

September 18, 2007

Dear Representative:

America's hospitals, health systems and providers of health care stand together in strong opposition to H.R. 1644, the *Re-Empowerment of Skilled and Professional Employees and Construction and Tradeworkers Act*, and urge you to reject the bill when it is considered by the Committee on Education and Labor.

This legislation amends the definition of "supervisor" in the *National Labor Relations Act* (NLRA) by removing two functions that classify a charge nurse as a supervisor: "assigning" and "responsibly directing" other staff. This definitional change would reverse the National Labor Relations Board (NLRB) guidance used to determine the essential characteristics of supervisory status.

Nurse supervisors are often the most visible individuals "in charge" of a specific hospital unit, and their judgment and discretion are essential. They are responsible for assessing the acuity of a patient's illness, as well as identifying which staff members have the necessary skill sets to best care for that patient. The nurse supervisor acts on behalf of the hospital, providing a management/leadership voice to patients, families and other employees. When there is a crisis in patient care, it is the nurse supervisor who steps in, providing leadership and guidance. It is essential that nurse supervisors perceive themselves, and that others perceive them, as part of hospital management.

If this bill is enacted, nurse supervisors would be subject to union control, work rules, fines and other forms of union discipline for crossing a picket line or continuing to work during a work shortage. In addition, nurses who are supervisors would no longer exclusively serve as the employer's voice in labor-management relations during union organizing campaigns, grievances and labor disputes. By removing the functions of "assigning" and "responsibly directing" other staff, the bill undermines hospitals' ability to depend on charge nurses to ensure continuity of care.

This legislation fails to recognize the important and unique managerial role of the nurse supervisor and reverses existing guidance from the NLRB that offers hospitals clear and practical guidance for determining supervisory status.

We ask that you join us in opposing this legislation.

American Hospital Association  
Association of American Medical Colleges  
Catholic Health Association of the United States  
Federation of American Hospitals  
VHA Inc.