

**UNITED STATES OF AMERICA**  
**BEFORE THE NATIONAL LABOR RELATIONS BOARD**  
Washington, D.C.

SOUTHERN CALIFORNIA PERMANENTE MEDICAL  
GROUP; and KAISER FOUNDATION HOSPITALS

and

Case 21-CA-39296

NATIONAL UNION OF HEALTHCARE WORKERS

**COUNSEL FOR THE ACTING GENERAL COUNSEL'S LIMITED EXCEPTION  
TO THE ADMINISTRATIVE LAW JUDGE'S DECISION**

Robert MacKay  
Counsel for the Acting General Counsel  
National Labor Relations Board, Region 21  
555 West Beech Street, Room 418  
San Diego, CA 92101  
Telephone: (619) 557-6239  
Facsimile: (619) 557-6358  
E-mail: [Robert.MacKay@nlrb.gov](mailto:Robert.MacKay@nlrb.gov)

Lindsay Parker  
Counsel for the Acting General Counsel  
National Labor Relations Board, Region 21  
888 South Figueroa Street, Ninth Floor  
Los Angeles, CA 90017  
Telephone: (213) 894-5224  
Facsimile: (213) 894-2778  
E-mail: [Lindsay.Parker@nlrb.gov](mailto:Lindsay.Parker@nlrb.gov)

On December 13, 2010, Administrative Law Judge William L. Schmidt issued his Decision in this matter. Pursuant to the Board's Rules and Regulations, Series 8 as amended, Section 102.46, Counsel for the Acting General Counsel of the National Labor Relations Board hereby files the following limited exception:

**Exception No. 1**

1. The Healthcare Professionals (HCP) unit description, set out and/or referenced on pages 4 and 16, and in Appendix A, of Judge Schmidt's decision and recommended Order/Notice, is incorrect.<sup>1</sup> Thus, the Acting General Counsel respectfully requests that the Decision, Order and Notice be modified to set forth the correct unit description, which is as follows:

Included: All employees including per diems covered by collective-bargaining agreement including dietician I, dietician II, health educator I, health educator II, audiologist, audiologist level II, audiologist CFY, speech pathologist, and speech pathologist CFY employed by Southern California Permanente Medical Group, and Kaiser Foundation Hospitals within the Southern California Region.

Excluded: All office clerical employees, guards, and supervisors as defined in the Act.

See HCP unit description set forth in Acting General Counsel's Exhibit No. 1(g), paragraph 6(a)(Complaint), which description was not disputed by Respondents in their Answer (Exhibit 1(i)). See also the same HCP unit description set forth in GCx. 3 (decision and direction of election in the underlying representation case).

Respectfully submitted,

Robert MacKay  
Lindsay Parker  
Counsel for the Acting General Counsel  
National Labor Relations Board  
Region 21

DATED at Los Angeles, California, this 24th day of January, 2011.

<sup>1</sup> The ALJ inadvertently repeated the unit description for the Psych Social Chapter (PSC) unit therein.

## STATEMENT OF SERVICE

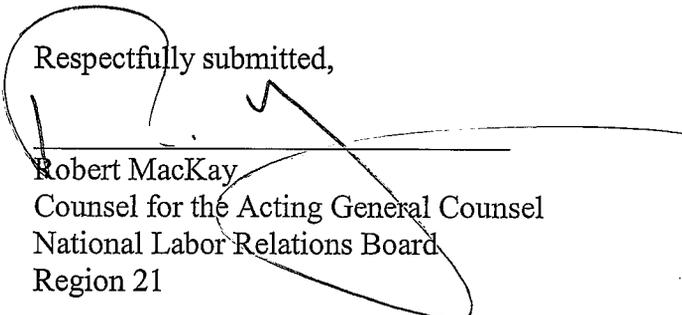
I hereby certify that a copy of **Counsel for the Acting General Counsel's Limited Exception** was submitted for E-filing to the Executive Secretary of the National Labor Relations Board on January 24, 2011.

The following parties were served with a copy of said document by electronic mail on January 24, 2011.

Michael Lindsay, Attorney at Law  
Nixon Peabody, LLP  
Gas Company Tower  
555 West Fifth Street, 46<sup>th</sup> Floor  
Los Angeles, CA 90013  
mlindsay@nixonpeabody.com

Florice O. Hoffman, Attorney at Law  
Law Offices of Florice Hoffman  
8502 East Chapman Avenue, Suite 353  
Orange, CA 92869  
fhoffman@socal.rr.com

Respectfully submitted,



Robert MacKay  
Counsel for the Acting General Counsel  
National Labor Relations Board  
Region 21

Dated at Los Angeles, California, this 24th day of January, 2011.