

NLRB rules McKenzie-Willamette Hospital broke labor law

The Springfield facility is part of America's second-biggest for-profit hospital chain

By **DON McINTOSH**
Associate Editor

EUGENE — Alongside timeless workplace mysteries like “what do managers do?” there’s a new mystery at McKenzie-Willamette hospital in Springfield, Oregon: What on earth do its human resource managers do?

For-profit McKenzie-Willamette is part of Tennessee-headquartered Community Health Systems (CHS), the nation’s largest publicly-traded hospital company. And federal labor law — something you’d expect HR professionals to know — requires the hospital to bargain in good faith with Service Employees International Union (SEIU) Local 49, which represents 300 support workers there.

When contract negotiations began Oct. 17, 2013, the union asked for some basic and mostly pretty mundane information. It should have been routine. Instead it took HR 40 days to hand over a retirement plan summary, 55 days to provide an employee list

with pay rates, 90 days to disclose total annual payroll for unit employees, and 117 days to provide current job descriptions. HR never did provide eight other pieces of information — including hire dates, health insurance enrollment dates, and the most recent retirement plan annual report.

Local 49 cried foul, and the labor law referees at the National Labor Relations Board (NLRB) agreed. In an “unfair labor practice” complaint issued March 31, the federal agency says McKenzie-Willamette Hospital “has been failing and refusing to bargain collectively with the exclusive collective bargaining representative of its employees,” in violation of federal labor law. The agency set a July 8 date for the hospital to explain itself before a federal administrative law judge.

That’s a familiar ritual for CHS — a repeat offender with one of the most egregious records of labor law violations of any employer in the country. Within the last year, federal courts have issued at least three cease-and-desist orders at CHS hospitals in California and Ohio for threatening, harassing and terminating union supporters, and for refusal to bargain in good faith.



Members of SEIU Local 49 picket outside McKenzie-Willamette Hospital April 17 to protest extreme stalling in contract negotiations. The National Labor Relations Board has ruled that the for-profit hospital chain's "bad-faith bargaining" violates federal labor law.

On April 14, the NLRB in Washington, D.C., ruled that CHS misconduct at a San Diego area hospital “infected the core of the bargaining process to such an extent” that a court order to bargain wouldn’t be enough: The hospital must reimburse the union for six months of bargaining expenses — a sanction the NLRB has used only eight times. The agency also extended

union certification for a year, and ordered CHS to provide the information the California Nurses Association requested — way back in August 2012.

CHS has 87,000 employees at 208 hospitals in 29 states. Only about 8,000 of them are union members.

“We currently believe that our labor relations are good,” the company declared in its most recent annual re-

port to shareholders.

Many union employees would likely disagree with that assessment.

Members of SEIU 1199NW at Valley Hospital in Spokane, Washington, waged a one-day strike Dec. 4, after which CHS locked them out of their jobs for two days. That came a day after members of California Nurses Association waged one-day strikes at CHS hospitals in Wilkes-Barre, Pennsylvania, and Watsonville and Barstow, California. CNA members also picketed hospitals in Massillon, Ohio and Ronceverte, West Virginia.

In Springfield, SEIU Local 49 reported close to a hundred workers and supporters took part in a noisy informational picket April 17 outside McKenzie-Willamette. Local 49 spokesperson Felisa Hagins says bargaining has been unbelievably slow, with hospital negotiators unwilling or unable to meet more than once or twice a month. Local 49’s contract at McKenzie-Willamette — which covers medical assistants, certified nursing assistants, medical technicians, phlebotomists, and housekeepers — expired Dec. 31, 2013.

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