

# Labor Activity in Health Care

SEMI-ANNUAL REPORT

JANUARY 1<sup>ST</sup>, 2017 TO JUNE 30<sup>TH</sup>, 2017

48

PRESENTED BY



THE HUMAN SIDE OF HEALTHCARE

A professional membership group of the  
**American Hospital Association**

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### ABOUT THIS REPORT

As the authoritative resource for health care human resource professionals, ASHHRA provides its members with relevant and timely information about labor activity.

The *48th Semi-Annual ASHHRA/IRI Labor Activity in Health Care Report* includes the following:

- An analysis of national, regional and state representation petitions and elections (RC, RD and RM) as reported by the National Labor Relations Board (NLRB) during 2016 and the first six months of 2017.
- The *Labor Law/Activity Update*. Articles written by labor experts about relevant and timely labor issues impacting employers and the workplace.

### LETTER FROM JAMES G. TRIVISONNO

When I last wrote you, it was in the months immediately following the 2016 presidential election and one thing was certain: Change was coming.

Overnight, we had gone from living in a world of regulatory overreach and union protection, to one full of promise and pro-business leaders.

First, Neil Gorsuch was nominated and confirmed to fill the vacancy left by Justice Antonin Scalia on the U.S. Supreme Court, shifting the high court to a conservative majority.

Just two months later, Alexander Acosta was named Secretary of Labor, and has since publicly testified that the Obama administration's overtime exemption regulations were unlawful and that this and several other Obama era regulations should be rolled back.

Most recently, with the confirmation of Bill Emanuel, we now have a conservative majority on the National Labor Relations Board (NLRB) for the first time in almost a decade. And while Phil Miscimarra will step down next month, his replacement is unlikely to shift that balance.

All of this sounds like progress – and it is. So why do most employers feel as if they're living in the ninth year of the Obama administration?

Because while some of the players may have changed overnight, laws and regulations can't. Furthermore, the nomination and confirmation process has not been smooth sailing for everyone. None of the nominees to lead the Department of Labor's sub-agencies have been confirmed. So, while Secretary Acosta may be poised to make some changes, he is unable (or, unlikely) to do so without a team in place. And in the absence of a new team, career Labor officials will continue to run the organization, following the priorities of the previous administration.

Similarly, while we now have a pro-business NLRB in place, the Board can't just overturn rulings with a simple vote – they have to wait for a live case to be presented and move through the system before they are able to really affect change.

All of this to say: Change is coming. But it's coming slowly. And in the meantime, labor unions are moving quickly – particularly in health care. In fact, in the first six months of 2017, unions in the health care sector were elected in 77 percent of the 138 elections held – their highest election rate of the past decade.

Additionally, we're seeing them employ new and unprecedented tactics – targeting patients and physicians – as they attempt to strengthen their numbers before the policies of this new political and regulatory environment take hold.

My advice: Don't take this time for granted. Remain vigilant and pay attention to what's happening within your organization. We're not out of the woods just yet.

Please contact ASHHRA at [ashhra@aha.org](mailto:ashhra@aha.org) or IRI Consultants at [bmyers@iriconsultants.com](mailto:bmyers@iriconsultants.com) with any questions about this report or how to prepare your organization.

Sincerely,



James G. Trivisonno  
President, IRI Consultants  
At-Large Member, ASHHRA Advocacy Committee

### INTRODUCTION

While union membership across the country continues to track downward – unions lost 240,000 members from 2015 to 2016 – union election successes are up. In the first six months of 2017, as the nation’s political winds shifted to a pro-employer environment, unions in the health care sector recorded an unprecedented number of election victories. From January to June, unions won 77 percent of the 138 representation elections held in the United States – the highest election success rate of the past decade. [PAGE 13](#)

Service Employees International Union (SEIU) remained the most active in organizing workers in the health care field, and was responsible for 51 percent of representation petitions filed in the first six months of the year. Once again, the International Brotherhood of Teamsters (IBT), the American Federation of State County and Municipal Employees (AFSCME), the United Food and Commercial Workers (UFCW) and National Union of Health Care Workers (NUHW) were among the most active unions in health care. [PAGES 17 and 18](#)

But the one to watch is the the National Nurses United (NNU).

SEIU’s election success rate actually dropped to 79 percent in 2017 from 87 percent in 2016. NUHW, AFSCME and IUOE were also down year-over-year. NNU however, saw a big increase in election success with slightly fewer elections going from 67 percent in 2016 to **100 percent** in 2017. IBT also saw an uptick in election successes and UFCW maintained its rate compared to 2016. [PAGE 18](#)

All of the most active unions saw overall declines in representation petitions. SEIU went from 144 petitions filed last year to 85 in the first half of 2017. AFSCME and UFCW also posted big declines going from 17 and 41, respectively, to 8 petitions each. NNU, the most successful in achieving bargaining representative status as a result of submitted petitions, , dropped from 17 petitions in 2016 to 6 in 2017. [PAGE 17](#)

Of the 166 representation petitions filed in 2016, 73 percent were filed in just six states – California, New York, Pennsylvania, Michigan, Massachusetts and Washington. [PAGE 8](#)

Politically, 2017 saw the inauguration of President Donald J. Trump and Republicans maintain control of both the House and Senate. Appointments to the National Labor Relations Board (NLRB) under Republican control, along with President Trump’s appointment to the U.S. Supreme Court and federal courts, are likely to result in the roll back of many divisive labor regulations and court rulings of the previous years, though this will take some time.

### EXECUTIVE SUMMARY

#### *NLRB REPRESENTATION PETITIONS AND ELECTIONS<sup>1,2</sup>*

During the first six months of 2017, there were 166 representation petitions filed in health care. A total of 138 representation elections were held, and unions were elected in 77 percent of them. Just 13 decertification petitions were held, and unions maintained recognition in 46 percent of these.

The majority of union organizing activity occurs in just six states – California, New York, Pennsylvania, Michigan, Massachusetts and Washington.

The Service Employees International Union (SEIU) has maintained its status as the dominant organizing union in the health care sector. In the first six months of 2017, SEIU accounted for 51 percent of representation petitions filed, 48 percent of representation elections held, and were successfully elected in 79 percent of those elections.

Over the past decade, strike activity in the health care field has been limited to less than half the states in the union. The vast majority of strike activity has occurred in California.

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<sup>1</sup> See Appendix D for detailed definitions of the types of representation petitions and elections.

<sup>2</sup> NLRB election data describes dynamic case activity that is subject to revision and corrections during the year, and all data should be interpreted with that understanding.

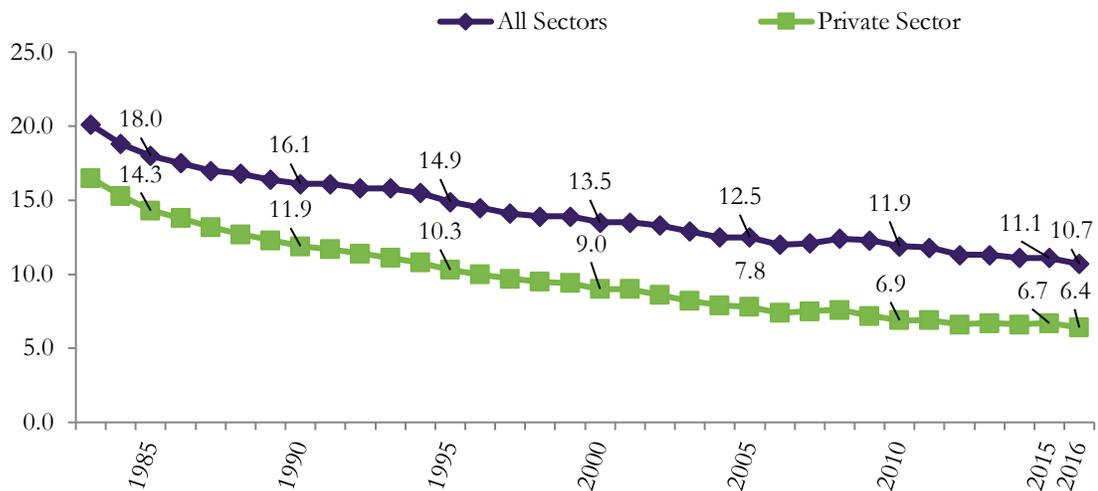
## UNION MEMBERSHIP NATIONWIDE

According to the Department of Labor (DOL) Bureau of Labor Statistics' *Union Membership 2016* report, the percentage of unionized wage and salary employees decreased to 10.7, while the number of unionized workers declined by 240,000 from 2015 to 14.6 million in 2016.

Data from the DOL report includes the following highlights:

- The number of *private sector* employees belonging to a union (7.4 million) remains higher than the number of *public sector* employees belonging to a union (7.1 million)
- *Public sector* employees were more than five times as likely than *private sector* workers to be members of a union (34.4 percent vs. 6.4 percent, respectively)
- Black workers continued to have the highest union membership rate in 2015 (13.0 percent), followed by Whites (10.5 percent), Asians (9.0 percent) and Hispanics (8.8 percent)
- The highest union membership rate is among men aged 45 to 54 (13.8 percent), while the lowest is among women aged 16 to 24 (3.6 percent)
- New York continues to have the highest union membership rates (23.6 percent); South Carolina has the lowest rates (1.6 percent)
- Union membership rates increased in 16 states, decreased in 32 states and the District of Columbia and remained unchanged in three states
- Approximately half of all union members live in just seven states: California, New York, Illinois, Pennsylvania, Michigan, Ohio and New Jersey

### UNION MEMBERSHIP RATE SUMMARY



Source: BLS Union Membership 2016

Figure 1

### NATIONAL LABOR RELATIONS BOARD PETITION AND ELECTION RESULTS

This section includes the following:

#### *National Summaries*

- Comparison of health care versus all non-health care representation (RC) election results
- Comparison of health care versus all non-health care decertification (RD & RM) results
- Health care sector – Overview of elections
- Health care sector – Union Successes in representation (RC) elections

#### *State Summaries*

- Most active states – RC petitions filed
- All states – RC petitions filed
- Most active states – RC election results
- All states – RC election results

#### *Union Summaries*

- Most active unions – RC petitions filed
- Most active unions – RC elections held
- Union success rates – RC election results

#### *Regional Summaries*

- RC petitions and elections in ASHHRA regions

#### *Strikes in Health Care*

- Strikes held by year in health care

NATIONAL SUMMARIES

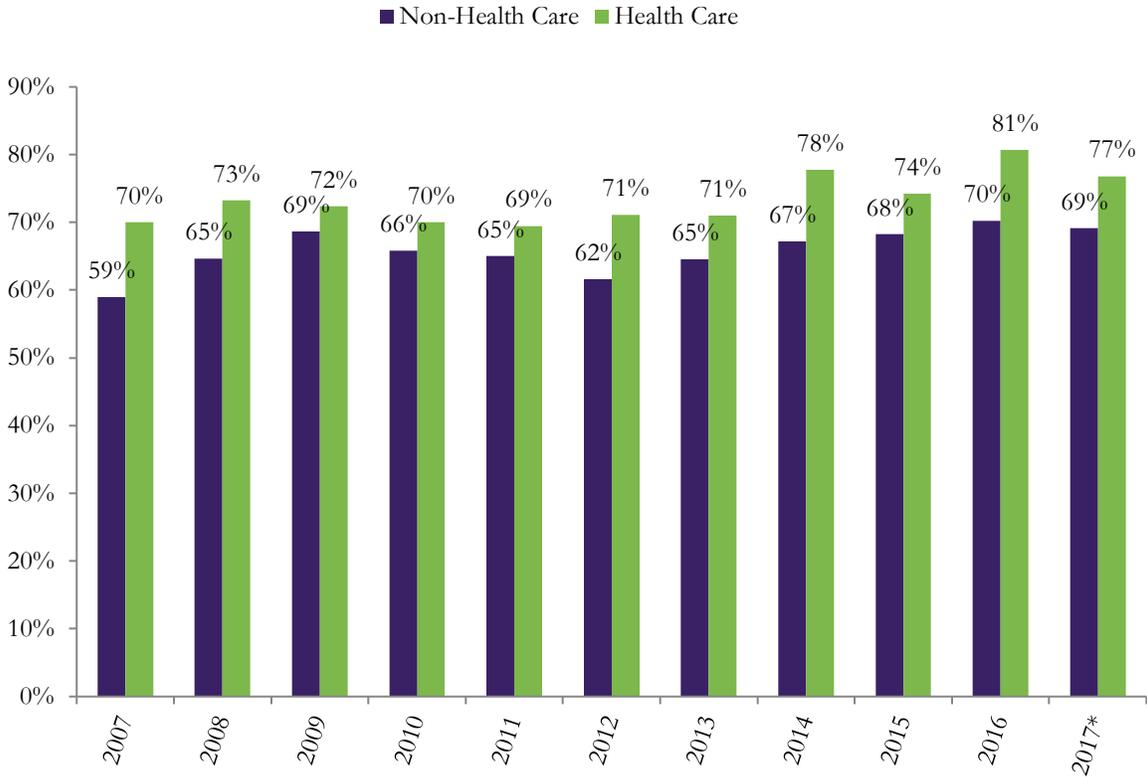
The following information summarizes representation petition activity and elections held during the past decade as reported by the National Labor Relations Board (NLRB).

HEALTH CARE VS. ALL NON-HEALTH CARE SECTORS COMPARISON

Unions have experienced consistently higher rates of successful organizing in the health care sector than in other fields. In the first six months of 2017, unions were elected in 77 percent of RC elections held in the health care sector compared to 69 percent in non-health care.

COMPARISON OF UNION SUCCESSES IN REPRESENTATION (RC) ELECTIONS

Health Care vs. Non-Health Care Sectors (2008 – June 30, 2017)



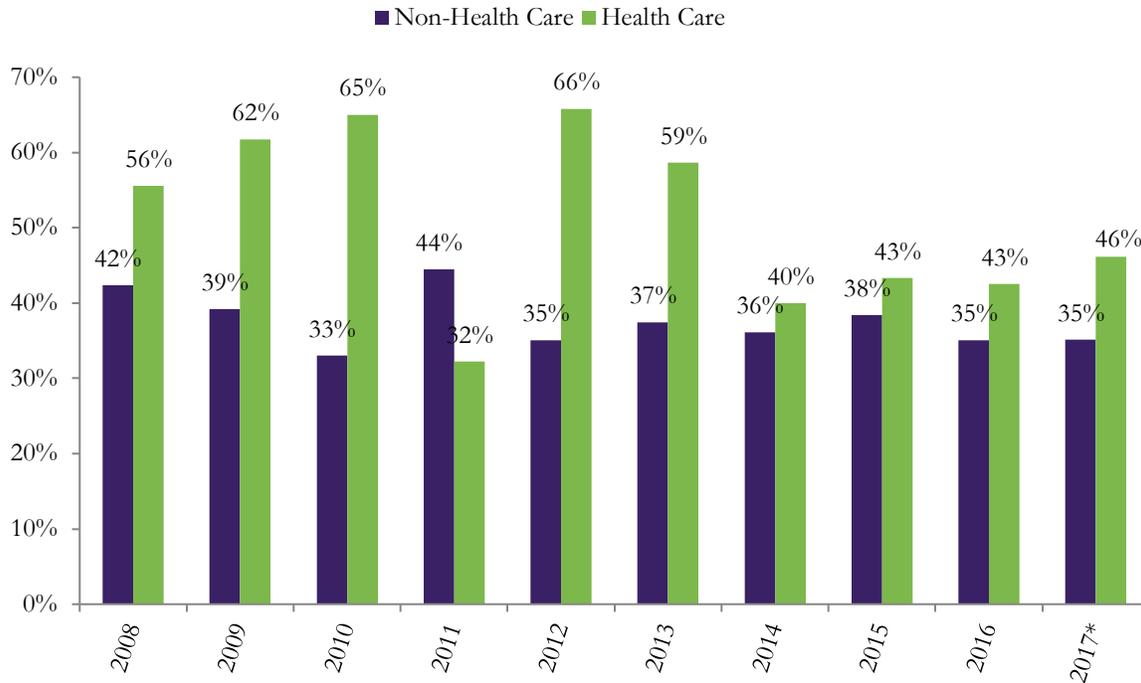
Source: LRI Management Services, Inc.

Figure 2

Over the past decade, unions typically have been more successful defending against decertification elections in the health care sector versus other sectors. The gap has decreased in the past several years, and in the first six months of 2017, unions maintained recognition in just 46 percent of decertification elections held in the health care sector and 35 percent of elections held in other fields.

**COMPARISON OF UNION PREVENTION OF DECERTIFICATION (RD & RM)**

Health Care vs. Non-Health Care Sectors (2008 – June 30, 2017)

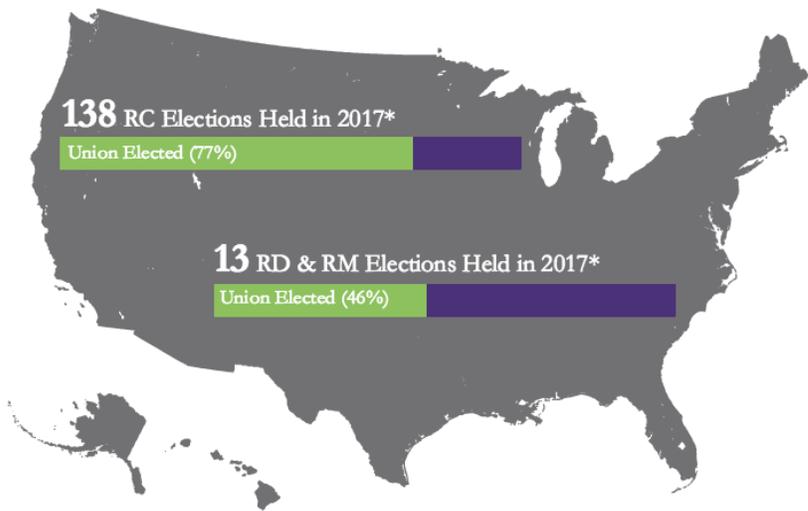


Source: LRI Management Services, Inc.

Figure 3

**HEALTH CARE SECTOR - ELECTIONS OVERVIEW**

In the first six months of 2017, there were 138 representation (RC) elections held in the health care sector, and unions were elected in 77 percent of these. There were 13 decertifications (RD & RM) elections held during the same period, and unions maintained recognition in 46 percent of these.

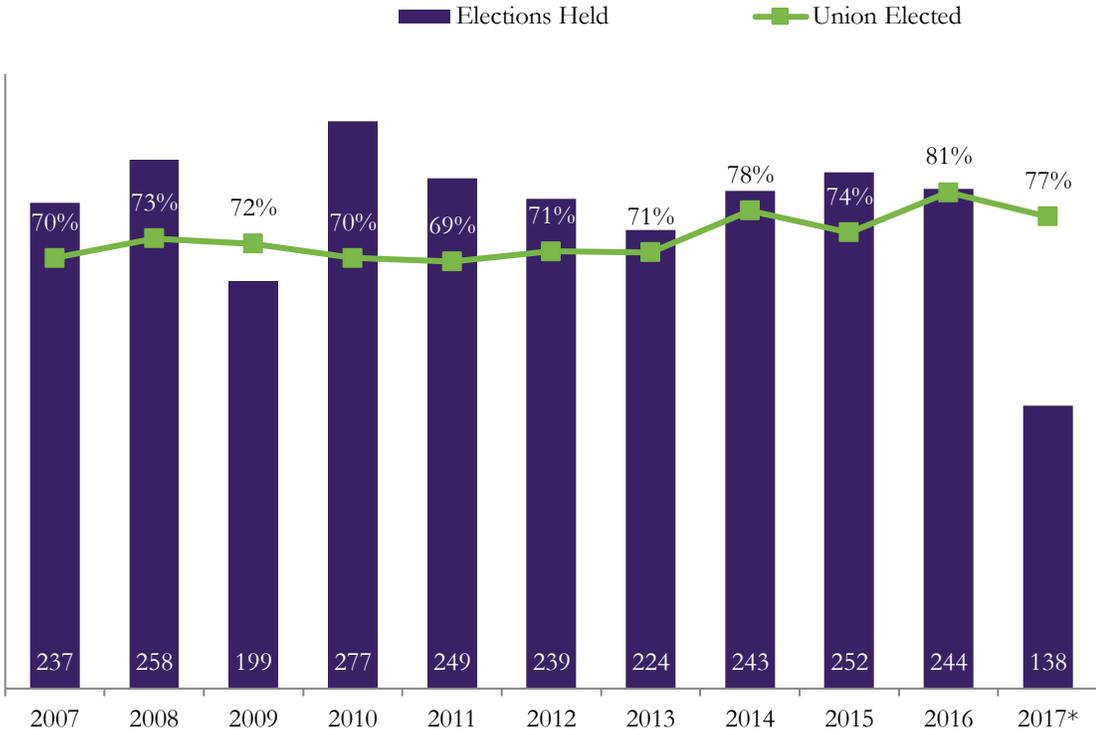


**HEALTH CARE SECTOR - UNION SUCCESSES IN REPRESENTATION (RC) ELECTIONS**

Unions were elected in 77 percent of the 138 representation elections held in the first six months of 2017. This is the highest rate of successful elections over the past decade.

**UNION SUCCESSES IN REPRESENTATION (RC) ELECTIONS COMPARED TO NUMBER OF ELECTIONS HELD**

Health Care Sector (2008 – June 30, 2017)



Source: LRI Management Services, Inc.

Figure 4

**STATE SUMMARIES**

This section provides an analysis of state-level organizing activity in the health care sector and is based on RC petitions filed and RC elections held. The data includes all reported petitions and elections for 2017 at the time of publication.

**MOST ACTIVE STATES - REPRESENTATION (RC) PETITIONS FILED IN HEALTH CARE**

The majority of representation petitions filed in the first six months of 2017 were filed in just six states. California, New York, Pennsylvania, Michigan, Massachusetts and Washington experienced 72.9 percent of these petitions.



**ALL STATES - REPRESENTATION (RC) PETITIONS FILED IN HEALTH CARE**

The table below illustrates the number of petitions filed in each state in 2016 and the first six months of 2017.

State	2016	2017*	State	2016	2017*	State	2016	2017*
Alabama	7	1	Iowa	1	-	Oregon	5	4
Arizona	4	2	Kentucky	2	-	Pennsylvania	31	12
California	85	47	Maine	-	1	Puerto Rico	4	-
Colorado	1	-	Maryland	6	2	Rhode Island	5	2
Connecticut	6	4	Massachusetts	10	9	South Carolina	1	1
DC	3	2	Michigan	27	11	Texas	1	-
Delaware	1	-	Minnesota	8	4	Virginia	2	-
Florida	8	-	Missouri	2	2	Vermont	1	-
Georgia	1	-	Montana	2	1	Washington	20	7
Hawaii	5	3	New Jersey	21	6	Wisconsin	2	-
Illinois	7	4	New York	51	35			
Indiana	4	-	Ohio	7	6			
<b>Total</b>							<b>341</b>	<b>166</b>

Note: A state is not listed in the table if no RC petitions were filed in 2016 or the first six months of 2017.

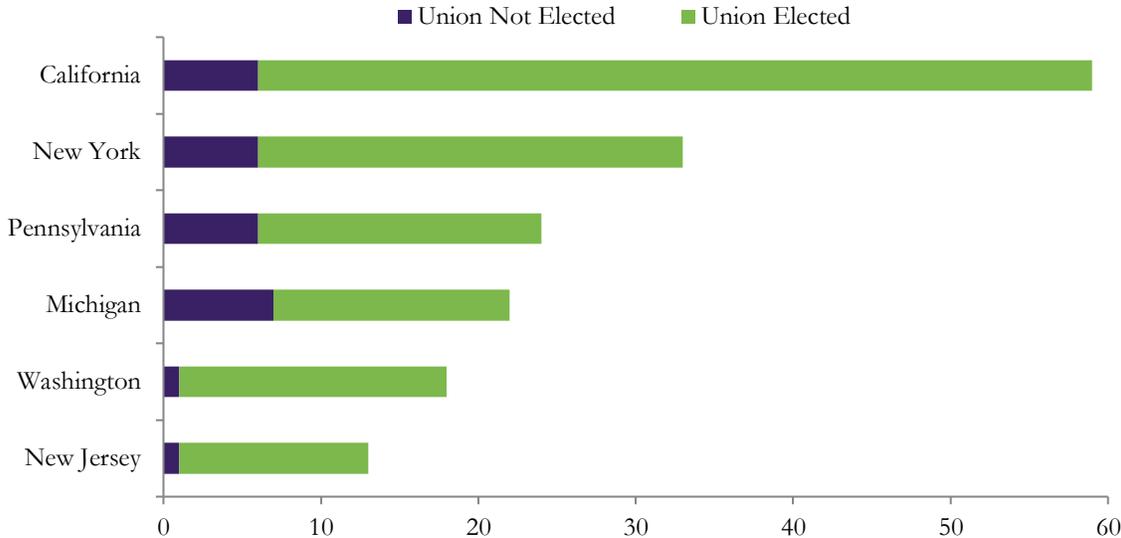
\*Indicates data is only from first six months of 2017.

**MOST ACTIVE STATES - REPRESENTATION (RC) ELECTION RESULTS IN HEALTH CARE**

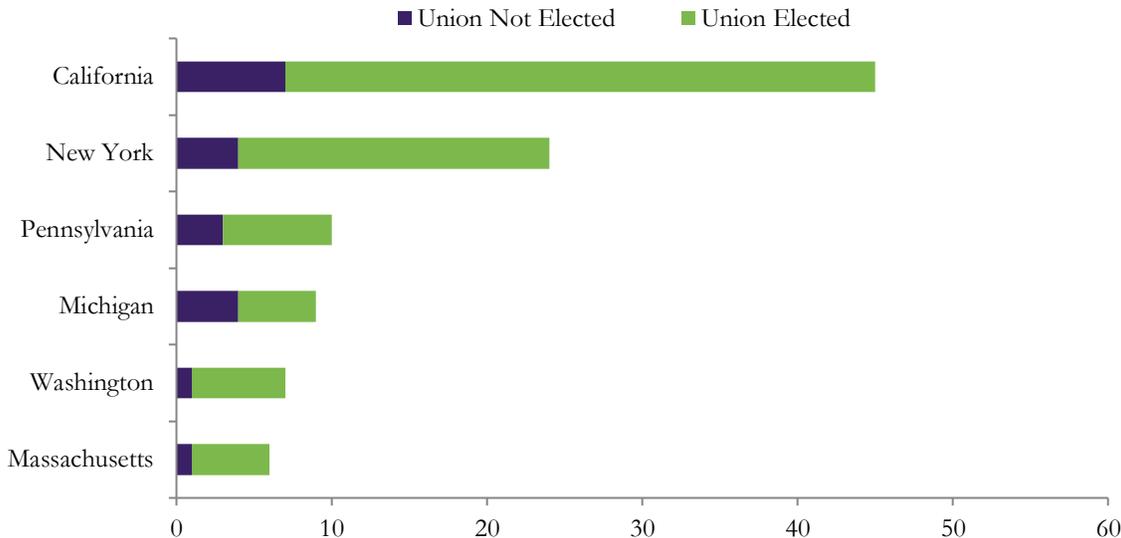
In both 2016 and the first six months of 2017, California, New York and Pennsylvania experienced the most representation petitions in health care.

**MOST ACTIVE STATES - RC ELECTION RESULTS IN HEALTH CARE**

2016



First Six Months 2017



Source: LRI Management Services, Inc.

Figure 5

### ALL STATES - REPRESENTATION (RC) ELECTION RESULTS IN HEALTH CARE

The following table depicts the number of representation elections held in each state in the health care sector in 2016 and the first six months of 2017.

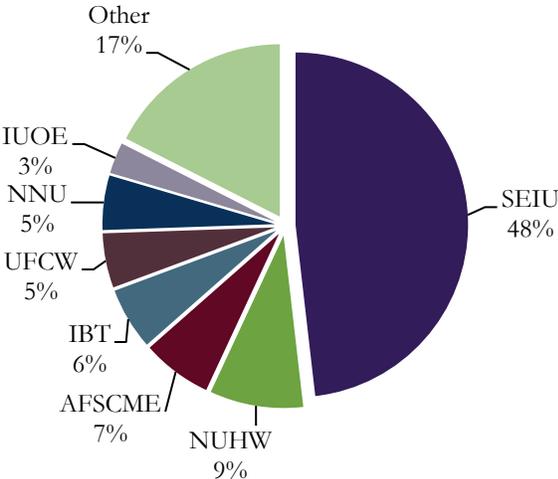
State	2016					First Six Months of 2017				
	Total Elections	Union Elected		Union Not Elected		Total Elections	Union Elected		Union Not Elected	
		Total	% of Elections	Total	% of Elections		Total	% of Elections	Total	% of Elections
Alabama	6	4	67%	2	33%	1	1	100%	0	0%
Arizona	3	2	67%	1	33%	2	2	100%	0	0%
California	59	53	90%	6	10%	45	38	84%	7	16%
Colorado	1	0	0%	1	100%	-	-	-	-	-
Connecticut	3	3	100%	0	0%	5	3	60%	2	40%
District of Columbia	1	1	100%	0	0%	1	1	100%	0	0%
Delaware	1	0	0%	1	100%	-	-	-	-	-
Florida	5	4	80%	1	20%	1	1	100%	0	0%
Georgia	1	1	100%	0	0%	-	-	-	-	-
Hawaii	4	2	50%	2	50%	1	0	0%	1	100%
Illinois	6	5	83%	1	17%	1	1	100%	0	0%
Indiana	3	2	67%	1	33%	-	-	-	-	-
Iowa	1	0	0%	1	100%	-	-	-	-	-
Kentucky	2	1	50%	1	50%	-	-	-	-	-
Maine	-	-	-	-	-	1	1	100%	0	0%
Maryland	4	4	100%	0	0%	3	2	67%	1	33%
Massachusetts	8	5	63%	3	38%	6	5	83%	1	17%
Michigan	22	15	68%	7	32%	9	5	56%	4	44%
Minnesota	6	6	100%	0	0%	3	2	67%	1	33%
Missouri	1	1	100%	0	0%	2	1	50%	1	50%
Montana	1	1	100%	0	0%	1	0	0%	1	100%
New Jersey	13	12	92%	1	8%	4	2	50%	2	50%
New York	33	27	82%	6	18%	24	20	83%	4	17%
Ohio	6	4	67%	2	33%	2	1	50%	1	50%
Oregon	2	2	100%	0	0%	5	4	80%	1	20%
Pennsylvania	24	18	75%	6	25%	10	7	70%	3	30%
Puerto Rico	3	1	33%	2	67%	-	-	-	-	-
Rhode Island	3	2	67%	1	33%	2	2	100%	0	0%
South Carolina	-	-	-	-	-	1	1	100%	0	0%
Texas	1	1	100%	0	0%	-	-	-	-	-
Vermont	1	1	100%	0	0%	-	-	-	-	-
Virginia	1	1	100%	0	0%	1	0	0%	1	100%
Washington	18	17	94%	1	6%	7	6	86%	1	14%
Wisconsin	1	1	100%	0	0%	-	-	-	-	-
<b>Total</b>	<b>244</b>	<b>197</b>	<b>81%</b>	<b>47</b>	<b>19%</b>	<b>138</b>	<b>106</b>	<b>77%</b>	<b>32</b>	<b>23%</b>

Note: A state is not listed in the table if no RC elections were held in 2016 or the first six months of 2017.

**UNION SUMMARIES**

**MOST ACTIVE UNIONS - REPRESENTATION (RC) ELECTIONS HELD IN HEALTH CARE 2016**

As expected, SEIU also was involved in more representation elections than any other union in the health care sector. It was involved in 66 elections in the first six months of 2017 and elected in 79 percent of them.

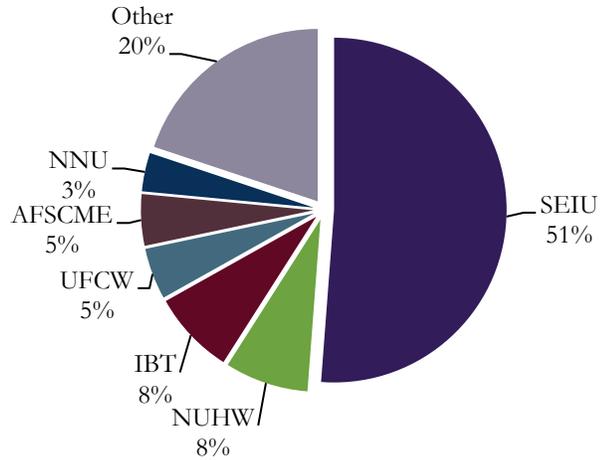


Abbreviation	Union Name	RC Elections Held	
		2016	2017*
SEIU	Service Employees International Union	113	66
NUHW	National Union of Healthcare Workers	10	12
AFSCME	American Federation of State, County and Municipal Employees	11	9
IBT	International Brotherhood of Teamsters	11	8
NNU	National Nurses United	9	7
UFCW	United Food and Commercial Workers	28	7
IUOE	International Union of Operating Engineers	8	4

\*Indicates data is only from first six months of 2017.

**MOST ACTIVE UNIONS - REPRESENTATION (RC) PETITIONS FILED IN HEALTH CARE - FIRST SIX MONTHS OF 2017**

The Service Employees International Union (SEIU) has filed more than six times the number of representation petitions than any other union in the health care sector – 51 percent of all petitions filed in the first six months of 2017.



The following table details the number of representation petitions filed by the most active unions in health care in 2016 and the first six months of 2017.

Abbreviation	Union Name	RC Petitions Filed	
		2016	2017*
SEIU	Service Employees International Union	144	85
NUHW	National Union of Healthcare Workers	17	13
IBT	International Brotherhood of Teamsters	19	13
AFSCME	American Federation of State, County and Municipal Employees	17	8
UFCW	United Food and Commercial Workers	41	8
NNU	National Nurses United	17	6

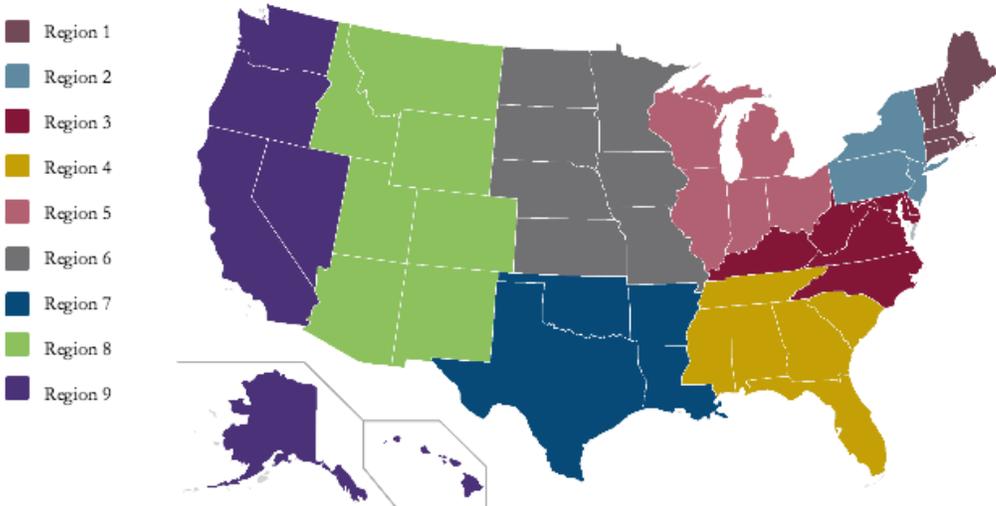
\*Indicates data is only from first six months of 2017.

**MOST ACTIVE UNIONS - REPRESENTATION (RC) ELECTION RESULTS**

	2016			First Six Months of 2017		
	Total Elections	Union Elected %	Union Not Elected %	Total Elections	Union Elected %	Union Not Elected %
SEIU	113	87%	12%	66	79%	21%
NUHW	10	100%	0%	12	92%	8%
AFSCME	11	91%	9%	9	67%	33%
IBT	11	55%	36%	8	63%	38%
NNU	9	67%	22%	7	100%	0%
UFCW	28	71%	29%	7	71%	29%
IUOE	8	88%	13%	4	75%	25%

**REGIONAL SUMMARIES**

ASHHRA has categorized the nation into nine regions as illustrated in the map below:



The number of RC petitions filed in each ASHHRA region is detailed in the chart below. There are wide variations in the level of activity in each region.

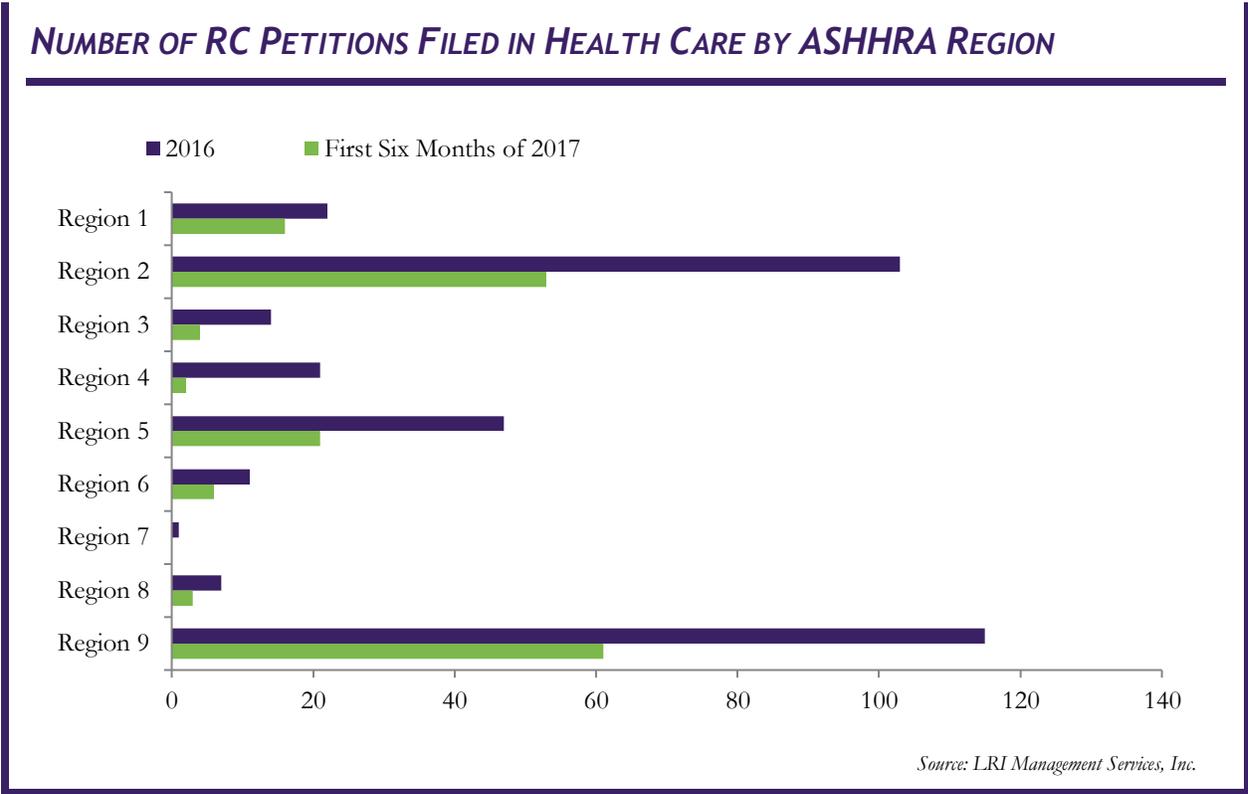
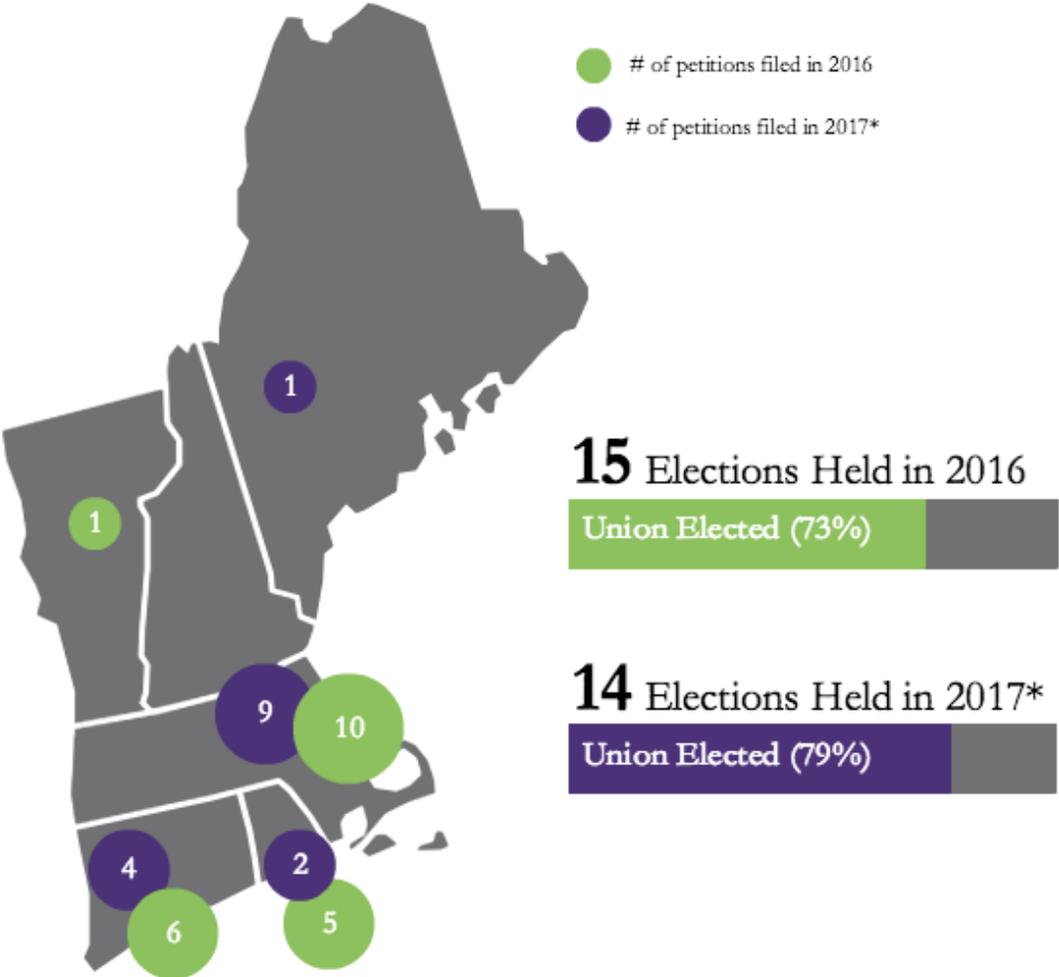


Figure 6

REGION 1

In Region 1, there were nearly as many elections held in the first six months of 2017 as in all of 2016. Of the fourteen elections held, unions were elected in 79 percent of them.

*Petitions & Elections*



\*Indicates data is only from first six months of 2017.

REGION 2

There is a significant amount of organizing activity in Region 2. There were 35 representation petitions filed in New York in the first six months of 2017. Of the 38 elections held, unions were elected in 76 percent of them.

*Petitions & Elections*

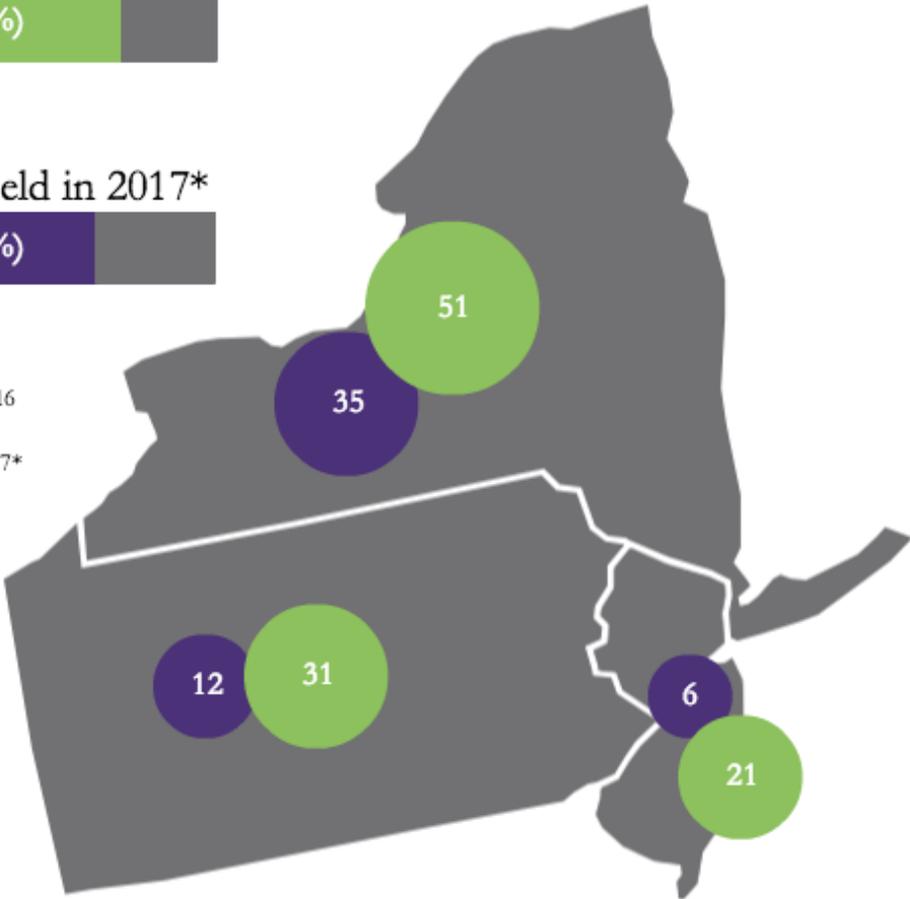
**70** Elections Held in 2016



**38** Elections Held in 2017\*



- # of petitions filed in 2016
- # of petitions filed in 2017\*

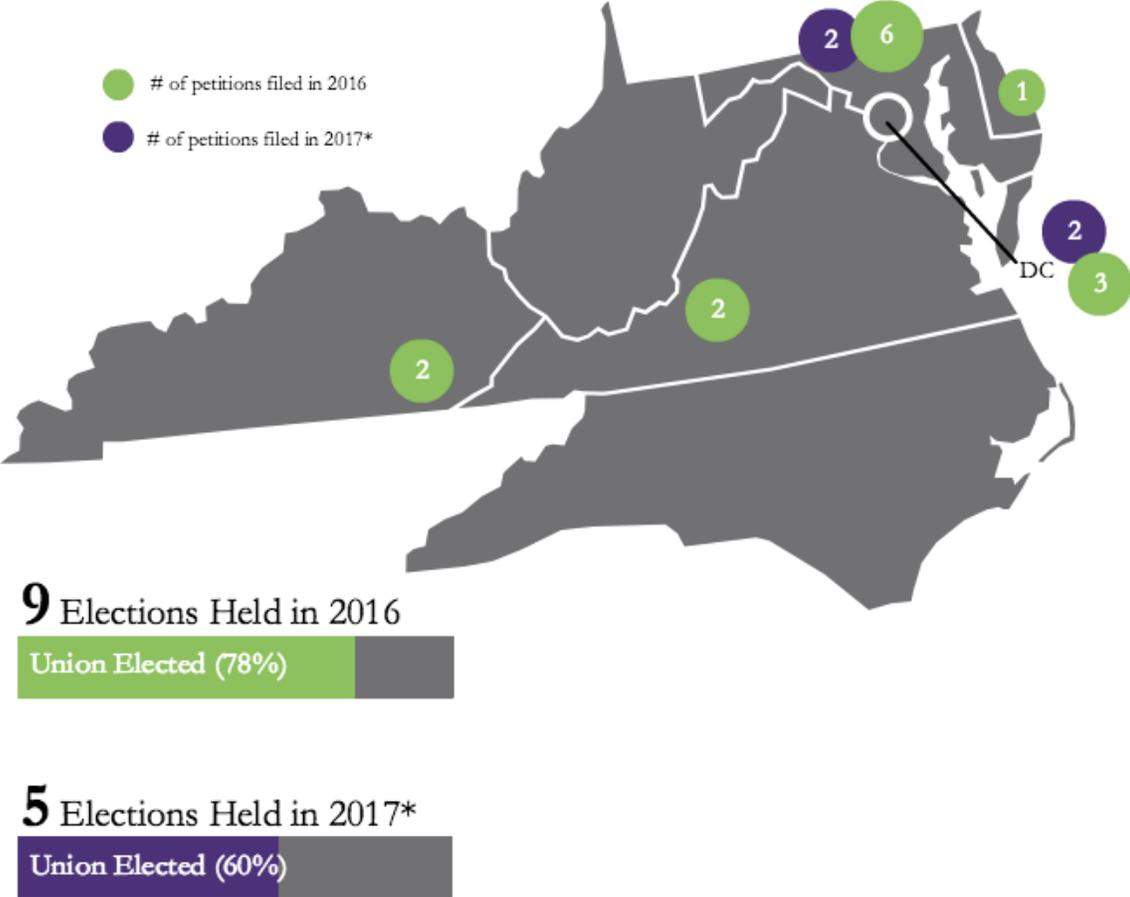


\*Indicates data is only from first six months of 2017.

REGION 3

There were four representation petitions filed in the first six months of 2017. Five elections were held, and unions were elected in 60 percent of them.

*Petitions & Elections*

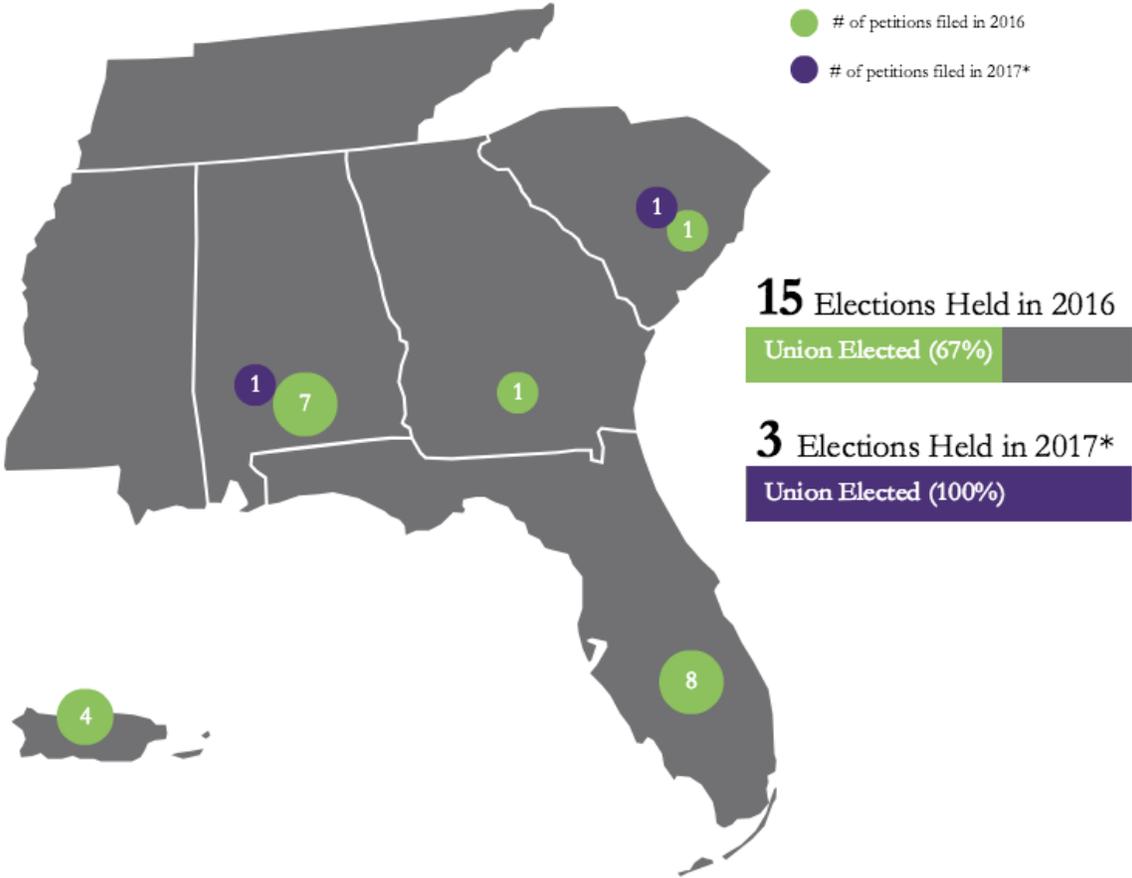


\*Indicates data is only from first six months of 2017.

REGION 4

There were only two representation petitions filed in Region 4 in the first six months of 2017 compared to 21 petitions filed in 2016. Unions were elected in all three elections held in 2017.

*Petitions & Elections*

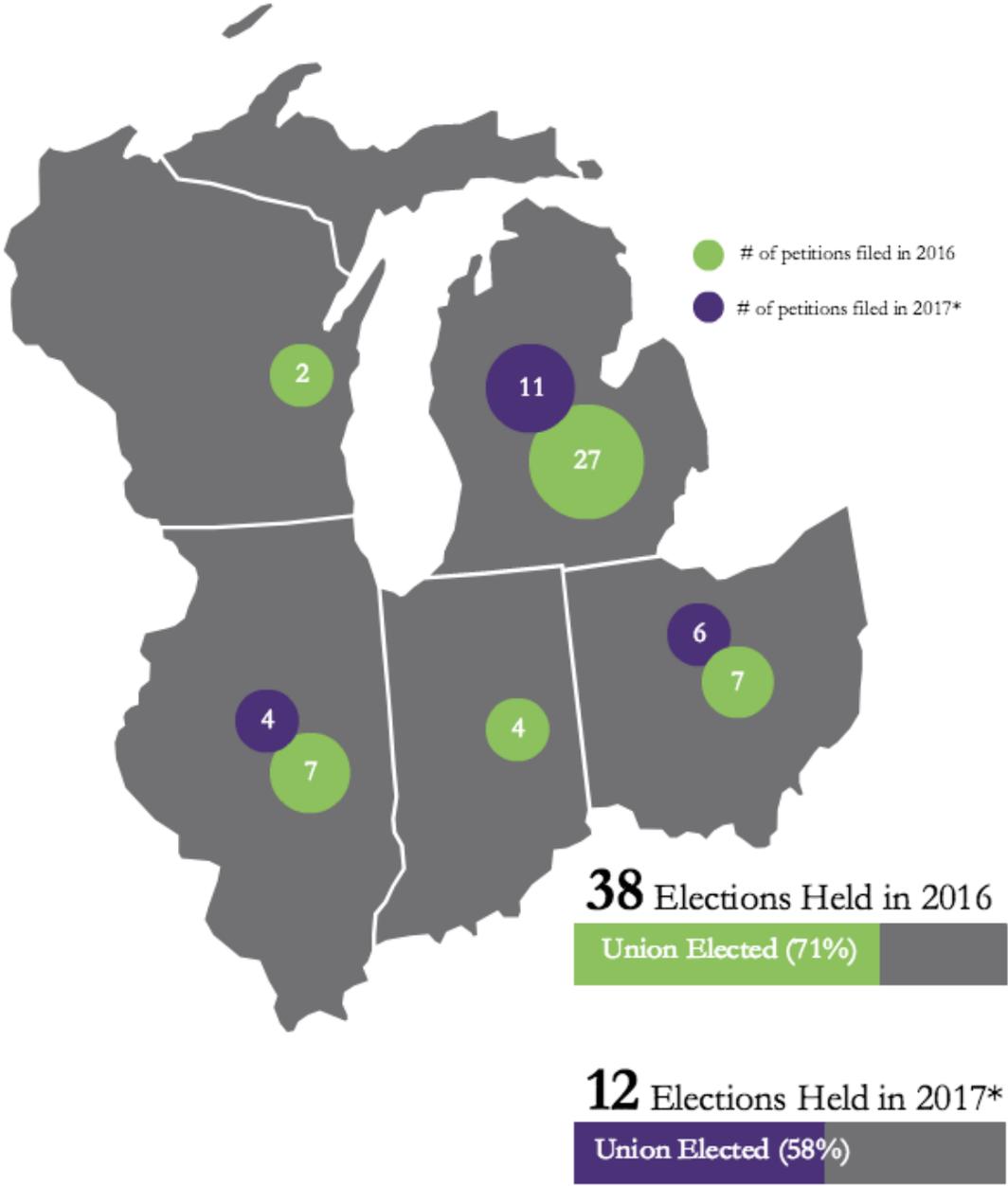


\*Indicates data is only from first six months of 2017.

REGION 5

The majority of petitions filed in Region 5 in both 2016 and the first six months of 2017 were in Michigan. Unions were elected in just 58 percent of the elections held in 2017 compared to 71 percent of elections in 2016.

*Petitions & Elections*

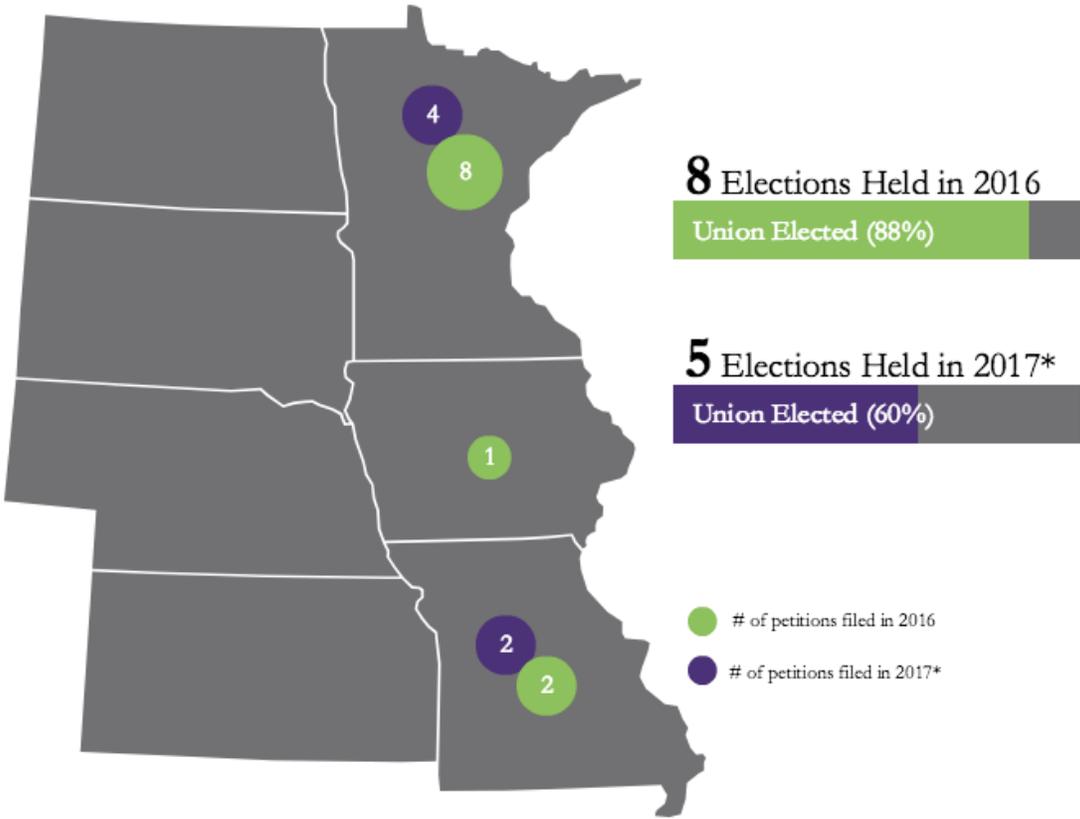


\*Indicates data is only from first six months of 2017.

REGION 6

Only three states in Region 6 experienced organizing activity in 2016 or the first six months of 2017. There were five elections held, and unions were elected in 60 percent of them.

*Petitions & Elections*



\*Indicates data is only from first six months of 2017.

REGION 7

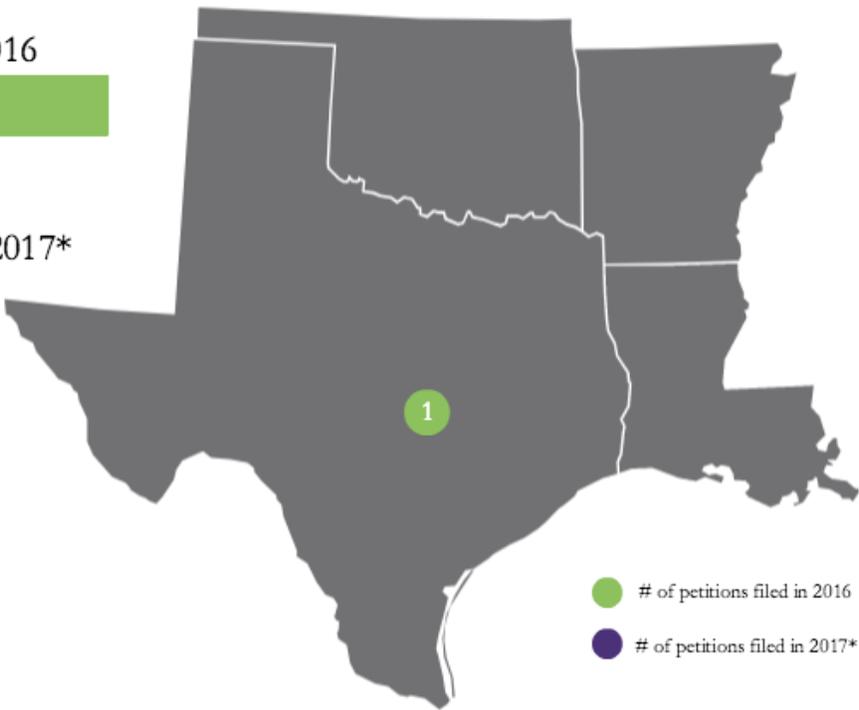
Region 7 continues to experience the least amount of organizing activity in the nation. Only one petition was filed in 2016 and one election held. There was no organizing activity during the first six months of 2017.

*Petitions & Elections*

**1** Election Held in 2016

Union Elected (100%)

**0** Elections Held in 2017\*

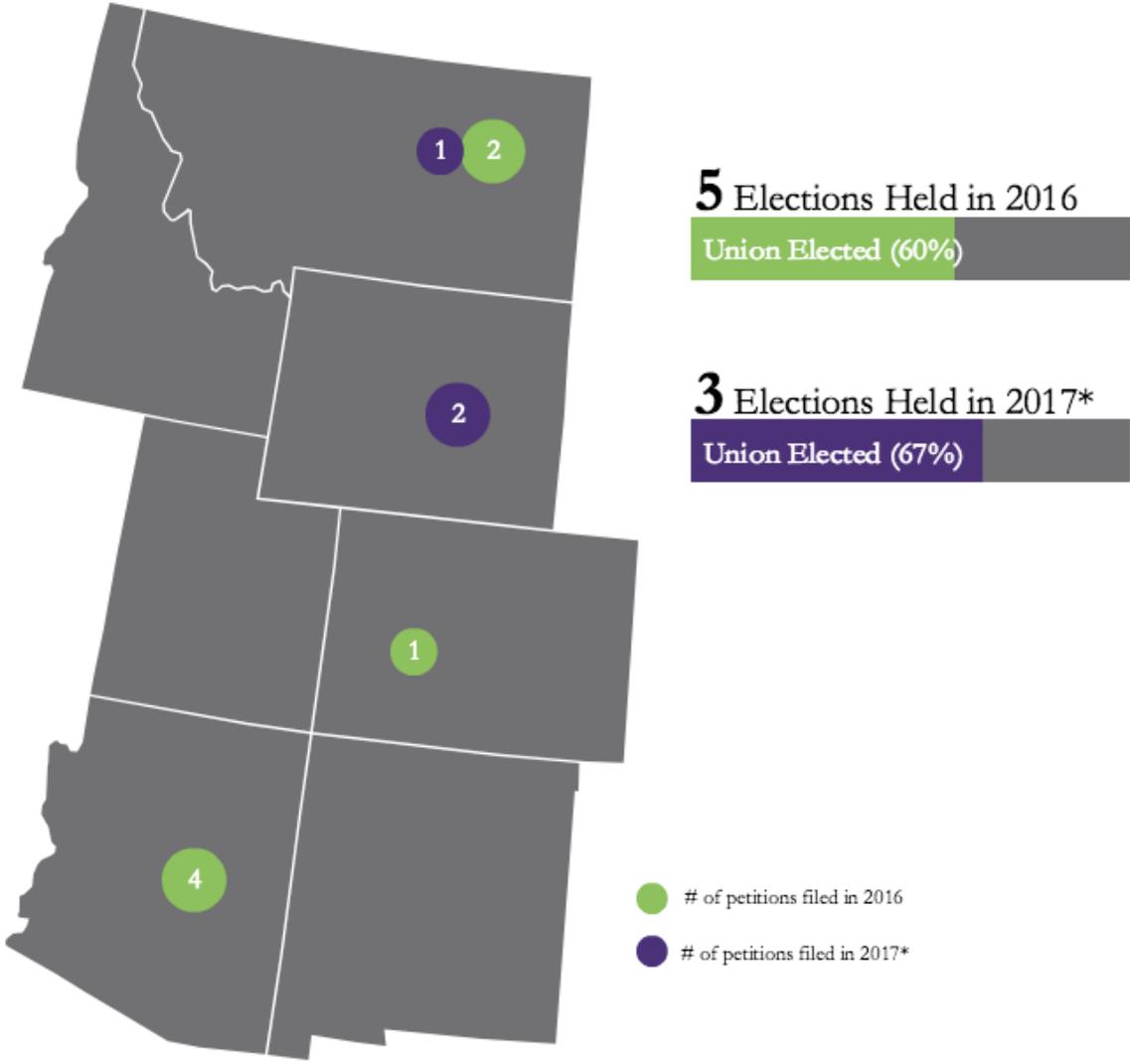


\*Indicates data is only from first six months of 2017.

REGION 8

There were three representation petitions filed in Region 8 during the first six months of 2017. Of the three elections held, unions were elected in two of them.

*Petitions & Elections*

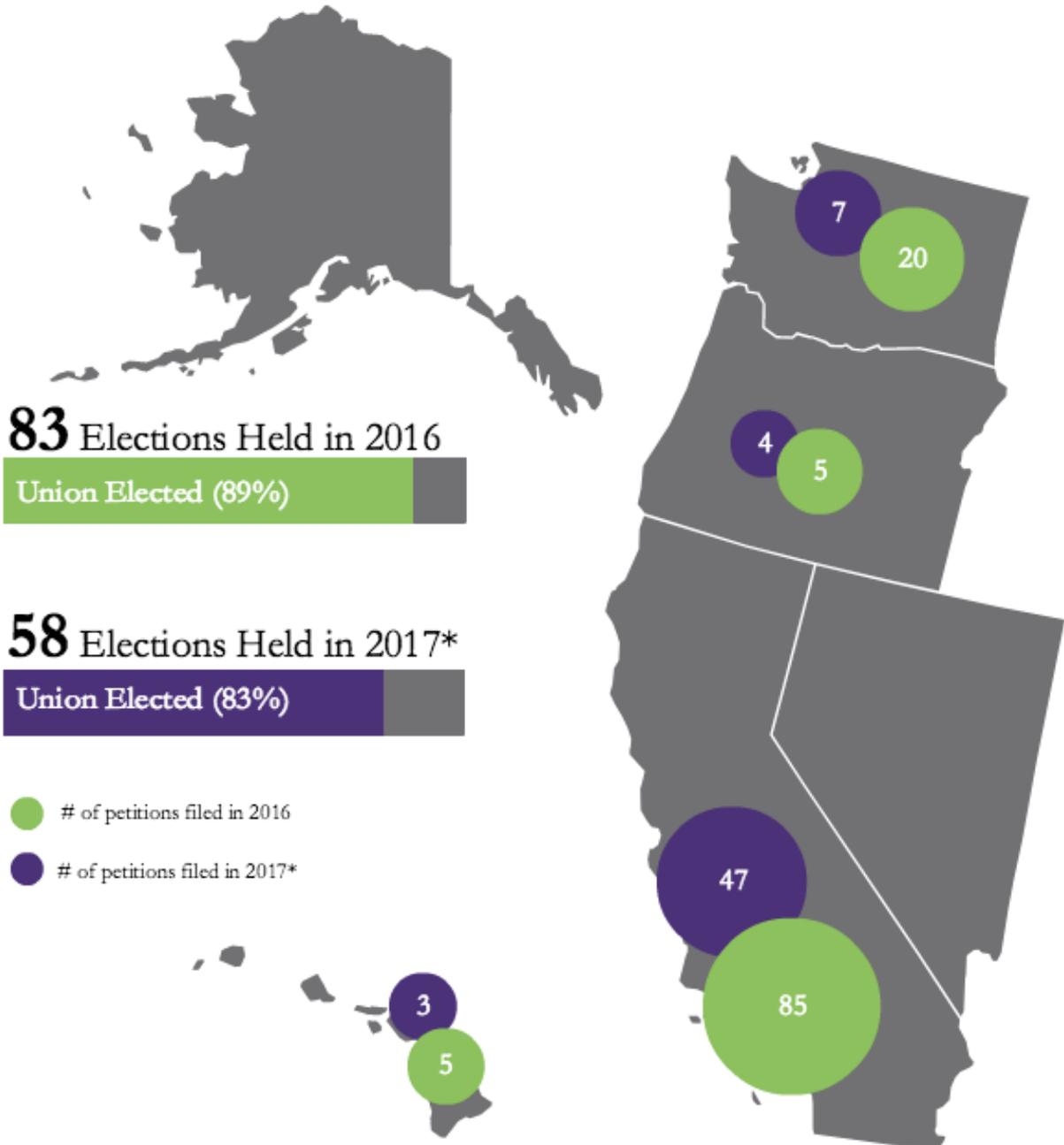


\*Indicates data is only from first six months of 2017.

REGION 9

As illustrated below, there is more organizing activity in Region 9 than in any other ASHHRA Region. The majority of activity occurred in California, where 47 petitions were filed in the first six months of 2017 alone. Unions were elected in 83 percent of the 58 elections held in 2017.

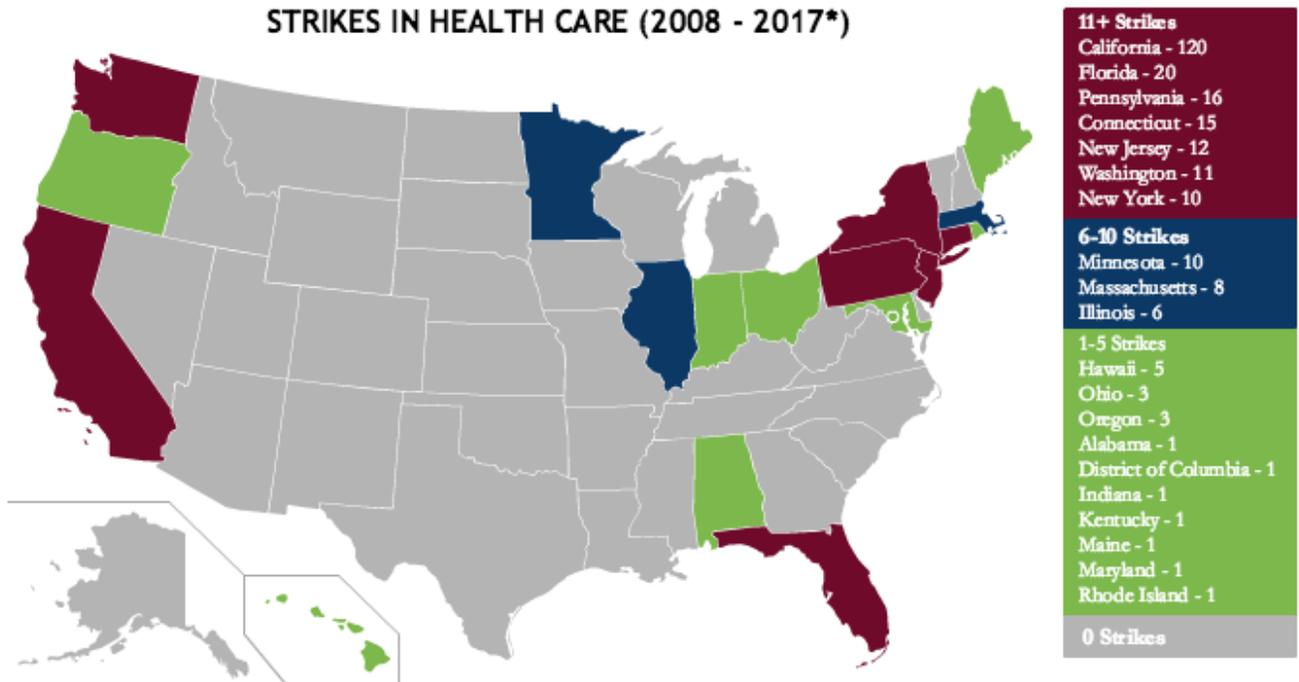
*Petitions & Elections*



\*Indicates data is only from first six months of 2017.

## STRIKES IN HEALTH CARE

The map below illustrates the number of strikes in the health care sector in the past decade. Only nineteen states have seen a strike in health care in the past decade, though there is a significant disparity in the number of strikes. California has had six times the number of strikes as the next highest state - Florida.



## STRIKES HELD BY YEAR- HEALTH CARE

Year	Number of Strikes	Workers Idled	Average Number of Workers per Strike
2017*	9	806	90
2016	27	17,117	634
2015	18	8,378	465
2014	24	26,182	1,091
2013	23	13,328	579
2012	45	24,104	536
2011	40	24,939	623
2010	23	38,397	1,669
2009	12	2,724	227
2008	27	19,054	706
2007	46	31,376	682

\*Indicates data is only from first six months of 2017.

**APPENDIX A: SUMMARY OF PETITIONS FILED AND ELECTIONS HELD**

***ALL SECTORS - SUMMARY OF PETITIONS FILED & ELECTIONS HELD (2008 - 2017\*)***

	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017*
<b>Total Petitions</b>	3,062	2,789	2,894	2,552	2,474	2,554	2,621	2,809	2,289	1,154
<b>Total Representation (RC) Petitions</b>	2,360	2,109	2,351	1,966	1,983	2,033	2,136	2,347	1,920	951
Union Not Elected	559	409	579	413	500	471	433	477	381	200
Union Elected	1,088	923	1,158	866	863	899	984	1,104	984	482
<b>Total Decertification Petitions</b>	702	680	543	586	491	521	485	462	369	203
<b>Total RD Petitions</b>	585	592	490	494	462	464	438	397	312	177
<b>Total RM Petitions</b>	117	88	53	92	29	57	47	65	57	26
Union Not Elected	178	159	164	174	150	129	122	130	121	68
Union Elected	141	115	100	129	99	87	71	84	70	39

***HEALTH CARE - SUMMARY OF PETITIONS FILED & ELECTIONS HELD (2008 - 2017\*)***

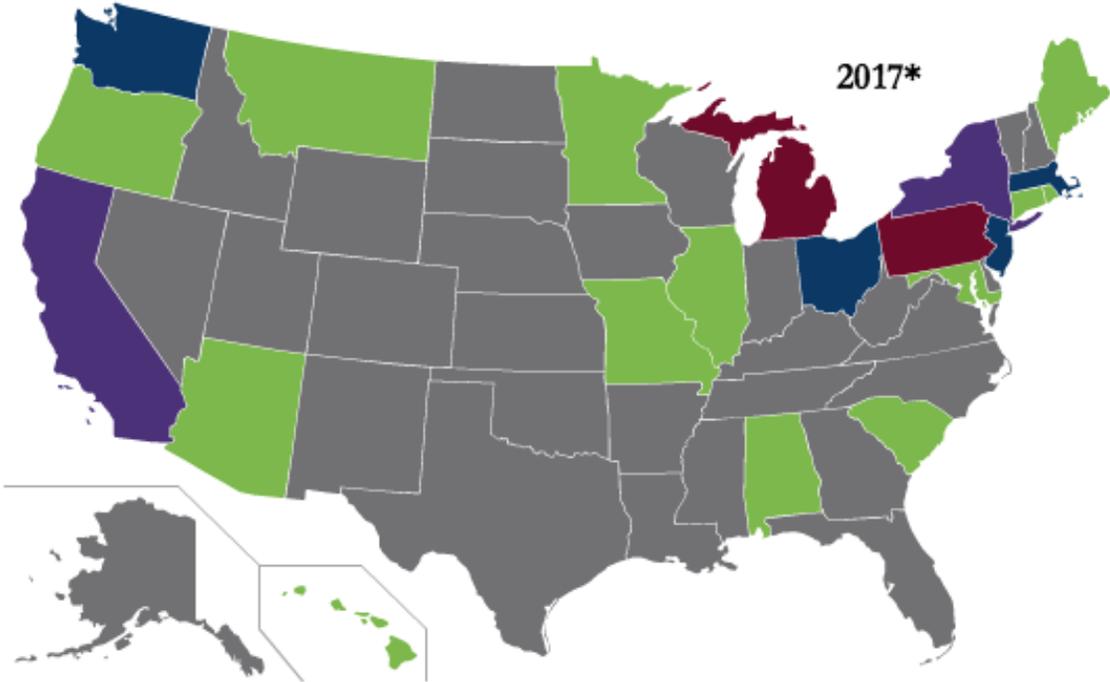
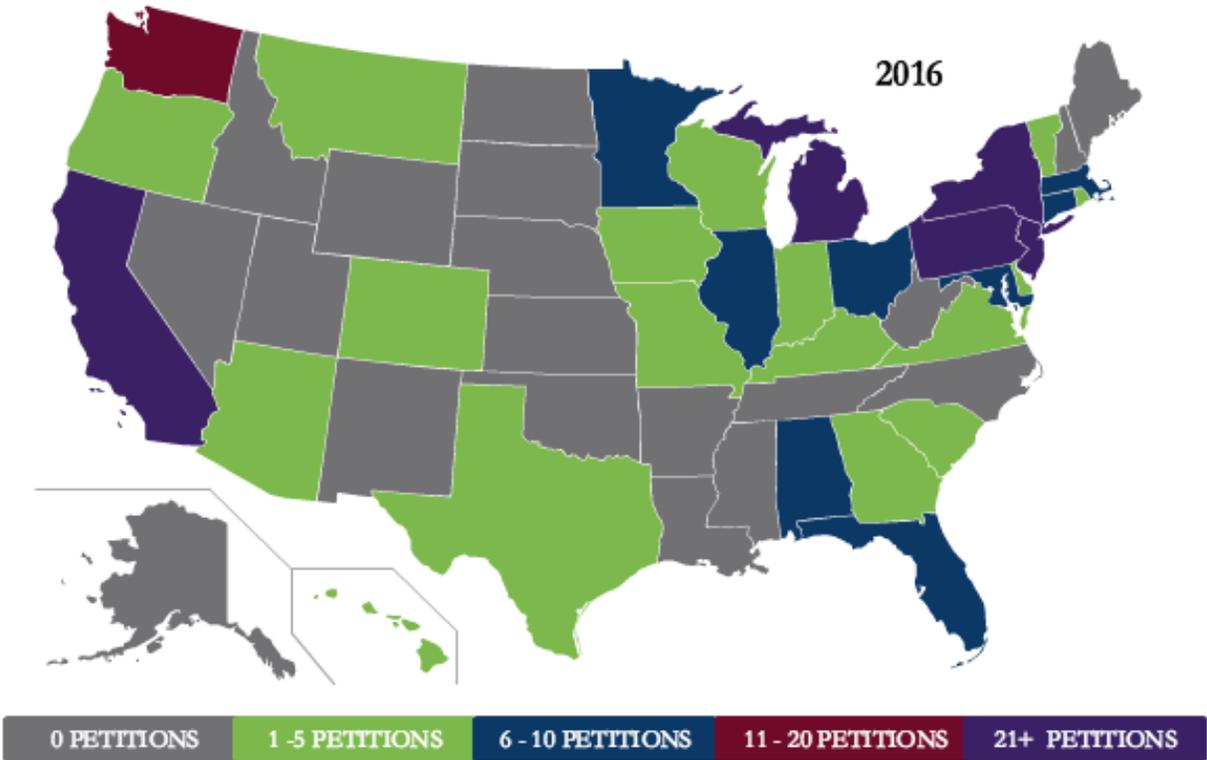
	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017*
<b>Total Petitions</b>	458	467	432	410	364	388	446	394	401	196
<b>Total Representation (RC) Petitions</b>	318	357	349	290	298	314	358	327	341	166
Union Not Elected	69	55	83	65	69	65	53	61	47	32
Union Elected	189	144	194	173	170	159	189	187	197	106
<b>Total Decertification Petitions</b>	140	110	83	120	66	74	88	67	60	30
<b>Total RD Petitions</b>	91	103	72	69	59	65	85	57	51	25
<b>Total RM Petitions</b>	49	7	11	51	7	9	3	10	9	5
Union Not Elected	20	13	14	57	13	12	21	17	23	7
Union Elected	25	21	26	29	25	17	14	13	17	6

***ALL NON-HEALTH CARE SECTORS - SUMMARY OF PETITIONS FILED & ELECTIONS HELD (2008 - 2017\*)***

	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017*
<b>Total Petitions</b>	2,604	2,322	2,462	2,142	2,110	2,166	2,175	2,415	1,888	958
<b>Total Representation (RC) Petitions</b>	2,042	1,752	2,002	1,676	1,685	1,719	1,778	2,020	1,579	785
Union Not Elected	490	354	496	348	431	406	380	416	334	168
Union Elected	899	779	964	693	693	740	795	917	787	376
<b>Total Decertification Petitions</b>	562	570	460	466	425	447	397	395	309	173
<b>Total RD Petitions</b>	494	489	418	425	403	399	353	340	261	152
<b>Total RM Petitions</b>	68	81	42	41	22	48	44	55	48	21
Union Not Elected	158	146	150	117	137	117	101	113	98	61
Union Elected	116	94	74	100	74	70	57	71	53	33

\*Indicates data is only from first six months of 2017.

APPENDIX B: MAPS OF REPRESENTATION PETITIONS FILED IN HEALTH CARE



\*Indicates data is only from first six months of 2017.

APPENDIX C: 2017 ASHHRA ADVOCACY COMMITTEE

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### APPENDIX D: THE NATIONAL LABOR RELATIONS BOARD DEFINITIONS

The following summary from the National Labor Relations Board (NLRB) is reproduced with permission from “The National Labor Relations Board and You” ([http://www.nlr.gov/nlr/shared\\_files/brochures/engrep.asp](http://www.nlr.gov/nlr/shared_files/brochures/engrep.asp)), which contains additional materials.

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#### ***WHAT IS THE NATIONAL LABOR RELATIONS BOARD?***

We are an independent Federal agency established to enforce the National Labor Relations Act (NLRA). As an independent agency, we are not part of any other government agency—such as the Department of Labor.

Congress has empowered the NLRB to conduct secret-ballot elections so employees may exercise a free choice whether a union should represent them for bargaining purposes. A secret-ballot election will be conducted only when a petition requesting an election is filed. Such a petition should be filed with the Regional Office in the area where the unit of employees is located. All Regional Offices have petition forms that are available on request and without cost.

#### ***TYPES OF PETITIONS***

##### **1) CERTIFICATION OF REPRESENTATION (RC)**

This petition, which is normally filed by a union, seeks an election to determine whether employees wish to be represented by a union. It must be supported by the signatures of 30 percent or more of the employees in the bargaining unit being sought. These signatures may be on paper. This designation or "showing of interest" contains a statement that the employees want to be represented for collective-bargaining purposes by a specific labor organization. The showing of interest must be signed by each employee, and each employee's signature must be dated.

##### **2) DECERTIFICATION (RD)**

This petition, which can be filed by an individual, seeks an election to determine whether the authority of a union to act as a bargaining representative of employees should continue. It must be supported by the signatures of 30 percent or more of the employees in the bargaining unit represented by the union. These signatures may be on separate cards or a single piece of paper. This showing of interest contains a statement that the employees do not wish to be represented for collective-bargaining purposes by the existing labor organization. The showing of interest must be signed by each employee, and each employee's signature must be dated.

### 3) WITHDRAWAL OF UNION-SECURITY AUTHORITY (UD)

This petition, which can also be filed by an individual, seeks an election to determine whether to continue the union's contractual authority to require that employees make certain lawful payments to the union to retain their jobs. It must be supported by the signatures of 30 percent or more of the employees in the bargaining unit covered by the union-security agreement. These signatures may be on separate cards or a single piece of paper. This showing of interest states that the employees no longer want their collective-bargaining agreement to contain a union-security provision. The showing of interest must be signed by each employee, and each employee's signature must be dated.

### 4) EMPLOYER PETITION (RM)

This petition is filed by an employer for an election when one or more unions claim to represent the employer's employees or when the employer has reasonable grounds for believing that the union, which is the current collective-bargaining representative, no longer represents a majority of employees. In the latter case, the petition must be supported by the evidence or "objective considerations" relied on by the employer for believing that the union no longer represents a majority of its employees.

### 5) UNIT CLARIFICATION

This petition seeks to clarify the scope of an existing bargaining unit by, for example, determining whether a new classification is properly a part of that unit. The petition may be filed by either the employer or the union.

### 6) AMENDMENT OF CERTIFICATION (AC)

This petition seeks the amendment of an outstanding certification of a union to reflect changed circumstances, such as changes in the name or affiliation of the union. This petition may be filed by a union or an employer.

## APPENDIX E: EMPLOYEE CATEGORIES AS DEFINED BY THE NATIONAL LABOR RELATIONS BOARD

**Registered Nurses (RNs):** A nurse who has graduated from a formal program of nursing education (diploma school, associate degree or baccalaureate program) and is licensed by the appropriate state authority.

**Professional Employees:** Employees with four-year degrees or beyond (except RNs and physicians). These employees typically work in jobs that are intellectual and involve consistent exercise of discretion and judgment (e.g., pharmacists, physical therapists).

**Technical Employees:** Employees with some significant, distinct, specialized course of training beyond high school. Other factors considered will be length of training (generally more than six months), state or governmental licensing, or formal certification process (e.g., lab techs, respiratory therapists, radiology technicians).

**Security Guards:** Employees who provide security service to the hospital, its property, grounds, buildings, employees and patients.

**Skilled Maintenance Employees:** Employees who provide skilled maintenance and/or engineering services (e.g., sanitary engineers, licensed electricians, plumbers).

**Business Office Clerical Employees:** Clerical employees who perform business office functions and/or who have a strong working relationship with the business office functions; general clerical should be classified as “service worker.”

**Physicians:** Licensed physicians who are “employees” of the hospital.

**Service and Non-Professional Employees:** This unit will generally include all service and unskilled maintenance employees. Employees in this category typically perform manual and routine job functions and are not highly skilled or trained.

**Other/Combined Job Classifications:** Any jobs not listed above or units covering more than one of the above categories.