

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**CHARGE AGAINST EMPLOYER**

**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) (3) & (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)**

See Attachment A

**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



(signature of representative or person making charge)

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.

## **Attachment A**

### **Charge Against Employer Eden Medical Center**

**by CNA/NNU**

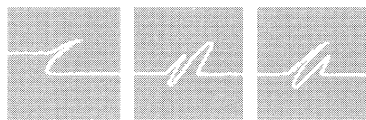
#### **2. Basis of the Charge:**

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.

On November 1, 2012, the bargaining unit of Registered Nurses engaged in a one-day strike. In retaliation, the Employer refused to honor the Registered Nurses' unconditional offer to return to work and instead unlawfully locked them out for the next four days. During this time, the Employer assigned bargaining unit work to travelling nurses from outside traveler agencies. These travelers were not originally engaged as strike replacements, rather they had been working for the Employer on long-term contracts. There was no legitimate and substantial business justification for the Employer's conduct, rather it locked out striking employees in order to discourage their membership in the California Nurses Association and to retaliate against them for their participation in protected Union activities.

By this conduct, the Employer has also failed and refused to bargain in good faith with the California Nurses Association, a labor organization designated or selected by a majority of the employees of employer in an appropriate unit for the purposes of collective bargaining. The unilateral assignment of bargaining unit work to nurses from outside traveler agencies violates the existing terms and conditions of bargaining unit employment.

By this conduct, the above-named Employer has interfered with, restrained and coerced its employees in the exercise of Section 7 of the Act.



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

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\*\*\* 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 and Attachment A	2
TOTAL NUMBER OF PAGES FAXED*	4

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