

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
REGION 8

INTERNATIONAL UNION, UNITED AUTOMOBILE,
AEROSPACE & AGRICULTURAL IMPLEMENT
WORKERS OF AMERICA (UAW) and
INTERNATIONAL UNION, UNITED
AUTOMOBILE, AEROSPACE & AGRICULTURAL
IMPLEMENT WORKERS OF AMERICA, UAW LOCAL 12
(St. Vincent Mercy Medical Center)

and

CASE NO. 8-CB-10592

AMY ANDERSON, an Individual

COMPLAINT AND NOTICE OF HEARING

Amy Anderson, herein called the Charging Party, has charged that International Union, United Automobile, Aerospace & Agricultural Implement Workers of America, herein individually called Respondent International, and International Union, United Automobile, Aerospace & Agricultural Implement Workers of America, UAW Local 12 herein individually called Respondent Local 12, and herein collectively called Respondents, have been engaging in unfair labor practices as set forth in the National Labor Relations Act, 29 U.S.C. § 151 et seq., herein called the Act. Based thereon the General Counsel, by the undersigned, pursuant to Section 10(b) of the Act and Section 102.15 of the Rules and Regulations of the National Labor Relations Board, herein called the Board, issues this Complaint and Notice of Hearing and alleges as follows:

1. (A) The charge in this proceeding was filed by the Charging Party on July 28, 2006, and a copy was served by regular mail on Respondents on July 28, 2006.

(B) The amended charge in this proceeding was filed by the Charging Party on September 7, 2006, and a copy was served by regular mail on Respondents on September 7, 2006.

2. (A) At all material times St. Vincent Mercy Medical Center, a non-profit Ohio corporation, with an office and place of business in Toledo, Ohio herein called the Employer's facility, has been engaged in the business of providing health care services.

(B) Annually, in the course and conduct of its business described above in paragraph 2(A), the Employer derives gross revenues valued in excess of \$250,000, and it also annually purchases and receives goods and materials valued in excess of \$50,000 directly from points located outside the State of Ohio.

3. At all material times the Employer has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

4. (A) At all material times Respondent International, herein called International, has been a labor organization within the meaning of Section 2(5) of the Act.

(B) At all material times Respondent Local 12, herein called Local 12, has been a labor organization within the meaning of Section 2(5) of the Act.

5. (A) At all material times Catherine Booher held the position of Respondent International's International Representative, and has been an agent of Respondent International within the meaning of Section 2(13) of the Act.

(B) At all material times the following individuals held the positions set forth opposite their respective names and have been agents of Respondent Local 12 within the meaning of Section 2(13) of the Act:

Sandy Lawson	Unit Chairperson, Registered Nurse Bargaining Unit
Karen Miller	Unit Vice-Chairperson, Registered Nurse Bargaining Unit
Gina Venia	Unit Bargaining Committee-person, Registered Nurse Unit
Roz Copeland	Unit Chairperson, Service Employees Bargaining Unit
Peter Miller	Unit Vice-Chairperson, Service Employees Bargaining Unit
Jane Wootton	Unit Chairperson, Technical Employees Bargaining Unit
Janice Cordray	Unit Bargaining Committee-person, Technical Employees Unit
Roz Williams	Unit Bargaining Committee-person, Technical Employees Unit
Sharon Maxcy	Steward, Registered Nurse Bargaining Unit
Deb Harley	Steward, Registered Nurse Bargaining Unit
Linda King	Unit Bargaining Committee-person, Service Employees Unit
Tim Bass	Steward, Service Employees Unit

6. On about June, 2006, the exact date being unknown, at the Employer's facility, Respondents by Gina Venia, approached an employee who was circulating a petition to support a decertification petition to decertify the Respondents, and struck a clipboard containing the petition which the employee was holding.

7. On about July 12, 2006, at the Employer's facility, Respondents, by Karen Miller, coerced and intimidated employees who were soliciting other employees to sign the petitions supporting a decertification petition by interrupting their conversations and by standing close to other employees as they attempted to sign the petition.

8. On about July 14, 2006, at the Employer's facility, Respondents by Roz Copeland, Jane Wootton, Peter Miller, Karen Miller, Roz Williams, Janice Cordray, Gina Venia and Sandra Lawson engaged in conduct intended to coerce and intimidate employees involved in circulating petitions to support a decertification petition and other employees by following, surrounding and impeding access to the employees circulating petitions; and by interrupting their conversations with other employees as they attempted to secure support for the petitions.

9. On about July 27, 2006, at the Employer's facility, Respondents by Karen Miller, Sandra Lawson, Gina Venia, Roz Copeland, Peter Miller, Deb Harley, Linda King, Sharon Maxcy and Catherine Booher engaged in conduct intended to coerce and intimidate employees involved in circulating petitions to support the decertification petition and other employees by following, surrounding and impeding access to the employees circulating a petition, interrupting their conversations with other employees as they attempted to secure support for the petitions and by following an employee, who was circulating a petition, to her car and recording or appearing to record the license plate number of the car.

10. By the conduct described above in paragraphs 6, 7, 8 and 9, Respondents are restraining and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(b)(1)(A) of the Act.

11. The unfair labor practices of Respondents described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

ANSWER REQUIREMENT

Respondents are notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the complaint. The answer must be **received by this office on or before February 14, 2007, or postmarked on or before February 13, 2007.** Respondent should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties.

An answer may also be filed electronically by using the E-Filing system on the Agency's website. In order to file an answer electronically, access the Agency's website at <http://www.nlr.gov>, click on **E-Gov**, then click on the **E-Filing** link on the pull-down menu. Click on the "File Documents" button under "Regional, Subregional and Resident Offices" and then follow the directions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. A failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. When an answer is filed electronically, an original and four paper copies must be sent to this office so that it is received no later than three business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on the 24th day of April 2007, at 10:00 a.m., in a hearing room of the National Labor Relations Board, 1695 AJC Federal Office Building,

1240 East Ninth Street, Cleveland, Ohio, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated at Cleveland, Ohio this 31st day of January 2007.

/s/ Frederick J. Calatrello

Frederick J. Calatrello
Regional Director
National Labor Relations Board
Region 8

Attachments

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

NOTICE

Case No. 8-CB-10592

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end. An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing.

However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements *will not be granted* unless good and sufficient grounds are shown *and* the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds thereafter must be set forth in *detail*;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; *and*
- (5) Copies must be simultaneously served on all other parties (*listed below*), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

Ron Gettelfinger, President
International Union, United Automobile,
Agricultural Implement Workers of America
(UAW); and UAW Local 12
8000 East Jefferson
Detroit, MI 48214

Joyce Goldstein, Esq.
526 Superior Ave. East
1040 The Leader Building
Cleveland, OH 44114

Ms. Amy Anderson
5621 Whiteford Road
Sylvania, OH 43560

Glenn M. Taubman, Esq.
National Right to Work Legal Defense Foundation
8001 Braddock Road, Suite 600
Springfield, VA 22160

Ms. Barbara F. Gessel
Chief of Human Resources
St. Vincent Mercy Medical Center
2213 Cherry Street
Toledo, OH 44608

Bruce Baumhower, President
UAW, Local 12
2300 Ashland Avenue
Toledo, OH 43620

Barbara F. Gessel
Chief of HR
St. Vincent Mercy Medical Center
2213 Cherry Street
Toledo, OH 43608

Ronald J. Santo, Esq.
Dykema Gossett
2723 South State Street, Suite 400
Ann Arbor, MI 48104

Administrative Law Judges
1099 14th Street, N.W.
Washington, D.C. 20570

**SUMMARY OF STANDARD PROCEDURES IN FORMAL HEARINGS HELD
BEFORE THE NATIONAL LABOR RELATIONS BOARD
IN UNFAIR LABOR PRACTICE PROCEEDINGS PURSUANT TO
SECTION 10 OF THE NATIONAL LABOR RELATIONS ACT**

The hearing will be conducted by an administrative law judge of the National Labor Relations Board who will preside at the hearing as an independent, impartial finder of the facts and applicable law whose decision in due time will be served on the parties. The offices of the administrative law judges are located in Washington, DC; San Francisco, California; New York, N.Y.; and Atlanta, Georgia.

At the date, hour, and place for which the hearing is set, the administrative law judge, upon the joint request of the parties, will conduct a "prehearing" conference, prior to or shortly after the opening of the hearing, to ensure that the issues are sharp and clearcut; or the administrative law judge may independently conduct such a conference. The administrative law judge will preside at such conference, but may, if the occasion arises, permit the parties to engage in private discussions. The conference will not necessarily be recorded, but it may well be that the labors of the conference will be evinced in the ultimate record, for example, in the form of statements of position, stipulations, and concessions. Except under unusual circumstances, the administrative law judge conducting the prehearing conference will be the one who will conduct the hearing; and it is expected that the formal hearing will commence or be resumed immediately upon completion of the prehearing conference. No prejudice will result to any party unwilling to participate in or make stipulations or concessions during any prehearing conference.

(This is not to be construed as preventing the parties from meeting earlier for similar purposes. To the contrary, the parties are encouraged to meet prior to the time set for hearing in an effort to narrow the issues.)

Parties may be represented by an attorney or other representative and present evidence relevant to the issues. All parties appearing before this hearing who have or whose witnesses have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603, and who in order to participate in this hearing need appropriate auxiliary aids, as defined in 29 C.F.R. 100.603, should notify the Regional Director as soon as possible and request the necessary assistance.

An official reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the administrative law judge for approval.

All matter that is spoken in the hearing room while the hearing is in session will be recorded by the official reporter unless the administrative law judge specifically directs off-the-record discussion. In the event that any party wishes to make off-the-record statements, a request to go off the record should be directed to the administrative law judge and not to the official reporter.

Statements of reasons in support of motions and objections should be specific and concise. The administrative law judge will allow an automatic exception to all adverse rulings and, upon appropriate order, an objection and exception will be permitted to stand to an entire line of questioning.

All exhibits offered in evidence shall be in duplicate. Copies of exhibits should be supplied to the administrative law judge and other parties at the time the exhibits are offered in evidence. If a copy of any exhibit is not available at the time the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the administrative law judge before the close of hearing. In the event such copy is not submitted, and the filing has not been waived by the administrative law judge, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

Any party shall be entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. In the absence of a request, the administrative law judge may ask for oral argument if, at the close of the hearing, it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.

(OVER)