4RB-508
(3-98)

UNITED STATES OF AMERICA

NATIONAL LABOR RELATIONS BOARD

CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS

FORM EXEMPT UNDER 44 U.S.C. 3512

DO NOT WRITE IN THIS SPACE

Case	Date Filed
21-CB-13692	6-23-04

INSTRUCTIONS: File an original and 4 copies of this charge and an additional copy for each organization, each local, and each individual named in Item 1 with the NLRB Regional Director of the region in which the alleged unfair labor practice occurred or is occurring.

1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT

a. Name California Nurses Association

b. Union Representative to contact Roseanne DeMoro, Exec. Dir.

c. Telephone No. 510-273-2200

d. Address *(street, city, state and ZIP code)* 2000 Franklin Street, Oakland, CA. 94612

e. The above-named organization(s) or its agents has *(have)* engaged in and is *(are)* engaging in unfair labor practices within the meaning of section 8(b), subsection(s) *(list subsections)* (1) (A) of the National Labor Relations Act. and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act.

2. Basis of the Charge *(set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)*

1. Charging Party is a nurse employed by Western Medical Center, Santa Ana, a division of Tenet Health Care.
2. The CNA union has been attempting to unionize these nurses, without success. To assist in that effort, the CNA signed a neutrality agreement with the employer. This neutrality agreement called for a "private election," and also had procedures for private resolution of post-election objections and challenges, all outside of the purview of the NLRB.
3. In approximately May, 2004, the "private election" was held, and the union lost.
4. Nevertheless, the union is demanding to be recognized as the exclusive bargaining representative, and is pursuing that course via so-called "objections and challenges to the election," which it is pursuing before its private "arbitrator."
5. All of this conduct violates the rights of the Charging Party and the similarly situated employees, who have already voted down the union. The fact that the union and the employer are using a "private process" via their "neutrality agreement" does not provide the union with the power to force its way into this hospital and force its representation on employees who have already voted against it. These actions also violate the NLRA, by stripping the Board of all oversight over representational matters. See, e.g., Dana Corp, 341 NLRB No. 150 (2004).
6. The above acts and omissions, and related ones, threaten, restrain and coerce the Charging Party and similarly situated employees in the exercise of their §7 right to refrain from collective activity.

3. Name of Employer
Western Medical Center, Santa Ana, a division of Tenet Health Care

4. Telephone No.
714-835-3555

5. Location of plant involved *(street, city, state and ZIP code)*
Hospital: 1001 N. Tustin Ave., Santa Ana, CA. 92705;
Tenet California: Three Imperial Promenade, Suite 600, Santa Ana, CA. 92707

6. Employer representative to contact
Steven L. Newman, MD., Dir. of Operations

7. Type of establishment *(factory, mine, wholesaler, etc.)*
Hospital

8. Identify principal product or service
Health care

9. Number of workers employed
Hundreds

10. Full name of party filing charge
Sherwood Cox

11. Address of party filing charge *(street, city, state and ZIP code)*

12. Telephone No.

13. DECLARATION

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

By Glenn Taubman — Glenn Taubman — Attorney
(signature of representative or person making charge) — *(title or office, if any)*

Address National Right to Work Legal Def. Fdtn. Suite 600, 8001 Braddock Rd., Springfield, VA 22160 — (703) 321-8510 *(Telephone No.)* — 06/21/04 *(date)*

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