/A/ GREENBRIER VALLEY MEDICAL CENTER

The Board's decision can be found at www.nlrb.gov/case/10–CA–093042 or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1099 14th Street, N.W., Washington, D.C. 20570, or by calling (202) 273-1940.