

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

USC NORRIS CANCER HOSPITAL (NORRIS)

Employer

and

GLORIA QUIOAN, an Individual

Petitioner

Case 21-RD-2890

and

CALIFORNIA NURSES ASSOCIATION/  
NATIONAL NURSES ORGANIZING  
COMMITTEE, NNU

Union

ORDER

Petitioner's Request for Review of the Acting Regional Director's Decision and Order Dismissing Petition is denied as it raises no substantial issues warranting review.<sup>1</sup>

RICHARD F. GRIFFIN, JR., MEMBER

SHARON BLOCK, MEMBER

Member Hayes, dissenting in part:

I would grant the Petitioner's Request for Review, reverse the Acting Regional Director, and remand this case with directions to conduct an election in the petitioned-for single facility unit. In my view, the Acting Regional Director clearly erred by finding that the 2005 side agreement between predecessor employer Tenet Healthsystem and the California Nurses Association (CNA) was not part of the master agreement adopted by

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<sup>1</sup> The Petitioner seeks to decertify the Union as the representative of the Norris Hospital nurses. The petition is therefore inconsistent on its face with longstanding Board policy requiring that the unit at issue in a decertification election be coextensive with the existing bargaining unit--here, a two-facility unit that includes the nurses at USC University Hospital. The policy is based on the premise that the employees who are represented in the existing unit should not be deprived of representation in that unit unless a majority of those employees so desire.

Before we even consider an exception to this policy, it is incumbent on the Petitioner to meet her evidentiary burden supporting such an exception. The Petitioner has not done so. She has provided no evidence of any history of collective bargaining in the petitioned-for unit. Instead, relying heavily on a 2005 "side agreement" between the Union and Tenet Healthsystem Norris, Inc., a predecessor of the current Employer, the Petitioner contends that the Union consented to a decertification election in the originally certified unit, which comprised the Norris nurses only. The applicability of that side agreement is in doubt, however. Most significantly, the Petitioner has supplied no evidence of the agreement's duration, and we are not persuaded that it remains in effect.

Given the Petitioner's failure to meet her burden, we deny her request for review.

current Employer USC Norris Cancer Hospital (Norris). Notwithstanding any multi-facility bargaining, both the CNA and Tenet expressly consented in the side agreement to stipulate in any subsequent decertification election that the appropriate unit for Norris hospital employees would be the originally certified single-facility unit. This agreement remained in effect and binding on both the CNA and Norris. Such an agreement should be given effect unless contrary to statutory provision or policy, and it clearly is not; rather, it effectuates employee free choice by providing for a decertification election in the same appropriate single-facility unit in which the original representation election took place.

BRIAN E. HAYES,

MEMBER

Dated, Washington, D.C., July 19, 2012.