

THE EXPERIENCES OF RAYMOND DECKER WITH THE LABOR UNION
ORGANIZING EFFORTS AT SANTA ROSA MEMORIAL HOSPITAL,
SANTA ROSA, CALIFORNIA – 2004-2010

On October 6, 2004 an employee representing a number of other employees together with two organizers from SEIU-UHW (Service Employees International Union – Union of Hospital Workers) contacted me to ask if I could help with the organizing efforts of the employees of Santa Rosa Memorial Hospital to form a union. About 10 years prior to this date a number of employees tried to form a union affiliated with the Teamsters Union, but were so adequately rebuffed by the administration of the hospital they failed in this attempt. Now once again conditions at this hospital relating to job security, salaries, benefits and quality of patient care motivated a number of the employees (environmental services, imaging services, laboratory, nutrition services, respiratory therapy, surgical services and patient care services) to attempt the formation of a union which would represent their concerns.

Santa Rosa Memorial Hospital in Santa Rosa, California is one of fourteen medical centers in three western states owned and operated by the St. Joseph Health System (SJHS), and headquartered in Orange, California. This health system is incorporated as a non-profit corporation, employs 24,000 employees, had a net income in one year alone of 3.2 billion dollars. The total outlay for its top 10 executives in this same year was \$8,358,040; the CEO's income for this same year including salary, employee benefits and expense account was \$2,863,363. The corporate board of this system consists of 11 persons, 7 of whom are members of the Sisters of St. Joseph of Orange.

Given these facts and the desperate need of employees to organize in order for their concerns to be realistically met, I agreed to help them in their organizing efforts. Naively, I thought that this corporation under the control of a religious community which had a reputation of supporting the United Farm Workers Union during its difficult years of formation would understand the legitimate attempt of its employees to unionize. Unfortunately, my naïve assumption was very badly mistaken.

In order to provide an open and non-intimidating process of forming a union, I took it upon myself to approach the local board president to suggest that the administration of the hospital and the SEIU-UHW enter into a fair election agreement. The Union had already agreed to sign such an agreement. I had in hand a fair election agreement which had just recently been entered into by SEIU-UHW and Catholic Healthcare West (CHW), which provided for a non-antagonistic atmosphere in which the employees and the union could discuss unionization freely without accusatory statements against the administration and the administration would refrain from intimidation or harassment of its employees in their attempt to form a union. I was informed by the president of the local hospital board that policy was set by the "mother board" in Orange. The basic functions of the local boards of this corporation were to liaison with the local communities and to raise local funding. In other words, the local board had no control over whether or not to decide to enter into a fair election agreement; that would be up to the "mother board."

On the basis of this information I arranged for an appointment with the person in the local hospital who had the responsibility to execute the general policies of the Sisters of St. Joseph of Orange on the local level. In an attempt to follow protocol I thought this person would be the one to further my recommendation to the headquarters of SJHS. I was received with an excessive amount of coolness, and no commitment was made as to whether or not my recommendation would be forwarded to the “mother board” of the corporation.

With a feeling of frustration I contacted a local pastor who was a personal friend of the General Superior of the Sisters of St. Joseph of Orange and chair of the “mother board,” where obviously policy decisions of this nature were being made. This pastor reached out to the General Superior and proposed SJHS agree to the fair election agreement, which had been the model used in the election process of all the hospitals associated with CHW. His attempt was received with the same attitude of resistance and non-corporation. It was becoming obvious that SJHS was not only not interested in entering into a fair election agreement with its employees and the union, but that its policy was blatantly anti-union, despite their protestations to the contrary. In addition to all these factors it became known that SJHS had hired a notoriously anti-union law firm to give it counsel.

Since this hospital was one of the major medical delivery systems in the Santa Rosa area, members of the community became concerned with the attitude of SJHS. In 2005 in response to the growing perception in the community about the unwillingness of SJHS to enter into a fair election agreement, a Sonoma County Fair Election Commission was formed to safeguard the employees’ attempt to organize without intimidation or harassment from either the union or the hospital administration. This Commission was made up of prominent members of the community representing faith communities, elected officials and the local media. In looking into the situation that prevailed in the hospital they discovered that there was in fact intimidation and harassment of employees on the part of the administration. The anti-unionism of hospital management became so blatant, that the union filed an “unfair labor practice” (ULP) with the National Labor Relations Board (NLRB), which in turn concluded SJHS had committed no fewer than 7 labor law violations and required the hospital system to cease and desist and to post an official statement delineating the rights of workers through the affected hospitals. These postings were placed in very obscure places throughout the hospital, so it became even more clear of the anti-union stance of SJHS.

It was becoming obvious that more public pressure had to be put on SJHS to have it desist from its policy of intimidation and harassment of employees trying to unionize. So one day I met with some of the employees and community leaders to present the CEO of the local hospital with a letter urging the administration to enter into a fair election agreement similar to the one entered into by CHW. We were met at the door by a security guard and were not allowed to enter the administration building to hand deliver the letter with a copy of the suggested agreement. In the face of our persistence to see the CEO the local police were called, and we were ushered off the hospital property.

By this time almost two and a half years had passed since I first became involved in the organizing effort, and no progress was made to insure the employees of a fair and free election process. In fact the intimidation and harassment on the part of SJHS continued despite the remonstrance of the Sonoma County Fair Election Commission and the warning of the NLRB. About this time (2006) one of the major medical facilities in the county wanted to discontinue medical services in the community and hand over some of its county contracts to Santa Rosa Memorial Hospital. This made the anti-union policies of SJHS all the more public. I personally testified before the County Supervisors asking the question whether or not they wished to enter into a contract with a notoriously anti-union corporation. Finally the County Supervisors decided not to allow the transfer of their contracts to Santa Rosa Memorial Hospital, and that the other hospital (which was unionized) would have to fulfill its contractual agreements with the county. It must be kept in mind that Sonoma County is a very “blue” county as contrasted to being “red.”

Because the anti-union stance of SJHS was becoming so public, the Council of priests of the Diocese of Santa Rosa studied the situation and met with representatives of SJHS and the union. After deliberating the facts, the Council passed a resolution recommending adoption of the 1999 statement of the National Catholic Conference of Bishops (NCCB) Sub Committee on Healthcare entitled: *A Fair & Just Workplace: Principles & Practices for Catholic Healthcare*. This document: 1) summarized Catholic Social Teachings’ longstanding commitment to the rights of workers and belief in the indispensability of unions, and 2) underlined the importance of honoring the rights of workers to choose for themselves whether or not to unionize, free from fear and intimidation. The document also encouraged management and labor to adopt mutually agreed to ground-rules at the front end of any organizing drive to facilitate the creation of an environment free of fear. The diocese urged SJHS to comply with the letter and spirit of this document. The response to this resolution was benign neglect. Many letters of local clergy, the Bishop of Santa Rosa and me were sent to the General Superior of the Sisters of St. Joseph of Orange urging her and her community to respect the rights of the employees to a fair, free and unfettered election; but we received only non committal responses and at times no response at all.

Since SJHS was being so obstructive toward the legitimate right of its employees to have a free and unfettered election, it was necessary to develop community support of the employees in their effort to form a union. To offset the belligerent attitude of SJHS which became very discouraging for the employees, many in the community – politicians, religious congregations, media and labor unions – came together to support the employees in their effort to have a free and non-intimidating election. It was necessary to demonstrate that their effort to unionize was important to the community as a whole. After all, they were an indispensable part of one of only three medical facilities in the community, and the other two facilities were unionized. To manifest this support a number of meetings and rallies of the community’s leadership were held to express, not simply support, but to emphasize the important role these employees exercised in the community, and to express gratitude for their dedicated services to a vital community need. During this crucial time I participated in all these meetings and rallies and met with individual employees to encourage them. Apart from the dedicated professionalism of the union organizers and the continued resolve of the employee leadership, I firmly

believe that this community support was a vital factor in the eventual voting and final victory of the union.

In the late spring of 2008 an internal dispute between the SEIU international headquarters and the statewide California Local (SEIU-UHW) boiled over. As a result, the International imposed trusteeship on the local and removed the top elected leadership and nearly half the staff. Within days the ousted leaders formed the National Union of Hospital Workers (NUHW). The majority of union organizers at Santa Rosa Memorial Hospital who had been working on organizing from the beginning opted to go with the NUHW. And the overwhelming majority of workers who had been organizing their union chose to support the new union. The SEIU contested the new union, and only after realizing NUHW intended to continue organizing SJHS workers at Santa Rosa Memorial Hospital, made a failed attempt to win the allegiance of the workers. Notwithstanding the absence of support from the workers, SEIU opted to intervene in the organizing drive. Prominent political and religious leaders made a formal attempt to broker a fair election agreement with both unions and SJHS. The NUHW signed this agreement, but because the SEIU refused to enter such an agreement SJHS used this as an excuse not to enter into such an agreement with NUHW. Thus the employees were compelled to pursue an election without a fair election agreement.

After numerous delays the NLRB designated December 17 & 18 as dates for the election. Leading up to the election the hospital administration held 17 “informational” meetings with the employees from December 2 to 11 obviously trying to have them vote for no union. I was asked by several of the employees to attend at least one of these meetings as an observer. I attempted to attend one of these meetings only to be refused admittance by the administration. I wrote to the General Superior of the Sisters of St. Joseph of Orange objecting to the treatment I had received, and asking the simple question: “Why was a Catholic priest representing a national Catholic organization (CSWJ) refused permission to attend an “informational” meeting in a Catholic institution?” I received no reply to this letter.

When election day finally arrive, NUHW received 283 votes, SEIU received 13 votes, and “No Union” received 263 votes. 17 ballots were challenged. The challenged ballots were resolved, and the final outcome was victory for NUHW. But the anti-union philosophy of SJHS prevailed and it filed formal objections to the election with the NLRB. Following review most of the objections were summarily dismissed by the NLRB. Of the two remaining, one of the objections related to the font size of the ballot. The other objection still before the NLRB is that my appearance together with some other members of the general community at one of the administration sponsored “information” meetings “intimidated” and confused the employees and influenced them to vote for NUHW. The attorney representing the NUHW asked me about three questions which made it evident that I was not an agent of NUHW, but rather a free agent representing the community as a whole and Catholic Scholars for Worker Justice in particular. I was then cross examined for an hour by SJHS’s four attorneys with ridiculously non-pertinent questions, which was tantamount to harassment. The hearing judge of the NLRB became obviously frustrated by the interrogation, and at one point became manifestly angry with the cross examination. At this point in time the hearing judge is taking under advisement the testimony regarding the objections, and it is my understanding will render a decision in about three weeks from this date (March 9) as to the legitimacy of these two remaining

objections. From the attitude of the judge during my testimony I rather expect that he will find these spurious objections illegitimate, and will find in favor of NUHW.