

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 32

(Oakland, CA)

CHILDREN'S HOSPITAL AND RESEARCH
CENTER AT OAKLAND, d/b/a CHILDREN'S
HOSPITAL AT OAKLAND

Employer

and

JIM GONSALVES

Petitioner

and

WAREHOUSE UNION LOCAL 6,
INTERNATIONAL LONGSHORE
AND WAREHOUSE WORKERS
UNION, LOCAL 6, AFL-CIO

Case 32-RD-1392

Union

and

CAREGIVERS AND HEALTHCARE
EMPLOYEES UNION

Intervenor

and

CALIFORNIA NURSES ASSOCIATION

Intervenor

DECISION AND DIRECTION OF ELECTION

Upon a petition duly being filed under Section 9(c) of the National Labor Relations Act, as amended, herein called the Act, and pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its authority in this proceeding to the undersigned.

Upon the entire record in this proceeding, the undersigned finds:

1. The hearing officer's rulings made 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 Union and the Intervenors² are labor organizations within the meaning of Section 2(5) the Act.

4. The Union and Intervenor Caregiver and Healthcare Employees Union claim to represent certain employees of the Employer, and 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 voting group appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:³

All full-time and regular part-time radiologic technologists
employed by the Employer at its facility located at 747 55nd Street

¹ The parties stipulated, and I find that the Employer is a California non-profit corporation with offices and places of business located in Oakland, California. The Employer is engaged in the operation of an acute care pediatric hospital. During the past twelve months, the Employer has received gross revenues in excess of \$250,000 and purchased and received goods, valued in excess of \$5,000, directly from firms located outside the state of California.

² The California Nurses Association intervened pursuant to NLRB Case Handling Manual Section 11023.5 based on its status as representative of other employees of the Employer. It does not seek a place on the ballot.

³ The unit is the existing certified bargaining unit as stipulated to by the parties during the hearing. *See Campbell Soup*, 111 NLRB 234 (1955).

in Oakland, California; **excluding** all other employees, guards and supervisors⁴ as defined in the Act.

DIRECTION OF ELECTION

An election by secret ballot shall be conducted by the undersigned among the employees in the unit found appropriate at the time and place set forth in the Notice of Election to be issued subsequently, subject to the Board's Rules and Regulations.⁵ Eligible to vote are those in the unit who are employed during the payroll period ending immediately preceding the date of the Decision, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. Also eligible are employees engaged in an economic strike which commenced less than 12 months before the election date and who retained their status as such during the eligibility period and their replacements. Those in the military services of the United States Government may vote if they appear in person at the polls. Ineligible to vote are employees who have quit or been discharged for cause since the designated payroll period, employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and employees engaged in an economic strike which commenced more than 12 months before the election date and who have been permanently replaced. Those eligible to vote shall vote whether they desire to be represented by WAREHOUSE UNION LOCAL 6, INTERNATIONAL LONGSHORE AND WAREHOUSE WORKERS UNION, LOCAL 6, AFL-CIO, the CAREGIVERS AND HEALTHCARE EMPLOYEES UNION or neither of the above labor organizations.

LIST OF VOTERS

In order to ensure that all eligible voters may have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties in the election should have access to a list of voters and their addresses which may be used to communicate with them. *Excelsior Underwear, Inc.*, 156 NLRB 1236 (1966); *NLRB v. Wyman-Gordon Company*, 394 U.S. 759 (1969); *North Macon Health Care Facility*, 315 NLRB 359, 361, fn. 17 (1994). Accordingly, it is hereby directed that within seven (7) of the date of this Decision, two (2) copies of an election eligibility list containing the full names and addresses of all the eligible voters shall be filed by the Employer with the undersigned, who shall make the list available to all parties to the election. In order to be timely filed, such list must be received in the NLRB Region 32 Regional Office, Ronald V. Dellums Federal Building, 1301 Clay Street, Suite 300N, Oakland, California 94612-5211, on or before April 9, 2002. No extension of time to file this list shall be granted except in

⁴ The parties stipulate, and I find, that Rose Lafferty, Brian Smith and Guss Gouveia are supervisors within the meaning of Section 2(11) of the Act.

⁵ Please read the attached notice requiring that election notices be posted at least three (3) days prior to the election.

extraordinary circumstances, nor shall the filing of a request for review operate to stay the requirement here imposed.

RIGHT TO REQUEST REVIEW

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 – 14th Street, N.W., Washington, DC 20570. This request must be received by the Board in Washington by April 16, 2002.

Dated at Oakland, California this 2nd day of April, 2002.

/s/ Bruce Friend

Bruce Friend, Acting Regional Director
National Labor Relations Board, Region 32

32-1241

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