



UNAC/UHCP

United Nurses Associations of California/Union of Health Care Professionals

UNAC/UHCP is affiliated with NUHHCE, AFSCME and the AFL-CIO

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Bryan Lopez
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October 2, 2023

VIA E-MAIL AND U.S. MAIL

Barbara De Giuseppe
Human Resources Director
St. Francis Medical Center
3630 East Imperial Highway
Lynwood, CA 90262
bdeguseppe@primehealthcare.com

Rich Martwick
Associate General Counsel
Prime Healthcare
6245 Inkster Road
Garden City, MI 48135
rmartwick@primehealthcare.com

Re: Unfair Labor Practice Charge Against Prime Healthcare Services d/b/a St. Francis Medical Center

Dear Ms. De Giuseppe and Mr. Martwick,

Enclosed please find an Unfair Labor Practice charge against Prime Healthcare Services d/b/a St. Francis Medical Center, filed today with Region 21 of the National Labor Relations Board.

Please contact the undersigned should the Employer wish to discuss resolution.

Very Truly Yours,

Bryan Lopez,
Legal Counsel for UNAC/UHCP

Enclosure

cc: Via E-mail only

Scott Byington, President, St. Francis Registered Nurses Association, UNAC/UHCP;
Sandi Marques, Staff Representative, UNAC/UHCP;
Max Carbuccia, Director of Collective Bargaining, UNAC/UHCP;
Joe Guzynski, Executive Director, UNAC/UHCP;
Charmaine Morales, President, UNAC/UHCP.

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 Prime Healthcare Services d/b/a St. Francis Medical Center		b. Tel. No. 301-900-8453
		c. Cell No.
		f. Fax No. 310-900-7322
d. Address (Street, city, state, and ZIP code) 3630 East Imperial Highway Lynwood, CA 90262	e. Employer Representative Barbara DeGiuseppe, Human Resources Director, bdeguseppe@primehealthcare.com	g. e-mail
	Rich Martwick, Associate General Counsel, rmartwick@primehealthcare.com	h. Number of workers employed Approx. 560 bargaining unit employees
i. Type of Establishment (factory, mine, wholesaler, etc.) Health Care Provider	j. Identify principal product or service Health Care	

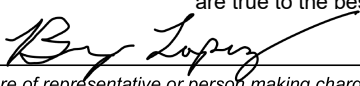
The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are 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 enclosed Attachment A: Statement of Charge

3. Full name of party filing charge (if labor organization, give full name, including local name and number)
United Nurses Associations of California/Union of Health Care Professionals, NUHHCE, AFSCME, AFL-CIO

4a. Address (Street and number, city, state, and ZIP code) 955 Overland Ct., Suite 150 San Dimas, CA 91773-1718	4b. Tel. No. 909-288-2729
	4c. Cell No.
	4d. Fax No. 909-599-8655
	4e. e-mail legal@unacuhcp.org

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 Union of Hospital and Health Care Employees, AFSCME, 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.		Tel. No. 909-288-2729
 _____ (signature of representative or person making charge)		Office, if any, Cell No.
Bryan Lopez, Legal Counsel _____ (Print/type name and title or office, if any)		Fax No. 909-599-8655
Address <u>955 Overland Ct., Ste. 150, San Dimas, CA 91773</u> Date <u>Oct 2, 2023</u>		e-mail bryan.lopez@unacuhcp.org

**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 may cause the NLRB to decline to invoke its processes.

Attachment A: Statement of Charge

Within the past six months, the Employer, through its managers, supervisors, and agents, had interfered with, restrained, and coerced employees in the exercise of their rights under Section 7 of the National Labor Relations Act (NLRA) and/or discrimination in regard to tenure and terms and conditions of employment to discourage membership in a labor organization by:

- Placing a pre-strike poll on bargaining unit employees' intranet timesheet and polling individual bargaining unit employees about their intent to strike without providing the proper assurances against reprisal in violation of Section 8(a)(1) of the NLRA.

- Requiring bargaining unit employees to answer the following three questions on the pre-strike poll included in employees' timesheets before allowing them to move on to the next page to clock in or clock out:
 - 1. I do intend to work if there is a strike – No or Yes
 - 2. I do not intend to work if there is strike – No or Yes
 - 3. I prefer not to answer – No or Yes

Although the poll purports to allow employees to choose "I prefer not to answer," bargaining unit employees must answer the first two questions in order to move on to the next page in the intranet and complete their timesheets. As per established case law, the Employer may ask individual employees about their intent to strike but the Employer cannot force individual employees to answer. Therefore, the Employer's pre-strike poll violates Section 8(a)(1) of the NLRA.