



# SEIU (UHW) v. NUHW: Implications For Health Care Employers

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## Today's Presenters



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## Agenda

- Background of the dispute
- Latest status of the dispute
- Impact on employers with employees represented by United Healthcare Workers-West (UHW)
  - Private Sector
    - Contract in place (3 years or less or not)
    - Expired contracts or nearing expiration
    - Organized but no contract yet
  - District Hospitals
- Employers without unions
- Special considerations and issues
- Q & A



## Background of the Dispute

- 2006-2008 UHW (led by Rosselli) and its International, SEIU (led by Stern), increasingly clash
  - SEIU decision to transfer and consolidate California long term (LT) care workers into single union
    - Would result in dramatic reduction in UHW membership
    - Would diminish Rosselli's power
  - Differences in organizing philosophy?
- Spring 2008 – Hearing on LT Care Union issue
  - Hearing Officer recommends creation of new LT Care Union
  - UHW opposes: Mobilizes employees against concept
- Fall 2008 – SEIU holds election on issue
  - UHW urges boycott
  - Dispute becomes more strident



## Background of Dispute (cont'd)

- Fall 2008 – Marshall Hearing (former Secretary of Labor)
  - To determine whether there is cause to impose trusteeship
- January 26, 2009 – Marshall decision
  - Recommends trusteeship unless UHW accepts creation of LT Care Union
- January 27, 2009
  - UHW does not accept Marshall decision unconditionally
  - Stern imposes trusteeship; removes UHW leadership (Rosselli Group)
- January 28, 2009
  - Rosselli Group “quits” and announce new union: “National Union of Healthcare Workers” (NUHW)





## Background of Dispute (cont'd)

- February 2, 2009 – NUHW files election petitions at 62 hospitals and healthcare facilities including:
  - CPMC and Alta Bates (Sutter)
  - Daughters of Charity Hospitals
  - Children’s Hospital, Oakland
  - Numerous LT care facilities



## Latest Status of the Dispute

- February 5, 2009 – NLRB apparently unable to process petitions immediately
  - Some hearing dates postponed
- NUHW starts challenging existing contracts
  - February 5, 2009: Petition filed for 17,000 employees at 32 CHW hospitals
  - UHW rejoins: NUHW has no right to file



## What Can Employers Expect NUHW To Do?

- Make recognition demands (card based)
- Raiding Petitions (RC Petitions)
- Decertification Petitions (RD Petitions)
- Deauthorization Petitions (UD Petitions)
- Initial RC petitions (for unorganized groups)
- Other tactics during the life of an existing contract or initial certification year when election petitions cannot be filled
- Long term care facilities – NUHW may sponsor employee challenges to transfer of bargaining units to SEIU’s new LTC local



## What it Means for Private Employers with UHW-Represented Employees

- Contract in place
  - Three years or less
  - More than three years
- Expired contracts
- Organized but no contract yet



## What it Means for District Hospital Employers with UHW – Represented Employees

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- Labor law covering District Hospitals substantially the same
  - Meyers-Milias-Brown Act and PERB regulations
    - Does have “contract bar” rule
  - Individual District Regulations
    - May have created additional rules
- Not aware of any filings with PERB

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## What it Means for Non-union and Partially Organized Employers

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- Union Organizing
  - Heated competition between UHW and NUHW for represented employees
  - Expected uptick in organizing activities
  - Possibility of other unions seeking to organize unrepresented employees while UHW and NUHW battle
  - Possible CNA/NUHW alliance: Implications for employers

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## What it Means for Non-union and Partially Organized Employers (cont'd)

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### ■ Employer Responses

- Make sure management is aware of developments and potential for increased organizing
- Consider whether and how to communicate with employees about developments
- Continued, and possibly enhanced, emphasis on programs/activities designed to lessen employee interest in organizing
- Ensure enforceability of solicitation/distribution policies

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## Special Considerations & Issues

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### ■ 8(a)(2) Issues

- Access agreements
- Election/Neutrality agreements
- Prohibition on favoring one union over another

### ■ Dues Issues

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# Questions & Answers



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