

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 10, SUBREGION 11**

**MH HOSPITAL MANAGER, LLC**

**Employer**

**and**

**Case 10–RC–257615**

**NATIONAL NURSES ORGANIZING  
COMMITTEE/NATIONAL NURSES UNITED,  
AFL-CIO**

**Petitioner**

**ORDER TO SHOW CAUSE**

On April 3, 2020, the Acting Regional Director ordered that the pre-election hearing be rescheduled to April 14, 2020 and, in light of state and local government orders and instructions to limit gatherings, the physical closure of Board offices, and the dangers of the COVID-19 pandemic, ordered that the hearing be conducted telephonically.

The parties presented witness testimony, documentary evidence, and argument over the course of 12 days of hearing from April 14 through May 6, 2020. Witness cross-examination was quite limited, but the transcript nonetheless spanned more than 1400 pages and record documentary evidence ran thousands of pages more. On May 13, 2020, the Employer and the Petitioner submitted briefs in support of their respective positions totaling more than two hundred pages. Neither the Petitioner nor the Employer raised any issues of credibility in its brief.

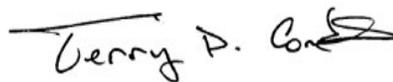
Following the close of hearing in this matter, the Board issued its decision in *Morrison Healthcare*, 369 NLRB No. 76 (2020), holding “that representation case hearings that involve witness testimony should be conducted by videoconference, not telephonically.” *Id.*, slip op. at 1. However, the Board allows parties to agree to a telephonic hearing where compelling circumstances exist. *Id.*, slip op. at 2 fn. 4.

In these circumstances, it would require the Board and the parties to expend considerable resources to reopen the hearing, or conduct a second hearing, by videoconference or in person, and would further delay resolution of the question concerning representation in this case.

Accordingly, **IT IS ORDERED** that any party to this proceeding shall have until close of business (4:30 p.m. Eastern Time) **on Wednesday, June 10, 2020 to show cause** why the decision in this matter should not be based on the record made in the telephonic hearing and briefs already compiled and submitted. Upon receipt and consideration of the parties' responses, I shall determine whether to (1) reopen the hearing for the purpose of reexamining witnesses via videoconference or in-person, (2) conduct another hearing in this matter to be held in whole or in part by videoconference or in-person, or (3) rely upon the record already prepared. Your response and all attachments should include a showing that it was served on the other party.

**Means of Filing:** You must file your submission electronically through the Agency's website, [www.nlr.gov](http://www.nlr.gov), or provide a written statement explaining why electronic filing is not possible or feasible. Written instructions for the NLRB's E-Filing system and the Terms and Conditions of the NLRB's E-Filing policy are available at <https://apps.nlr.gov/myAccount/assets/E-Filing-System-User-Guide.pdf>. A video demonstration with step-by-step instructions and answers to frequently asked questions are at [apps.nlr.gov/myAccount/assets/My%20Account%20Portal%20Overview/story\\_html5.html](http://apps.nlr.gov/myAccount/assets/My%20Account%20Portal%20Overview/story_html5.html) and [www.nlr.gov/resources/faq/eservice](http://www.nlr.gov/resources/faq/eservice).

Dated: June 3, 2020



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