UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 1

COMMUNITY HEALTH SERVICES, INC. **Employer** **and** **SYLVESTER E. PARKER, III** **Petitioner** **and** **AMERICAN FEDERATION OF TEACHERS, CT AFT, AFL-CIO** **Union**	**Case No. 01-RD-202558**

EMPLOYER'S EXCEPTIONS TO HEARING OFFICER'S REPORT AND RECOMMENDATION TO COUNT BALLOT

Community Health Services, Inc. (CHS), the employer in the above captioned matter, submits its exceptions to the Regional Director's Report and Recommendation to Count Ballot ("Report and Recommendation") issued on December 4, 2017 pursuant to 29 C.F.R. § 102.69(c)(i)(iii).

This case raises an important issue of first impression as to whether a void ballot should be counted in an election to determine union representation. Specifically, this case concerns the conduct of elections under Section 9(b)(1) of the Act conducted in accordance with *Sonotone Corp.*, 90 NLRB 1236 (1950). The single ballot chosen by the Regional Director for use by those voters who were deemed professional employees under Section 2(12) of the Act contained two questions. The ballot at issue in this dispute was incompletely filled out. The Field Agent conducting the election, after consultation with the Regional Office, properly determined that the

incomplete ballot was void and did not count it in the tally. The resultant tally did not have a majority of votes cast in favor of representation by the Union, and thus the existing unit would properly be decertified.

After the Union filed an objection, and without a hearing or a formal solicitation of the views and position of the employer or the petitioner, the Regional Office changed its mind and has now recommended that the void ballot be counted, including it as a yes vote for the second question presented on the ballot in the tally for the second *Sonotone* question, which would result in a bare majority of votes being cast for representation.

The about-face by the Regional Office in this case, with no hearing, no formal request for position, and no applicable Board precedent was improper and should be reversed. A ballot must either be valid or invalid for all purposes; the Board should not adopt a process by which void ballot is counted for one purpose and not for another.

This case also raises some significant questions as to whether the procedure chosen by the Regional Director in this case – specifically including two questions on a single ballot – appropriately implements Section 9(b)(1) of the Act in that a voter does not know which unit he or she may be included in at the time he or she casts his or her vote for or against representation.

I. EXCEPTIONS

1. The Report and Recommendation is determinative of the election without affording the Employer or the Petitioner the opportunity to present its rebuttal to the Union's objection.
2. The Report and Recommendation was issued without formal solicitation of the position of the Employer or the Petitioner.

3. The Report and Recommendation made a conclusory finding regarding a dispositive factual dispute, what the voter intended by leaving part of the ballot blank, without a formal hearing.
4. The Union's objection claims, without citation, that Board law and policy "clearly require that the ballot should have been counted on the matter of the question concerning representation" and is incorrect.
5. The Report and Recommendation improperly analogizes the Case Handling Manual's requirements for cases involving *separate* ballots.
6. The cases cited by in the Report and Recommendation involve questions of voter intent that are markedly different from the ballot in this case because they involve voters clearly evincing their intent by unconventional means; the voter here made no mark whatsoever.
7. The election in this case was supposed to be conducted by secret ballot; the Report and Recommendation endorses the Union's breach of secrecy by considering evidence purporting to show how an otherwise unknown and unknowable voter *would have* voted.
8. The ballot chosen by the Regional Director did not allow a voter to express an intent regarding representation that was dependent upon whether the unit was included with non-professionals or not.

II. FACTUAL BACKGROUND AND CONTEXT

The Unit in this case consists of a mixture of professional and non-professional employees. The original petition for the Unit was filed on December 27, 2012 and an election was held 35 days later on February 2, 2013. *See* 01-RC-095482 (at http://www.nlrb.gov/case/01-RC-095482). As required by Section 9(b)(1) of the Act, the election in that case consisted of two voting groups – professionals and non-professionals. *Id.*

Four years and five months after the initial election, on July 13, 2017 Dr. Sylvester Parker, a member of the Unit, filed a decertification (RD) petition. https://www.nlrb.gov/case/01-RD-202558. The Union had filed baseless unfair labor practice charges that, under existing Board practice, resulted in the Region blocking the election on or about July 27, 2017. *Id.* The Union ultimately withdrew each of the baseless charges that had blocked the election. https://www.nlrb.gov/case/01-CA-199141; https://www.nlrb.gov/case/01-CA-199145; and https://www.nlrb.gov/case/01-CA-202656. This cleared the way for the election held in this case, which ultimately took place on two dates, November 6 and 7, 2017, the latest of which was one hundred seventeen (117) days after Dr. Parker filed the petition.

On or about October 16, 2017, the Regional Director approved a stipulated election agreement for a *Sonotone* election by secret ballot. Consistent with Section 9(b)(1) and *Sonotone*, the stipulated agreement provided that the Unit would be broken into two separate voting groups. "Voting Group – Unit A" consisted of the professional employees in the group, while "Voting Group - Unit B" consisted of the non-professional employees. The language in the agreement on this issue is as follows:

> If a majority of the professional employees voting in Unit A vote "Yes" to the first question, indicating their desire to be included in a unit with non-professional employees, they will be so included, and their votes on the second question will be counted together with the votes of the non-professional employees in Unit B to decide the question concerning representation for the overall unit consisting of the employees in Units A and B. If on the other hand, a majority of the professional employees voting in Unit A do not vote "Yes" to the first question, their ballots will be counted separately to decide the question concerning representation in a separate Unit A.

Stipulated Election Agreement.

The stipulated election agreement delegates the responsibility for the language and format of the ballot to the Regional Director. With regard to the two questions that were to be asked on the voters in the Professional Unit, the Regional Director chose to include both questions on a single ballot as follows:

> *Do you wish to be included with nonprofessional employees in a unit for the purposes of collective bargaining?*
>
> *Yes* ___ *No* ___
>
> *Do you wish to be represented for purposes of collective bargaining by AMERICAN FEDERATION OF TEACHERS-CT AFL-CIO?*
>
> *Yes* ___ *No* ___

The ballots for the professional unit were printed on different colored paper than those ballots for the non-professional unit.

The election was held on November 6 and 7, 2017 and the ballots were tallied on November 7, 2017. The Board Agent first segregated the ballots by color, to distinguish ballots cast by professional employees from those cast by non-professionals. The Board Agent then tallied the votes on the first question cast by the professional employees. There were 37 Professional Unit ballots in the ballot box. *See* Tally of Ballots: https://www.nlrb.gov/news-outreach/graphs-data/tally-of-ballots/01-RD-202558 . One of the ballots cast by a professional employee did not answer the first question ("Do you wish to be included with nonprofessional employees in a unit for the purposes of collective bargaining?"). The Board Agent therefore properly declared that ballot void and did not count the ballot in the tally of the first question. *Id.*

A majority of the 36 valid ballots were in favor of being included with nonprofessional employees in a unit for collective bargaining. *Id.*

The Board Agent then turned to the combined question concerning whether employees wished to be represented by American Federation of Teachers – CT –AFL-CIO. There were 36 valid ballots from the professional unit and an additional six ballots from the non-professional unit, for a total of 42 ballots on the second question. https://www.nlrb.gov/news-outreach/graphs-data/tally-of-ballots/01-RD-202558 . The tally revealed that 21 of those 42 voters did not want to be represented by that union. The Board Agent reviewed the ballot that had been previously voided and determined that it answered "yes" on the question concerning representation by AFT-CT, and that, if it had not been void, it would have been determinative. The Board Agent left the voting place stating that she wished to consult with the Region. She returned approximately 5 minutes later and informed all parties that her initial inclination was correct, that the ballot was void, and that it would not be counted for the question concerning representation. She prepared the tally of ballots, recording that "[a] majority of the valid votes counted plus challenged ballots (item 9) has not been cast for American Federation of Teachers-CT AFL-CIO." *See* Tally of Ballots (copy attached as Exhibit A). Representatives of each party signed the following statement on that day:

> The undersigned acted as authorized observers in the counting and tabulating of ballots indicated above. We hereby certify that the counting and tabulating were fairly and accurately done, that the secrecy of the ballots was maintained, and that the results were as indicated above. We also acknowledge service of this tally.

Id.

Despite having signed off on the Tally of Ballots at the election site, the Union filed an objection to the election on November 14, 2017, claiming that the void professional ballot should nonetheless be counted, asserting that Board policy and precedent "clearly require that the ballot should have been counted on the matter of the question concerning representation."

The Regional Director issued a letter transmitting the objection on November 15, 2017, stating the following:

> Pursuant to Section 102.69 of the Board's Rules and Regulations, if I determine that the evidence described in the objecting party's offer of proof could be grounds for setting aside the election if introduced at a hearing, I will transmit to the parties and their designated representatives a Notice of Hearing scheduling a hearing before a hearing officer. The hearing will be set for December 8, 2017 or as soon as practicable thereafter, unless the parties agree to an earlier date or I consolidate this proceeding with an unfair labor practice proceeding before an administrative law judge. The hearing will continue from day to day until completed unless I conclude that extraordinary circumstances warrant otherwise.

The plain language of 29 C.F.R. § 102.69(c)(1)(i). 29 C.F.R. § 102.69(c)(1)(i) states in relevant part that a decision disposing of objections can issue without a hearing only if, inter alia, "the challenges do not raise substantial and material factual issues." The Region did not formally solicit the views of the Employer or of the Petitioner after sending this letter.[1]

Rather than schedule a hearing, or even formally solicit statements of position from the Employer and the Petitioner, the Regional Office instead simply issued a Report and Recommendation on December 4, 2017, four days in advance of the December 8, 2017 potential hearing date that had been set forth in the Region's letter. The Report and Recommendation

[1] On November 10, 2017, four days before the Objections were filed, an Agent from the Regional Office left counsel for the Employer a voice mail message stating that she expected the Union was doing research on the void ballot issue and that if the employer decided to it could do research and send the results to the region because this was an unusual situation and the Region was interested in any case law that existed directly addressing the issue.

acknowledged that "there is no Board case specifically on point regarding this particular situation," but it nonetheless recommended sustaining the Union's objection on the basis of strained readings of non-comparable situations. The Regional Office was wrong and should not have reversed its initial correct voiding of the incomplete ballot.

III. ARGUMENT AND ANALYSIS

A. Exceptions 1 and 2: The Regional Director Should Have Held a Hearing and Solicited Briefs in This Matter.

As noted above, the Regional Office never formally solicited the position of the Employer or the Petitioner regarding the Union's Objections. The letter sent by the Regional Office transmitting the Union's Objections strongly implied that it would hold a hearing on December 8, 2017, and a review of the regulations cited in that letter shows that there would be a briefing period after that hearing, including the opportunity for reply briefs. In a situation such as this, raising a question of first impression that could impact the way the Board conducts *Sonotone* elections in the future, the Region should have provided for as robust a hearing and briefing as possible before making an abrupt about-face on its initial, correct, decision not to count the void ballot.

As explained in further detail below, the initial decision of the Region, to void the incomplete ballot, was correct. A ballot must either be void or valid – it cannot be both. A measured solicitation and consideration of the views of the Employer and the petitioner could have prevented this situation. Continued reversals of position undermine the credibility of the Board's processes, an important component of the Board's mission.

B. Exception 7: The Report and Recommendation Interferes with Secret Ballot in this and Future Elections

The Report and Recommendation undermines the credibility of the Board's election process in another way as well – the secrecy of the ballot box. The ballot in this election, as in all Board elections, is supposed to be secret and there should be no way to determine whether any voter was the one who filled out the ballot without breaching that secrecy. The Report and Recommendation recites that the Union offered to bring in a voter to testify "that she did not answer the first question because she was confused and the Board Agent did not adequately explain the question for her to be sufficiently educated to render an informed vote." Report and Recommendation at 3, FN 4. While the Regional Office rejected the Union's proffer, the very fact that the proffer was made and described in the Report undermines the secret ballot process.

Voting in a union election can be a stressful matter for an employee. Particularly in a decertification election in which an incumbent union is being challenged, employees are likely to feel significant pressure, and the idea that the employer or the union will ultimately know how any individual voted can be a serious inhibition to free choice. Had this issue been raised to the Employer, the Employer may well have called witnesses to describe the importance of the secrecy of the vote.

The Union apparently represented to the Regional Office that it knew which of the 37 Professional Unit employees who filled out ballots was the one who filled out the incomplete ballot at issue here. By doing so, he Union has effectively announced to the members of the Unit that it knows who voted in what manner. That in and of itself undermines the secrecy of the ballot and the voting process.

Moreover, there is no way to know whether the voter whom the Union claims was the voter who filled out the ballot was in fact that person. The note in the Report and

Recommendation gives no insight into how the Union made its determination that a particular voter filled out the ballot at issue, raising some concerns about voter interrogation or coercion. A party would not be permitted to subpoena all voters and ask them if they were the twenty-second voter and ask them why they filled out their ballot as they did because it would destroy the secret ballot concept. The inclusion of this compromised data in the report is an endorsement of behavior that is, at minimum, problematic.

As described in the Report and Recommendation, the Union presented evidence that the voter "was confused" and that "the Board agent did not adequately explain" the first question on the ballot. The Report and Recommendation does not describe the manner in which the voter was "confused" and does not note whether the Union provided those details or not. As discussed above, CHS has not had an opportunity to evaluate the evidence presented by the Union, and cannot ascertain the depth and breadth of the voter's professed confusion.

While the Regional Office states that it did not reach the merits of the argument concerning the Union's claim concerning the identity and motivation of the voter who submitted the incomplete ballot, the mere fact that the Region deemed it important enough to include amplifies the damage done to the secrecy of the ballot.

C. Objections 2-6: The Regional Office Was Wrong in Counting the Incomplete Ballot

The Report and Recommendation correctly acknowledges that there is no case law on point. This is contrary to the Union's representation in its objection that Board policy and precedent clearly mandated that the ballot be counted. The Report and Recommendation then goes to acrobatic lengths to fashion a conclusion that a void ballot should nonetheless be counted, using entirely distinguishable authorities.

While it is axiomatic that the Board's policy is to give effect to voter intent if reasonably possible, in a case like this in which the voter chose not to complete the ballot, his or her intent cannot be ascertained and the void ballot should not be counted for any purpose.

There are many possible explanations why a Professional Unit employee might choose not to answer the first question on the ballot:

- The voter could have been indifferent to the inclusion or non-inclusion of the non-professionals with the professionals;
- The voter may have wished to be represented by the union if the unit were a mixed unit, but not in a solely professional unit, or vice versa, and, under the system presented, could not figure out how to express that conditional view;
- The voter might, as the Union apparently claimed, have been "confused" about the wording of the first question (and there are perhaps several different ways in which the voter could be confused);
- The voter could also have misunderstood the ballot and provided an answer to the first question in the box intended for the second question, in which case the voter might not have actually expressed intent on the second question;
- The voter may have intended to signal to others that he or she was the voter who cast this vote, thus undermining the secrecy of the ballot and opening the door for the possibility of corruption or bribery of voters. *See N.L.R.B. v. Duriron Co.,* 978 F.2d 254, 257 (6th Cir. 1992) ("A ballot that is unambiguous as far as the voter's preference is concerned will still be rejected if the mark identifies the voter. The Board does not want employees

to be able to take credit with management or with the union for having voted one way or the other in a contested election.");

We do not know why the voter submitted an incomplete ballot, and we cannot know consistent with the provision of secrecy. We do know that 36 Professional Employees managed to vote on question 1, so either they were not confused or, perhaps, they were equally as confused as their unnamed colleague but simply filled in an answer.

Because there are so many possible explanations for the voter's failure to fully complete the ballot, an incomplete ballot should be voided for all purposes because it does not unambiguously reflect the intent of the voter. The cases and precedents cited by the Regional Office are not to the contrary.

The Region first notes that in instances where there is only a single professional employee, the two questions are presented on different ballots, which it argues shows that the questions are not necessarily linked. Case Handling Manual Section 1109.1. The Regional Director perhaps could have used that process in this case and used two separate ballots for Professional Unit employees, but the Regional Director did not choose to do that. If that had been the case, then perhaps the voter identified by the Union might not have been "confused" by the process, and the chances that the voter mistakenly responded to the wrong question would be less. The Regional Director, however, chose not to do that in this case.

Moreover, in the single-professional situation, if the voter left the first question blank, the ballot for the second question *would never even be opened.* The two questions are inextricably linked in the single professional situation, because whether the vote on the second question is even counted is entirely dependent upon how the voter answers the first question. The same

result should happen in this case – if the first question is not answered, the entire ballot is void and not counted.

The Report and Recommendation also discusses *Hydro Conduit Corp*, 260 NLRB 1352 (1982), in which a Spanish speaking voter was presented with a single question, and marked "si" on the back of the ballot instead of the front. Again, the analogy is inapposite. In this situation, if the voter had written "si" on the back of the ballot rather than in the boxes on the front, there would be no way to know which of the two questions the voter was answering. If the voter in a *Sonotone* election had written both "si" and "no" on the back of the ballot, the ballot would certainly have been voided because it would not have been clear which vote was for which question. The single question ballot analogies simply fall apart where there are two questions on the ballot. In *Hydro Conduit Corp.*, the ballot was determined to be valid; here the ballot was properly voided as incomplete.

The Regional Office also cited *Aesthetic Design, LLC*, 339 NLRB 395 (2003), in which a voter in a mail ballot election returned a completed sample ballot instead of an official ballot form. Once again, that involves a binary question – was the ballot valid or not? In that case, the entire ballot was determined to be valid. In this case, the ballot was void and should be void for all purposes. Beyond the simple proposition that the Board tries to discern the intent of the voter, it is difficult to see how this case relates at all to the instant situation.

In this case, there were two questions asked of the voter, but the ballot reflected only a single response. One might speculate as to why the voter chose to leave the ballot incomplete, but the speculation itself is proof that the intent of the voter cannot properly be determined and the ballot should be voided. A void ballot should not be counted.

D. Objection 8: The Single Ballot Used by the Regional Director Does Not Effectuate the Purposes of Section 9(b)(1) of the Act.

The confusion that the Union asserts was experienced by the alleged voter in this case points out a weakness in the manner in which the Regional Director chose to conduct the election: voters are forced to vote on whether they want to be represented by a particular union without knowing the scope of the unit of which they may be a part. Employees reasonably could have different views as to union representation given the scope of the bargaining unit:

- A professional employee may wish to be represented by a union in a unit composed only of professionals, but *not* in a unit that mixes professionals and non-professionals;
- A professional employee may wish to be represented by a union in a unit composed both of professionals and non-professionals, but *not* in a unit that isolates the professional employees;
- A non-professional employee may wish to be represented in a mixed unit but not in a unit composed only of professionals; or
- A non-professional employee may wish to be represented in a solely non-professional unit but not one that is mixed.

Situations will vary depending on circumstances. In this case, for example, there were 45 eligible professional voters out of a total of 51 eligible unit voters, meaning that only six non-professionals were in the unit. In such an unbalanced unit, non-professionals reasonably might wish to know whether they would be included or not included with the professionals before casting their votes for representation. The question of whether a non-professional employee of CHS wants to be represented by an incumbent union is very different if the unit would be a small

one of 6 non-professional employees or larger combined unit of 51 professional and non-professional employees. There are relevant considerations of bargaining power and responsiveness to concerns that would likely be weighed differently by voters in the two situations.

According to the Union, one of the professional employees was confused by the ballot. The professional unit here consisted of physicians, dentists, APRNs, nurses and other highly educated individuals. If one of them was confused by the ballot, then it is likely that many voters over many years have been confused. The confusion allegedly experienced by the voter in this case may have been entirely avoided if the Regional Director had held the vote and tally concerning whether the unit would be mixed in advance of the vote as to whether employees wanted union representation; there would have been two separate ballots and no speculation as to whether a voter was confused. Moreover, all the voters would have a better opportunity to understand exactly what they were voting for and a better opportunity to express their true choice.

In addition, Section 9(b)(1) of the Act provides that "the Board shall not decide that any unit is appropriate for such purposes if the unit includes both professional employees and employees who are not professional employees unless a majority of such professional employees vote for inclusion in such unit." Allowing professional employees to know whether they would be in a unit that includes non-professional employees before the professional employees vote on whether to be represented gives much more clarity to the decision before the voter and is far more consistent with the Act.

CONCLUSION

For the reasons set forth above, the Report and Recommendation of the Regional Office should be rejected, the ballot in question should remain void for all purposes, the original tally should be affirmed and the results certified, with the resultant decertification of the Union. Alternatively, the Board should direct a re-run election with procedures and instructions that would avoid the confusion apparently experienced here and better effectuate the purposes of the Act by allowing more informed voter choice when casting the vote concerning representation.

BY ITS ATTORNEYS

THE EMPLOYER
Community Health Services, Inc.

By_____

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EXHIBIT A

FORM NLRB-760
(7-10)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

Date Filed
July 18, 2017

Case No. 01-RD-202558

Date Issued November 7, 2017

City Hartford State CT

COMMUNITY HEALTH SERVICES, INC.
Employer

and

SYLVESTER E. PARKER III
Petitioner

and

AMERICAN FEDERATION OF TEACHERS-CT AFL-CIO
Union

Type of Election: *(Check one:)*

- [x] Stipulation
- [ ] Board Direction
- [ ] Consent Agreement
- [ ] RD Direction Incumbent Union (Code)

(If applicable check either or both:)

- [ ] 8(b) (7)
- [ ] Mail Ballot

B Non Professionals

TALLY OF BALLOTS

PROFESSIONALS

The undersigned agent of the Regional Director certifies that the results of tabulation of ballots case in the election held in the above case, and concluded on the date indicated above, were as follows:

1. Approximate number of eligible voters — 51
2. Number of Void ballots — 1
3. Number of Votes cast for AMERICAN FEDERATION OF TEACHERS-CT AFL-CIO — 21
4. Number of Votes cast for — XXXXXXXXXX
5. Number of Votes cast for — XXXXXXXXXX
6. Number of Votes cast against participating labor organization(s) — 21
7. Number of Valid votes counted (sum 3, 4, 5, and 6) — 42
8. Number of challenged ballots — 0
9. Number of Valid votes counted plus challenged ballots (sum of 7 and 8) — 42
10. Challenges are (not) sufficient in number to affect the results of the election.
11. A majority of the valid votes counted plus challenged ballots (Item 9) has (not) been cast for AMERICAN FEDERATION OF TEACHERS-CT AFL-CIO

For the Regional Director

The undersigned acted as authorized observers in the counting and tabulating of ballots indicated above. We hereby certify that the counting and tabulating were fairly and accurately done, that the secrecy of the ballots was maintained, and that the results were as indicated above. We also acknowledge service of this tally.

For COMMUNITY HEALTH SERVICES, INC.

For AMERICAN FEDERATION OF TEACHERS-CT AFL-CIO

For SYLVESTER E. PARKER III

FORM NLRB-760
(7-10)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

Date Filed
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COMMUNITY HEALTH SERVICES, INC.
Employer

and

SYLVESTER E. PARKER III
Petitioner

and

AMERICAN FEDERATION OF TEACHERS-CT AFL-CIO
Union

Type of Election: *(Check one:)*

- [x] Stipulation
- [ ] Board Direction
- [ ] Consent Agreement
- [ ] RD Direction Incumbent Union (Code)

(If applicable check either or both:)

- [ ] 8(b) (7)
- [ ] Mail Ballot

TALLY OF BALLOTS

Professional Employees
Re: Question 1 on Ballot

The undersigned agent of the Regional Director certifies that the results of tabulation of ballots case in the election held in the above case, and concluded on the date indicated above, were as follows:

1. Approximate number of eligible voters 45
2. Number of Void ballots 1
3. Number of Votes cast for In favor of the above proposition 29
4. Number of Votes cast for Against the above proposition 7
5. Number of Votes cast for XXXXXXXXXX
6. Number of Votes cast against participating labor organization(s) XXXXXXXXXX
7. Number of Valid votes counted (sum 3, 4, 5, and 6) 36
8. Number of challenged ballots 0
9. Number of Valid votes counted plus challenged ballots (sum of 7 and 8) 36
10. ~~Challenges are (not) sufficient in number to affect the results of the election.~~
11. A majority of the valid votes counted plus ~~challenged~~ ballots (Item 9) has (not) been cast for ~~AMERICAN FEDERATION OF TEACHERS-CT AFL-CIO~~ Question 1 on Ballot

For the Regional Director [signature]

The undersigned acted as authorized observers in the counting and tabulating of ballots indicated above. We hereby certify that the counting and tabulating were fairly and accurately done, that the secrecy of the ballots was maintained, and that the results were as indicated above. We also acknowledge service of this tally.

For COMMUNITY HEALTH SERVICES, INC.

For AMERICAN FEDERATION OF TEACHERS-CT AFL-CIO

For SYLVESTER E. PARKER III

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 1

COMMUNITY HEALTH SERVICES, INC. **Employer** **and** **SYLVESTER E. PARKER, III** **Petitioner** **and** **AMERICAN FEDERATION OF TEACHERS, CT AFT, AFL-CIO** **Union**	**Case No. 01-RD-202558**

CERTIFICATE OF SERVICE

I, Hugh F. Murray III, do hereby certify that on the date below I caused a true and correct copy of the foregoing Employer's Exceptions to Hearing Officer's Report and Recommendation to Count Ballot to be served on the following persons by the method indicated:

Service via NLRB E-FILE:	John J. Walsh, Jr. Regional Director NLRB Region I
Service via U.S. Mail:	Mr. Sylvester E. Parker, III 171 Childs Street New Britain, CT 06051-1711
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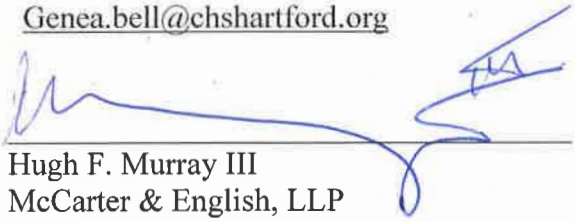

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