

## **Labor Law: Employer Must Show A Majority Favor Union Decertification.**

A group of nurses began a decertification campaign, that is, they circulated a petition they believed would result in the union no longer being recognized as the nurses' representative in the hospital, two years after the National Labor Relations Board (NLRB) had certified the union as the hospital's nurses' bargaining agent.

Hospital management took the position that the petition proved a majority of the hospital's nurses no longer wished to be represented by the union and announced that the hospital no longer recognized the union. Then the hospital announced a pay increase for all nurses without consulting with the union.

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***A union which has been certified as the nurses' bargaining representative is presumed to represent the nurses unless and until the employer can show a majority of the nurses no longer want the union.***

UNITED STATES COURT OF APPEALS  
DISTRICT OF COLUMBIA CIRCUIT  
November 30, 2007

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Hospital management was guilty of unfair labor practices, according to the US Court of Appeals for the District of Columbia Circuit which agreed with the position taken by the union and the NLRB.

The group of nurses' decertification petition was ambiguous as to whether those signing it wanted the union out or merely wanted a new election to resolve the issue. Such a petition must clearly state that it stands for union decertification and must be signed by a majority. Highlands Hosp. v. NLRB, \_\_\_ F. 3d \_\_\_, 2007 WL 4208324 (D.C. Cir., November 30, 2007).