

UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD  
PETITION

DO NOT WRITE IN THIS SPACE

Case No. 16-RC-099594 Date Filed 3/4/2013

INSTRUCTIONS: Submit an original of this Petition to the NLRB Regional Office in the Region in which the employer concerned is located.

The Petitioner alleges that the following circumstances exist and requests that the NLRB proceed under its proper authority pursuant to Section 9 of the NLRA.

- 1 PURPOSE OF THIS PETITION (if box RC, RM, or RD is checked and a charge under Section 8(b)(7) of the Act has been filed involving the Employer named herein, the statement following the description of the type of petition shall not be deemed made.) (Check One)
- RC-CERTIFICATION OF REPRESENTATIVE - A substantial number of employees wish to be represented for purposes of collective bargaining by Petitioner and Petitioner desires to be certified as representative of the employees.
  - RM-REPRESENTATION (EMPLOYER PETITION) - One or more individuals or labor organizations have presented a claim to Petitioner to be recognized as the representative of employees of Petitioner.
  - RD-DECERTIFICATION (REMOVAL OF REPRESENTATIVE) - A substantial number of employees assert that the certified or currently recognized bargaining representative is no longer their representative.
  - UD-WITHDRAWAL OF UNION SHOP AUTHORITY (REMOVAL OF OBLIGATION TO PAY DUES) - Thirty percent (30%) or more of employees in a bargaining unit covered by an agreement between their employer and a labor organization desire that such authority be rescinded.
  - UC-UNIT CLARIFICATION - A labor organization is currently recognized by Employer, but Petitioner seeks clarification of placement of certain employees (Check one)  in unit not previously certified,  in unit previously certified in Case No. \_\_\_\_\_
  - AC-AMENDMENT OF CERTIFICATION - Petitioner seeks amendment of certification issued in Case No. \_\_\_\_\_ Attach statement describing the specific amendment sought.

2. Name of Employer: Houston Northwest Medical Center  
Employer Representative to contact: Linda Mercier, CEO  
Tel. No.: 281-440-1000

3. Address(es) of Establishment(s) involved (Street and number, city, State, ZIP code): 710 FM 1950 Road West, Houston, TX 77090  
Fax No.: 281-440-2893

4a. Type of Establishment (Factory, mine, wholesaler, etc.): Acute Care Hospital  
4b. Monthly principal product or service: Healthcare  
Cell No.:  
e-Mail:

5. Unit involved (In UC petition, describe present bargaining unit and attach description of proposed clarification.)  
Included: See attached  
Excluded: See attached  
6a. Number of Employees in Unit:  
Present: 513  
Proposed (By UC/AC):  
6b. Is this petition supported by 30% or more of the employees in the unit?  Yes  No  
\*Not applicable in RM, UC, and AC

(If you have checked box RC in 1 above, check and complete EITHER item 7a or 7b, whichever is applicable)

7a.  Request for recognition as Bargaining Representative was made on (Date) \_\_\_\_\_ and Employer declined recognition on or about (Date) \_\_\_\_\_ (If no reply received, so state).  
7b.  Petitioner is currently recognized as Bargaining Representative and desires certification under the Act.

8. Name of Recognized or Certified Bargaining Agent (if none, so state): None  
Address:  
Tel. No.:  
Cell No.:  
Date of Recognition or Certification:  
Fax No.:  
e-Mail:

9. Expiration Date of Current Contract, if any (Month, Day, Year):  
10. If you have checked box UD in 1 above, show here the date of execution of agreement granting union shop (Month, Day and Year):

11a. Is there now a strike or picketing at the Employer's establishment(s) involved? Yes  No   
11b. If so, approximately how many employees are participating?  
11c. The Employer has been picketed by or on behalf of (insert Name) \_\_\_\_\_, a labor organization, of (insert Address) \_\_\_\_\_ Since (Month, Day, Year) \_\_\_\_\_

12. Organizations or individuals other than Petitioner (and other than those named in items 8 and 11c), which have claimed recognition as representatives and other organizations and individuals known to have a representative interest in any employees in unit described in item 5 above. (If none, so state)

Name	Address	Tel. No.	Fax No.

13. Full name of party filing petition (if labor organization, give full name, including local name and number): NNOC-Texas/NNU

14a. Address (street and number, city, state, and ZIP code): 12777 Jones Road, Suite 297, Houston, TX 77070  
14b. Tel. No. EXT: 713-523-8900  
14c. Fax No.: 713-523-8905  
14d. Cell No.:  
14e. e-Mail:

15. Full name of local or international labor organization of which Petitioner is an affiliate or constituent (to be filed in when petition is filed by a labor organization): American Federation of Labor/Congress of Industrial Organizations (AFL-CIO)

I declare that I have read the above petition and that the statements are true to the best of my knowledge and belief.

Name (Print): M. Jane Lawhon, Legal Counsel  
Signature: *M. Jane Lawhon*  
Title (if any): Legal Counsel  
Address (street and number, city, state, and ZIP code): 2000 Franklin Street, Oakland, CA 94612  
Tel. No.: 510-273-2290  
Fax No.: 510-663-4822  
Cell No.: 510-715-7065  
eMail: lawhon@nationalnursesunion.org

WILLFUL FALSE STATEMENTS ON THIS PETITION CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)  
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

**Attachment A**

16-RC-099594

**RC Petition  
Houston Northwest Medical Center**

**by NNOC-Texas/NNU**

**5. Unit Involved**

**Included:**

All full-time, regular part-time, and per diem Registered Nurses, including those who serve as relief charge nurses, employed by the Employer at its 710 FM 1960 Road West, Houston, Texas facility.

**Excluded:**

All other employees, confidential employees, physicians, residents, central business office employees (whether facility based or not) who are solely engaged in qualifying or collection activities or are employed by another Tenet entity, such as Syndicated Office Systems or Patient Financial Services, employees of outside registries, traveling nurses, permanent charge nurses, employees of other agencies supplying labor to the Employer, already represented employees, managerial employees, guards, managers, and supervisors within the meaning of the Act.

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**CONSENT ELECTION AGREEMENT**

**HOUSTON NORTHWEST OPERATING COMPANY, LLC**

**Case 16-RC-099594**

The parties **AGREE AS FOLLOWS:**

**1. PROCEDURAL MATTERS.** The parties waive their right to a hearing and agree that any notice of hearing previously issued in this matter is withdrawn, that the petition is amended to conform to this Agreement, and that the record of this case shall include this Agreement and be governed by the Board's Rules and Regulations.

**2. COMMERCE.** The Employer is engaged in commerce within the meaning of Section 2(6) and (7) of the National Labor Relations Act and a question affecting commerce has arisen concerning the representation of employees within the meaning of Section 9(c).

The Employer, Houston Northwest Operating Company, LLC, a Texas limited liability company, operates a hospital that provides acute care and other related medical services in Houston, Texas. During the past twelve month period, in the course and conduct of its business operation, the Employer generated gross revenues in excess of \$250,000, and during that same period of time, purchased and received at its facility in Houston, Texas, goods valued in excess of \$50,000 directly from suppliers outside the State of Texas.

**3. LABOR ORGANIZATION.** The Petitioner is an organization in which employees participate, and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work and is a labor organization within the meaning of Section 2(5) of the Act.

**4. ELECTION.** A secret-ballot election under the Board's Rules and Regulations shall be held under the supervision of the Regional Director on the date and at the hours and places specified below.

**DATE: Wednesday, March 27, 2013      HOURS: 6:00 a.m. to 9:00 a.m.  
12:00 noon to 2:00 p.m.  
6:00 p.m. to 9:00 p.m.**

**PLACE: Conference Room 1 and 2**

If the election is postponed or canceled, the Regional Director, in his or her discretion, may reschedule the date, time, and place of the election.

**5. UNIT AND ELIGIBLE VOTERS.** The following unit is appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

Included: All full-time, regular part-time, and per diem Registered Nurses, including those who serve as relief charge nurses, employed by the Employer at its 710 FM 1960 Road West, Houston, Texas facility.

Excluded: All other employees, confidential employees, physicians, residents, central business office employees (whether facility based or not) who are solely engaged in qualifying or collection activities or are employed by another Tenet entity, such as Syndicated Office Systems or Patient Financial Services, employees of outside registries, traveling nurses, permanent charge nurses, employees of other agencies supplying labor to the Employer, already represented employees, managerial employees, guards and supervisors within the meaning of the Act.

*Ru*  
3/13/13

Those eligible to vote in the election are employees in the above unit who were employed during the payroll period ending Saturday, March 2, 2013, including employees who did not work during that period because they were ill, on vacation, or were temporarily laid off.

In addition, the only per diem employees who are eligible to vote are those who worked a minimum of 120 hours in either of the two 12-week periods immediately preceding the eligibility date:

**Sunday, December 9, 2012 – Saturday, March 2, 2013**

**Sunday, September 16, 2012 – Saturday, December 8, 2012**

Employees engaged in any economic strike, who have retained their status as strikers and who have not been permanently replaced are also eligible to vote. In addition, employees engaged in an economic strike which commenced less than 12 months before the election date, who have retained their status as strikers but who have been permanently replaced, as well as their replacements are eligible to vote. Employees who are otherwise eligible but who are in the military services of the United States may vote if they appear in person at the polls.

Ineligible to vote are (1) employees who have quit or been discharged for cause after the designated payroll period for eligibility, (2) employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and (3) employees engaged in an economic strike which began more than 12 months before the election date who have been permanently replaced.

**6. ELECTION ELIGIBILITY LIST.** Within seven (7) days after the Regional Director has approved this Agreement, the Employer shall provide to the Regional Director an election eligibility list containing the full names and addresses of all eligible voters. *Excelsior Underwear, Inc.*, 156 NLRB 1236 (1966); *North Macon Health Care Facility*, 315 NLRB 359 (1994).

**7. THE BALLOT.** The Regional Director, in his or her discretion, will decide the language(s) to be used on the election ballot. All parties should notify the Region as soon as possible of any voters or potential voters who only read a language other than English.

The question on the ballot will be "Do you wish to be represented for purposes of collective bargaining by NNOC-TEXAS/NNC? The choices on the ballot will be "Yes" or "No".

**8. NOTICE OF ELECTION.** The Regional Director, in his or her discretion, will decide the language(s) to be used on the Notice of Election. The Employer will post copies of the Notice of Election in conspicuous places and usual posting places easily accessible to the voters at least three (3) full working days prior to 12:01 a.m. of the day of the election. As soon as the election arrangements are finalized, the Employer will be informed when the Notices must be posted in order to comply with the posting requirement. Failure to post the Election Notices as required shall be grounds for setting aside the election whenever proper and timely objections are filed.

**9. ACCOMMODATIONS REQUIRED.** All parties should notify the Region as soon as possible of any voters, potential voters, or other participants in this election who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.503, and who in order to participate in the election need appropriate auxiliary aids, as defined in 29 C.F.R. 100.503, and request the necessary assistance.

En 5/13/13

**10. OBSERVERS.** Each party may station an equal number of authorized, nonsupervisory-employee observers at the polling places to assist in the election, to challenge the eligibility of voters, and to verify the tally.

**11. TALLY OF BALLOTS.** Upon conclusion of the election, the ballots will be counted and a tally of ballots prepared and immediately made available to the parties.

**12. OBJECTIONS, CHALLENGES, AND REPORTS.** Objections to the conduct of the election or conduct affecting the results of the election, or to a determination of representation based on the results of the election, may be filed with the Regional Director within 7 days after the tally of ballots has been prepared and made available to the parties. The Regional Director will serve a copy of the objections on each of the other parties. If objections are sustained, the Regional Director may include in the report an order voiding the results of the election and conduct a new election under the terms of this Agreement at a date, time, and place to be determined by the Regional Director. If the challenges are determinative of the results of the election, the Regional Director shall investigate the challenges and issue a report. The method of investigation of objections and challenges, including whether to hold a hearing, shall be determined by the Regional Director, whose decision shall be final.

**13. RUNOFF PROCEDURES.** If more than one labor organization signs this Agreement and no choice on the ballot receives a majority of the valid ballots, the Regional Director shall proceed under the Board's Rules and Regulations.

**14. CERTIFICATION.** The Regional Director will issue a certification of the results of the election, including a certification of representative where appropriate, with the same force and effect in this case as if issued by the Board.

**15. FINALITY OF REGIONAL DIRECTOR'S DECISION.** All rulings and determinations made by the Regional Director will be final, with the same force and effect in that case as if issued by the Board.

EA  
3/13/13

HOUSTON NORTHWEST OPERATING  
COMPANY, LLC

(Employer)

By [Signature] 3/13/13  
(Name) (Date)

NNOC-TEXAS/NNC

(Petitioner)

By /s/ M. Jane Lawhon 3/12/2013  
(Name) (Date)

(Union)

Recommended: Emily Maas 3/13/13 By \_\_\_\_\_  
EMILY MAAS, Field Examiner (Date) (Name) (Date)

Date approved: [Signature]  
3/13/13

Regional Director, Region 16  
National Labor Relations Board

## Phillips, Letrivette

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**From:** Jane Lawhon [jlawhon@calnurses.org]  
**Sent:** Wednesday, March 20, 2013 11:54 AM  
**To:** Maas, Emily  
**Cc:** Gonzalez, Ofelia; ~~Letrivette, Phillip~~  
**Subject:** Houston Northwest, Case 16-RC-099594

**Importance:** High

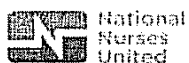
Petitioner, NNOC Texas/NNU, pursuant to § 11112.1(a) of the Casehandling Manual for Representation Proceedings, hereby requests to withdraw the petition in the above case. Please let me know if anything further is required.

Thank you for your work on this case.

M Jane Lawhon  
Legal Counsel

NNU Legal Department

telephone 510-273-2290  
facsimile 510-663-4822  
[www.nationalnursesunited.org](http://www.nationalnursesunited.org)



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EX6



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 16  
819 TAYLOR ST  
RM 8A24  
FORT WORTH, TX 76102-6107

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (817)978-2921  
Fax: (817)978-2928

March 22, 2013

ROBERT HENNESSY, SENIOR COUNSEL  
TENET HEALTHCARE CORPORATION  
1445 ROSS AVENUE, SUITE 1400  
DALLAS, TX 75202-2703

Re: HOUSTON NORTHWEST OPERATING  
COMPANY, LLC  
Case 16-RC-099594

**REVISED LETTER**

DEAR MR. HENNESSY:

This is to advise that on March 20, 2013, we approved with prejudice, the withdrawal of the petition in the above captioned case. Any petition filed by NNOC-TEXAS/NNU within six months from this date that encompasses the same or substantially the same unit of employees as involved in this matter will not be entertained unless good cause is shown.

Since the petition has been withdrawn, the election scheduled for March 27, 2013 is canceled, and the Employer should post this letter next to all Notices of Election that were previously posted.

Very truly yours,

MARTHA KINARD  
REGIONAL DIRECTOR

cc: LINDA MERCIER, CEO  
HOUSTON NORTHWEST  
OPERATING COMPANY, LLC  
710 FM 1960 ROAD WEST  
HOUSTON, TX 77090  
  
NNOC-TEXAS/NNU  
12777 JONES ROAD, SUITE 297  
HOUSTON, TX 77070-4625

JANE LAWHON, LEGAL COUNSEL  
CALIFORNIA NURSES ASSOCIATION  
/ NATIONAL NURSES UNITED  
(CNA/NNU)  
2000 FRANKLIN STREET  
OAKLAND, CA 94612-2908



