



**NATIONAL RIGHT TO WORK
LEGAL DEFENSE FOUNDATION, INC.**

*Defending America's workers from the abuses of compulsory
unionism since 1968*

NEWS RELEASE

Federal Labor Board to Prosecute Hospital Union for Illegal Bargaining in Secret Agreement

Union officials and Tenet Healthcare came to terms before the union ever represented any employees

Houston, TX (June 03, 2010) – The National Labor Relations Board (NLRB) has issued a formal complaint against the California Nurses Association (CNA) union and Tenet Healthcare Corporation (THC) for illegally negotiating contractual provisions before the union received majority support from Tenet employees. The complaint was prompted by unfair labor practice charges filed by several nurses at the Cypress Fairbanks Medical Center with the help of National Right to Work Foundation attorneys.

According to the NLRB's complaint, Tenet Corporation and union officials agreed to a so-called "Election Procedures Agreement" (EPA) before the CNA's presence was put to a vote by Cypress Fairbanks nurses. Under the terms of the secret agreement, Tenet and CNA officials committed to mandatory third-party arbitration if they could not agree to a contract within 90 days.

Federal labor law prohibits company and union officials from negotiating a contract until a union receives majority support from the company's employees. This requirement is intended to prevent union officials from undercutting workers' rights or negotiating unfavorable wages and working conditions in return for organizing assistance from an employer. At Cypress Fairbanks, CNA officials agreed to the EPA – including the binding arbitration provisions – with Tenet Corporation before they received the consent of Cypress Fairbanks nurses to negotiate on their behalf.

The CNA's organizing drive at Cypress Fairbanks was also marred by several provisions in the EPA designed to quash anti-union dissent. Tenet managers were forbidden from truthfully answering hospital employees' questions about unionization, and employees who opposed a union presence were prevented from using company facilities to express their views. CNA organizers, on the other hand, were given wide-ranging access to company grounds to facilitate unionization, as well as a list of employees' home addresses. Tenet settled earlier Foundation-supported charges by granting employees opposed to unionization equal access to its facilities.

The NLRB's complaint will be heard by an administrative law judge.

“CNA operatives foisted themselves on Cypress Fairbanks nurses through a backroom deal designed to impose unionization,” said Patrick Semmens, legal information director for the National Right to Work Foundation. “It is telling that these union bosses are so intent on forcing themselves into nurses’ workplaces that they were willing to violate the rights of the very employees they claim to represent.”

The National Right to Work Legal Defense Foundation is a nonprofit, charitable organization providing free legal aid to employees whose human or civil rights have been violated by compulsory unionism abuses. The Foundation, which can be contacted toll-free at 1-800-336-3600, is assisting thousands of employees in over 200 cases nationwide.