



Background On The Battle Between SEIU And The CNA In California

April 8, 2008

Who is SEIU in California?

United in 21 local unions in California, we in SEIU represent more than 650,000 workers in healthcare, state and local government public sector (including public hospitals), property service and allied industries.

Who is UHW in California?

United Healthcare Workers West (UHW) represents 150,000 acute-care and long-term care workers including workers at Kaiser, Catholic Healthcare West, Tenet, other not-for-profit, for-profit and district hospitals, nursing homes and homecare workers. UHW was formed in 2005 after Local 399 in Southern California and Local 250 in Northern California each voted to be merged into one statewide healthcare workers union. More than 80,000 UHW members work side-by-side with CNA members every day.

Who is the CNA in California?

The California Nurses Association (CNA) claims to represent 80,000 registered nurses in 50 states, with the bulk, approximately 65,000 or more in California. CNA also represents a very small number of non-RNs in its Caregivers and Healthcare Employees Union (CHEU).

UHW absolutely deplores the recent actions taken by the CNA in Ohio and Nevada.

We have experienced the same attacks multiple times in California and have a history of conflict with the CNA:

- **Our conflict with the CNA dates back to the mid-1990s** when disagreement over a healthcare reform package led to SEIU and CNA sponsoring competing ballot initiatives.
- Shortly thereafter, **CNA strongly criticized us for entering into the Kaiser partnership**, while we criticized CNA for failing to support our fight with Sutter - including crossing our picket lines when Sutter workers struck in 1997.
- **The fight escalated in 2001**, after SEIU Locals 250 and 399, with support from the International Union, won an historic election agreement at Catholic Healthcare West (CHW) after a four-year fight. **The CNA intervened in elections and ran anti-SEIU campaigns in CHW hospitals** by filing with minimum support to get on the ballot.
- At the same time, **CNA created a “new” union – CHEU - to organize SEIU’s traditional base of healthcare workers**. CHEU organized several units of CHW.

The Conflict Between SEIU and CNA Escalated in 2003 Around the Tenet Organizing in California Leading to 2 Years of Legal Battles and Direct Confrontation at Tenet Hospitals.

- **In 2003, after we won an organizing rights agreement with Tenet** for 14,000 workers - including RNs - **the CNA tied up elections at 22 hospitals**. The CNA forced the NLRB to hold months of hearings to determine who had the right to represent the workers. But that’s not all that happened.
- **CNA engaged in hostile actions at the Tenet hospitals for nearly a year**. In response to the CNA attack, **hand-to-hand combat broke out** between SEIU and CNA to win the hearts and minds of the Tenet workers. **Confrontational tactics were purposefully employed by CNA, including physical confrontation and police activity at the Tenet hospitals**.

Once again, we fought a multi-year national campaign to win organizing rights and the CNA came in at the last minute to derail our campaign and try to prevent RNs from joining SEIU.

Sound familiar? This is the CNA operating model. **CNA’s message and tactics have not changed since our Tenet battle in 2003** – see attached CNA literature from 2003 and 2008.

continued on next page

continued from previous page

April 8, 2008

How did the battle end?

This round of the conflict ended with a **negotiated settlement in December 2003 between the CNA and SEIU**. The agreement gave SEIU the exclusive right to organize RNs in Florida; while in California, the right to represent RNs went to the CNA. Both parties also agreed to a no-raid pact in California and Florida. The agreement became known as the “détente,” and until last week, it held in both California and Florida – although it officially expired in 2006.

Lessons Learned From Our Conflict With the CNA

#1 CNA is motivated to ensure that SEIU does not expand as a nurses’ union. CNA has shown time and again that they will destroy organizing opportunities by other unions in the name of their “professional” organization: California, Ohio, Illinois, Missouri and Nevada are some examples.

#2 CNA will retaliate in California and beyond at SEIU RNs. CNA will not sit idly by - they will run aggressive campaigns against RNs in California now represented by SEIU locals. There are already reports of decertification activity among RNs in hospitals represented by UHW, 121, 721, and 1021. Already, California Local 121RN Executive Director Sue Weinstein is settling contracts out of fear that the CNA will go after 121RN members (see attached letter). Even without CNA interference, Local 121RN has already had three decertification elections within the last year.

Our Concerns With the Current SEIU Plan

As we understand the current SEIU plan, we believe it is flawed in the following ways:

1. The campaign leaves SEIU members vulnerable to CNA counterattacks.
2. Hospitals are places of caring and should not be turned into battlegrounds.
3. We denounce union busting of any kind, whether from CNA or from SEIU.
4. Finally, given the conflict between UHW and SEIU, we believe that the campaign may be a Trojan Horse to cover the International Union’s hidden agenda to trustee our union.

Our Recommended Solution Moving Forward

We believe that leaders of our International Union, in conjunction with local unions, should commence negotiations with the CNA to explore whether a resolution is possible.

Absent a settlement, the resources and power of our union, SEIU, will be focused on trying to counter attacks on our SEIU RN locals while at the same time attacking other organized nurses. In the end, there will be no growth and no progress for the hundreds of thousands of unorganized nurses in the country.