

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

**COMMUNITY HEALTH SYSTEMS, INC.  
d/b/a MIMBRES MEMORIAL HOSPITAL  
AND NURSING HOME**

**and**

**Cases 28-CA-16762  
28-CA-17278  
28-CA-17390**

**UNITED STEELWORKERS OF AMERICA,  
DISTRICT 12, SUBDISTRICT 2, AFL-CIO-CLC**

**ACTING GENERAL COUNSEL'S LIMITED EXCEPTIONS TO THE  
SUPPLEMENTAL DECISION OF THE ADMINISTRATIVE LAW JUDGE**

Pursuant to Section 102.46 of the Board's Rules and Regulations, Counsel for the Acting General Counsel, files the following Limited Exceptions to the Decision of Administrative Law Judge William L. Schmidt, [JD(SF)-29-10] (ALJD), issued on July 28, 2010, in the above-captioned cases:

1. The Administrative Law Judge's (ALJ) failure to include all of the backpay sought by the General Counsel for employees Natalia Gordon, Cindy Hayes, Judith Parra, Daniel Pattarozzi, and Nohail Syed that was calculated in accordance with the Board Order finding that Respondent unlawfully and unilaterally reduced the hours of full time employees from 40 hours to 32 to 36 hours. (ALJD at 9-11) Included in this exception is the ALJ's finding that job classifications determined by Respondent rather than hours worked precluded employees Natalia Gordon, Cindy Hayes, Judith Parra, Daniel Pattarozzi, and Nohail Syed from receiving full remedial relief as provided by the Board Order. This exception should be granted because, as the ALJ notes in his decision, Respondent's definitions for which employees are in full time, part time, or PRN (as needed) status were self serving and not

reliable a basis from which to preclude employees from receiving remedial relief provided under the Act.

2. The ALJ's failure to include employees Jamie Flores and Pedro Herrera among discriminatees eligible to receive backpay from Respondent that was calculated in accordance with the Board Order finding that Respondent unlawfully and unilaterally reduced the hours of full time employees from 40 hours to 32 to 36 hours. (ALJD at 9-11) Included in this exception is the ALJ's finding that job classifications determined by Respondent rather than hours worked precluded employees Jamie Flores and Pedro Herrera from receiving remedial relief as provided by the Board Order. This exception should be granted because, as the ALJ notes in his decision, Respondent's definitions for which employees are in full time, part time or PRN (as needed) status were self serving and not reliable basis from which to preclude employees from receiving remedial relief provided under the Act..

3. The ALJ's failure to order Respondent to post a Notice to Employees. (ALJD at 17) This exception should be granted because in this matter Respondent has taken no action to comply with this remedial requirement.

Dated at Albuquerque, New Mexico, this 3<sup>rd</sup> day of September 2010.

Respectfully submitted,

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## CERTIFICATE OF SERVICE

I hereby certify that a copy of ACTING GENERAL COUNSEL'S LIMITED EXCEPTIONS TO THE SUPPLEMENTAL DECISION OF THE ADMINISTRATIVE LAW JUDGE in COMMUNITY HEALTH SYSTEMS, INC. d/b/a MIMBRES MEMORIAL HOSPITAL AND NURSING HOME, Cases 28-CA-16762 et al., was served by E-Gov, E-Filing, E-Mail and Overnight Delivery via United Parcel Service, on this 3<sup>rd</sup> day of September 2010, on the following:

***Via E-Gov, E-Filing:***

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