

Case Study: A National Labor Relations Board Union Representation Election at Get-Well Community Hospital

*Linda Tubach, Teacher
Collective Bargaining Education Project
A social studies instructional program co-sponsored by
Los Angeles Unified School District and United Teachers Los Angeles*

For information, questions, or a copy of the complete curriculum, please contact:

Collective Bargaining Education Project
United Teachers Los Angeles
3303 Wilshire Blvd., Suite 328
Los Angeles, CA 90010
(213) 386-3144; (213) 368-6256 (fax)
www.lausd.k12.ca.us/lausd/offices/cbep
email: cbep@lausd.k12.ca.us

Teacher's Instructions for Case Study: A National Labor Relations Board Union Representation Election at Get-Well Community Hospital

by Linda Tubach

in collaboration with Bob McCloskey, Business Representative
Service Employees International Union Local 535

Objectives

Students will learn about the National Labor Relations Act of 1935, the federal law giving workers the legal right to organize collectively into unions without interference from business, by participating in a simulated union representation election. By the end of this simulation, students will be able to:

1. understands both the law and the process involved with organizing a union at a job site.
2. Learn about the function and benefits of a unionized workplace for both workers and management. Students will also learn about why management might resist a union workplace and obstacles workers may face from management when they attempt to organize collectively.
3. connect workers struggles at an individual work site, to current globalization trends such as, downsizing, relocation, etc.

California History - Social Science Standards 2000

United States History

11.6 Students analyze the different explanations for the Great Depression and how the New Deal fundamentally changed the role of the federal government.

4. Analyze the effects of and the controversies arising from New Deal economic policies and the expanded role of the federal government in society and the economy.

Principles of American Democracy (U.S. Government)

12.2 Students evaluate and take and defend positions on the scope and limits of rights and obligations as democratic citizens, the relationships among them, and how they are secured.

2. Explain how economic rights are secured and their importance to the individual and to society.

Economics

12.3 Students analyze the elements of the U.S. labor market in a global setting.

1. Understand the operations of the labor market, including the circumstances surrounding the establishment of principal American labor unions, procedures that unions use to gain benefits for their members...
2. Explain the effects of international mobility of capital and labor on the U.S. economy.

Time 4 - 5 class periods

Materials

1. Student Reading # 1, *A Labor Dispute at the Get -Well Community Hospital.*
2. Student Reading #2A, *Role Assignment - Get-Well Community Hospital Workers*
Student Reading #2B, *Role Assignment - Management at the Get -Well Community*

Hospital

- Student Reading #2C, *Role Assignment - Hospital Employees Union Organizers*
Student Reading #2D, *Role Assignment - National Labor Relations Board Officials*
3. Union representation election ballots
4. Student Assignment #2, *Debriefing Essay.*
5. Student Reading #3 is the actual story of the organizing effort this case study is based on, from the 10-19-98 LA Times, "Seeking More Pay, Encino Hospital Nurses Join Union".
6. Student Reading #4 is Kate Bronfenbrenner's article in the December 2000 Multinational Monitor, "Raw Power: Plant Closing Threats and the Threat to Union Organizing", on anti-union tactics used by employers today

Process

Day 1

1. Complete **Student Reading #1 A Labor Dispute At The Get-Well Community Hospital** as a whole class reading to introduce the simulation and scenario with students.

2. Students will be assigned to one of 4 roles: management; union organizers; government officials; or workers. Have students volunteer for the first three roles:

Get-Well Hospital Management	3 students
Hospital Employees Union Organizers	3 students
National Labor Relations Board	2 students

Seat these three groups separate from one another. Next, the rest of the class will be divided into 7 different departments of **Get-Well Community Hospital Workers**. Randomly number these students into groups 1-7, and identify them with signs as follows:

Department 1 - X-Ray/Radiology	Department 5 - Pharmacy
Department 2 - Dietary	Department 6 - Physical Therapy
Department 3 - Nursing	Department 7 - Laboratory
Department 4 - Housekeeping	

3. Now distribute **Student Readings #2A - #2D, Role Assignments** to the four groups.

Be sure to make clear to the students that the workers are the largest and most important group who will make the actual decision in this simulation. Also tell them that everyone in the class will have an opportunity to participate in the town hall meeting, which begins tomorrow. Also, clarify that their grade will be based upon full participation in the simulation decision-making process--attendance, 2 writing assignments, and oral participation. (Since this project represents a unit of instruction, we make it worth a test grade.)

Begin role preparation today and finish tomorrow in class, to ensure maximum participation. (However encourage the management and union teams to finish their assignment for homework, so that they can use prep time tomorrow for strategizing with you as their coach.)

Instructions--For management, union organizers and NLRB officials: Students should read aloud their role assignment handout within their small group, taking turns on each paragraph. After this, students should discuss the presentation their team will be making to the workers at the upcoming meeting. They should divide up the presentation among all the team members and start their essay assignment or "opening statement" accordingly. (Note that paragraph 2 of the union and management can be divided into three parts.) Finish for homework if possible.

--For workers: Each "department" should read their role assignment handout aloud together. Ask them to stop when they reach the Student Assignment section, and read this aloud as a whole class to check for understanding. Each student should then proceed to write his or her essay individually. If time allows, they should then read their essay aloud to one another in their group and choose one that they would like to represent their department when the community meeting begins. Finish in class tomorrow. 4. **At the end of the period, inconspicuously** choose one or two students to act secretly as anti-union, pro-company workers, who will argue openly against joining a union at the meeting. (You can tell them that the National Medical I Corporation's Board of Directors will reward them if they succeed.) This role will help to ensure a more genuine debate and discussion of the issues.

Day 2

1. Students immediately meet with their teams to **finish preparing** for the community meeting, which will begin in 30 minutes. You need to leave enough time, at least 15 minutes to **start the meeting** (and start building the momentum) at the end of the class period, which will culminate tomorrow. Before beginning the meeting, each small group of workers (the “departments”) should read their preparation essays aloud to one another, and then choose a student to introduce their “department” at the meeting.
2. **Town Hall Meeting.** You will act as a moderator for the community meeting. Open the meeting with a statement explaining the purpose of the meeting: *for the workers to listen to presentations from both management and union and ask questions and make comments, before they vote in a union representation election.* The workers will then introduce their respective departments by reading the first 2 paragraphs of their preparation assignment (Hold the questions in paragraph 3).
3. If there is time, the workers will be followed by the NLRB who will explain their functions as well as their role in the upcoming election. The union will follow them and management teams, respectively, or hold this until tomorrow when you resume the meeting.

Day 3

1. Resume the town hall meeting today as the moderator with a short summary of the conflicting views presented by the workers, followed by the **union team’s opening statements (our out-of-town guests go first), and then management’s opening statements.** Explain that they will not debate directly, but indirectly when they each respond to the concerns of the workers.
2. At the end of the union and management presentations the workers would be given at least 30 minutes to ask questions and make statements to which the union and management teams will respond. You will want to hear from as many workers as possible, so make a list of speakers on the blackboard. Before each worker asks a question or makes a comment, ask her or him to introduce her/himself by reading paragraphs 1 and 2 of their preparation assignment to the class (if they did not introduce themselves earlier). Allow both the union and management teams to respond to each worker’s statement/questions.
3. Conclude the meeting about 15 minutes before the end of the class period, to allow time for **voting.** (If there is time, the union and management teams can make closing remarks). The NLRB explains the rules and then conducts the election. Only workers can cast votes; NLRB officials count the votes and report the results to the class. If possible, start “debriefing” the union and management teams right away while the workers are voting—ask them to step outside of their roles, predict the outcome, and try to make sure they don’t take the election results too personally!

Day 4

1. **Debriefing.** The purpose of the debriefing is to analyze the students’ experiences in the simulation, and connect this to new information about the actual historical case. Their own experience in simulation will allow students to bring a more informed perspective to their understanding of the issues.

Start with the following questions:

- * Ask the workers how they feel about the election results. Why did they vote the way they did? What arguments were the most convincing?

- * Ask management and the union how they feel about the outcome of the election. What do they think was responsible for the vote?
- * Ask students if they were aware of the role of the “company spy” in the meeting? How effectively this person affects the outcome? (Tell students that planting a company spy is a strategy sometimes used by management to defeat the union.)
- * Finally, ask students how they think the actual case that this simulation was based on turned out. How do they think the actual workers voted? If students don’t think the real workers united and joined the union ask them why not? Where do their negative assumptions about human nature come from? How do these assumptions affect their ability to be a change agent? Who benefits?

2. Distribute **Student Reading #3**: the 10-19-98 LA Times story of the actual case “Seeking More Pay, Encino Hospital Nurses Join Union”, and read together as a whole class. Students should be made aware that the simulation was artificial in that in reality, workers would not have the opportunity to hear both sides make a presentation and then vote. Management actually has a “captive” audience at the worksite for their point of view; the union must organize with volunteers off-site.

3. Optional: Complete the following graphic organizer with students on the blackboard or overhead projector as a way to prepare for the last **Student Assignment #2: Debriefing Essay**:

	What were their goals?	Were goals achieved? Why or why not?	Results or consequences?
Management/Owner			
Workers/Union			
NLRB			

4. Class or homework assignment, **Student Assignment #2: Debriefing Essay**. Students can either complete this as a homework assignment, or a class assignment on Day 5, if you have time. Have students write a four-paragraph essay as follows:

There were three economic groups interacting in our simulation: workers represented by the union; owners, represented by management; and the government, represented by the NLRB.

In three paragraphs, describe the goals of each group and evaluate (in your own opinion) whether they were successful. Why or why not?

In the fourth paragraph, tell what you learned from this simulation. About unions, about management, and about the relationship between these two groups in the workplace. About the role of the government in business and labor relations? What obstacles do workers face who try to form unions, even though the law gives workers the right to organize? Lastly, what new information might you take from this learning experience that you could use at work, either as a worker or manager, one day in the future?

5. Follow-up reading and discussion: Use Kate Bronfenbrenner’s article in the December 2000 Multinational Monitor, “Raw Power: Plant Closing Threats and the Threat to Union Organizing” for a comprehensive treatment of the obstacles unions face in organizing today in the U.S.

Student Reading #1:

A Labor Dispute at the Get-Well Community Hospital, Inc. (incorporated)

How do people organize a union at their place of work? Usually the process begins in one of two ways. Workers can either contact a union and ask the union to help them organize, or the union itself may decide to try and organize employees in a particular workplace. The **NLRA (National Labor Relations Act)**, also called the Wagner Act, was demanded by workers during the Great Depression and enacted by Congress in 1935. This federal law gives employees the right to decide whether or not they want a particular union to represent them and to participate in a union without interference from the employer or business owner.

The **NLRB (National Labor Relations Board)**, created by the Wagner Act, is responsible for supervising union representation elections at a workplace when at least 30% of the employees have signed union "authorization cards". These cards give the workers' approval for the union to bargain a contract, or "collective bargaining agreement", for all of the workers as their official representative. The NLRB also conducts hearings when workers complain that an employer has discriminated against them for participating in a union, and if the NLRB decides in favor of the workers, penalties are levied against the employer.

The Situation at the Get-Well Community Hospital, Inc.

Several attempts to organize a union at the Get-Well Community Hospital, Inc., were unsuccessful in the past. A for-profit health care company called National Medical Corporation privately owns the community hospital. NMC owns 350 hospitals nationwide, and is the second largest for-profit hospital corporation in the U.S. The Hospital Employees International Union has sent its organizers to your community just outside of Los Angeles, in Alhambra, California. The hospital has 150 beds and 1,000 employees on all three shifts.

In this simulation, your class will become the Get-Well Community Hospital and will participate in a union representation election. All of you will be involved in this controversy and will decide the major question: Should the workers at the Get-Well Community Hospital vote in favor of joining the Hospital Employees International Union?

At this point in the simulation, over 30% of the workers at the hospital have already signed union authorization cards. Although the National Medical Corporation could recognize and bargain a contract with the union desired by their workers without an election being held, they have chosen not to. The NMC Board of Directors prefers to wait on the outcome of the NLRB's union representation election.

Your class will be divided into the following groups: Get-Well Hospital Management, Hospital Union Organizers, NLRB officials, and the hospital workers who will be members of one of the following departments: #1 -- Radiology (X-ray) Department, #2 -- Ward Clerks, #3 -- Nursing Department, #4 -- Housekeeping Department, #5 -- Pharmacy Department (technicians), #6 -- Transport Department (orderlies), and #7 -- Lab Department.

Soon you will be assigned a role and will read a role assignment describing the situation at the hospital. At a community meeting to be held at a local church, everyone will be given the opportunity to speak, and after a thorough examination of the issues, the workers will vote in a union representation election conducted by the National Labor Relations Board. The meeting will begin with the NLRB officials who will explain the law, followed by the union organizers and the management presenting their respective views to the workers. After this, workers will be able to respond with their questions, comments, and opinions. The meeting will culminate with the workers' secret ballot vote.

**SAMPLE
BALLOT:**

**I want the Hospital Employees International Union
to represent me in bargaining with the
management at Get-Well Community Hospital.**

____ Yes

____ No

Student Reading #2A: Role Assignment
Worker at Get-Well Community Hospital

_____ You live just outside of Los Angeles in the small city of Alhambra, California. You are one of 1000 employees, who work on 1 of the 3 round-the-clock shifts at the Get-Well Community Hospital, Inc., one of the largest employers in the community. Your job is to provide quality health care services to local residents and patients in your 150-bed hospital.

Wages

You have been working at Get-Well Community Hospital, Inc. for several years. You are very committed to your work in the hospital, to giving patients the best care possible. Maybe you're married with a growing family, maybe you support your aging parents, but you are the *primary* support of your family. Unfortunately, your paycheck doesn't go as far as it used to, to buy the things you need for you family. Your wages just don't seem to be keeping up with the cost of living in the Los Angeles area. Your landlord just raised the rent, electricity is going up, and if you were to lose your job, your family could not make ends meet.

Wages at the hospital vary, according to your job classification and skills. At the low end, ward clerks, nurses' aides in the nursing department, dietary workers, and housekeepers, who have 6 months to 2 years of experience, earn from \$8 - \$10 an hour. Workers with 4-year bachelor's degrees-- such as nurses, physical therapists, pharmacists, lab and X-ray techs -- earn \$15 - \$23 an hour. By comparison, you've heard that ward clerks earn \$15/hour and nurses earn \$30/hour in unionized hospitals in bigger cities. Although you've thought of leaving Get-Well once or twice, you really need to stay in the Alhambra community because of certain family commitments. You would also have trouble finding another hospital job in your community if you decided to quit, since there's only one other hospital in the area, and it's smaller than Get-Well.

Working Conditions

You are very concerned about the increasing workloads in all of the departments at the hospital. Although the staff is very dedicated, morale is low. Workers complain that with more work, they are unable to give patients less time for the high quality care they deserve. For some, bigger workloads mean the number of patients you are responsible for on your shift; for others, it's more cleaning, more meals to prepare, more prescriptions to fill, more lab tests to analyze; etc. Staffing ratios for nurses are 1:10, that's one nurse for every 10 patients. Workers are reporting more injuries from lifting more patients, more chemical spills from cleaning agents, more disease-causing airborne pathogens, such as tuberculosis, and more needle sticks (getting poked by a needle you have just used to inject a patient) that could expose you to HIV or hepatitis. Workers on night shifts are concerned about safety and security. You also feel that seniority (not favoritism) should count for shift assignments and vacation schedules.

The Hospital Employees Union

Over the past few months, union organizers from the Hospital Employees Union (HEU) in Los Angeles have come to Get-Well Hospital to convince the workers to vote for the union, in the upcoming NLRB union representation election. The organizers say that, with a union, the workers can get the NMC to raise wages and improve working conditions. Some of your friends have gone to union *house meetings* after work, and the organizers have talked with

them about HEU's accomplishments at other hospitals. On the other hand, you are not sure that you can trust the union people any more than you can trust your hospital management.

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Most workers in your community do not belong to unions. Your nephew says that unions are just out for themselves, take your dues money every

Worker at Get-Well Hospital

month, and you never really get that much back. You are also afraid that you might be harassed or even fired if you go to one of the union meetings after work. In fact, a well-known nurse

involved in the union organizing campaign was just fired for a medication error that the doctor ordered and the pharmacy dispensed. Although she is taking her case to the National Labor Relations Board (NLRB) as discrimination for her union activities, it may take more than 2 years of hearings and appeals to get her job back, *if* she wins.

Like all workers at Get-Well, you go to mandatory meetings, called "one-on-ones" with your supervisors, on work-time, where they tell you about the negative side of unions – like strikes, and the dues you have to pay monthly. You can't imagine going on strike-- that means *no* pay, and how could you afford that? The supervisors have asked everyone whether they support the union or not, and you tell them the truth - you haven't made your mind up, one way or another.

On the positive side, the hospital just gave everyone a 4% wage increase and is improving staff relations with a new "conflict resolution procedure" and some new "partnership" committees! At least some good things have come out of this whole situation. You are anxious to hear what management and union have to say at the community meeting, before you and the other Get-Well workers vote in the NLRB union representation election coming up soon.

Assignment

It is now time to prepare for the meeting that will precede the NLRB vote. The assignment is called an **interior monologue** and should help you to think more deeply about your role. Consider this a rough draft, with 3 brief, but detailed paragraphs, in essay form. Each paragraph should contain a minimum of 5-8 sentences, and the following details for full credit:

Paragraph 1 - *Introduce yourself. Give your real name, but you can make up the rest from the perspective of a hospital worker (check your department for your job category - this should also shape your point of view), such as your age, marital status (single, married), family situation, education, etc. Discuss your job at Get-Well -- what you do, work conditions, etc. What is important about your job? How do you provide quality care for patients? Also, explain some of the specific problems you experience in your department.*

Paragraph 2 - *Trying to keep an open mind before the community meeting, explore both sides of the union issue--Talk about your feelings about the union-- what makes sense? what bothers you? Also discuss how you feel about management. Finally, develop 2 - 3 specific questions that you can ask either management or union at the meeting.*

Complete only the first two paragraphs before the meeting. After everyone in your group finishes, you will do a read-around with your group, with each person reading his or her own essay aloud, and then choose one to represent your group in the **introductions** that will take place at the beginning of the meeting. The NLRB, union organizers, and management will then make their presentations to you and the other workers. After this, the major portion of the meeting will be turned over to the workers' questions and comments. Everyone will have an opportunity to speak. After the meeting is over, you will be given time to write your last paragraph in class.

Paragraph 3 – Write 4-6 sentences to explain your decision on how to vote. Begin with the sentence, “I voted (yes or no) on whether the Hospital Employees Union should represent the workers at the Get-Well Community Hospital because....” What factors influenced you to vote the way you did?

Student Reading #2B: Role Assignment **Management at Get-Well Community Hospital, Incorporated**

You are a group of hospital administrators, who are in upper-level management at the Get-Well Community Hospital, Inc., in Alhambra, California. One of you is the Corporate Financial Officer (CFO), another is Director of Human Resources (personnel), and the third member of your team is the Chief Attorney at the hospital. Your group has been asked by the owners of the National Medical Corporation (NMC), Get-Well’s parent company, to speak at a community meeting which will precede a National Labor Relations Board union representation election. Naturally, it will be your job to try and convince the workers at Get-Well **not** to join the Hospital Employees Union.

You are proud of the fact that your hospital is part of the second largest for-profit hospital chain, with 350 hospitals nationwide. Get-Well is one of the biggest employers in Alhambra, with 1000 full-time workers on three round-the-clock shifts. Your hospital is one of only two in the entire community (the only one with an emergency room), and without it, you realize the disastrous impact this could have for the area’s residents, who depend on you for quality medical care. Now, union organizers are coming from central Los Angeles to try and organize your workers. What do they know about life in your community? In your opinion, these unions are just plain greedy and out for the dues they can milk out of their members, which go mostly for their own fat salaries!

Furthermore, Get-Well Hospital has always enjoyed a direct relationship between its managers and workers - if someone has a problem, he or she can go right to their immediate supervisor for assistance. With a union on-site, everything becomes much more complicated, with workers writing up “grievances” when they have complaints and you having to deal with union representatives, elected by the workers, in grievance meetings.

And, as if this were not enough, management would also be spending months negotiating a contract with the union over wages and working conditions - possibly every two to three years! Imagine having to add contract negotiations to your already full plate of job responsibilities!

And, of course, where there are unions, there are strikes. Perhaps unions are fine for other industries, but the effect of a strike at a hospital like Get-Well could be potentially life threatening. What would happen if striking nurses walk out of operating or emergency rooms? If pharmacists aren’t there to dispense medications to patients recovering from surgery? Or having to deal with cleaning the patient’s rooms and those huge amounts of laundry, without the housekeeping staff? A protracted strike might indeed force the NMC to close your hospital, if it no longer becomes cost effective and profitable for the stockholders. It would be a terrible thing for the union to win at Get-Well, only to force the hospital to close its doors and go out of business, because of strikes and the costly demands that unions make!

Wages

The union is making demands that you feel the corporation cannot satisfy. They are telling your workers that you do not pay them enough. But they are erroneously comparing the \$8 - \$23 an hour that you pay your workers, to the \$15 - \$30 per hour paid to L.A. County hospital workers with a union. County hospitals are subsidized by the state and don’t have stockholders to satisfy like you do. You walk a tightrope, balancing costs like wages and new technology, against stockholder’s demands for higher dividends. And for those who complain about those high dividends - if the stockholders don’t invest in NMC, you don’t have a hospital. It’s that simple. You pay your workers as much as you can, and you have just raised wages 4% for all employees. You will also continue to have annual work performance reviews for individual merit raises. How much more generous can you be?

Profits and Competition

First of all, as a *for-profit* hospital, you feel that NMC has nothing to be ashamed about - after all, everyone knows that the opportunity for profits in the American economy is what drives innovation and progress in every business and industry. However, profits in the hospital industry have been declining, and last quarter, NMC netted only \$228 million profit, or \$.06 cents for every dollar's worth of patient services provided. This is because health care is expensive, with wages as your biggest cost. If you pay the workers more, you will have to charge more for hospital services, and this makes the company less

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competitive in the marketplace. In order to keep Get-Well's doors open, it *may* decide to "downsize" the staff through layoffs and reduced benefits. It could also decide to "contract out" certain services to outside companies, such as food preparation and laundry, in order to save additional funds. This, too, would entail staff reductions, but you are hoping that it won't get down to that.

In addition, NMC has purchased many hospitals in Southern California in the last decade, to gain the competitive edge in the hospital industry. But financing the company's expansion has been costly, and the corporation has accumulated billions of dollars in long-term debt that must be repaid to their lenders. Debts, declining profits, the threat of a union at your door, it's no wonder you haven't been sleeping well at night!

Safety, Health, and Patient Care

You are concerned that the Hospital Employees Union organizers are misleading Get-Well workers about hospital violations of government health and safety standards. They talk about workers getting hurt on the job, not enough safety training or equipment, etc. But they don't know what it takes to *run* a hospital, and in fact, management has been planning changes that should make significant improvements in these areas and, at the same time, steal the union's thunder (don't unions operate by exaggerating problems and frustrating workers right into voting for them?!)

Management has just announced the creation of a new **Total Quality Partnership**, composed of various joint management-staff committees to deal with specific problems on-site, and make proposals for change. For example, there will be a Partnership Health and Safety Committee, whose first mandate will be to pilot an experimental program with the nursing department, using new *retractable* needles. (Retractable needles have a little cover that slips over the needle, as it is being retracted from the patient.) This prevents accidental *needle sticks* of the staff, which can spread blood borne diseases. A Partnership Staffing Committee will also be established to implement a new policy called *staffing by acuity* (or severity of illness). In other words, the sicker the patient, the more staff will be assigned to the ward. Finally, you have already started an internal Conflict Resolution Procedure, to deal with problems between supervisors and staff.

These are changes that have been successful in other places, why not here at Get-Well? And you like the partnership concept because it gives workers a *voice*, without the interference of a union! Recently, NMC's Chief Executive Officer (CEO) Robert Holmes, announced to stockholders that NMC is recognized as an industrial leader for its **Ethics and Compliance Programs**. At the annual shareholder's meeting, he said, "We are known for the quality and the integrity of the care we provide to our patients." Personally, you believe that a lot of the problems at Get-Well are caused by poor communication between management and staff, and that the Total Quality Partnership will go a long way toward addressing problems.

Student Assignment

It is now time to prepare the opening presentation you will be making to the workers - in writing. The assignment is called an **interior monologue**, and should help you to think more deeply about your role. Consider this a rough draft, and write in essay form. Each paragraph should contain a minimum of 5-8 sentences, and the following details for full credit.

Paragraph 1 - *Introduce yourself. Give your real name, but you can make up the rest from the perspective of your role, such as your age, marital status (married, single), children, etc. Also talk about your job - tell them about what you do, and what you think is important about what you do.*

Paragraph 2 - *Explain why you don't think workers do not need to join a union to improve wages or working conditions at Get-Well. Discuss the positive changes which management has in progress, as well as the things you can offer workers, that would make a union unnecessary. Also, focus on problems that might result, if the union is elected to represent the workers.*

Complete only the first 2 paragraphs before the meeting. Then divide the themes in paragraph 2 among your team for your opening statements at the meeting. Do Paragraph 3 after the meeting is over.

Paragraph 3 - *Analyze the results of the NLRB union representation election. What factors*

influenced the outcome most? How will the outcome change things at the hospital - for workers, management, stockholders, and patients? How do you feel about the role you played in determining the outcome? Would you have felt differently if you were a worker? Explain.

Student Reading #2B: Supplement for Management at Get-Well Hospital

Basic Questions and Answers About Unions

Q. How will a union change the relationship between management and workers?

A. Get-Well Hospital management prefers to deal directly with all our employees, one-on-one, without adding an unnecessary layer of outside third- party bureaucracy. We have worked hard to maintain honest and open communication with our workers. We have an open-door policy that enables any employee access to anyone in management, from your immediate supervisor to our Chief Financial Officer. We do not need a union to treat each worker with respect and provide opportunities for both personal and professional growth.

Q. How much money does it cost to belong to a union?

A. It costs plenty. Unions collect monthly dues, which can be increased by the union. You may pay a certain amount now, but what will it cost a year from now? **Remember that the union is in business to sign up new members and collect dues from them.** Besides monthly dues, unions often require contributions to strike funds, special project funds or political actions, which you may not agree with.

Q. If a union were voted in, would the workers automatically get what the union promised?

A. No. No union can guarantee you anything. If the union wins the election, the only thing they would win is the right to bargain with management and the right to collect union dues – nothing more. No one knows what will happen in the collective bargaining process—and the truth is, **the union can only provide the workers with what a company is willing to give.** Because it is the company that provides the wages and benefits, the building and equipment, and all the other assets needed for the business. All that the union can promise is that the members will pay dues and will have the right to negotiate or strike.

Q. How do I know what I would get in a union contract?

A. You don't. In negotiations, wages and working conditions can go up or down or remain the same. No one, not the union and not the Hospital can tell you in advance what kind of contract you will end up with. And remember, the union cannot provide the workers with anything more than what the hospital is willing to give, because **it is the hospital that provides the paychecks, the benefits, the equipment, etc., not the union.** The union is in business to sign up new members and collect dues from them.

Q. Can the union change the work rules and wage rates for each employee?

A. No. A union can only ask that the Hospital management consider its proposals. The Hospital does not have to change any of its policies or wages just because a union asks.

Q. What could happen during a strike?

A. During a strike, the Hospital has the absolute right to continue its operations, and provide quality care to the patients. It can do this by hiring replacements for striking workers and using management to perform certain work. When a strike is finally over, **the Company is not required to take back striking employees unless there are openings.** Furthermore, a strike could cause the hospital to suffer **business losses that might require downsizing and layoffs of some employees.** History has shown that powerful unions do not hesitate to place companies in financial danger to achieve their goals, ultimately costing thousands of hardworking men and women their jobs.

Student Reading #2C: Role Assignment **Hospital Employees Union Organizer**

Background

You are a proud of your job as a union organizer and staff representative for the Hospital Employees Union (HEU), an AFL-CIO affiliate, in Los Angeles, California . After a tough union campaign at the hospital where you worked as a nurse (or a lab technician), you were fired for your union activities, but HEU offered you a job working for the union. **(A union is an organization of workers who join together to deal with the power of their employer as a group.)**

You've been here in Alhambra since last fall, because some workers at the Get-Well Community Hospital called your HEU office to help them organize a union. If the workers win the upcoming NLRB union representation election, with a simple majority vote of 50% plus 1, HEU will become the worker's certified bargaining agent at Get-Well Community Hospital, Inc. (At which point, you and the other organizers will leave, and the workers will elect their own rank-and-file representatives to bargain a union contract for all the workers at the hospital.)

You think the workers have a good chance at winning, because you know all about *for-profit* hospital chains like the NMC. Last year, HEU was involved in a similar organizing campaign at an NMC facility in the San Fernando Valley where the workers won, but it wasn't easy. NMC is the **second largest for-profit chain** in the nation and has become this big by buying small non-union community hospitals with financial problems. They hold costs down by under-staffing, longer shifts, and cutting department's budgets to the bone. By squeezing workers and minimizing patient services, NMC has been very successful, paying high dividends to its stockholders.

Not surprisingly, NMC has taken a tough stand in trying to keep unions out of their hospitals. Like many companies, they hire anti-union consulting firms. In the San Fernando Valley, NMC used **anti-union tactics** such as: promoting union activists out of their units or firing them, threatening to downsize or close facilities, holding supervisor "one-on-one" meetings regularly with workers, making promises of improvements, and unexpectedly raising wages.

Working Conditions at Get-Well Community Hospital

You believe that the workers at Get-Well are being mistreated, and that the union could protect their rights and interests. You've heard many complaints that working conditions are worsening. There are increasing workloads-- for some, it's the number of patients they are responsible for on their shifts, for others, it's more cleaning, more meals to prepare, more lab tests, etc. And workers know that inadequate staffing in their departments has hurt the quality of service they provide to the patients. At Get-Well, the staffing ratios for nurses are 1:10, or 1 nurse for every 10 patients. What about the nurses in the *emergency room* with patients who are critically ill, where the situation could worsen at any moment? - pretty scary! Workers worry about getting more back and shoulder injuries from lifting more patients, chemical spills from cleaning agents, disease-causing airborne pathogens such as tuberculosis, blood spills and needle sticks that could expose them to HIV or a fatal form of hepatitis, and safety and security on the night shifts. They also feel that their seniority should count, when it comes to shift assignments and vacation schedules.

Wages

In addition, wages at Get-Well are substandard for the hospital industry in Southern California; in fact they are among the lowest in the region for both skilled and "semi-skilled" job categories. At HEU's

union hospitals, wages range from \$15 an hour for ward clerks to \$30 an hour for registered nurses. By comparison, wages at Get-Well average \$15 - \$23 hourly for skilled nurses and x-ray technologists, to \$8 hourly for housekeepers and dietary workers.

You know that NMC, as a very successful for-profit corporation, can afford to pay its workers more; NMC earned \$228 million last *quarter* alone (a quarter = 3 months), and shared its profits with stockholders, by increasing their dividend payments! NMC's Chief Executive Officer (CEO), Robert Holmes, was generously compensated for his work with a *6-figure salary*, plus *stock options* worth \$250,000 last year! It's clear to you that the money's there, that it's just a matter of priorities, and that employees (and patients) are last on NMC's list! They are taking advantage of the fact that Get-Well's workers are **unorganized** and cannot threaten collective action, so therefore, NMC doesn't have to worry about satisfying their needs.

How a Union Could Change Things at Get-Well

Although promises don't deliver, history does. And the **history** or **record** of what workers can do when they organize their power collectively through unions, speaks for itself. For one thing, wages and benefits improve. In fact, union workers earn an average of 15%-34% more, than their non-union counterparts in the same jobs. For another, union contracts protect workers, and without unions, workers can be fired by management for any reason. Furthermore, union workers are entitled to seniority rights, to union representation in disciplinary actions taken against them by management, and to file written "grievances" against management and resolve them through hearings and binding arbitration by a neutral third party.

So from where does a union get its power? A union's **power** comes through its ability to **unite workers to take collective action**. In a strike, workers join together to **withhold their labor**, in order to shut production down. If successful, the union can then use its power to negotiate a stronger contract with management. Although strikes are often effective tactics, usually the threat of a strike is enough to make management get serious at the bargaining table. In fact, the stereotype that unions are always going on strikes is totally false; 97%-98% of all disputes between management and labor are settled at the bargaining table, while less than 3% result in a strike.

Meanwhile, HEU has negotiated among the best collective bargaining agreements with hospitals in the state, with the highest wages, professional rights, and benefits for hospital workers. You have led the way in the fight for bilingual pay (additional pay for workers who use bi- or tri- lingual skills on their jobs). Some of your other accomplishments include - domestic partner benefits in contracts, seniority rights, flex-time in scheduling, tuition reimbursement for additional training, and affirmative action committees to monitor employers' compliance with the 1964 Civil Rights Act (which prohibits discrimination on account of race, nationality, gender, religion, age, or disability).

So, you believe that the union could really change things at the hospital. After all, you have seen it happen at other hospitals you helped to organize. There is also a severe labor shortage in the area, and hospitals are competing for qualified employees in all job categories. Currently, there are 65 unfilled positions at Get-Well that management staffs by sub-contracting with an expensive temp agency. This is one of the causes of the workload problems at the hospital, and you believe that the higher wages and benefits that the union will negotiate can help management attract highly qualified job applicants and improve staffing.

Assignment

It is now time to prepare the presentation you will be making to the workers. The assignment is called an **interior monologue**, and should help you to think more deeply about your role. Consider this a rough draft, and write 3 brief, but detailed paragraphs, in essay form. Each paragraph should contain a minimum of 5-8 sentences, and the following details for full credit:

Paragraph 1 - *Introduce yourself. Give your real name, but you can make up the rest from the perspective of your role, such as your age, marital status (married, single), children, etc. Talk about your job as a union organizer - how you started working for the union, about what you do on your job, and why you believe in what you do.*

Paragraph 2 - *Explain what a union is and why unions give workers more power with management. Discuss NMC and the wages/working conditions at Get-Well. Explain the positive changes HEU could make. Give examples.*

Complete only the first 2 paragraphs before the meeting. Next, divide the opening presentation among your team: one of you could talk about what unions do and where their power comes from; the second person-- NMC and the working conditions at Get-Well; the third organizer--the history of what HEU has accomplished in other hospitals. Each organizer should start by introducing themselves. Do paragraph 3 after the meeting is over.

Paragraph 3 - Analyze the results of the NLRB election. What do you think influenced the outcome? How will things change at Get-Well, as a result of the election--for workers, patients, management, stockholders? How do you feel about the role you played? What did you learn that you could use someday in your work life? What did you teach others that you think is important? LA Collective Bargaining Education Project 2001

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Student Reading #2C: Supplement for Union Organizers

Frequently Asked Questions About Unions

What is a union?

A union is an organization of workers who decide to join together as a group to deal with the power of their employer through collective bargaining and collective action. In this way, they will have a greater say about their wages, hours, and working conditions. Under U.S. law, workers have the right to join a union, and employers must bargain with the union elected by their workers. Despite this right, many employers use questionable, and even illegal, tactics to prevent workers from organizing unions.

Why do workers need labor unions?

To deal with the power of the employer. Without a union, workers work “at [the] will” of the employer - meaning they have only the few rights provided by law, such as minimum wage, on the job. Lacking union protection, workers can be disciplined, demoted or fired for no reason and do not have the right to a hearing.

What gives unions their power?

First, the union’s power comes from the workers’ collective labor power and their ability to shut production down, if they withhold their labor as a group from the employer. Other collective actions include: collective bargaining, rallies, participating in political campaigns and elections, and lobbying for laws that benefit all workers. Second, a collective bargaining agreement is a contract between management and union, and is legally binding. A hearing can enforce it with a neutral third party called “binding arbitration.” Third, unions derive their power from past successes (their history) in meeting workers’ needs.

What proof do workers have that they will be better off with a union?

History. The past record of unions shows that when workers organize together their wages and working conditions improve. For example, union workers earn 15% - 34% more than their non-union counterparts in the same jobs, with the biggest increases for workers in the lowest paid occupations.

How do unions negotiate working conditions with employers?

Once the workers elect the union to represent them at their place of work, employers are required by law to negotiate a contract with the union members. This process is called collective bargaining and it is through this process that workers gain improvements in wages, hours and working conditions. Typically, the contract is negotiated by a team elected by the union members, while the employer selects the management team. The union organizers leave after the union representation election and go on to organize other sites. Workers choose members from among themselves who will represent them at the bargaining table with management.

Why do workers pay dues and how much are they?

Dues are about 2 hours of a worker’s hourly pay per month. If a worker earns \$8 an hour, her union dues would be \$16 monthly. Dues pay for printing copies of the contract for

every union member, the lost work time of the union bargaining team, and the time of a shop steward (a worker elected by the other workers to represent them in any disputes with management), and any full-time union staff.

Student Reading #2D: Role Assignment ***National Labor Relations Board Official***

You are a commissioner for the National Labor Relations Board (NLRB), who has just arrived from Washington, D.C. to supervise a union representation election. The NLRB, an independent federal agency, was established according to the terms of the Wagner Act of 1935, and is responsible to oversee labor-management relations in business and industry. It does this primarily by conducting union representation elections and investigating and settling charges of unfair labor practices.

Representation Election

You have come to the Get-Well Community Hospital in Alhambra, California to **conduct a secret-ballot election among the workers, who will vote on whether or not to join the Hospital Employees Union**. If a simple majority (50% plus 1) of the workers agrees to join the union, then the union legally becomes the official and sole bargaining representative of the workers with the hospital's management.

The union is then able to negotiate a contract (called a collective bargaining agreement) with management, to determine wages and working conditions. Each side is legally bound to the terms of the contract, and if broken, can be adjudicated in a court of law.

You take your job with the NLRB very seriously, because you know that without a union, workers have no collective voice or power in dealings with management. The Founding Fathers did not include protections for workers against abuses by owners in the Constitution. And the Bill of Rights was intended to protect *individual* citizens from the abuses of a tyrannical *government*. It wasn't until the Great Depression and the New Deal enacted by Congress and President Roosevelt, that workers were *protected by law* in their right to organize unions and collectively bargain contracts with their employers.

Your Role

When you come to the meeting, you and the other NLRB commissioner will make a **short presentation** to the workers, **explaining your purpose** for coming, as well as the **role and history** of the NLRB. In addition to conducting the election, tell workers that you will be available to **receive complaints** regarding managers committing **unfair labor practices** against workers for participation in union activities. You will also need to explain how the law defines this term (refer to the section that follows for more information) at the meeting.

Unfair Labor Practices

Under the terms of the Wagner Act, Congress enumerated a list of "unfair labor practices" by employers, however, you also know realistically the law can be very difficult to enforce. After all, employers know the law too, and don't fire or discipline a worker outright for participation in union activities. They skirt the law by firing or disciplining workers for other reasons. In a recent case in a Service International Employees Union campaign in the San Fernando Valley, for example, one nurse told about being forced to sit in a meeting with four supervisors for more than two hours, where she was repeatedly questioned about her union views and activities, and threatened with retaliation, if she continued. A few months later, she was fired.

Just how typical are stories such as this? In a 1998-1999 survey, conducted by Kate Bronfenbrenner, director of labor education research at the New York State School of Industrial and Labor Relations at Cornell University, employers use at least one anti-union tactic in 97% of all union election campaigns, such as the one above, to defeat the union. Therefore, it's very important that you carefully explain what unfair labor practices are, so that workers can report any evidence they have to you as soon as possible.

Tell workers that the NLRB will investigate complaints and a judgment made in a hearing that you will conduct. Unfortunately, these cases often take some 2-3 years to conclude. If the company is found in violation of the law, civil penalties, usually relatively small fines, are administered. Tell the hospital workers that according to the definition of unfair labor practices, **employers may**

NLRB Official
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1. *interferes with, or coerces (force) employees, in their union activities.*
2. *"assist" or dominate a union in its activities.*
3. *discriminate against workers in employment for joining a union or participating in union activities.*
4. *discriminate against workers who participate in this NLRB union representation election.*
5. *refuse to bargain a contract, after the union has been elected to represent the workers.*

Election Procedure

After the presentations and questions from the workers, you will conduct the secret-ballot election. Here are the steps to follow:

1. Set up a ballot box. Have one ballot for each worker who will be voting. Destroy any extra ballots to avoid fraud.
2. Count all of the workers. You can make a list of all of the worker's names, if time permits. Management does not vote.
3. Pass out ballots. Have students vote and place their folded votes in the ballot box. If you have made a voter's list, check off each name, as workers vote.
4. Count the votes, put the results on the board, and announce them to the class.

Student Assignment

Prepare your presentation to the workers in writing. It is called an **interior monologue**, and should help you to think more deeply about your role. Consider this a rough draft, which you can polish later on. Complete your presentation in essay form in 3 brief, but detailed paragraphs. Each paragraph should contain a minimum of 5-8 sentences and the following details, for full credit:

Paragraph 1 - *Introduce yourself. Give your real name, but you can make up the rest from the perspective of your role, such as your age, marital status (single, married), children, etc. Also talk about your job at the NLRB. What do you think is important about it? Explain what the NLRB is, its background, purpose, and functions. How do you think you serve democracy in your job at the NLRB?*

Paragraph 2 - *Describe how the election will be conducted and how the NLRB works to ensure fairness. Be sure to clearly explain what actions constitute unfair labor practices, and use examples where possible. Also explain that the NLRB holds hearings to investigate unfair labor practices and administer penalties, when violations are substantiated.*

Complete only the first two paragraphs before the meeting. After the meeting is over, you will be given time to write your third and fourth paragraphs in class. If there is more than one NLRB Commissioner, divide the presentation between you. For example, after introducing yourselves, one of you could explain the NLRB and the election, and the other commissioner could be responsible to discuss unfair labor practices, how to report them, and the consequences.

Paragraph 3 - *Describe the results of the election. Explain the various reasons why the election turned out the way it did. Discuss how you think things might be different for the workers at Get-Well Community Hospital after this election. Management? For patients? Stockholders?*

Paragraph 4 - *How do you feel about the role you played in determining the outcome of the election? Was it fair? What changes, if any, would you make to strengthen the Wagner Act to make it as fair as possible? Explain.*

I want the Hospital Employees Union to represent me in bargaining with the management at Get-Well Hospital.

_____ Yes _____ No

I want the Hospital Employees Union to represent me in bargaining with the management at Get-Well Hospital.

_____ Yes _____ No

I want the Hospital Employees Union to represent me in bargaining with the management at Get-Well Hospital.

_____ Yes _____ No

I want the Hospital Employees Union to represent me in bargaining with the management at Get-Well Hospital.

_____ Yes _____ No

I want the Hospital Employees Union to represent me in bargaining with the management at Get-Well Hospital.

_____ Yes _____ No

I want the Hospital Employees Union to represent me in bargaining with the management at Get-Well Hospital.

_____Yes

_____No

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Student Assignment #2: Debriefing Essay, 4 paragraphs as follows:

There were three economic groups interacting in our simulation: workers represented by the union; business owners, represented by management; and the government, represented by the NLRB. In each of three paragraphs, describe the goals of each group and evaluate (in your own opinion) were they successful. Why or why not?

In the fourth paragraph, tell what you learned from this simulation. About unions, about management, and about the relationship between these two groups in the workplace. About the role of the government in business and labor relations? What obstacles do workers face who try to form unions, even though the law gives workers the right to organize? Lastly, what new information might you take from this learning experience that you could use at work, either as a worker or manager, one day in the future?