



American Hospital  
Association



THE HUMAN SIDE OF HEALTHCARE

April 23, 2012

The Honorable Michael B. Enzi  
United States Senate  
379A Senate Russell Office Building  
Washington, DC 20501

Dear Senator Enzi,

The American Hospital Association (AHA) and the American Society for Healthcare Human Resource Administration (ASHHRA) are pleased to express our strong support for S .J. Resolution 36, which provides for congressional disapproval and nullification of the National Labor Relations Board's rule that substantially changes procedures for union representation elections.

The AHA represents more than 5,000 member hospitals, health systems and other health care organizations, and nearly 42,000 individual members. ASHHRA represents more than 3,600 human resource professionals and is the nation's only membership organization exclusively dedicated to meeting the professional needs of human resources leaders in health care.

In December, 2011, the NLRB issued a final rule that would dramatically expedite union elections by:

- Limiting the issues and evidence that can be presented at a pre-election hearing, which may leave important questions unresolved prior to a union election;
- Making all NLRB review of Regional Directors' decisions discretionary;
- Substantially curtailing the time in which representation elections can be held to as little as 10 days following the filing of an election petition, thus preventing employers who lack resources and legal expertise to navigate and understand the union election process within such a short time frame; and,
- Giving the NLRB discretion to hear and decide any appeals to the election process.

The hardworking men and women in our nation's hospitals are entitled to choose whether or not to organize, a position long supported by AHA and ASHHRA. However, we believe that employees should have every opportunity to make that decision with full knowledge from both sides. By effectively shortening the time period for a representation election, the NLRB rule

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does not provide sufficient time for employees to make a well-informed decision. The time frames under the Board's current processes - reflecting the NLRB's own most recent statistics that the average time from petition to election is 31 days, with over 90% of elections occurring within 56 days - are reasonable, permit employees to hear from both the union and the employer, and allow the employee to make a knowledgeable, free decision.

Equally troubling, the NLRB rule would leave many significant questions as to the composition of the unit unresolved until after the election or beyond. For example, which employees are "supervisors" and therefore, part of management? Leaving such decisions unresolved until after an election will most certainly leave employees confused about who is in or out of the bargaining unit and potentially subject employers and unions to unnecessary unfair labor practices charges for improper conduct of a supervisor who has been misclassified or who's real status is unknown.

Once again, the AHA and ASHHRA applaud your efforts and urge Congress to immediately pass S. J. Res. 36.

Sincerely,

Rick Pollack  
Executive Vice President  
AHA

Stephanie Drake  
Executive Director  
ASHHRA