

Do you have questions about the NLRB hearing or process?



Some APPs have said, “*The delay at the NLRB is Essentia’s fault. Is this true?*”



No. The MNA filed a petition that’s inconsistent with NLRB law and is asking the NLRB to make an exception to the law. **That’s the reason for the delay.**

MNA supporters won’t admit that the union caused the delay by filing a petition that doesn’t align with the NLRB’s health care rule (*the NLRB’s health care rule prohibits mixing acute and non-acute care employees in the same voting unit*).

Union supporters say ‘*Essentia should just ignore the law and give us what we want.*’ Here are the facts about the NLRB delay:

1. On Nov. 27, 2023, the MNA filed for an election for a unit of 400+ East Market APPs (including nine acute-care hospitals and 60 non-acute care clinics).
2. On Dec. 14, 2023, after reviewing statements from Essentia and MNA, the NLRB issued an *Order to Show Cause* to consider if the MNA’s petition should be dismissed because it did not align with the NLRB’s health care rule.
3. In its response to the NLRB, the MNA acknowledged their petition does not conform to NLRB rules. But the MNA argued that extraordinary circumstances exist and that’s why the health care rule should not apply.
4. Still, the NLRB could not decide whether the MNA’s petition should move forward, so on Feb. 5, 2024, the NLRB opened a hearing during which NLRB representatives heard more testimony from dozens of witnesses (most of whom testified on behalf of Essentia).
5. Each side will summarize their positions based on the hearing testimony in written briefs. Briefs will be due a minimum of 15 business days from the close of the hearing.
6. The NLRB will consider the briefs and issue a decision on whether the union’s petition should be dismissed or go forward to election, *either as filed or with modifications*. The decision may be issued by the end of April or some time later.
7. After the decision is issued, either side would have the opportunity to appeal the decision of the NLRB regional office to the full board in Washington, DC. However, even if there is an appeal, the NLRB may schedule and hold an election over a unit or units the regional office thinks appropriate.
8. Essentia is following the law and will continue to do so throughout this process no matter how much MNA supporters suggest the organization should ignore it.

