

## Labor Law: Court Says Hospital Must Fire Non-Union Nurses.

The US District Court for the Eastern District of Missouri noted there was no dispute over the basic facts:

The union was certified by the National Labor Relations Board to represent all 1,400+ nurses at the hospital; 73 nurses refused to pay union dues; the collective bargaining unit as written called for the hospital to discharge any bargaining-unit employee who refused to pay union dues after ninety days on the job; the hospital was the region's only burn center and provided the region's only critical care, obstetrics and neonatal intensive care.

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***The hospital has not carried the day with its argument that confirming the arbitrator's ruling abruptly dismissing 73 nurses would violate public policy.***

UNITED STATES DISTRICT COURT  
MISSOURI  
September 22, 2005

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The hospital argued that its nurse-staffing obligations under state and Federal laws and patient-care quality would be jeopardized and these were valid public-policy reasons to void the arbitrator's decision it had to dismiss 73 nurses abruptly.

The court agreed nurse staffing and patient-care quality are valid concerns, but ruled that the hospital needed to do more that raise those issues in a general way.

The hospital did not come up with convincing evidence as to the actual impact the dismissals would have on patient care delivery or prove why it could not just hire more union nurses. **United Food and Commercial Workers v. St. John's Mercy Health System**, 2005 WL 2333922 (E.D. Mo., September 22, 2005).