



Michigan Nurses Association

The Power of > One
more than

March 15, 2010

Regional Office (7)
National Labor Relations Board
477 Michigan Avenue, Room 300
Detroit, MI 48226-2569

Re: Charge Against Employer
Borgess Medical Center - Employer
Michigan Nurses Association - Union

Dear Sir or Madam:

Enclosed for filing are the original and four copies of a Charge Against Employer, which is being filed by the Michigan Nurses Association. Also enclosed is a Certificate of Service indicating that a copy of the Charge has been served on the Employer by certified mail.

If you have any questions or need anything further, please call.

Sincerely,

John Karebian
Executive Director
Telephone: 517/349-5640 x 15

Enclosures

cc w/enc: Shahin Motakef, Executive VP - Borgess Medical Center
(Via Certified Mail)

2310 Jolly Oak Road - Okemos, MI 48864 - 517.349.5640 - 888.MI.NURSE - 517.349.5818 fax
Old City Hall - 220 W. Washington Street, Suite 100 - Marquette, MI 49855 - 906.226.7053 - 906.226.2701 fax
Mark Plaza Building - 21411 Civic Center Drive, Suite 102 - Southfield, MI 48076 - 248.799.0808 - 248.799.0807 fax

www.minurses.org

United American Nurses • AFL-CIO • American Nurses Association

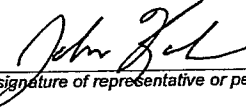
INTERNET
FORM NLRB-501
(2-08)UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER**DO NOT WRITE IN THIS SPACE**

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 Borgess Medical Center	b. Tel. No. 269-226-7000 c. Cell No. f. Fax No. g. e-Mail h. Number of workers employed approx. 700 in bargaining unit
d. Address (Street, city, state, and ZIP code) 1521 Gull Road Kalamazoo, MI 49048	e. Employer Representative Shahin Motakef Executive Vice President
i. Type of Establishment (factory, mine, wholesaler, etc.) Hospital	j. Identify principal product or service Nursing care
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) 8(a)(2), 8(a)(3), 8(a)(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 Addendum attached.	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) Michigan Nurses Association	
4a. Address (Street and number, city, state, and ZIP code) 2310 Jolly Oak Road Okemos, MI 48864	4b. Tel. No. 517-349-5640 4c. Cell No. 4d. Fax No. 517-349-5818 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) National Nurses United, 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)	John Karebian, Executive Director (Print/type name and title or office, if any)
Address 2310 Jolly Oak Road, Okemos, MI 48864	Tel. No. 349-5640, ext. 15 Office, if any, Cell No. Fax No. 517-349-5818 e-Mail john.karebian@minurses.org
	3/15/2010 (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.

2. Basis of Unfair Labor Practice Charge Against Borgess Medical Center

Borgess Medical Center has threatened and coerced employees in the exercise of their statutory rights; has interfered in the administration of a labor organization in a purely internal Union matter; has failed to bargain in good faith; and has engaged in a premeditated course of conduct in violation of the National Labor Relations Act:

(a) By engaging in an orchestrated campaign to bypass MNA as the exclusive bargaining representative and deal directly with the employees in matters of contract negotiations;

(b) By adopting take-it-or-leave-it bargaining positions, coupled with a widely publicized refusal to compromise;

(c) By adamantly insisting on removing patient and employee protections from the collective bargaining agreement without being able to articulate a single substantive disagreement with the existing contract language;

(d) By insisting on the elimination of the arbitration procedure for most substantive issues, lay off and recall protections, just cause protections prohibiting unfair dismissal, protections from discriminatory conduct, and otherwise insisting on terms unacceptable to any reasonable bargaining agent;

(e) By utilizing management negotiators without the authority to engage in meaningful negotiations, who acknowledged themselves to be merely messengers for those not at the bargaining table, and who were unable to answer simple questions about the Employer's positions;

(f) By refusing to provide relevant information in a timely manner;

(g) By systematically interrupting nurses during working hours in patient care areas and while on break to promote the Employer's bargaining proposals;

(h) By unlawfully interrogating employees regarding their support for the Employer's bargaining proposals;

(i) By videotaping and monitoring employees engaged in protected concerted activities;

(j) By creating a coercive atmosphere in the hospital during working hours, interfering with nurses in the performance of their patient care responsibilities in order to further its unlawful agenda;

(k) By making unilateral changes in working conditions without bargaining and prior to impasse or contract expiration;

(l) By threatening to impose economic penalties if employees reject the Employer's proposal, notwithstanding the absence of a bargaining impasse; and

(m) By deliberately interfering in the administration of a labor organization on a purely internal Union matter, and by unilaterally changing terms and conditions of employment in order to do so.

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

MICHIGAN NURSES ASSOCIATION,

Charging Party,

-and-

NLRB No. _____

BORGESS MEDICAL CENTER,

Employer.

John Karebian, Executive Director
On Behalf of Charging Party
Michigan Nurses Association
2310 Jolly Oak Road
Okemos, MI 48864
517-349-5640

CERTIFICATE OF SERVICE

I, John Karebian, hereby certify that on March 15, 2010, I mailed a copy of Charge Against Employer by certified mail (Receipt No. 7008 3230 0000 3119 1907) to Shahin Motakef, Executive Vice President, Borgess Medical Center, 1521 Gull Road, Kalamazoo, MI 49048, by inserting said document into a sealed envelope with the proper postage affixed, and placing same in the United States mails at Lansing, Michigan.



John Karebian