



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 21
888 S FIGUEROA ST
FL 9
LOS ANGELES, CA 90017-5449

Agency Website: www.nlr.gov
Telephone: (213)894-5204
Fax: (213)894-2778

October 26, 2012



Re: United Nurses Associations of
California/Union of Health Care
Professionals
(Sharp Grossmont Hospital)
Case 21-CB-015107

Dear 

We have carefully investigated and considered your charge that UNITED NURSES ASSOCIATIONS OF CALIFORNIA/UNION OF HEALTH CARE PROFESSIONALS has violated the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have concluded that further proceedings are not warranted, and I am dismissing your charge for the following reasons:

Your charge alleges that the union-security clause (a maintenance of membership clause) set forth in the collective bargaining agreement between Sharp Grossmont Hospital and United Nurses Associations of California/Union of Health Care Professionals, and with a term running from October 5, 2011 to September 30, 2014, is unlawful. However, the union security clause at issue herein is virtually identical to a provision found lawful under the Board's decision in Los Angeles Times, 357 NLRB No. 66 (Aug. 25, 2011). While the Board has consistently held that employers and unions may not impose lesser forms of discipline on employees who have failed to pay agency fees while also reserving the union's right to demand the employee's discharge, the Board has never held that termination from employment is the only means by which a valid union security clause may be enforced.

Your charge also alleges that the Union delayed acceptance of the Charging Party's resignation from the Union. However, in the circumstances present herein, further proceedings would not effectuate the purposes and policies of the Act: the Union ultimately accepted the Charging Party's resignation and there were no financial consequences suffered by the Charging Party. Moreover, it is noted that the instant charge was filed in February 2011, dismissal of the other allegation has been authorized, and the Charging Party is now retired from employment.

Your Right to Appeal: You may appeal my decision to the Acting General Counsel of the National Labor Relations Board, through the Office of Appeals. If you appeal, you may use the enclosed Appeal Form, which is also available at www.nlr.gov. However, you are encouraged to also submit a complete statement of the facts and reasons why you believe my decision to dismiss your charge was incorrect.

Means of Filing: An appeal may be filed electronically, by mail, or by delivery service. Filing an appeal electronically is preferred but not required. The appeal MAY NOT be filed by fax. To file an appeal electronically, go to the Agency's website at www.nlr.gov, click on **File Case Documents**, enter the NLRB Case Number, and follow the detailed instructions. To file an appeal by mail or delivery service, address the appeal to the Acting General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1099 14th Street, N.W., Washington D.C. 20570-0001. Unless filed electronically, a copy of the appeal should also be sent to me.

Appeal Due Date: The appeal is due on **November 9, 2012**. If you file the appeal electronically, we will consider it timely filed if you send the appeal together with any other documents you want us to consider through the Agency's website so the transmission is completed by **no later than 11:59 p.m. Eastern Time** on the due date. If you mail the appeal or send it by a delivery service, it must be received by the Office of Appeals in Washington, D.C. by the close of business at **5:00 p.m. Eastern Time** or be postmarked or given to the delivery service no later than November 8, 2012.

Extension of Time to File Appeal: Upon good cause shown, the Acting General Counsel may grant you an extension of time to file the appeal. A request for an extension of time may be filed electronically, by fax, by mail, or by delivery service. To file electronically, go to www.nlr.gov, click on **File Case Documents**, enter the NLRB Case Number and follow the detailed instructions. The fax number is (202) 273-4283. A request for an extension of time to file an appeal **must be received on or before November 9, 2012**. A request for an extension of time that is mailed or given to the delivery service and is postmarked or delivered to the service before the appeal due date but received after the appeal due date will be rejected as untimely. Unless filed electronically, a copy of any request for extension of time should be sent to me.

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an

United Nurses Associations of
California/Union of Health Care
Professionals
(Sharp Grossmont Hospital)
Case 21-CB-015107

- 3 -

October 26, 2012

appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,

WILLIAM M. PATE
Acting Regional Director

Enclosure

cc: (See next page.)

United Nurses Associations of
California/Union of Health Care
Professionals
(Sharp Grossmont Hospital)
Case 21-CB-015107

- 4 -

October 26, 2012

cc ACTING GENERAL COUNSEL
OFFICE OF APPEALS
FRANKLIN COURT BUILDING
NATIONAL LABOR RELATIONS BOARD
1099 14TH STREET, NW
WASHINGTON, DC 20570

[REDACTED]

[REDACTED]

UNITED NURSES ASSOCIATIONS OF
CALIFORNIA UNION OF HEALTH CARE
PROFESSIONALS, NUHHCE, AFSCME,
AFL-CIO
955 OVERLAND CT, STE 150
SAN DIMAS, CA 91773-1740

[REDACTED]

LITTLER MENDELSON, P.C.
501 WEST BROADWAY, STE 900
SAN DIEGO, CA 92101-3577

SHARP GROSSMONT HOSPITAL
5555 GROSSMONT CENTER DR
LA MESA, CA 91942-3019

WMP/cw