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CLIENT ALERT

Union Leadership, the Catholic Health Care Association and U.S. Conference of Catholic Bishops Collaborate to Formulate Unionization Guidelines

On June 22, 2009, leaders of the labor movement, the Catholic Health Care Association and the U.S. Conference of Catholic Bishops released a set of guiding principles for creating a fair process for workers in Catholic health care institutions to decide on union representation. Entitled *Respecting the Just Rights of Workers: Guidance and Options for Catholic Health Care and Unions*, the guide offers recommendations on how employers and unions can help ensure that employees are able to make an informed decision about union representation without undue influence or pressure from either side.

Guidance and Options is intended to serve as a non-binding practical guide to avoid the conflict that commonly accompanies union organization in Catholic health care institutions. Seven principles for a "Fair and Just" organizing model constitute the core of the formulated guidelines. According to *Guidance and Options* through these principles, the parties strive to guaranty that neither Catholic hospitals nor labor organizations exert undue pressure on any of the more than 600,000 Catholic health facility employees nationwide who may consider unionizing.

Guidance and Options recommends that each employer health care institution and labor organization has the option of entering into a Local Agreement that implements these principles. The abovementioned seven "Fair and Just" principles contained in *Guidance and Options* include:

- **Respect:** Both employers and unions will respect the other's mission. During the organizing process, unions and employers will ensure that campaigns do not disturb patients or interfere with patient care.

- **Equal Access to Information:** Every Local Agreement will contain an Equal Access Provision guaranteeing both parties have “access to the same means of disseminating information” and are afforded the same number of communications. The parties must refrain from pressuring employees or disrupting the workplace.
- **Truthful and Balanced Communication:** The parties must jointly approve written communications to employees and their verbal communications must be “factual, accurate, and holistically truthful.” These communications may address the advantages or disadvantages of union representation, but cannot constitute negative campaigning.
- **Pressure-Free Environment:** Neither party can harass, threaten or otherwise intimidate employees. The parties must respect employee refusals to discuss unionization and cannot discourage an employee from participating in meetings.
- **Fair and Expeditious Process:** An expedited secret ballot election will be held for employees. Either the NLRB will supervise elections or the parties will mutually agree to an alternative election process.
- **Meaningful Enforcement of the Local Agreement:** A neutral authority will be designated to enforce the Local Agreement and resolve any disputes. The employer and union will also work together, partly through a “Rapid-Response Team” to informally resolve disputes whenever possible.
- **Honoring Employee Decisions:** The parties will honor election results. If union representation is rejected, the union will refrain from campaigning for the period of time agreed to in the Local Agreement. If representation is chosen, bargaining will begin immediately. If a majority of employees no longer wish to be represented at the expiration of a collectively bargained agreement, they may elect to decertify through an expeditious voting process.

A copy of *Guidance and Options* may be found at: http://www.usccb.org/sdwp/national/respecting_the_just_rights_of_workers.pdf. If you should have any questions regarding *Respecting the Just Rights of Workers: Guidance and Options for Catholic Health Care and Unions*, please contact us.

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