

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

In the Matter of

UNITED NURSES & ALLIED PROFESSIONALS
(Kent Hospital)

and

JEANETTE GEARY, An Individual

CASE 1-CB-11135

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

Pursuant to Rule 102.46 of the Rules and Regulations of the National Labor Relations Board, Counsel for the Acting General Counsel hereby files these exceptions to the decision of Administrative Law Judge Joel P. Biblowitz dated March 30, 2011.¹

1. The Acting General Counsel excepts to the Judge's failure to find that Respondent breached its duty of fair representation when it failed to provide the *Beck* objectors with a copy of a written verification by an independent auditor of the expenses set forth in its audit for Fiscal Year (FY) 2009. ALJD, p.4, ll. 40-52.

2. The Acting General Counsel excepts to the ALJ's failure to either announce or explain the legal standard he employed in reaching his conclusion as to whether Respondent's expenses incurred in connection with its lobbying efforts on behalf of the Rhode Island Hospital Accountability Merger Act, the Rhode Island Hospital Payments Act, and the Vermont bill increasing mental health funding were chargeable to *Beck* objectors. ALJD, p. 6, ll. 29-39.

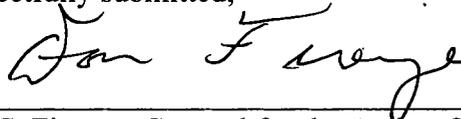
¹ Hereafter, in this Statement of Exceptions, as well as in the attached Brief in Support of Exceptions, the Administrative Law Judge will be referred to as "the ALJ," and his decision in this case as "the ALJD." Page numbers in the ALJD will be referred to as "p." and "ll." will designate line numbers therein.

3. The Acting General Counsel excepts to the ALJ's failure to find that lobbying expenses are only chargeable when the legislation lobbied for is directed toward the ratification or implementation of the collective-bargaining agreement. ALJD, pp. 5-6.

4. The Acting General Counsel excepts to the ALJ's failure to find that the Respondent's lobbying efforts described above in paragraph 2 did not meet the standard set forth in paragraph 3 and hence were not lawfully chargeable to the *Beck* objectors. ALJD, pp. 5-6.

5. The Acting General Counsel excepts to the ALJ's failure to find that the amount which the Union spent on lobbyist registration fees in Rhode Island and Vermont in FY 2009 were not properly chargeable to *Beck* objectors. ALJD, pp. 5-6.

Respectfully submitted,



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Dated at Boston, Massachusetts
this 27th day of April, 2011.