

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

FORM EXEMPT UNDER 44 U.S.C 3512

DO NOT WRITE IN THIS SPACE

Case

Date Filed

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer

Eden Medical Center

b. Tel. No. (510) 537-1234

c. Cell No.

f. Fax No. (510) 889-6506

g. e-Mail

h. Number of workers employed
479

d. Address (Street, city, state, and ZIP code)
20103 Lake Chabot Road
Castro Valley, CA 94546

e. Employer Representative
George Bischalaney
President & CEO

i. Type of Establishment (factory, mine, wholesaler, etc.)
Acute Care Hospitals

j. Identify principal product or service
Healthcare

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (5) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Within the past six months, the above-named Employer, by its officers, agents and representatives, has failed and refused to bargain collectively and in good faith with the California Nurses Association/National Nurses United (CNA/NNU), a labor organization, selected by a majority of the employees of the Employer in an appropriate unit for the purposes of collective bargaining with respect to rates of pay, wages, hours of employment, and other terms and conditions of employment by, inter alia, refusing to furnish relevant and necessary information to CNA/NNU and refusing to permit bargaining unit members to sign up for nursing shifts and instead unilaterally assigning that work to nurses from outside traveller agencies.

Within the past six months, the above-named Employer, by its officers, agents and representatives, has interfered with, restrained, and coerced its employees in the exercise of the rights guaranteed in Section 7 of the Act.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

California Nurses Association/National Nurses United (CNA/NNU)

4a. Address (Street and number, city, state, and ZIP code)

2000 Franklin Street, Oakland, CA 94612

4b. Tel. No. 510-273-2200

4c. Cell No.

4d. Fax No. 510-663-4822

4e. e-Mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) AFL-CIO

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By



Brendan White, Legal Counsel

(Print/type name and title or office, if any)

Tel. No. 510-273-2273

Office, if any, Cell No.
510-289-0964

Fax No. 510-663-4822

e-Mail
bwhite@calnurses.org

Address 2000 Franklin Street, Oakland, CA 94612

11/28/12

(date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



CALIFORNIA
NURSES
ASSOCIATION

A Voice for Nurses ~ A Vision for Healthcare
www.calnurse.org

LEGAL DEPARTMENT

M. Jane Lawhon, Legal Counsel
Pamela Allen, Legal Counsel

Via Facsimile (510) 637-3315 and U.S. Mail

November 28, 2012

William A. Baudler, Regional Director
National Labor Relations Board – Region 32
Oakland Federal Building
1301 Clay Street, Room 300-N
Oakland, CA 94612-5211

Re: *Eden Medical Center*
Case 32-CA-____
Charge Against Employer

Dear Mr. Baudler:

Enclosed is an unfair labor practice charge against Eden Medical Center, which CNA/NNU hereby files by fax. The original of this charge will be forwarded by mail pursuant to section 102.11 of the NLRB Rules and Regulations.

Please direct all correspondence concerning this charge to me and to CNA Sutter Division Director, Joanne Jung, at the following addresses:

Brendan White
CNA/NNU Legal Department
2000 Franklin Street
Oakland, CA 94612
Fax: (510) 663-4822
bwhite@calnurses.org

Joanne Jung
CNA Sutter Division Director
2000 Franklin Street
Oakland, CA 94612
Fax: (510) 663-5712
jjung@calnurses.org

Thank you for your attention to this matter.

Very truly yours,

CALIFORNIA NURSES ASSOCIATION/
NATIONAL NURSES UNITED CNA/NNU
LEGAL DEPARTMENT

Brendan White
Legal Counsel

Enclosure

cc: Joanne Jung, CNA/NNU, via E-mail

*** TX REPORT ***

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California Nurses Association/National Nurses United (CNA/NNU)

LEGAL DEPARTMENT

Brendan White – Legal Counsel

2000 Franklin Street

Oakland, California 94612

Office: (510)273-2290

Fax: (510) 663-4822

bwhite@calnurses.org

FAX COVER SHEET

FAX NUMBER TRANSMITTED TO: (510) 637-3315

To: William A. Baudler, Regional Director

Of: NLRB Region 32

From: Brendan White
CNA/NNU Legal Counsel

RE: Eden Medical Center
Case 32-CA-_____
Charge Against Employer

Date: November 28, 2012

DOCUMENTS	NUMBER OF PAGES
Letter to William A. Baudler, Regional Director	1
Charge Against Employer	1
TOTAL NUMBER OF PAGES FAXED*	3

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