ST. JAMES MEDICAL GROUP\(^1\)
Employer

and

MONTANA NURSES ASSOCIATION
Petitioner

DECISION AND DIRECTION OF ELECTION

The Employer operates a network of four outpatient health clinics in and around Butte, Montana. Petitioner filed the instant petition seeking to represent a unit of registered nurses employed at these clinics for the purposes of collective bargaining. The Employer contends that the petitioned-for unit is not an appropriate unit and that the only appropriate unit must also include additional classifications. The multi-facility nature of the bargaining unit is not at issue. A hearing officer of the Board held a hearing in this matter and the parties subsequently filed briefs with me.

As explained below, based on the record, the briefs, and relevant Board law, I find that the record establishes that the petitioned-for unit of registered nurses share a community of interest sufficiently distinct from providers the Employer seeks to include, and therefore I have directed an election in the unit sought.

I. FACTS

The Employer operates non-acute outpatient health clinics. These include two clinics in Butte, Montana separated by approximately two blocks, located on Crystal Street and Porphyry Street ("Crystal clinic" and "Porphyry clinic") respectively. A third clinic in Butte is located approximately two miles away, on the Montana Tech campus ("Montana Tech clinic"). The fourth clinic is located approximately 35 miles away in Boulder, Montana ("Boulder clinic").

The Crystal clinic and Porphyry clinic are organized by practice group. The Crystal clinic contains the Employer’s pediatrics, internal medicine, family practice, neurology, cardiology, and integrated behavioral health practice groups. The Crystal clinic also houses the Employer’s comprehensive primary care program ("CPC") – a program integrating medical and behavioral health aspects of care – and the Employer’s lab facilities. The Porphyry clinic contains the Employer’s urology and OB-GYN practice groups. The smaller Montana Tech and Boulder clinics are not divided by practice group, but instead provide a wide range of services to the areas they serve.

The Employer currently employs 12 registered nurses. Nine are employed primarily at the Crystal clinic (four in family practice, one in pediatrics, one in neurology, one in cardiology, one in integrated behavioral health, one in laboratory), one is employed in the Porphyry clinic (urology), one is employed at the Montana Tech clinic (OB-GYN), and one is employed at the Boulder clinic (OB-GYN).

\(^1\) The name of the Employer appears as amended at hearing.
two floats and one employed in the CPC program), two at the Porphyry clinic (one in urology and one in OB-GYN), and one at the Montana Tech clinic.

The Employer also currently employs 12 advance practice practitioners, including nurse practitioners, physician assistants, and social workers. Six advance practice practitioners are employed at the Crystal clinic. One nurse practitioner works primarily in internal medicine, two physician assistants are employed in family practice, and three social workers provide behavioral health services. Two physician assistants are employed at the Porphyry clinic, one in urology and one in OB-GYN. Four nurse practitioners are employed at the Boulder clinic. The chart below identifies the number of registered nurses and advanced practice practitioners at the respective clinics.

<table>
<thead>
<tr>
<th>Clinic</th>
<th>Practice Area</th>
<th>Registered Nurses</th>
<th>Advanced Practice Practitioners</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crystal</td>
<td>Family Practice</td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Internal Medicine</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Pediatrics</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Neurology</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Float</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td></td>
<td>CPC</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Behavioral Health</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Porphyry</td>
<td>Urology</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>OB-GYN</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Montana Tech</td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Boulder</td>
<td></td>
<td></td>
<td>4</td>
</tr>
</tbody>
</table>

The Employer also employs other classifications in operating its clinics, including physicians, licensed practical nurses, medical assistants, and administrative staff. In total the Employer employs approximately 75 employees.

The parties stipulate that the registered nurses employed by the Employer, except for the per diem registered nurse employed at the Montana Tech clinic, share a community of interest among themselves. However, the Employer contends that the only appropriate unit must also contain the advanced practice practitioners. In light of this contention a consideration of the community of interest between the registered nurses and these advanced practice practitioners follows.

1. **Departmental Organization**

The clinics at issue are part of the Employer's larger organization, and all of the clinics report to the Employer's clinic manager. That individual in turn reports to a hierarchy within the larger organization. The clinics are physically separated, and the employees at issue largely work within specific practice areas, but the record does not reflect any instances where either physical separation or practice areas result in
organizational separation. The record evidence shows that the outpatient clinics at issue operate as a single department within the Employer's larger organization.

2. Skills and Training

The employees in the petitioned-for unit, as registered nurses, share a set of skills, have the same training and education, and possess the same license. Of the advanced practice practitioners some, the nurse practitioners, also have the same underlying skills and training, but have also obtained an additional degree. The other advanced practice practitioners, physician assistants and social workers, have different training and licensure from the registered nurses.

3. Job Functions

Registered nurses provide direct care to patients. This includes tasks as diverse as administering medications, performing diagnostic tests, monitoring medical equipment and tracking and charting test results. Registered nurses assist in exams, procedures, and treatments under the direction of a provider.

Nurse practitioners and physician assistants are primary care providers, as are physicians. In that role nurse practitioners and physician assistants diagnose the patient and determine an appropriate treatment, or determine how to further assess the patient's condition. As primary care providers they are authorized to prescribe medications and treatments, order diagnostic tests, and refer patients for other medical services. They do this independently, and once they have made these decisions they give direction to others, such as nurses and medical assistants, to carry out these decisions. The job functions of the nurse practitioners and physician assistants are similar enough that the Employer utilizes a single job description for these two roles.

Social workers are not primary care providers; they do not diagnose patients or direct medical care. Instead, social workers assist patients with obtaining additional support that is necessary for their medical care.

There is no evidence in the record of job overlap between the registered nurses and the advanced practice practitioners. Registered nurses do not, and are prohibited from, making a medical diagnosis or independently directing care. While certain advanced practice practitioners may be allowed to perform the tasks of a registered nurse the record does not contain any evidence they do so as part of their regular duties. The record does indicate that in carrying out their respective job functions, registered nurses and advanced practice practitioners may utilize some of the same medical instruments.

4. Functional Integration

All employees work within a system designed to ensure an individual patient is treated appropriately. As such, a nurse practitioner or physician assistant may order a test that a registered nurse administers, or a registered nurse may consult with a social worker on whether a patient is perhaps in need of some support services. Each step is recorded in a central electronic record keeping system that allows each employee to access the work performed by others as needed. This system, as in any modern health
care setting, represents a degree of functional integration. However, the record also demonstrates that each employee in this system, from providers to nurses to administrative staff, is performing their own discrete and well-defined role.

5. Contact and Interchange

The record reflects registered nurses and advanced practice practitioners working within a practice area have regular contact. For example, a registered nurse and physician assistant focused on family practice at the Crystal clinic would frequently work together seeing patients and providing complementary care as described above. Additionally, within a building, staff have a daily "huddle" attended by a representative from each practice area. At the Crystal clinic this could involve contact between registered nurses and advanced practice practitioners.

Outside of these examples, contact between the registered nurses and advanced practitioners appears limited to the type of contact that simply results from working in the same building, such as having shared break rooms, or having the same employer, such as receiving invitations to all staff pot-lucks, holiday parties, and other social events.

Registered nurses have nursing staff meetings, the advanced practice practitioners do not attend. Nurse practitioners and physician assistants attend regular meetings of providers, along with physicians, that registered nurses do not attend.

There is no interchange, permanent or temporary, between registered nurses and the advanced practice practitioners. Registered nurses will occasionally move between facilities if needed, including the registered nurse at the Montana Tech clinic occasionally working at the Crystal clinic when school is not in session.

6. Terms and Conditions of Employment

Registered nurses are paid on an hourly basis, while advanced practice practitioners are salaried. All of the Employer's employees are subject to the same human resource policies, benefits, and parking facilities. All of the Employer's employees receive training in the same manner, an online system. If the training is on a topic that impacts on all employees equally, such as a human resource policy, then it would be the same for all employees in substance. If the topic of the training is specific to the job duties of the position then the substance of that training would differ by classification.

7. Shared Supervision

Registered nurses, at all of the clinics, are supervised by the Employer's manager of operations, and the manager of operations is responsible for the registered nurses schedule and has ultimate authority on any discipline of registered nurses. The advanced practice practitioners are supervised by the chief executive physician. The schedule of advanced practice practitioners is determined by the advanced practitioner and the chief executive physician. The chief executive physician would have the ultimate authority over any discipline of the advanced practice practitioners.
II. ANALYSIS

When examining the appropriateness of a unit, the Board must determine not whether the unit sought is the only appropriate unit or the most appropriate unit, but rather whether it is "an appropriate unit." Wheeling Island Gaming, 355 NLRB 637, 637 n.1 (2010) (emphasis in original) (citing Overnite Transp. Co., 322 NLRB 723 (1996)). In determining whether a unit is appropriate, the Board analyzes "whether employees in the proposed unit share a community of interest sufficiently distinct from the interests of employees excluded from that unit to warrant a separate bargaining unit." PCC Structurals, 365 NLRB No. 160, slip op. at 11 (Dec. 15, 2017) (emphasis in original). See also Wheeling Island Gaming, 355 NLRB at 637 n.1 (the Board's inquiry "necessarily proceeds to a further determination of whether the interests of the group sought are sufficiently distinct from those of other employees to warrant establishment of a separate unit").

PCC Structurals involved a non-healthcare employer, but in that case the Board explicitly reinstated the standard for non-acute healthcare facilities established in Park Manor Care Center, 305 NLRB 872 (1991). PCC Structurals, 365 NLRB No.160, slip op. at 1 n.3. Under Park Manor, appropriateness is determined under the "empirical community of interest test" examining community of interest factors plus background information gathered during the healthcare rulemaking and prior cases involving either the type of unit sought or the particular type of healthcare facility at issue. 305 NLRB 872 at 875. Traditional community of interest factors include such as the similarity in wages and other working conditions, common supervision, the nature of the skills required and functions performed, the frequency of contact and interchange among employees and functional integration. Id.

1. Montana Tech Clinic

As an initial matter I find that the registered nurse employed at the Montana Tech clinic shares a community of interest with the other registered nurses. The record indicates that employee has the same skills and training, job function, terms and conditions of employment and shares common supervision with other registered nurses. There is also evidence that the Montana Tech clinic registered nurse occasionally works at the Crystal clinic.

The Employer's basis for arguing this registered nurse should be excluded is unclear. The Employer does not argue that the position should be excluded on the basis of being employed at a separate facility; the Employer clearly argues for a multi-facility unit. Further, there is no evidence that the nature of this position is different in any way from that of the other registered nurses, except that this employee is employed on a per diem basis and only works when the student population is on campus. This employee does necessarily have less contact with the other registered nurses, but I do not find this alone eliminates the community of interest established by the other factors.

To the extent the employer is arguing that the registered nurse at the Montana Tech clinic does not work regularly enough to be included in the unit that is a question
of voting eligibility, and the parties have stipulated to the voting eligibility formula that will be used.

2. A Bargaining Unit of Registered Nurses is Appropriate

The record evidence establishes the advanced practice practitioner positions have important and significant distinguishing features that weigh against requiring that they be included in a bargaining unit with registered nurses. The advanced practice practitioners undergo specialized training and must maintain unique licensing. As primary care providers the nurse practitioners and physician assistants enjoy considerably more independence than the registered nurses, authorizing and prescribing medications and treatments, ordering diagnostic tests, and referring patients for other medical services. Registered nurses do not have this independent ability. Social workers are not primary care providers, but they serve a unique role within the Employer's care system that has little basis for suggesting they must be included in a unit with registered nurses.

Additionally, registered nurses are supervised separately, have no interchange with the advanced practice practitioners, and differ in important terms and conditions of employment, such as registered nurses being hourly employees while advanced practice practitioners are salaried. To the extent the Employer points to shared aspects of their employment, such as their frequent contact and working under common employment policies, these are not uniquely shared by the registered nurses and advanced practice practitioners, but instead are terms and conditions of employment shared by all employees.

The Employer asserts that its proposed unit would be a more appropriate unit, but that is not the standard applied here, instead the question is whether the petitioned-for unit of registered nurses is an appropriate unit. The Employer argues that the directive to avoid proliferation of bargaining units in the health care industry supports its contention, but the Board's rules promulgated to avoid such proliferation recognizes registered nurses as an appropriate bargaining unit. Petitioner cites to a number of cases, following Park Manor, where registered nurses constituted a sizeable homogenous grouping of professionals, whose specialized training and licensure requirements clearly prevent other professions from performing their work, and I find those cases applicable here. See South Hills Health System, 330 NLRB 653 (2000); Marian Manor for the Aged, 333 NLRB 1084, 1094 (2001); Charter Hospital of St. Louis, 313 NLRB 951, 954 (1994); Holliswood Hospital, 312 NLRB 1185 (1993); McLean Hospital Corporation, 311 NLRB 1100 (1993).
III. CONCLUSION

Based upon the entire record in this matter and in accordance with the discussion above, I conclude and find as follows:

1. The rulings at the hearing are free from prejudicial error and are hereby affirmed.

2. The Employer is engaged in commerce within the meaning of the Act, and it will effectuate the purposes of the Act to assert jurisdiction herein.¹

3. The Petitioner is a labor organization within the meaning of Section 2(5) of the Act.

4. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act.

5. The following employees of the Employer constitute a unit (combined unit) appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

   Included: All full-time, part-time, and per-diem registered nurses employed by the Employer at its clinics located at 435 S. Crystal Street, 305 W. Porphyry Street, and 1300 W. Park Street in Butte, Montana, and 214 Main Street in Boulder, Montana.

   Excluded: All other employees, guards, and supervisors as defined by the Act.

DIRECTION OF ELECTION

The National Labor Relations Board will conduct a secret ballot election among the employees in the unit found appropriate above. Employees will vote whether or not they wish to be represented for purposes of collective bargaining by Montana Nurses Association.

A. Election Details

The election will be held on February 14, 2019, from 7:00 a.m. to 8:00 a.m., and from 12:00 p.m. to 2:00 p.m. in the Doctors' dining room adjacent to the cafeteria at St. James Hospital, 400 S. Clark St. Butte, Montana.

¹ The Employer, a State of Montana corporation, with an office and place of business in Butte, Montana, is engaged in the business of operating a healthcare clinic. Within the past twelve months, the Employer has received gross revenues in excess of $500,000, and purchased and received at its Butte, Montana, facility, goods valued in excess of $50,000 directly from suppliers located outside the State of Montana.
B. Voting Eligibility

Eligible to vote are those in the unit who were employed during the payroll period ending immediately preceding the date of this Decision, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. Also eligible to vote are all employees in the unit who have worked an average of four (4) hours or more per week during the 13 weeks immediately preceding the eligibility date for the election.

Employees engaged in an economic strike, who have retained their status as strikers and who have not been permanently replaced, are also eligible to vote. In addition, in an economic strike that commenced less than 12 months before the election date, employees engaged in such strike who have retained their status as strikers but who have been permanently replaced, as well as their replacements, are eligible to vote. Unit employees in the military services of the United States may vote if they appear in person at the polls.

Ineligible to vote are (1) employees who have quit or been discharged for cause since the designated payroll period; (2) striking employees who have been discharged for cause since the strike began and who have not been rehired or reinstated before the election date; and (3) employees who are engaged in an economic strike that began more than 12 months before the election date and who have been permanently replaced.

C. Voter List

As required by Section 102.67(l) of the Board’s Rules and Regulations, the Employer must provide the Regional Director and parties named in this decision a list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available home and personal cell telephone numbers) of all eligible voters.

To be timely filed and served, the list must be received by the regional director and the parties by January 24, 2019. The list must be accompanied by a certificate of service showing service on all parties. The region will no longer serve the voter list.

Unless the Employer certifies that it does not possess the capacity to produce the list in the required form, the list must be provided in a table in a Microsoft Word file (.doc or docx) or a file that is compatible with Microsoft Word (.doc or docx). The first column of the list must begin with each employee’s last name and the list must be alphabetized (overall or by department) by last name. Because the list will be used during the election, the font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. A sample, optional form for the list is provided on the NLRB website at www.nlrb.gov/what-we-do/conduct-elections/representation-case-rules-effective-april-14-2015.

When feasible, the list shall be filed electronically with the Region and served electronically on the other parties named in this decision. The list may be electronically filed with the Region by using the E-filing system on the Agency’s website at www.nlrb.gov.
www.nlrb.gov. Once the website is accessed, click on E-File Documents, enter the NLRB Case Number, and follow the detailed instructions.

Failure to comply with the above requirements will be grounds for setting aside the election whenever proper and timely objections are filed. However, the Employer may not object to the failure to file or serve the list within the specified time or in the proper format if it is responsible for the failure.

No party shall use the voter list for purposes other than the representation proceeding, Board proceedings arising from it, and related matters.

D. Posting of Notices of Election

Pursuant to Section 102.67(k) of the Board's Rules, the Employer must post copies of the Notice of Election accompanying this Decision in conspicuous places, including all places where notices to employees in the unit found appropriate are customarily posted. The Notice must be posted so all pages of the Notice are simultaneously visible. In addition, if the Employer customarily communicates electronically with some or all of the employees in the unit found appropriate, the Employer must also distribute the Notice of Election electronically to those employees. The Employer must post copies of the Notice at least 3 full working days prior to 12:01 a.m. of the day of the election and copies must remain posted until the end of the election. For purposes of posting, working day means an entire 24-hour period excluding Saturdays, Sundays, and holidays. However, a party shall be estopped from objecting to the nonposting of notices if it is responsible for the nonposting, and likewise shall be estopped from objecting to the nondistribution of notices if it is responsible for the nondistribution. Failure to follow the posting requirements set forth above will be grounds for setting aside the election if proper and timely objections are filed.

RIGHT TO REQUEST REVIEW

Pursuant to Section 102.67 of the Board's Rules and Regulations, a request for review may be filed with the Board at any time following the issuance of this Decision until 14 days after a final disposition of the proceeding by the Regional Director. Accordingly, a party is not precluded from filing a request for review of this decision after the election on the grounds that it did not file a request for review of this Decision prior to the election. The request for review must conform to the requirements of Section 102.67 of the Board's Rules and Regulations.

A request for review may be E-Filed through the Agency's website but may not be filed by facsimile. To E-File the request for review, go to www.nlrb.gov, select E-File Documents, enter the NLRB Case Number, and follow the detailed instructions. If not E-Filed, the request for review should be addressed to the Executive Secretary, National Labor Relations Board, 1015 Half Street SE, Washington, DC 20570-0001. A party filing a request for review must serve a copy of the request on the other parties and file a copy with the Regional Director. A certificate of service must be filed with the Board together with the request for review.
Neither the filing of a request for review nor the Board's granting a request for review will stay the election in this matter unless specifically ordered by the Board.

Dated: January 22, 2019.

RONALD K. HOOKS, REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 19
915 2ND AVE, SUITE 2948
SEATTLE, WA 98174-1006
NOTICE OF ELECTION

PURPOSE OF ELECTION: This election is to determine the representative, if any, desired by the eligible employees for purposes of collective bargaining with their employer. A majority of the valid ballots cast will determine the results of the election. Only one valid representation election may be held in a 12-month period.

SECRET BALLOT: The election will be by SECRET ballot under the supervision of the Regional Director of the National Labor Relations Board (NLRB). A sample of the official ballot is shown on the next page of this Notice. Voters will be allowed to vote without interference, restraint, or coercion. Electioneering will not be permitted at or near the polling place. Violations of these rules should be reported immediately to an NLRB agent. Your attention is called to Section 12 of the National Labor Relations Act which provides: ANY PERSON WHO SHALL WILLFULLY RESIST, PREVENT, IMPEDE, OR INTERFERE WITH ANY MEMBER OF THE BOARD OR ANY OF ITS AGENTS OR AGENCIES IN THE PERFORMANCE OF DUTIES PURSUANT TO THIS ACT SHALL BE PUNISHED BY A FINE OF NOT MORE THAN $5,000 OR BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BOTH.

ELIGIBILITY RULES: Employees eligible to vote are those described under the VOTING UNIT on the next page and include employees who did not work during the designated payroll period because they were ill or on vacation or temporarily laid off, and also include employees in the military service of the United States who appear in person at the polls. Employees who have quit or been discharged for cause since the designated payroll period and who have not been rehired or reinstated prior to the date of this election are not eligible to vote.

SPECIAL ASSISTANCE: Any employee or other participant in this election who has a handicap or needs special assistance such as a sign language interpreter to participate in this election should notify an NLRB Office as soon as possible and request the necessary assistance.

PROCESS OF VOTING: Upon arrival at the voting place, voters should proceed to the Board agent and identify themselves by stating their name. The Board agent will hand a ballot to each eligible voter. Voters will enter the voting booth and mark their ballot in secret. DO NOT SIGN YOUR BALLOT. Fold the ballot before leaving the voting booth, then personally deposit it in a ballot box under the supervision of the Board agent and leave the polling area.

CHALLENGE OF VOTERS: If your eligibility to vote is challenged, you will be allowed to vote a challenged ballot. Although you may believe you are eligible to vote, the polling area is not the place to resolve the issue. Give the Board agent your name and any other information you are asked to provide. After you receive a ballot, go to the voting booth, mark your ballot and fold it so as to keep the mark secret. DO NOT SIGN YOUR BALLOT. Return to the Board agent who will ask you to place your ballot in a challenge envelope, seal the envelope, place it in the ballot box, and leave the polling area. Your eligibility will be resolved later, if necessary.

AUTHORIZED OBSERVERS: Each party may designate an equal number of observers, this number to be determined by the NLRB. These observers (a) act as checkers at the voting place and at the counting of ballots; (b) assist in identifying voters; (c) challenge voters and ballots; and (d) otherwise assist the NLRB.

WARNING: This is the only official notice of this election and must not be defaced by anyone. Any markings that you may see on any sample ballot or anywhere on this notice have been made by someone other than the National Labor Relations Board, and have not been put there by the National Labor Relations Board. The National Labor Relations Board is an agency of the United States Government, and does not endorse any choice in the election.
United States of America
National Labor Relations Board

NOTICE OF ELECTION

VOTING UNIT

EMPLOYEES ELIGIBLE TO VOTE:
Those eligible to vote are: All full-time, part-time, and per-diem registered nurses employed by the Employer at its clinics located at 435 S. Crystal Street, 305 W. Porphyry Street, and 1300 W. Park Street in Butte, Montana, and 214 Main Street in Boulder, Montana who were employed during the payroll period ending immediately preceding the date of this Decision.

Also eligible to vote are all employees in the unit who have worked an average of four (4) hours per week during the 13 weeks immediately preceding the eligibility date for the election.

EMPLOYEES NOT ELIGIBLE TO VOTE:
Those not eligible to vote are: All other employees, guards and supervisors as defined by the Act.

DATE, TIME AND PLACE OF ELECTION

| Thursday, February 14, 2019 | 7:00 AM to 8:00 AM and 12:00 PM to 2:00 PM |
| Doctors' dining room adjacent to the cafeteria at St. James Hospital 400 S Clark St Butte, MT |

WARNING: This is the only official notice of this election and must not be defaced by anyone. Any markings that you may see on any sample ballot or anywhere on this notice have been made by someone other than the National Labor Relations Board, and have not been put there by the National Labor Relations Board. The National Labor Relations Board is an agency of the United States Government, and does not endorse any choice in the election.
UNITED STATES OF AMERICA
National Labor Relations Board

NOTICE OF ELECTION

EMPLOYEES ARE FREE TO VOTE AT ANY TIME THE POLLS ARE OPEN.
ALL BALLOTS WILL BE MINGLED AND COUNTED IMMEDIATELY AFTER THE CONCLUSION OF THE LAST VOTING SESSION.

UNITED STATES OF AMERICA
National Labor Relations Board
19-RC-23353:

OFFICIAL SECRET BALLOT
For certain employees
ST. JAMES MEDICAL GROUP
Do you wish to be represented for the purposes of collective bargaining by
MONTANA NURSES ASSOCIATION?
MARK AN "X" IN THE BOX OF YOUR CHOICE

DO NOT SIGN THIS BALLOT. Fold and drop in the ballot box.
If you spoil this ballot, return it to the Board Agent for a new one.
The National Labor Relations Board does not endorse any choice in this election. Any markings that you may see on any sample ballot have not been put there by the National Labor Relations Board.

WARNING: This is the only official notice of this election and must not be defaced by anyone. Any markings that you may see on any sample ballot or anywhere on this notice have been made by someone other than the National Labor Relations Board, and have not been put there by the National Labor Relations Board. The National Labor Relations Board is an agency of the United States Government, and does not endorse any choice in the election.
UNITED STATES OF AMERICA
National Labor Relations Board
NOTICE OF ELECTION

RIGHTS OF EMPLOYEES - FEDERAL LAW GIVES YOU THE RIGHT TO:

- Form, join, or assist a union
- Choose representatives to bargain with your employer on your behalf
- Act together with other employees for your benefit and protection
- Choose not to engage in any of these protected activities
- In a State where such agreements are permitted, the Union and Employer may enter into a lawful union-security agreement requiring employees to pay periodic dues and initiation fees. Nonmembers who inform the Union that they object to the use of their payments for nonrepresentational purposes may be required to pay only their share of the Union's costs of representational activities (such as collective bargaining, contract administration, and grievance adjustment).

It is the responsibility of the National Labor Relations Board to protect employees in the exercise of these rights.

The Board wants all eligible voters to be fully informed about their rights under Federal law and wants both Employers and Unions to know what is expected of them when it holds an election.

If agents of either Unions or Employers interfere with your right to a free, fair, and honest election the election can be set aside by the Board. When appropriate, the Board provides other remedies, such as reinstatement for employees fired for exercising their rights, including backpay from the party responsible for their discharge.

The following are examples of conduct that interfere with the rights of employees and may result in setting aside of the election:

- Threatening loss of jobs or benefits by an Employer or a Union
- Promising or granting promotions, pay raises, or other benefits, to influence an employee's vote by a party capable of carrying out such promises
- An Employer firing employees to discourage or encourage union activity or a Union causing them to be fired to encourage union activity
- Making campaign speeches to assembled groups of employees on company time, where attendance is mandatory, within the 24-hour period before the polls for the election first open or the mail ballots are dispatched in a mail ballot election
- Incitement by either an Employer or a Union of racial or religious prejudice by inflammatory appeals
- Threatening physical force or violence to employees by a Union or an Employer to influence their votes

The National Labor Relations Board protects your right to a free choice.

Improper conduct will not be permitted. All parties are expected to cooperate fully with this Agency in maintaining basic principles of a fair election as required by law.

Anyone with a question about the election may contact the NLRB Office at (206)220-6300 or visit the NLRB website www.nlrb.gov for assistance.

WARNING: This is the only official notice of this election and must not be defaced by anyone. Any markings that you may see on any sample ballot or anywhere on this notice have been made by someone other than the National Labor Relations Board, and have not been put there by the National Labor Relations Board. The National Labor Relations Board is an agency of the United States Government, and does not endorse any choice in the election.