

## Leading the News


### Organizing

#### **CNA/NNOC Campaign Could Derail Elections for 7,700 Hospital Workers in Ohio**

DENVER--Representatives of the Service Employees International Union and Catholic Healthcare Partners are discussing whether to go forward with union elections scheduled at nine CHP facilities throughout Ohio later this week in light of what they say is "disruptive conduct" by the California Nurses Association/National Nurses Organizing Committee, officials of both the union and hospital chain told BNA March 10.

In addition, the hospital chain has sought and received a temporary restraining order to keep CNA/NNOC organizers away from one facility, and it is seeking TROs for the other hospitals.

But, CNA/NNOC charges that the hospital system and SEIU reached an illegal, "back room" deal for the elections, without the union's having to provide any type of a showing of interest and--in an unusual move--with the employer's petitioning the National Labor Relations Board for the election. CNA added that the issue is more far-reaching than Ohio, revealing a dangerous strategy that compromises workers' rights.

Some 7,700 nurses and other workers at nine Catholic Healthcare Partners hospitals in Ohio are scheduled to vote in NLRB-conducted elections on March 12 and March 14 on representation by SEIU District 1199 WV/KY/OH. Last week, SEIU announced that after a three-year effort, CHP, Ohio's largest nonprofit medical system, and SEIU had established pre-balloting ground rules and procedures governing the nine representation elections (43 DLR A-2, 03/5/08) .

Both sides agreed there would be no negative pre-election campaign so that workers would be able "to freely choose without undue pressure" from either party, SEIU President Andy Stern told BNA March 10. CNA/NNOC, however, recently sent organizers to Ohio and "interjected a lot of hateful anti-union behavior" into the campaign, he said.

According to SEIU, CNA/NNOC is distributing "deceitful campaign materials" to try to undermine SEIU's organizing efforts. The flyers being distributed call on the workers to vote "no" against SEIU.

CNA said in a statement it had sent nurses to Ohio to talk to RNs at the nine hospitals to provide "more information about the agreement" between CHP and SEIU and what "rights and options" they have.

### **CHP Gets TRO Against CNA**

Catholic Healthcare Partners "continues to assess" whether the elections can go on as planned, in light of the CNA's "disruptive and disreputable conduct," the hospital system's spokesman Orest Holubec told BNA March 10.

Earlier in the day, CHP received a temporary restraining order from the Court of Common Pleas in Allen County, Ohio, to keep the nurses' union away from its Lima medical center, Holubec said. CHP has also requested TROs for its facilities in Springfield and Cincinnati.

The goal of CHP's and SEIU's innovative arrangement had been to keep disruptions out of the election process, Holubec said, adding "all other outside organizations, apart from CNA, have respected that."

Stern also said there are discussions taking place with CHP as to whether to go forward with the elections as scheduled. "We're trying to decide whether the laboratory conditions we tried to create have been poisoned" by the "anti-union rhetoric" of CNA/NNOC, he said. Since the elections were scheduled under a bilateral agreement, a decision on whether to go forward also will be decided on that basis, as well as in consultation with the workers who are scheduled to vote, he said.

### **CNA/NNOC Calls Agreement 'Illegal.'**

Rose Ann DeMoro, the executive director of CNA/NNOC, charged that the election agreement between SEIU and CHP is "illegal" and told BNA March 10 that her union will do all it can to stop SEIU. "It's pretty outrageous that the Catholic hospitals picked" SEIU without the union having to provide any showing of interest, she said. If this sticks, what is going to prevent SEIU from reaching the same types of agreements elsewhere? she asked.

As part of the agreement between SEIU and CHP, SEIU demanded recognition based on the fact it had "majority support among employees," according to SEIU. CHP then filed a petition with the NLRB seeking elections.

"We had a majority of cards in certain facilities," Stern said, and SEIU tried to figure out the best legal way for workers to be able make a choice on whether they want a union. With NLRB's involvement, the agreement has been "scrutinized," Stern said.

But, DeMoro contended that by having the employer file for the election, CHP and SEIU were able to get around labor law requirements under which a union must show the support of at least 30 percent of the

employees. CHP was able to convene an election without a single employee indicating support for SEIU, she argued.

If SEIU had been organizing at those hospitals for the last three years, why wasn't it able to collect union authorization cards from 30 percent of the workers, she said.

### **NLRB Does Not See Employer Petitions Very Often**

According to Laura Atkinson, the acting regional director for NLRB Region 9 in Cincinnati, which is conducting the majority of the elections, the board does not process that many employer petitions. She said that the National Labor Relations Act provides the option for an employer that receives a demand letter for recognition to petition for an election, which is what happened in this case. In that case, a showing of interest is based on the demand letter, she added.

CNA also charged that the NLRB approved an immediate election, precluding the opportunity for any other union to talk to employees and petition to appear on the ballot so that employees could have a choice on which union they wish to represent them.

According to Stern, the agreement with CHP is the result of years of discussions between SEIU, the AFL-CIO and several of its affiliates, and the United States Conference of Catholic Bishops to find an "ethical way consistent with Catholic teaching" for workers to decide whether to join a union.

Stern, whose union pulled out of the AFL-CIO in 2005, said he contacted AFL-CIO President John J. Sweeney and asked him to get CNA, which is an AFL-CIO affiliate, to cease its campaign, but with no success.

On March 10, Stern sent a letter to members of the AFL-CIO Executive Council asking them to condemn CNA's actions. Stern wrote: "The tactics being used by the CNA would make the Right-to-Work Committee proud. The charges they are leveling against SEIU and Catholic Healthcare Partners, and the agreement they reached on ground rules, are dishonest, ruthless, and anti-union. It's hard to believe any trade unionist would condone--much less lead--a campaign whose only purpose is to persuade workers to vote 'no' in a union election and to deny thousands of workers the chance to have a voice on the job. Union-busting is union-busting, no matter who is at the helm, and it goes against everything we have all fought for over the years."

In his letter to the executive council, Stern called CNA's repudiation of the CHP agreement on the grounds that it does not provide a choice of unions "disingenuous." He said that CNA has organizing agreements with Catholic Healthcare West and Tenet Health. "Should the CNA's agreements with CHW and Tenet have included a choice of unions for registered nurses? If CWA works to achieve an agreement with Verizon Wireless for a valid union election, should other unions jump in at the last minute? CHP nurses and other hospital employees have been working with SEIU organizers for years. These workers made their choice a long


ago. Just because the CNA showed up a week before the elections doesn't mean they belong on the ballot," Stern wrote.

DeMoro, however, said that in the agreements Stern pointed to, CNA had to present a majority of authorization cards and go through an election procedure.

"The labor movement should unify in protecting the sanctity of democratic unionism and stop the top-down deals that (SEIU President Andrew) Stern cuts across this country and around the world at the expense of workers," DeMoro said.

Ohio "is a microcosm of the direction SEIU has taken since Stern led his union out of the real labor movement, the AFL-CIO--letting an employer force his union on RNs and other hospital employees without the involvement of a single worker," DeMoro said.

"Stern and the CEO of the Catholic system do not have the right to determine the fate of a profession that is primarily women. The arrogance of that stance is disgraceful," she said.

*Bebe Raupe contributed to this report.* 

*By Michelle Amber*

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