



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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SENT ELECTRONICALLY

December 13, 2021

Tom Keim
Tenet Lead Negotiator
Fountain Valley Regional Hospital & Medical Center
17100 Euclid Street
Fountain Valley, CA 92708

Re: FVPA, UNAC/UHCP Position on BOI

Dear Mr. Keim,

Fountain Valley Professional Association (“FVPA”), United Nurses Associations of California/Union of Health Care Professionals (“UNAC/UHCP”)(collectively “Union”) notify you of the Union’s position that **we will not agree** to include Article 28, entitled Successor Agreement, sections 2801-2804, in the agreement to follow the current collective bargaining agreement between Fountain Valley Regional Hospital & Medical Center and FVPA, UNAC/UHCP, effective date February 2, 2019 to April 30, 2022.

Article 28 outlines a process for dispute resolution between the parties if they fail to reach a successor contract involving a Board of Inquiry (“BOI”). While in the past it may have been an appropriate solution to address disagreements between the parties on successor agreements, our current membership demands the ability to strike if the parties are unable to reach a deal. We expect that Tenet will do the right thing during bargaining and agree to remove Article 28, as the ability to strike by the Union once a labor agreement is expired is non-controversial. Furthermore, as you are aware, the provisions contained in Article 28 are interest arbitration provisions, and as such are a permissive subject of bargaining, and neither party may insist on the inclusion of such provisions to impasse without violating the National Labor Relations Act. *Printing Pressman Local 252 (Columbus)(R.W. Page Corp.)* 210 NLRB 268, (1975), *enforced*, 543 F.2d. 1161 (5th Cir. 1976). We look forward to bargaining with Tenet and reaching a collective bargaining agreement that will not only recognize the hard work and sacrifice given by our nurses and healthcare professionals to provide quality patient care during these past unprecedented years, but will also retain and recruit talented nurses at Fountain Valley for the future.

Sincerely,

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Kevin Brown

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Staff Representative/Lead Negotiator

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cc: Joe Guzynski, UNAC/UHCP, Executive Director
Max Carbuccia, Director of Collective Bargaining
FVPA Affiliate Officers