

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

SCHUYLKILL MEDICAL CENTER-	:	
SOUTH JACKSON STREET d/b/a/ LEHIGH	:	
VALLEY HOSPITAL SCHUYLKILL-	:	
SOUTH JACKSON STREET and	:	
SCHUYLKILL MEDICAL CENTER-	:	
EAST NORWEGIAN STREET d/b/a/	:	
LEHIGH VALLEY HOSPITAL	:	
SCHUYLKILL- EAST NORWEGIAN	:	
STREET,	:	
	:	Case Nos. 4-UC-200537 and
	:	4-UC-200541
Employer	:	
	:	
and	:	
	:	
SEIU HEALTHCARE	:	
PENNSYLVANIA,	:	
	:	
Petitioner	:	

**PETITIONER’S AMENDED STATEMENT IN OPPOSITION TO
EMPLOYEE-INTERVENORS’ MOTION TO INTERVENE**

I. Introduction

Pursuant to Section 102.29 of the National Labor Relations Board’s (hereinafter referred to as either the “N.L.R.B.” or the “Board”) Rules and Regulations, the Administrative Procedure Act, 5 U.S.C. §§ 554 and 702, and well-established Board and federal court case law, the Petitioner, S.E.I.U. Healthcare Pennsylvania (hereinafter referred to as the “Union”), opposes the employees’ motion to intervene in the above captioned case.

II. Factual Background

The Union has represented units of LPNs, technical employees, and service and maintenance employees at the hospitals located at 420 South Jackson Street, Pottsville, Pennsylvania since 1975. At the time the hospital was operating as the Pottsville Hospital and Warne Clinic. There was a separate hospital in Pottsville, Pennsylvania located at 700 East Norwegian Street, formally known as Good Samaritan Medical Center. These two hospitals are a mere 0.47 miles apart.

In 2008, those two hospitals merged which resulted in a new parent organization, called Schuylkill Health System. With that merger, the Pottsville Hospital became Schuylkill Medical Center – South Jackson Street. Good Samaritan became Schuylkill Medical Center – East Norwegian Street. Initially, both hospitals functioned separately and the Union only represented employees at South Jackson Street.

In the beginning of 2015, Schuylkill Health System developed a “campus integration plan” aimed at integrating and consolidating clinical services of two facilities. At that time, there was a collective bargaining agreement between the Union and Schuylkill Medical Center – South Jackson Street. The Schuylkill Medical Center – South Jackson Street approached the Union to discuss bargaining over the effects of the plan to integrate the two campuses. The staff at East Norwegian Street were unrepresented. In late August 2015, the parties reached a tentative agreement on the subject of integration.

After the execution of the Integration Agreement, the parties began negotiating for a successor collective bargaining agreement. While those negotiations were ongoing, there was a subsequent merger on, or about, September 16, 2016 when

Schuylkill Health Systems merged into the Lehigh Valley Health Network. By virtue of this merger, the separate existence of Schuylkill Health System ceased and the Lehigh Valley Health Network became the surviving nonprofit corporation. After the merger, Schuylkill Medical Center – East Norwegian Street began doing business as Lehigh Valley Hospital – Schuylkill East Norwegian Street (“East”); Schuylkill Medical Center – South Jackson Street began doing business as Lehigh Valley Hospital – Schuylkill South Jackson Street (“South”). Lehigh Valley Health Network is the owner of East and South.

Staff from South campus, represented by the Union, were transferred to the East campus while retaining their status in the bargaining unit and protected by the existing collective bargaining agreement. In some cases, parts of a department and some of the staff of that department moved from South to East. For example, the operating room, medical-surgical, telemetry units, and the ICU unit that were at South were consolidated at East. In other cases, employees were assigned to rotate between the two locations. As a result of both of these situations, Union employees worked side by side with unrepresented employees. Many union and non-represented employees had a common immediate supervisor and there was one “system” wide seniority protocol for the filling of vacancies that may arise at either hospital.

The Union filed unit clarification petitions on June 12, 2017.

On June 14, 2017, the Employer, “Lehigh Valley Health Network”, distributed a flyer to employees. (Attachment A). The Employer stated its position in this flyer as against accretion. The Employer also stated its position that employees should have an election. On June 21, 2017, the Employer, “Lehigh Valley Hospital – Schuylkill”, sent a

memo to employees. (Att. C). The Employer repeated its position in opposition to accretion. The Employer also restated its position that there should be an election to determine whether or not there is union representation.

On July 19, 2017, the Employer distributed another flyer to employees. (Att. B). This flyer, entitled “What is SEIU Really Up To?”, clearly informed employees that “hearings with the National Labor Relations Board begin this Thursday.¹ These hearings will not determine if there will be a vote, but will determine if you will be forced to join SEIU with no input or vote.” (Att. B, line 4). The flyer concluded “SEIU is trying to take away your voice. If you don’t want that to happen, you should make that clear now, before the National Labor Relations Board decides for you.” (Att. B, line 8). None of Employer’s literature made a distinction between either South or East.

A hearing was conducted on July 20, 21, and 24, 2017. Both parties filed post-hearing briefs on August 2, 2017. Regional Director Dennis Walsh issued his Decision, Order, and Clarification of Bargaining Unit on October 6, 2017. The petitions were granted and the bargaining unit was clarified to include technical employees, service and maintenance employees, and LPNs at the Employer’s facilities at 420 South Jackson Street and 700 East Norwegian Street in Pottsville, Pennsylvania.

III. Analysis

The Motion to Intervene should be dismissed because it was untimely, such intervention would present nothing more than the same arguments that the Employer has already placed on the record, and the employees do not represent a unique or separate class.

¹ Petitioner’s initial Statement in Opposition stated Attachment B as *June* 19, 2017. Petitioner’s Amended Statement accurately states Attachment B as *July* 19, 2017.

A. The National Right To Work Legal Defense Foundation’s Motion to Intervene Was Untimely Filed After the Unit Clarification Hearing

Pursuant to Section 102.29, any person desiring to intervene must either file a motion in writing prior to the hearing with the Regional Director or move orally on the record at the hearing to the Administrative Law Judge. Intervention should only be permitted to such extent and upon such terms as may be deemed appropriate.

Intervention in a federal court suit must be timely. Fed. Rule Civ. Pro. 24. The tribunal where the action is pending must first be satisfied as to timeliness. *NAACP v. New York*, 413 U.S. 345, 365 (1973); See also *Iowa State University Research Foundation v. Honeywell, Inc.*, 459 F.2d 447, 449 (CA8 1972); *Smith Petroleum Service, Inc. v. Monsanto Chemical Co.*, 420 F.2d 1103, 1115 (CA5 1970); *Lumbermens Mutual Casualty Co. v. Rhodes*, 403 F.2d 2, 5 (CA10), cert. denied, 394 U.S. 965 (1969); and *Kozak v. Wells*, 278 F.2d 104, 108-109 (CA8 1960).

In *NAACP*, the state of New York brought a suit against the United States in U.S. District Court alleging that provisions of the Voting Rights Act of 1965, 42 U.S.C. § 197, were inapplicable to three New York counties. *NAACP v. New York*, 413 U.S. 345 (1973). The United States answered in March of 1972 by alleging that it lacked information sufficient to form a belief as to the truth of the state’s allegations. *Id.* at 358 – 359. On March 17, 1972, the state moved for summary judgment. *Id.* at 359. On April 3, 1972, the United States formally consented to the entry of the judgment. *Id.* at 360. On April 7, 1972, the NAACP moved to intervene. *Id.* The District Court denied the motion to intervene and granted summary judgment for New York. *Id.* at 363. The NAACP directly appealed to the Supreme Court. *Id.* at 364.

The Supreme Court held that the NAACP knew or should have known of the pendency of New York's action due to publicity, readily available information including a newspaper article, and public comments by community leaders. *Id.* at 367. The Supreme Court also held that the NAACP had "failed to protect its interest in a timely fashion." *Id.* It was incumbent upon the NAACP to take "immediate affirmative steps" by filing before the case's disposition. *Id.* Rather, the NAACP waited to attempt intervention three months after the date it was first aware when the suit had reached a "critical stage." *Id.* For these reasons, the Supreme Court affirmed the District Court's denial of the NAACP's intervention. *Id.* at 369.

In *Moten*, Bricklayers International Union Local 4 brought discrimination charges with the Equal Employment Opportunity Commission on May 10, 1971, against Bricklayers International Union Local 1. *Moten v. Bricklayers, Masons & Plasterers International Union*, 543 F.2d 224, 226 (D.C. Cir. 1976). After unsuccessful attempts at conciliation, a class action suit was filed in the District Court in November of 1971. *Id.* Then, two years were spent in discovery and pretrial motions. *Id.* Just before a pretrial conference, the parties reached an agreement in principal. *Id.* District Judge Aubrey Robinson preliminarily approved the agreement and scheduled a hearing for June of 1974. *Id.* It was at this point in time that an employer, the Anthony Izzo Co., moved to intervene. *Id.* at 226 – 227. On June 28, 1974, Judge Robinson approved the settlement and denied Izzo's motion to intervene. *Id.* at 227.

The Court of Appeals held that Izzo's untimeliness could not be overlooked as it did have actual notice due to the suits substantial industry and public attention. *Id.* at 228. "Any measure of timeliness of the motion to intervene must be case against the

backdrop ... of the controversy.” *Id.* These reasons led the Court of Appeals to affirm Judge Robinson’s denial of Izzo’s motion to intervene.

In this instant matter, the Motion to Intervene should be dismissed for the same reasons articulated by the Supreme Court and the District of Columbia Circuit Court of Appeals. The employees’ were aware and had actual notice of the unit clarification petition no later than June 14, 2017, when the Employer sent its memo to all employees. (Att. A). The Employer sent another memo on June 21, 2017. (Att. C).

It was at this point that a motion to intervene must have been filed with the tribunal at which the petition was pending. Yet, the employees did not take any immediate affirmative steps. Another full month passed before the hearing began on July 20, 2017, and yet the employees failed to protect the interest to intervene in a timely fashion.

On July 19, 2017,² the Employer explicitly notified employees of the time, location, and purpose of the hearing that began on July 20, 2017. (Att. B). The Employer plainly invited employees to make their voice heard before (i.e. prior) the N.L.R.B. rendered its decision. (Att. B, line 8). It was at this point that the case had reached its critical stage for any person desiring intervention. Nonetheless, another two months of silence passed when the Decision, Order, and Clarification of Bargaining Unit was issued on October 6, 2017. It was not until November 2017 that intervention was attempted.

² Petitioner’s initial Statement in Opposition stated Attachment B as *June* 19, 2017. Petitioner’s Amended Statement accurately states Attachment B as *July* 19, 2017.

Therefore, the Motion to Intervene should be dismissed when cast against the entire backdrop and because of the failure to take immediate affirmative steps to timely intervene until well after the critical stage.

Not only has this concept been endorsed by the Supreme Court, but also more recently by the National Labor Relations Board. In *Kaiser Foundation Hospitals*, the employer and the union had been parties to a series of bargaining agreements covering a bargaining unit of service and maintenance workers since 1942. *Kaiser Foundation Hospitals and Kaiser Foundation Health Plan of Oregon and Service Employees International Union, Local No. 49, AFL-CIO*, 258 N.L.R.B. 29 (1981). The contracts contained a union-security clause providing, *inter alia*, that employees must be members in good standing of the Union. *Id.* The Regional Director for Region 19 issued a Decision and Order Clarifying Unit which included in the bargaining unit part-time and full-time courier employees. (Case 36-UC-70). Neither the employer nor the union requested review of the Regional Director's decision. *Id.* The union sought to enforce the union-security clause by informing courier Tenderella, amongst others, of his obligations. *Id.* at 30. After several letters between the union, the employer, and Tenderella, the union requested the employer discharge Tenderella for nonpayment of dues. The employer refused to discharge Tenderella. The union filed an unfair labor charge against the employer with Region 19.

At the unfair labor charge hearing, Tenderella's attorney, moved to intervene. *Id.* at 34. Administrative Law Judge Russell Stevens denied employee Tenderella's motion to intervene because, *inter alia*, the arguments presented at the unfair labor charge hearing could have been presented at the hearing on the Union's petition for an order

clarifying the unit. *Id.* “The Regional Director’s order is detailed and complete, with full explanation of the bases clarifying the unit.” *Id.* Administrative Law Judge Stevens also found that if “intervention had been permitted, a result would have been a longer hearing than was necessary, and the probability that much irrelevant testimony and argument would be offered, particularly so far as the unit determination was concerned.” *Id.*

While the Board dismissed the union’s unfair labor charge due to insufficiencies of the union’s letter to Tenderella, Administrative Law Judge Stevens’ discretionary authority to deny Tenderella’s motion to intervene was unchallenged. *Id.* at 31.

As in *Kaiser*, the above-captioned union and employer are parties to a long series of collective bargaining agreements. Also similarly, there was a unit clarification Order that included employees into the bargaining unit. In *Kaiser*, it was courier employees. In the instant case, it is employees at the East campus. The employees moving to intervene did not file a motion in writing prior to the hearing with the Regional Director nor did they move orally on the record at the unit clarification hearing with the Administrative Law Judge. Therefore, the intervenors’ Motion to Intervene is inappropriate and should not be permitted.

B. The National Right To Work Legal Defense Foundation’s Motion to Intervene Was Untimely Filed After The Right To Request For Review

Pursuant to Section 102.67 of the Board’s Rules and Regulations, a request for review of the Decision, Order, and Clarification of Bargaining Unit must have been filed with the Executive Secretary of the National Labor Relations Board by October 20, 2017.

Section 102.67(i)(3) provides that a party may file a request for an extension of time. On October 17, Deputy Executive Secretary Roxanne Rothschild granted the Employer's request for an extension of time with the due date of November 3, 2017. This extension of time applied to all parties. At the same time, this extension of time only applied to parties. The employees moving to intervene, by definition, are not legal parties to these proceedings. If the employees moving to intervene were a legal party to these proceedings, then the employees would not have filed the Motion to Intervene to which the Petitioner now opposes.

Therefore, if the employees had wished to intervene, the Motion must have been filed by the original due date of October 20, 2017. The employees' failure to timely move for intervention must now preclude the current attempt to relitigate the issues which were raised in the unit clarification hearing. (Section 102.67(g)). As the employees failed to timely file, the Rules and Regulations require this Motion to Intervene be dismissed.

C. The National Right To Work Legal Defense Foundation's Intervention Would Only Result In Duplicative Arguments At The Expense of Judicial Economy

In the above referenced *Kaiser*, Administrative Law Judge Stevens reasoned that courier Tenderella's testimony would have been the same as the employers. In this instant case, it should also be taken into consideration that the employees moving for intervention would only provide duplicative arguments that would result in a longer proceeding than necessary.

In the Decision, Order, and Clarification of the Bargaining Unit, many factors were cited when finding the bargaining unit to include technical employees, service and maintenance employees, and LPNs at the Employer's facilities at both the South and

East campuses. These include the permanent relocation of employees, the temporary rotation of employees,³ the integration of employees,⁴ common supervision, the central control over daily operations and labor relations,⁵ similarity of skills and working conditions, the distance between locations, and the parties bargaining history.

The declaration of the employees moving to intervene does not touch upon any of the important factors cited by Region 4 or well-established Board law. It is likely that if the Motion to Intervene is granted then the result would not and any substantive facts or legal analysis to the record. Rather, it is much more probable that granting the Motion to Intervene will only result in rehashing the arguments the Employer has already placed in the record.

D. The Employees Moving To Intervene, Through The National Right To Work Legal Defense Foundation, Do Not Have Either Separate Or Distinct Interests From The Employer Who Participated In The Unit Clarification Hearing

The Motion to Intervene would also belabor these proceedings in that the employees moving to intervene would not bring a separate nor distinct interest from the Employer who vigorously participated in prehearing matters, at the hearing, and through post-hearing briefs. It is clear through the papers that this Motion to Intervene represents the identical interests that the Employer has zealously argued at every stage of these proceedings.

For example, the Employer articulated its position against accretion through its literature on June 14, 19, and 21, 2017. (Att. A, B, and C). At the hearing, the

³ *St. Luke's Health System, Inc.* 340 NLRB 1171, 1173 (2003).

⁴ *Mercy Sacramento Hospital*, 344 NLRB 790, 790 (2005).

⁵ *Mercy Health Services North*, 311 NLRB 367, 367 (1993).

Employer's Vice President of Patient Care Services Susan Curry testified that the Employer's goal was for "East employees [to have] the opportunity to vote and make that decision for themselves." (Tr. at 74). In its briefs, the Employer articulately argues against accretion. The Motion to Intervene only restates, reiterates, and recites these same arguments. There are not any separate or distinct interests that could be expressed through intervention.

The Motion to Intervene would also represent employee classifications that have were represented at the hearing. For example, Christine Weidensaul is a certified respiratory therapist at East and has signed a declaration for the Motion to Intervene. Certified respiratory therapists work and perform the same job at both South and East. (Tr. 205 – 207). Registered and certified respiratory therapists work side by side. (Tr. 207). For example, union respiratory therapist Thomas Haydt works two days at South and eight days at East per schedule. (Tr. 204, 205). Union respiratory therapist Stanley Jones works two days at South and eight days at East per schedule. (Tr. 204, 205). Union respiratory therapist Rose Harz works at East and occasionally at South. (Tr. 205). Union respiratory therapist Thomas McBride works four days at South and six days at East per schedule. (Petitioner Exhibit 22; Tr. 204, 205, 210). Union Respiratory Therapist Patti Murphy works four days at South and six days at East on a two week schedule. (Tr. 202 – 203). After the integration starting occurring in November 2016, Murphy picked up a schedule and it had both South and East locations. (Tr. 203).

Another employee who has moved to intervene, Mary Ann Novack, works in the Central Supply Department at East, along with three other service and maintenance

employees – including union employee Cheryl Schultz who was transferred from South to East. Rose Petrusky supervises all of the Central Supply Department employees.

Maureen Howard is employed as a clinical secretary on the 6 North Department. Of the eighteen clinical secretaries, nine are union employees from South. Of the service and maintenance employees who work on the 6 North Department, seven are union employees who were transferred from South to East. Ms. Howard's work is integrated with union employees through the Medical Surgical Performance Council that the Employer created to ensure that all methods of LPNs' delivery of care to patients was being done in the same manner by both East and South employees. (Tr. 156 – 157). For example, the Council made guidelines concerning how LPNs take and record vital signs and blood pressure. (Tr. 156, 166).

There would not be any separate, unique, or distinct testimony if Mary Garraway and Karlene Guzick were granted intervenor party status. As LPNs, it has already been established that when an LPN rotates from South to East she performs the same job duties. (Tr. 150 – 155, 167, 176, 181 - 182, 184). LPNs are not given specific assignments because of either union or nonunion status. (Tr. 183). Both union and nonunion LPNs have the same shifts of either day shift (7:00 a.m. – 3:00 p.m.) evening shift (3:00 p.m. – 11:00 p.m.) and night shift (11:00 p.m. – 7:00 a.m.). (Tr. 157, 158). There are not different start or end times for union or nonunion L.P.N.s (Tr. 158). Both union and nonunion L.P.N.s wear the same uniform and have the same identification badge which says Lehigh Valley Health Network. (Tr. 159, 183). Both union and nonunion L.P.N.s take break and lunches at the same time and locations at East. (Tr. 185). Clinical Nurse Manager Lynn Morgan holds monthly unit meetings in the day

room of 6 North for both union and nonunion L.P.N.s and nurse's aides. (Tr. 158, 167).

The meeting consists issues of patient care, safety, new policies, or concerns. (Tr.

158).

IV. Conclusion

For the above mentioned reasons, the Motion to Intervene should be dismissed.

Respectfully submitted by:

A handwritten signature in black ink that reads "Steven Grubbs". The signature is written in a cursive style with a large, stylized initial "S".

Steven Grubbs, Esq.
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Employer

and

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DECLARATION OF STEVEN GRUBBS

I, Steven Grubbs, pursuant to Section 1746 of the U.S. Judicial Code, 28 U.S.C. § 1746, declare that I have personal knowledge of the facts contained herein, and further state as follows:

1. I am employed as a Regional Advocate with SEIU Healthcare Pennsylvania.
2. I have worked for the Union since October 2012.
3. I am familiar with Attachments A, B, and C.
4. Attachments A, B, and C were distributed by the Employer to employees at both the South and East campuses.

5. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed by:

A handwritten signature in black ink that reads "Steven Grubbs". The signature is written in a cursive style with a large, prominent initial "S".

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ATTACHMENT A

"In Perspective"

SEIU Seeks to Deny Employees' Legal Right to Choose

SEIU is "demanding" to represent ALL LVH - Schuylkill employees, not just those from South. The union wants ALL hospital employees to pay SEIU dues.

Employees should have a choice to voice whether or not they want union representation - it shouldn't be something that SEIU or union members "demand."

Why is the union trying to get the Board to "agree with" them? If the union wants to bring all employees into the unit, they should ask for an election so that all of our employees have the opportunity to choose.

Becky Hess is an SEIU organizer - she's not a LVH or Schuylkill Hospital employee.

Union members at Lehigh Valley Hospital - Schuylkill demand equality for all Hospital workers!

As members of SEIU ACPA and LVH-Schuylkill, we believe that every LVH employee who works hard alongside us every day deserves the same provisions and benefits that we have won over the years. We are filing the paperwork to demand these benefits to everyone. If the Board agrees with our argument that union and non-union workers are doing the same jobs and share the same daily environment, all workers will be entitled to the same provisions and benefits offered by the collective bargaining agreement. We have fought hard for years to win what we have in our contract. Now that we're working side by side with our coworkers at LVH, we know that none of us will serve less than that.

What does this mean for YOU?
Make a call and find out
You and your co-workers can find out more by calling Becky Hess @ 814-227-3118.

SEIU Local 1000
 1400 Northampton Ave.
 Allentown, PA 18101
 610-262-1000

The message to our Employees remains the same: Know the facts. Our history of open communication and dialogue has served both employee and hospital very well. Don't let union's tactics interfere with our mission to care for our community and each other. You have a voice. We want to continue to collaborate with you as we move into an exciting future. You are encouraged to ask questions about the messages you are receiving. Talk with your supervisor or contact the Human Resources Department with questions or concerns that you might have.

ATTACHMENT B

July 19, 2017

“In Perspective”

What is SEIU Really Up To?

There seems to be some misinformation out there with respect SEIU. We need to set the record straight and put their activities “In Perspective.”

SEIU filed petitions with the National Labor Relations Board, asking the Board to force, or "accrete," our East colleagues into the existing union. If the union gets its way, our East colleagues will not have any vote or choice in this matter. You will simply be told that you will be in the union.

SEIU does not have your best interest in mind. SEIU does not care about giving you a choice. SEIU wants to force you into membership regardless of your interests.

Hearings with the National Labor Relations Board begin this Thursday. These hearings will not determine if there will be a vote, but will determine if you will be forced to join SEIU with no input or vote.

We know that SEIU has tried to convince you to join over the years, using various tactics like cell phone calls, text messages, and uninvited visits to your homes. Because SEIU's efforts failed, they are now ignoring what YOU want and instead are pursuing their own agenda.

If the NLRB orders an accretion, we do not know what it will mean regarding seniority of our East colleagues. If accretion is granted, we are unsure if all colleagues will be forced to the bottom of the seniority list, which has been the case in other situations where a non-union colleague takes a union position. You should ask this question to the representatives who are leading this effort.

There are differences between the union colleagues' terms of employment and those of our non-union colleagues. Questions to ask include -- Will your shifts rotate? Will you lose your long-term disability insurance? Will you pay more out of pocket for prescriptions?

SEIU is trying to take away your voice. If you don't want that to happen, you should make that clear now, before the National Labor Relations Board decides for you.

If you have any questions about this process, please contact Tom McPhillips, Human Resources or you can call the National Labor Relations Board's offices in Philadelphia at 215-597-7601.

The message to our Employees remains the same: Know the facts. Our history of open communication and dialogue has served both employee and hospital very well. Don't let union's tactics interfere with our mission to care for our community and each other. You have a voice. We want to continue to collaborate with you as we move into an exciting future. You are encouraged to ask questions about the messages you are receiving. Talk with your supervisor or contact the Human Resources Department with questions or concerns that you might have.

ATTACHMENT C



TO: Lehigh Valley Hospital – Schuylkill Colleagues
FROM: William Reppy, President
DATE: June 21, 2017
RE: SEIU Files Paperwork to Deny Hospital Employees' Rights

We received notice from the National Labor Relations Board (NLRB) that SEIU Healthcare Pennsylvania has filed a petition to automatically bring into the union *all* Service, Maintenance, LPNs and Technical employees at LVH – Schuylkill. This is the union's effort to require that our non-union colleagues join the union, whether they want to or not.

We strongly believe that you should be able to decide for yourself whether or not you want union representation and whether you should be required to give 1.8% of your pay to SEIU.

In the near future, the NLRB will ask us for our position on the union's filing, and we will make our opposition clear.

We respect that some of our colleagues are represented by labor unions. However, we prefer to maintain a direct line of communication with our colleagues--you have seen this for many years, and we hope that you agree with us that it works well. We will also ensure that everyone fully understands their legal rights and have access to complete, truthful and balanced information regarding union representation. All LVH – Schuylkill employees are entitled to complete and truthful information about what union representation means, what it costs and what it can – and can't – deliver.

As always, our priority is to provide exceptional care for our patients and to provide an exceptional working environment for our colleagues, which we will continue to do with your support.

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CERTIFICATE OF SERVICE

The Undersigned certifies that on November 24, 2017, the foregoing Petitioner's Amended Statement in Opposition to Employee-Intervenors' Motion to Intervene in Case Nos. 4-UC-200537 and 4-UC-200541 was e-filed with the Executive Secretary of the National Labor Relations Board and copies were served on the following via e-mail:

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Dated: November 24, 2017