



## Press Releases

October 3, 2006  
FOR IMMEDIATE RELEASE

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### **ANA Rejects NLRB Decision to Block Nurses' Freedom to Unionize**

**SILVER SPRING, MD** -- The American Nurses Association (ANA) denounced today's decision by the National Labor Relations Board (NLRB) in *Oakwood Healthcare* to broaden the definition of "supervisor," saying it could effectively deprive hundreds of thousands of registered nurses (RNs) and licensed practical nurses of their right to choose to impact their work environment through collective bargaining.

"We are deeply concerned with the NLRB's decision because it represents an assault on the rights and preferences of nurses regarding whether or not they choose to join a union," said American Nurses Association President Rebecca M. Patton, MSN, RN, CNOR. "We recognize that collective bargaining may not be the choice for everyone, but protecting and preserving that right is fundamental to the safety and well-being of both nurses and the patients they serve." President Patton added, "The three members who have devised these new interpretations of the law clearly do not understand the nature of nursing practice and how being a Registered Nurse who delegates tasks does not equate to having the managerial duties that Congress identified as necessary to make someone a supervisor under the law."

The NLRB has provided new definitions for activities which would purport to make employees "supervisors" who can be excluded from the protective coverage of federal labor law. ANA takes issue with the NLRB's view of key terms. Under the NLRB ruling, the term "assign" has been given new broad meaning, to include the assignment of "overall duties and tasks" while the phrase "responsibly to direct" was interpreted in one of the companion cases issued today to include the direction by charge nurses to certified nursing assistants to clip residents' nails or to empty catheters if the direction were given with requisite accountability to meet the "responsible" test.

"These new definitions that focus on task assignment or direction can create havoc with traditional ideas of what constitutes 'supervisory' work, because RNs frequently tell other members of the health care team what to do. That activity doesn't mean the RN is a supervisor," said Linda J. Stierle, MSN, RN, CNAA, BC, Chief Executive Officer, ANA.

In addressing the NLRB's assessment of independent judgment as a component of supervisory activity when assigning or directing others, Ms Stierle stated, "Far from being supervisory, nurses' exercise of critical judgment is an inherent part of nursing practice within the context of a defined set of statutory, regulatory and professional protocols and constraints."

In 1988, the NLRB said that collective bargaining gains accomplished through the creation of separate RN units have been an "important step toward making the nursing profession a more attractive employment opportunity." (*Collective bargaining Units in the Health Care Industry*, 53 Fed. Reg. at 33,971)

With the nation facing a growing shortage of nurses, ANA expressed concern that now is not the time to change workplace rules that have assisted in creating positive working conditions for nurses. Registered nurses face rampant under-staffing of their nursing units, the use of untrained floaters, and mandatory overtime. Limiting employees' rights will not foster the atmosphere in which health care delivery issues can be effectively addressed.

The ANA, as it has for over 100 years, will continue to oppose policies and practices that undermine registered nurses' ability to have an impact on the workplace and to improve patient care, and will work to support RNs who seek continued access to collective bargaining.

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*The ANA is the only full-service professional organization representing the nation's 2.9 million registered nurses through its 54 constituent member nurses associations. The ANA advances the nursing profession by fostering high standards of nursing practice, promoting the rights of nurses in the workplace, projecting a positive and realistic view of nursing, and by lobbying the Congress and regulatory agencies on health care issues affecting nurses and the public.*