



Four Affinity nurses file federal lawsuit

By Christina McCune
[IndeOnline.com staff writer](#)

Posted May 15, 2013 @ 01:33 PM

Last update May 15, 2013 @ 08:44 PM

Related Stories

[April 26: NLRB hearing on firing of Affinity nurse Ann Wayt is Monday](#)

[March 19: Nurses picket Affinity Medical](#)

Business News

[US Airways Flight Makes Belly Landing](#)

[ATADF Crosses Critical Technical Indicator](#)

[Stocks Can't Be Stopped, Rise on U.S. Economy Confidence](#)

Suggested Stories

[Two arrested after police find them in truck with...](#)

[Massillon income-tax collections spike](#)

[Massillon bar brawl sends two to hospital](#)

From the Web

[10 Things You Should Never Buy at Garage Sales](#)
 Reader's Digest

[Sylvester Stallone's Son Found Dead in Hollywood... itsybitsysteps](#)

[How to Track Blocked Call Phone Numbers eHow](#)

[Sponsored content](#) [What's this?](#)

they (the union) could come in here".

MASSILLON — Four Affinity Medical Center nurses have filed a federal lawsuit accusing the National Nurses Organizing Committee union of violating its duty of fair representation by allegedly striking a back-room deal with hospital management in exchange for its assistance with unionizing its nurses.

The National Right to Work Legal Defense Foundation announced the filing of the lawsuit in a press release.

Cinda Keener, who has been a registered nurse at Affinity for almost four years, says there have been too many red flags in the process of organizing a union, and she and other nurses just want to be heard. She said the vote to unionize was too close and the campaign was one-sided.

Keener and fellow nurse Susan Kelley previously filed a complaint with the National Labor Relations Board alleging the August vote by nurses to unionize was "tainted" and accusing the hospital and the NNOC of targeting employees who were opposed to unionization efforts.

"There have been multiple filings, but no one will hear us," she said. "In my opinion, how can it be a democratic election when it was completely one-sided? We don't feel that the election at all was fair considering it was a one-sided campaign. We could not hear the other side of the story from CHS (Community Health Systems, Affinity's owner) or the Affinity administration.

"We're not anti-union. We don't feel this is the time or place at our facility. We have a nursing leadership group, we have other processes in place people aren't utilizing. Our contention is if you use the processes in place we can come to a resolution. We don't need to bring in a third party who doesn't know about Massillon, Ohio, who doesn't know anything about us."

Kelley and Keener, represented with free legal assistance from the privately funded National Right to Work Foundation, filed a motion in February to intervene in a federal case in which Affinity and the NNOC were disputing the results of the August union election. Their motion was denied.

"The NLRB says we have no right as employees to be heard," Keener said. "To us that's somewhat of a ridiculous assumption. Only the union organization or employer can speak to the NLRB. It's supposed to be about employees, and they will not hear us. We were told we had no right. Our contention is this neutrality agreement was something that we are not privy to. How can you have an agreement before you come here? This agreement was in place before they came to our hospital. No nurse went to this organization and said please come here to our hospital. It was the union and the employer have made a deal they (the union) could come in here".

Ryan Chizmadia and Katherine Manfull joined Keener and Kelley in filing the federal lawsuit May 10 with the U.S. District Court in Akron. In their lawsuit, the four nurses allege that the NNOC union hierarchy acted in bad faith and violated its duty of fair representation by illegally pre-negotiating nurses' benefits and working conditions in exchange for company assistance, among other issues, the news release states.

"Affinity Medical Center greatly values its employees and the care they provide," according to a prepared statement from Susan Koosh, vice president of marketing and community relations at Affinity. "We always seek to treat our employees fairly and with respect. The hospital entered into the agreement with the CNA/NNOC, which is the focus of this lawsuit, in the best interests of the hospital and our employees and we believe we did so lawfully. Even though the hospital is not a defendant in the suit, we will continue to act in the best interest of our employees, throughout the litigation of this matter, whatever the outcome."

At the same time, the union is trying to negotiate a contract with the hospital. The NNOC and National Nurses United have filed an unfair labor practice charge against Affinity alleging the hospital fired registered nurse Ann Wayt for her union activism among other issues. The National Labor Relations Board found this charge had merit and issued a complaint against Affinity. A hearing was earlier this month in front of an administrative law judge in Cleveland and briefs from all parties involved are expected by June 7.

