

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

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SALEM HOSPITAL CORPORATION  
a/k/a MEMORIAL HOSPITAL OF  
SALEM COUNTY

Case No. 04-CA-64458

*and*

HEALTH PROFESSIONALS AND  
ALLIED EMPLOYEES (HPAE)

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**EMPLOYER’S EXCEPTIONS TO THE DECISION OF  
CHIEF ADMINISTRATIVE LAW JUDGE ROBERT A. GIANNASI**

As the Employer in the above-captioned case, Salem Hospital Corporation, a/k/a Memorial Hospital of Salem County (hereafter, “Salem” or the “Hospital”) hereby submits, pursuant to §102.46 of the Rules and Regulations of the National Labor Relations Board (hereafter, the “Board”), the following Exceptions to the Decision of Chief Administrative Law Judge Robert A. Giannasi, dated April 17, 2012.

1. In contravention of the Board’s Rules and Regulations, the agency’s precedent and the Administrative Procedure Act, Chief Administrative Law Judge Robert A. Giannasi (hereafter, the “ALJ”) erred by failing to consider the Hospital’s arguments concerning the invalidity of

the underlying Decision and Certification of Representative issued by the Board in case No. 4-RC-21697 on August 3, 2011 (hereafter the “Certification”).

2. In contravention of the Board’s precedent, the ALJ erred by failing to invalidate the underlying Certification based upon the Board’s recent Decision in Specialty Healthcare & Rehabilitation Center of Mobile, 357 NLRB No. 83 (August 26, 2011) and erroneously concluding that this case did not present the “special circumstances” necessary for the ALJ to review the Hospital’s argument on the merits.

3. In contravention of the Board’s precedent and other legal authority, the ALJ erred by failing to find that the Union’s information request was overly broad and unduly burdensome.

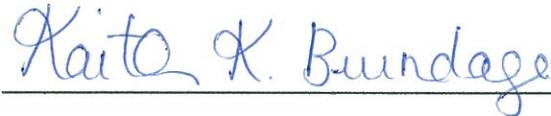
4. In contravention of the Board’s precedent and other legal authority, the ALJ erred by failing to rule that the Union’s information request sought both confidential and proprietary information.

5. Insofar as the ALJ erred by concluding that Salem violated the Act in any respect, Salem excepts to the ALJ’s Conclusions of Law, Remedy, recommended Order, and Appendix.

WHEREFORE, Employer Salem Hospital Corporation, a/k/a Memorial Hospital of Salem County, respectfully submits the foregoing Exceptions to the Decision of Chief Administrative Law Judge Robert A. Giannasi, and its accompanying Brief in Support.

Dated: West Hartford, Connecticut  
May 15, 2012

Respectfully Submitted,

  
Kaitlin K. Brundage

Kaitlin K. Brundage, Esq.  
Attorney for Salem Hospital Corporation,  
a/k/a Memorial Hospital of Salem County  
147 Loomis Drive  
West Hartford, Connecticut 06107  
(860) 307-3223  
brundagekk@gmail.com



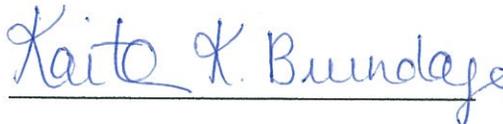
Counsel for the Acting General Counsel  
National Labor Relations Board, Region 4  
615 Chestnut Street, 7<sup>th</sup> Floor  
Philadelphia, Pennsylvania 19106  
William.Slack@nlrb.gov

The Undersigned does hereby certify that, on May 15, 2012, a copy of the Employer's Exceptions to the Decision of Chief Administrative Law Judge Robert A. Giannasi was served by email and overnight carrier upon the following:

Lisa Leshinski, Esq.  
Attorney for the Charging Party  
Health Professionals and Allied Employees  
208 White Horse Pike  
Haddon Heights, New Jersey 08035

Dated: May 15, 2012  
West Hartford, Connecticut

Respectfully Submitted,



Kaitlin K. Brundage, Esq.  
Attorney for Salem Hospital Corporation,  
a/k/a Memorial Hospital of Salem County  
147 Loomis Drive  
West Hartford, Connecticut 06107  
(860) 307-3223  
brundagekk@gmail.com