

# Union Bosses, Co-opted Hospital Scheme to Impose Union

*Nurses get Foundation's help in objecting to illegal pre-recognition bargaining*

HOUSTON, TX – With free legal aid from staff attorneys at the National Right to Work Foundation, two nurses at Tenet Healthcare Corporation-owned hospitals in Texas have filed unfair labor practice charges against both Tenet and the California Nurses Association (CNA). Esther Marissa Cuellar, a nurse at Cypress Fairbanks Medical Center, where the CNA has already unionized, and Linda D. Bertrand, a nurse at Park Plaza Medical Center, brought to light that CNA officials and Tenet illegally entered into agreements to force nurses into CNA union ranks.

CNA bosses and Tenet executives signed a so-called “Election Procedure Agreement” (EPA) in which both sides made promises – agreeing to one-sided and coercive procedures for the union organizing drive as well as particular substantive terms of a future contract. It is illegal under the National Labor Relations Act (“the Act”) for a firm to negotiate terms and conditions of employment with a union before the union demonstrates that an uncoerced majority of employees want union officials as their monopoly bargaining representatives.

## NLRB bureaucracy “rents” itself out to union organizers

One of the NLRB’s most central functions is its role as the supposed overseer of “laboratory conditions” of union certification elections. Traditionally, the Board determines which employees belong in the bargaining unit to be represented by a union and then conducts the election to make sure that it is not tainted. The Tenet/CNA pact effectively reduced the Board’s role in the “certification” process to a mere ballot counter and rubber stamper of the phony and coercive process.

*CNA union bosses’ dirty little secret is that they only oppose secret backroom deals that don’t include them.*

## Big Labor pressures medical corporation to sell out nurses

Tenet provided unlawful support and assistance to the CNA by providing union brass with employee lists and personal information, broad access to the hospital, and a dubious arbitration process that allowed CNA officials to go beyond the initially agreed upon time limit to coerce more nurses into signing union authorization cards. Meanwhile,

Tenet refused to offer equivalent assistance and support to nurses who do not want to unionize or who prefer a union other than the CNA.

The Supreme Court’s 2008 decision in *Chamber of Commerce v. Brown*—a victory achieved with help from Foundation attorneys (see page 5)—suggests that “an underlying right to receive information opposing unionization” exists under Section 7 of the Act. In the EPA, however, Tenet and union officials agreed on what information about unionization Tenet could provide its employees, effectively gagging supervisors from responding to nurses’ requests for truthful information about the CNA’s record and purposes. Tenet also discriminated against nurses who oppose the CNA by preventing them from using normal employee space to advocate their position. The EPA also called for “binding interest arbitration of first contracts,” a clear instance of unlawful pre-recognition bargaining.

## Union bosses say one thing, do another

Hypocritically, CNA union chiefs in California launched an extensive public campaign to chastise a competing union, a Service Employees International Union (SEIU) affiliate, for making similar agreements with hospital administrations. They even set up a website, called “Serving Employers Instead of Us,” on which they accused SEIU officials of agreeing to similar conduct such as a gag order and a “banana republic election.”



*CNA union bosses routinely accused other unions of cutting sweetheart deals to get more union dues, only to turn around and do the exact same thing.*

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## Secret Deal

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“When the SEIU tried this kind of top-down unionization in California hospitals, CNA bosses strenuously objected, and rightfully so,” said Stefan Gleason, vice president of the National Right to Work Foundation. “But now their true colors are showing – the CNA has no problem with a union imposing itself on a workforce, just as long as that union is the CNA.”

### *Newsclips Requested*

The Foundation asks supporters to keep their scissors sharp for clipping news items exposing the role union officials play in disruptive strikes, outrageous lobbying, and political campaigning. Please clip any stories that appear in your local paper and mail them to:

*NRTWLDF*

*Attention: Newsclip Appeal*

*8001 Braddock Road  
Springfield, VA 22160*

*Supporters can also email  
online stories to [wfc@nrtw.org](mailto:wfc@nrtw.org)*



### *Message from Mark Mix*

President  
National Right to Work  
Legal Defense Foundation

Dear Foundation Supporter:

The exciting national election season is moving toward the finish line.

We don't know today who will win the many races being decided nationwide, but we do know one thing: Big Labor is mounting the most aggressive political operation in history – costing more than a billion dollars in forced union dues.

There's a lot at stake for the union bosses. If they can put their candidate in the White House while gaining a filibuster-proof Senate, they may be able to expand their forced unionism power dramatically.

Big Labor will move ahead quickly on power grabs like the Card Check Instant Organizing bill, the Pushbutton Strike bill, and the Police and Firefighter Forced Unionism bill.

In fact, if they gain enough seats, they might even be able to achieve the recently announced goal of passing federal legislation that would eliminate all 22 state Right to Work laws.

Workers are flooding the Foundation with requests for help in preventing their forced dues from being used to fund Big Labor's juggernaut. With your help, we're working overtime to help them by enforcing Foundation-won precedents.

We're moving ahead with several strategic lawsuits, filing complaints with state and federal law enforcement agencies, and exposing Big Labor's illegal actions in the national media.

The period just before a national election is really where the rubber meets the road, but you know that the Foundation works year round to stop Big Labor illegality and protect individuals from forced unionism.

It's a mission we couldn't undertake without your support.

Sincerely,

Mark Mix