

1199SEIU

United Healthcare Workers East

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Michael Cooperman

* Acting

April 18, 2018

BY E-FILING ONLY

Roxanne Rothschild
Deputy Executive Secretary
National Labor Relations Board
1015 Half Street SE Office 5010
Washington, DC 20570

Re: Letter of Support for the 2014 Representation Case Rules

Dear Ms. Rothschild:

I am General Counsel of 1199SEIU United Healthcare Workers East ("1199SEIU"). I submit this letter in support of the 2014 Representation Case ("RC") Rules and request that the Rules remain as they are now and not be modified or rescinded.

1199SEIU represent approximately 400,000 health care employees. We actively organize new employees in New York State, New Jersey, Massachusetts, Maryland, Washington, DC, and Florida. In that regard, the Union regularly files representation petitions in the NLRB regional offices covering these jurisdictions.

The 2014 RC Rules have created a level of efficiency that is beneficial to both Union and Employer and, most importantly, the employees who are being organized. The Rules place increased responsibilities on the petitioning union to provide the employer with the notice of the petition, representation procedures and the Statement of Position form. Thus, this new process provides earlier notice to the employers rather than, as in the past, waiting for the regional office to forward the filed petition to the parties. Under these Rules, both the union and the region must send more information to the employer than was provided in the past. The employer is in a position to investigate and gather information more expeditiously.

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Also, this process encourages employers, unions and the regional staff to accelerate the process of discussing and determining any potential issues. The Statement of Position form assists in focusing the parties on what is the necessary information to encourage discussions amongst all of the parties with the knowledge that there is a deadline for the employers to complete the form the day before the hearing. From our experience, the new procedures have resulted in Stipulated Election Agreements, rather than hearings, avoiding the need for the parties, their counsel and witnesses to appear at a regional office.

To the extent there is a need for a hearing, the process is more efficient because hearings are generally scheduled within eight (8) days of the service of the petition. Also, the RC Rules limit the issues to be litigated and provide better guidance to the regions as to what issues can proceed to hearing and which issues can be addressed post-election.

In addition to the Rules providing for more efficiency, they also provide for more transparency. Early on in the process, the Notice of Petition for Election must be posted within two (2) days of the region's service of the Notice. This quickly places employees who are the subject of the petition on notices of their rights and cautions supervisors in the workplace to the pendency of an election. This Notice is new under these Rules and sheds light on the election process.

Additionally, employers must complete and submit the Statement of Position with a list of prospective voters, their job classifications, shifts and work locations, to all parties. The Statement of Position identifies and limits the issues for hearing leading to more efficient and productive use of Board resources.

The expanded voter list also provides for more transparency because it requires personal phone numbers and e-mail addresses if available to the employer. This requirement is more consistent with the way in which everyone communicates in the current world, including employees and employers.

It is important to note that the 2014 RC Rules have not dramatically changed the timeframe from the filing of the petition to the election date, in the absence of a hearing. However, the RC Rules have reduced pre-election hearings, encouraged election agreements and eliminated the 25-30 day delay of elections due to a filing of a request for review where there have been pre-election hearings. Moving representation cases to elections quickly gives everyone better outcomes.

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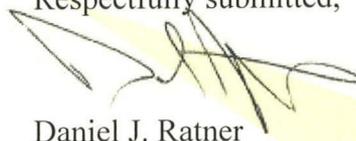
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In closing, any litigation challenging these improved RC Rules has been rejected by the courts. Since these Rules are working, we respectfully request that they not be modified nor rescinded.

Respectfully submitted,



Daniel J. Ratner

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