



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
OFFICE OF THE GENERAL COUNSEL
Washington, D.C. 20570

October 5, 2012

████████████████████
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Re: St. Charles Health System, Inc. d/b/a
St. Charles Medical Center
Case 19-CA-069088

Dear ██████████:

Your appeal from the Regional Director's partial refusal to issue complaint has been carefully considered. The appeal is denied substantially for the reasons in the Regional Director's letter of July 27, 2012.

The Regional investigation disclosed that in October 2011, the Employer announced it would be holding open enrollment for health care in November 2011. The health care plan, included changes that the Region has found to have been unilaterally implemented without bargaining with the Union over the decision or effects. Nonetheless, the evidence presented established that the Employer has regularly held open enrollment for health insurance in November and therefore holding open enrollment for November 2011 was part of the status quo.

On appeal, you contend that by having open enrollment, the Employer engaged in direct dealing with employees over health care. While not initially alleged in the charge, the evidence disclosed during the investigation does not support such an assertion because there was insufficient basis to find that the Employer discussed terms and conditions of employment with employees. As such, the cases cited on appeal for the proposition that the Employer dealt directly with employees are distinguishable and would not support finding a violation on this issue. Although you contend that the Employer's presentation of the coming health care changes was essentially a *fait accompli*, there is still insufficient evidence that the Employer dealt directly

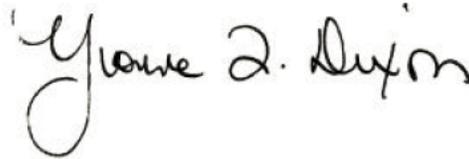
with employees. Instead it maintained its past practice of having open enrollment in November and under these circumstances is not a violation of the National Labor Relations Act.

Accordingly, further proceedings on the allegations raised on appeal are unwarranted.

Sincerely,

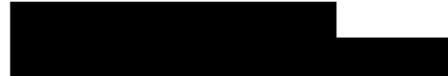
Lafe E. Solomon
Acting General Counsel

By:



Yvonne T. Dixon, Director
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cc: RONALD K. HOOKS
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