

NOT INCLUDED IN
BOUND VOLUMES

PHMc
Duluth, MN

UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

AFSCME COUNCIL 5, LOCAL 3558

and

Case 18-CB-149410

ST. LUKE'S HOSPITAL OF DULUTH, INC. D/B/A
ST. LUKE'S HOME CARE

ORDER APPROVING STIPULATION, GRANTING MOTION,
AND TRANSFERRING PROCEEDING TO THE BOARD

This matter comes before the Board upon the joint motion of Respondent AFSCME Council 5, Local 3558, Charging Party St. Luke's Hospital of Duluth, Inc. d/b/a St. Luke's Home Care, and the General Counsel to waive a hearing and decision by an administrative law judge and to transfer the proceedings to the Board for a decision based on the stipulated record.

On May 28, 2015, the General Counsel, through the Regional Director for Region 18, issued a complaint and notice of hearing alleging that the Respondent has insisted that the Employer agree to include an interest arbitration provision as a condition for reaching a successor collective-bargaining agreement. The complaint alleges that, by this conduct, the Respondent has been failing and refusing to bargain collectively and in good faith with the Employer in violation of Section 8(b)(3) of the Act.

On August 26, 2015, the parties filed a joint motion and stipulation of facts with the Board. Pursuant to Section 102.35(a)(9) of the Board's Rules and Regulations, the parties have waived a hearing before an administrative law judge and agreed to submit the record in this case directly to the Board for findings of fact, conclusions of law, and a Decision and Order. The parties have requested that the Board set a time for the filing of briefs.

The Board having considered the matter,

IT IS ORDERED that the joint motion is granted and the case is transferred to and continued before the Board in Washington, D.C., for the purpose of issuing findings of fact, conclusions of law, and a Decision and Order.

IT IS FURTHER ORDERED that the stipulated record, which includes the joint motion and stipulation of facts and the exhibits attached thereto (including the charge, the complaint and notice of hearing, the answer, and statements of position by the General Counsel, the Respondent, and the Charging Party), is approved and made part of the record.

The parties may file initial briefs with the Board in Washington, D.C., on or before February 26, 2016, and answering briefs within 14 days thereafter in accordance with Section 102.35(a)(9) of the Board's Rules and Regulations.

Dated, Washington, D.C. February 5, 2016.

By Direction of the Board:

Gary Shinnors

Executive Secretary