

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
**CHARGE AGAINST
LABOR ORGANIZATION**

DO NOT WRITE IN THIS SPACE	
Case	Date Filed

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 Minnesota Nurses Association	b. Union Representative to contact Linda Hamilton, President
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c. Telephone No. (651) 414-2800	d. Address (street, city, state and ZIP code) 345 Randolph Ave., Suite 200, St. Paul, MN 55102
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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) and (2) 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 and many similarly situated discriminatees are nurses employed by hospitals in Minnesota. These nurses are represented for purposes of collective bargaining by an entity calling itself the Minnesota Nurses Association ("MNA union").

2. Issue I. The MNA union has failed to properly and timely notify the Charging Party and other similarly situated nurses of their rights to become and remain nonmembers under NLRB v. General Motors Corp., 373 U.S. 734 (1963), Pattern Makers v. NLRB, 473 U.S. 95 (1985) and L. D. Kichler Co., 335 NLRB 1427 (2001). The union has also failed to properly and timely notify nurses about their rights to pay only reduced financial core fees under CWA v. Beck, 487 U.S. 735 (1988). All nurses should be notified of their true legal rights and be allowed to opt out and received retroactive refunds under cases such as Rochester Mfg. Co., 323 NLRB 260 (1997).

3. Issue II. On June 10, 2010, the MNA engaged in a "one-day" strike. Even though the union has never notified nurses of their right to become or remain nonmembers, the union is now disciplining the Charging Party and many other nurses for exercising their rights and working during that strike. Because these nurses are not voluntary members under the NLRA, the union's discipline is void and unlawful. Teamsters Local 492 (United Parcel Service), 346 NLRB 360 (2006).

4. Conclusion: These and related acts and omissions restrain and coerce the Charging Party and others similarly situated in the exercise of their § 7 rights to refrain from collective activity, discriminate based upon the employee's nonunion status, and violate the duty of fair representation.

3. Name of Employer Mercy Hospital	4. Telephone No. (612) 813-6000
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5. Location of plant involved (street, city, state and ZIP code) 4050 Coon Rapids Blvd., Coon Rapids, MN 55433	6. Employer representative to contact Tom O'Connor, President
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7. Type of establishment (factory, mine, wholesaler, etc.) hospitals	8. Identify principal product or service medical care	9. Number of workers employed thousands
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10. Full name of party filing charge Susan M. Clark
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11. Address of party filing charge (street, city, state and ZIP code) 11025 Bluestem Place, Champlin, MN 55316	12. Telephone No. (763) 576-9169
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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 M. Taubman Attorney
(signature of representative or person making charge) (title or office, if any)
Address National Right to Work Legal Defense Foundation (703) 321-8510 8/2/10
8001 Braddock Rd., Suite 600, Springfield, VA 22160 (Telephone No.) (date)