

# We Won!

## Today the United States Court of Appeals posted their decision:

In an unpublished judgment that issued on March 16, 2007 and is available only on PACER (Docket No. 06-1050), the District of Columbia Circuit denied the Medical Center's petition for review and enforced the Board's technical 8(a)(5) bargaining order in full, rejecting the Medical Center's objection that the Board agents mishandled the election and that the Board improperly failed to draw adverse inferences from the General Counsel's refusal to make available for testimony the Board agents who supervised the election:

"Enloe never established the testimony of Board agents was needed to resolve an issue at the hearing or renewed its request for Board agent testimony, despite the Regional Director's invitation to do so.

"More generally, Enloe failed to provide evidence that the Board agents' alleged misconduct would create a reasonable possibility of an incorrect outcome in the election, and the allegations were not of the sort that would raise a presumption of such a taint. . . . As Enloe's other arguments are similarly without merit, we find no denial of due process . . . ."

Now, begins the process of bargaining a contract to improve our hospital for caregivers and for the patients we serve!

This also confirms that management acted unlawfully in conducting a mass layoff without bargaining with the Union.

***In Unity There is Strength!***

