

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,
Employer

and

Cases 04-UC-200537
04-UC-200541

SEIU HEALTHCARE PENNSYLVANIA
Petitioner

ORDER

The Employer's Request for Review of the Regional Director's Decision, Order, and Clarification of Bargaining Unit is granted as to whether the Regional Director's finding that the East employees constitute an appropriate accretion to the unit is consistent with the standard articulated in *Safeway Stores, Inc.*, 256 NLRB 918, 918 (1981).¹ The Request for Review is denied in all other respects, including with respect to the Regional Director's findings that the unit clarification petitions were timely and that the parties did not agree to exclude the disputed employees from the unit.² The Board also denies the Employee-Intervenors' Motion to Intervene in the proceedings.³

Dated, Washington, D.C., January 25, 2018.

MARVIN E. KAPLAN,	CHAIRMAN
LAUREN McFERRAN,	MEMBER

¹ Member Emanuel took no part in the consideration of this case.

² In agreeing with the Regional Director's finding that there are no procedural impediments to the Petitioner's filing of the unit clarification petitions at issue, we do not rely on his citation to *Gould, Inc.*, 263 NLRB 442, 447 fn. 26 (1982).

³ The Board, however, has considered the Employee-Intervenors' Request for Review as an amicus brief.

MEMBER PEARCE, concurring in part and dissenting in part:

I disagree with my colleagues' grant of review. The Regional Director correctly found that all of the traditional factors support a finding that the Employer's "East" and "South" facilities operate as a "combined hospital," with employees effectively merged into a single unit. Because it is clear that the East employees share an overwhelming community of interest with the existing bargaining unit employees and have no separate group identity, accretion is warranted under *Safeway Stores*, supra, and related cases. Thus, there is no compelling reason to grant review under Section 102.67(d) of the Board's Rules and Regulations.⁴

MARK GASTON PEARCE, MEMBER

⁴ I fundamentally agree with my colleagues in all other respects.