

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**DIGNITY HEALTH d/b/a MERCY
GILBERT MEDICAL CENTER,**

Respondent,

and

**Case No. 28-CA-229160
28-CA-238137**

**SERVICE EMPLOYEES INTERNATIONAL
UNION – UNITED HEALTHCARE WORKERS
WEST,**

Charging Party

**EXCEPTIONS TO THE DECISION OF THE ADMINISTRATIVE LAW JUDGE BY
DIGNITY HEALTH d/b/a MERCY GILBERT MEDICAL CENTER**

Pursuant to Sections 102.46 of the National Labor Relations Board’s Rules and Regulations, Dignity Health d/b/a Mercy Gilbert Medical Center (MGMC) excepts to the Decision dated March 19, 2020 (“ALJD”) by Administrative Law Judge Ariel L. Sotolongo (the “ALJ”) [JD(SF)-09-20] in the captioned case as follows:

1. MGMC excepts to the ALJ’s findings and conclusions that during a staff meeting on August 28, 2019, Ms. Kimball pointed toward staff member Jon Paul Placencio and said she knew the Union had contacted him. ALJD p. 4.

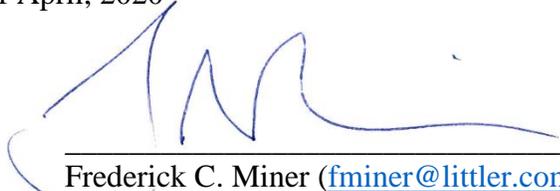
2. MGMC excepts to the ALJ’s findings and conclusions that by allegedly pointing toward Mr. Placencio and saying she knew the Union had contacted him, Ms. Kimball unlawfully created the impression that Mr. Placencio’s protected, concerted activities were under surveillance in violation of Section 8(a)(1) of the National Labor Relations Act (“Act”). ALJD p. 13.

3. MGMC excepts to the ALJ's findings and conclusions that on September 27, 2019, Manager Joshua Harrison asked Mr. Placencio whether he had heard about the Union, and when Mr. Placencio denied it, repeatedly asked him whether he was known as "JP", whom staff in his department had reported was involved in organizing for the Union. ALJD p. 6.

4. MGMC excepts to the ALJ's findings and conclusions that by allegedly asking Mr. Placencio whether he had heard about the Union, and whether he was known as "JP", Mr. Harrison engaged in unlawful interrogation of Mr. Placencio's protected, concerted activities in violation of Section 8(a)(1) of the Act. ALJD p. 14.

5. MGMC excepts to the ALJ's recommended Order requiring MGMC to cease and desist from creating the impression that employees' union activities are under surveillance; interrogating employees about their union activities; and in any like or related manner interfering with, restraining, or coercing employees in the exercise of their Section 7 rights. ALJD pp. 19-20.

Respectfully submitted this 15th day of April, 2020



Frederick C. Miner (fminer@littler.com)

LITTLER MENDELSON, P.C.
2425 East Camelback Road, Suite 900
Phoenix, AZ 85016-4242
TEL: (602) 474-3653
FAX: (602) 391-2836

Attorneys for Dignity Health d/b/a Mercy
Gilbert Medical Center

CERTIFICATE OF SERVICE

I certify that I have this 15th day of April, 2020, caused an electronic copy of the foregoing **Exceptions to the Decision of the Administrative Law Judge**, containing the signature of counsel for Respondent in .pdf format, to be filed electronically using the National Labor Relations Board's E-Filing System.

I also certify that I have caused a copy of the foregoing document to be served via electronic mail on the following:

Judith Davila, Esq. (Judith.Davila@nlrb.gov)
National Labor Relations Board, Region 28
2600 N. Central Ave., Ste. 1400
Phoenix, AZ 85004-3099

Bruce Harland, Esq. (bharland@unioncounsel.net)
Weinberg, Roger & Rosenfeld
1001 Marina Village Pkwy., Ste.200
Alameda, CA 94501



Linda Bullis