



January 7, 2021

Donna Carnahan, UMPNC-MNA Vice-President
Desiree Conyers, UMPNC-MNA Chief Rep
Lynn Detloff, UMPNC-MNA Chief Rep
Sandy Dorsey, UMPNC-MNA Chief Rep
Becky Mammel, UMPNC-MNA Dispute Chair
Katie Oppenheim, UMPNC-MNA President
Katie Scott, UMPNC-MNA Chief Rep
Deborah Totzkay, UMPNC-MNA Chief Rep
Barbara Van Kainen, UMPNC-MNA Chief Rep
Laura Mason, UMPNC-MNA Secretary-Treasurer

Sent Via Email and USPS to the Above

Dear Officer of UMPNC-MNA:

In light of your recent communications and actions we write to you to clarify in good faith your current status as members and officers of the Michigan Nurses Association and its local bargaining unit (UMPNC-MNA) at Michigan Medicine. The current COVID-19 pandemic continues and more deaths are expected in the upcoming month than in any prior month of the pandemic. As the Board of Directors, we must ensure that representation of MNA within our local officer positions continues uninterrupted during these difficult times.

In the last two weeks you have taken a number of actions that indicate to us that you have chosen to voluntarily resign as officers of our MNA Local Bargaining Unit (UMPNC-MNA).

- On Christmas day you sent and signed an email announcing that your Executive Committee had voted to disaffiliate from MNA and called for a vote of the membership at meetings on January 2nd to reaffirm it. In response we communicated clearly that UMPNC-MNA was not an affiliate and that such a vote could not legally establish a new collective bargaining representative under State law.
- On January 2nd, you proceeded to hold a disaffiliation meeting via Zoom in which a minority of the membership participated and indicated their preference via Zoom poll with far fewer participants than necessary to even prompt an official and legally required MERC election.



- On January 2nd, following that meeting, you sent a membership email which incorrectly stated as follows: *On January 2, 2021, your University of Michigan Professional Nurse Council held a vote regarding the question of disaffiliation from the Michigan Nurses Association/National Nurses United. By a margin of two to one the UMPNC membership voted to disaffiliate from the MNA/NNU!*
- Following that vote, on January 2, 2021, you sent, through legal counsel, an email to Human Resources of Michigan Medicine asking that they no longer recognize MNA and cut all dues deduction. In response, the Hospital refused to honor that request, as it would have violated the Public Employment Relations Act, and told you that status quo of MNA and its local bargaining unit as the recognized representatives of the bargaining unit would continue to be recognized.
- On January 4, 2021, our labor representative was made aware by Human Resources at Michigan Medicine that you had indicated that you would not be attending a meeting where MNA representatives would be present. Following that communication we were told that legal counsel contacted Human Resources and stated you had changed your mind and would attend.
- On January 5, 2021, [REDACTED] a member of the UMPNC-MNA Executive Committee who joined you in many of your recent actions, sent notice to MNA that she had resigned her membership. As of the date of this letter, she continues to be listed as an officer on your website despite the fact that her lack of membership status disqualifies her from holding that position under the UMPNC-MNA bylaws and MNA bylaws.
- That same day, January 5, 2021, Human Resources contacted us to let us know you had submitted a new unapproved union logo to Human Resources for publication that removed MNA's name.
- Yesterday, January 6, 2021, you again emailed all of the nurses in the entire bargaining unit and stated as follows: *It's an exciting time to be part of our newly independent union, and we intend to go forward with involvement from members and more frequent communication.* [REDACTED] signed the email at the bottom as an officer of the union despite her resignation from MNA membership the day before.

As we have repeatedly stated MNA is the certified exclusive bargaining representative of the bargaining unit and UMPNC-MNA is its local bargaining unit, not an affiliate. A disaffiliation vote therefore cannot establish a new collective bargaining representative of the bargaining unit. That can only be done through an official election, such as those conducted by the Michigan Employment Relations Commission. See e.g. *Yates Industries*, 264 NLRB 1237 (1982). We therefore urge you to reexamine the source and soundness of any legal advice you may have received to the contrary.

MI NURSES Association

MICHIGAN NURSES ASSOCIATION

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MNA holds a legal duty of fair representation to every nurse it represents at Michigan Medicine and in the weeks ahead we must ensure that that duty is not only met, but exceeded by our representatives within our MNA local bargaining unit which acts on certain matters on MNA's behalf. Our members and our organization cannot endure weeks or months of ambiguity as to whether there are even officers in charge of our MNA Local Bargaining Unit at Michigan Medicine. Simply put, our local bargaining unit must continue to function and have clear representatives.

Your recent communications and actions indicate that you have voluntarily resigned as officers of MNA and its local bargaining unit at Michigan Medicine to attempt to establish an independent union which is not recognized. We ask you to reconsider these actions and ask that you please clarify in writing by close of business on Tuesday, January 12, 2021, whether you wish to change course and continue as officers of MNA's Local Bargaining Unit at Michigan Medicine. We sincerely hope that you do.

Sincerely,

The MNA Board of Directors