

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
**CHARGE AGAINST LABOR ORGANIZATION
OR ITS AGENTS**

DO NOT WRITE IN THIS SPACE	
Case 32-CB-5769-1	Date Filed 4-26-2004

INSTRUCTIONS: File an original and 4 copies of this charge and an additional copy for each organization, each local, and each individual named in Item 1 with the NLRB Regional Director of the region in which the alleged unfair labor practice occurred or is occurring.

1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT

a. Name California Nurses Association b. Union Representative to contact
Deborah Burger, Pres.

c. Telephone No. 510-273-2200 d. Address (street, city, state and ZIP code)
2000 Franklin Street, Oakland, CA 94612

e. The above-named organization(s) or its agents has (have) engaged in and is (are) engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (list subsections) (1)(a) & (2) of the National Labor Relations Act. and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

See Attached.

RECEIVED
NLRB REGION 32
OAKLAND, CA
2004 APR 26 AM 9:55

COPY SENT NLRB

Date _____ By _____

3. Name of Employer
Tenet Health Care Inc. d/b/a Community Hospital of
Los Gatos

4. Telephone No.
408-866-4008

5. Location of plant involved (street, city, state and ZIP code)
815 Pollard Road, Los Gatos, CA 95032

6. Employer representative to contact
Robert Brown

7. Type of establishment (factory, mine, wholesaler, etc.)
acute care hospital

8. Identify principal product or service
acute patient care

9. Number of workers employed
Approx 250 nurses

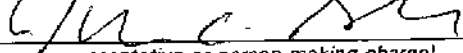
10. Full name of party filing charge
Sherril Hopper

11. Address of party filing charge (street, city, state and ZIP code)
779 Montrose Avenue, Palo Alto, CA 94303

12. Telephone No.
650-493-2393

13. DECLARATION

I declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief.

By  John C. Scully Attorney
(signature of representative or person making charge) (title or office, if any)
Address National Right to Work Legal Def. Fdtn. (703) 321-8510 4/23/04
Suite 600, 8001 Braddock Rd., Springfield, VA 22160 (Telephone No.) (date)

1. The Charging Parties and similarly situated employees are employed by Tenet Hospitals.
2. There is no exclusive collective bargaining agent.
3. At a time unknown, the CNA negotiated and entered into a secret agreement with Tenet before the CNA has an uncoerced majority support at the Los Gatos Hospital or other Tenet facilities.
4. The secret agreement gave certain rights to the CNA to assist the CNA in organizing the Tenet facilities including the Los Gatos facility. As part of the agreement, CNA negotiated a collective bargaining agreement favorable to the business interests of Tenet and other actions to aid Tenet.
5. The CNA unlawfully accepted the assistance and support of Tenet in the form of access to the above named employer's facilities, employees and contact information for employees and bargaining with the CNA while denying that access to other employee organizations at a time during which the CNA did not have the uncoerced support of a majority of employees.
6. The CNA in cooperation with the employer Tenet has acted to deprive employees of their right to voluntarily choose their own collective bargaining representative or to refrain from choosing a collective bargaining representative by recognizing and bargaining prior to CNA having the uncoerced support of a majority of employees, by CNA accepting unlawful assistance from Tenet, and by entering into an agreement that aids and assists and provides a preferred status to the CNA in its efforts to be recognized as the exclusive bargaining representative and therefore, that discriminates against employees who do not wish CNA to be recognized as their exclusive representative.
7. These and related actions restrain and coerce employees in the exercise of their § 7 rights, illegally interfere with, dominate and assist a labor union, and illegally interfere with the formation -- or rejection -- of a labor union among Tenet employees. Moreover, the CNA has violated the Act by negotiating with Tenet as the exclusive bargaining representative of employees at a time during which the CNA does not have the uncoerced majority support of employees.