



SEE LAST PAGE FOR WHAT'S INSIDE



Thomas Skorup, FACHE  
President

### President's Message

Dear Chapter Members:

As I write this letter, we, in healthcare, are faced with much adversity ranging from an economic recession, growing ranks of uninsured patients, and uncertainty regarding real healthcare reform. During these times, the HLNDV stands ready to support its members in a number of ways, including:

- Job Bulletin – Located in the Members Area of our website ([www.hlndv.org](http://www.hlndv.org)), local job opportunities are listed for close to 20 open positions. This local bulletin augments the national Job Bank available at the ACHC website.
- Networking – Attendance at the last 3 HLNDV's events has ranged from 40 to over 120 participants. All HLNDV events, whether educational or social, are designed to provide a comfortable environment conducive to catching up with old friends, or meeting new healthcare acquaintances.
- Mentorship Program – Trying to decide where to take your career? HLNDV's mentoring program currently has more than 15 active matches that are helping early- and mid-careerist to gain insights from more senior members as they plan their next steps.
- Education – Although travel and education budgets may be slashed, the need to stay abreast of changes in healthcare has never been more important. HLNDV strives to provide high quality Category I and II educational programs locally at an economical fee.

For many of you, this may be your first HLNDV Newsletter as an official member of HLNDV. Welcome! The chapter activities outlined above represent a small sample of HLNDV's offerings, which are a direct result of member contributions. Please consider sharing some of your talents with the chapter. To learn more about volunteer opportunities, please visit the "About HLNDV" section of our website ([www.hlndv.org/about/](http://www.hlndv.org/about/)). Here you will find an overview of the chapter's committees and contact information for all committee and board members.

On October 20th during the ACHC Cluster in Philadelphia, ACHC and HLNDV celebrated the commitment of local affiliates to the

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### Get Ready for the Employee Free Choice Act

By Greg D'Adamo

If you have not heard about this piece of legislation that most probably will be enacted in first quarter 2009 then read on. On March 1, 2007, the House passed the Employee Free Choice Act (EFCA) of 2007. The Act would amend the National Labor Relations Act (NLRA) to give unions an easier time gaining recognition by replacing government-conducted secret ballot elections with union-conducted public card signing. The National Labor Relations Board (NLRB) supervised secret ballot election is the current procedure for a union to gain representation of a contested organizing effort. To obtain an election, the union must file a petition with the NLRB supported by at least 30% of employees who would be eligible to vote. In about 6-7 weeks, the NLRB will then conduct and supervise the election to ensure it is fair and the employees can vote against the union even if they previously signed an authorization card indicating they wanted the union.

A union can also gain representation of employees by showing an employer that it is wanted by a majority of the employees in an appropriate group, usually by showing signed union authorization cards. When this occurs, the employer can choose (but it is not required) to recognize the union without an election. This is called a Card Check recognition.

Once a union has been elected or voluntarily recognized, the employer is required to bargain in good faith with the union over wages, benefits and all other working conditions. The employer cannot make changes in any terms of employment until first negotiating with the union and reaching an agreement or bargaining impasse. Neither the employer nor the union is required to agree to any proposal and there is no deadline for completing negotiations. In many cases, no agreement is ever reached and the unionization effort fizzles.

The use of a mediator or binding arbitration is voluntary. Binding arbitration in which an appointed third party decides to contract terms, including wages and benefits is rarely used. This is called "interest arbitration".

If an employer violates the NLRA, such as by making an unlawful statement about union (such as a threat to close), the NLRB will normally only require the employer post an official NLRB notice stating the employer will not engage in such conduct. There are no fines or monetary penalties.

If the EFCA is to be enacted, it does away with the secret ballot election process and allows a union to represent an employer's employees simply

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## U P C O M I N G E V E N T S

### FEBRUARY

#### **Annual Breakfast with the ACHE Regents**

February 17, 2009

7:30am to 10:00am

Union League of Philadelphia

Keynote Speaker: Joseph Frick, President and CEO of Independence Blue Cross

7:30-8:30 - Registration and Networking

8:30-9:00 - Presentation of Awards

9:00-10:00 - Keynote Speaker

### MARCH

#### **ACHE Congress**

March 23-26, 2009

Chicago, IL

Hilton Chicago & Palmer House Hilton

### APRIL

#### **FREE Networking Social in New Jersey**

Date: TBD

### MAY

#### **HFMA & HLNDV Joint Program**

Date: TBD

Widener University

### JUNE

#### **HLNDV Annual Meeting**

Date: TBD

For more information, please contact Christine Winn at 610-648-1399 or [winncc@mlhs.org](mailto:winncc@mlhs.org) or April Taylor at 267-426-2886 or [exscape@gwu.edu](mailto:exscape@gwu.edu)

## PHMC Achieves Results, Successes and Celebration

Public Health Management Corporation (PHMC) thanks all of our friends and partners for joining us on November 18 at evolution! PHMC's Brand Celebration. We truly appreciate your support of our accomplishments and the new name that reflects our evolving, ever-growing role in public health. In addition to our successful event, PHMC celebrates the following achievements.

During the month of November, Comcast Newsmakers featured Students Run Philly Style (SRPS), a program of PHMC affiliate National Nursing Centers Coalition. SRPS pairs inner-city students with adult mentors who help them train for a marathon and gain the healthy habits, self-confidence and success orientation needed to achieve key goals.

PHMC staff member Lee Carson received the The Attic Youth Center's Leadership Achievement Award on November 15, 2008, at the organization's annual gala at the Ritz-Carlton in Philadelphia. A longtime activist, researcher, educator and social worker, in his role as a PHMC research associate Carson contributes to several projects related to HIV prevention among men who have sex with men. The Attic Youth Center is Philadelphia's only agency exclusively serving LGBT youth and is one of only 13 LGBT youth centers nationally.

On December 12, Davis Vision, one of the nation's premiere managed vision care companies, joined staff at Mary Howard Health Center to launch a new collaboration to provide Philadelphia's homeless population with free vision care. A program of PHMC, Mary Howard Health Center is the only comprehensive primary care health center in Philadelphia targeted to the homeless population.

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## Become Board Certified in Healthcare Management as a Fellow of ACHE!

Maximize your professional potential by earning the premier credential in healthcare management. When you become board certified in healthcare management as an ACHE Fellow (FACHE), you'll have the knowledge, skills and confidence to succeed.

One of the requirements for advancement to ACHE Fellow is the successful completion of the Board of Governors (BOG) Exam. HLNDV is hosting a study group at this time ~ free of charge.

To participate in the 2008-2009 Board of Governors Exam Study Group or for questions on requirements and exam preparation, please contact Richi Chaudhry at [Richi.Chaudhry@hlndv.org](mailto:Richi.Chaudhry@hlndv.org)

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## Free-Choice Act

*Continued from Page 1*

by demonstrating to the NLRB that a majority of them have signed union authorization cards. The union would automatically represent the employer's employees simply by "signing up" one more than 50% of the employees. The danger to this Card Check system is that employees often sign authorization cards on the basis of misinformation. Without the benefit of being able to conduct a union-free campaign, the employer loses the opportunity to rebut the misinformation that the union used to secure signatures on authorization cards; educate employees on the costs and realities of being a member of the union; and let employees know that the employer prefers to remain union free.

In theory, a secret ballot election could still be held if the union has more than 30% but 50% or less of the employees signed up. Given that unions now typically file a representation petition only when they have more than 50% of the workers signed up, if the EFCA passes it is very unlikely that a union would file a representation petition with signed cards from less than 50% rather than getting the required majority to qualify for a card check.

Almost as radical as the elimination of the NLRB's secret ballot election process is the EFCA's implementation of a new binding arbitration process that employers can be forced into if they can not quickly reach an agreement with the union on the terms of their first labor agreement. The EFCA gives an employer 90 days to reach an agreement with the union on a collective bargaining agreement. If unable to do so, the union can force the employer to mediation and ultimately binding arbitration over the terms of the contract. The arbitrator would be empowered to set the terms of the first contract and the employer would have to live with this contract for two years.

Bargaining a first labor agreement in 90 days or less can be an almost impossible task. Often the new union is unprepared to begin bargaining immediately after certification, as it is typically distracted by the adoption of its bylaws, the election of its officers and locking in new members to their union dues obligation. When bargaining finally begins, both parties face the daunting task of working through dozens of economic and non-economic proposals – a process that typically takes many months and sometimes years.

The bill also provides for stiffer penalties for unfair labor practices committed by employers, including what are essentially treble damages for conduct determined to be unlawful during the bargaining process for the first labor agreement.

What are the implications for employees? There is greater likelihood employees will sign an authorization card based upon pressure, misrepresentation, or an incomplete explanation. Unions are allowed to misrepresent the facts and even lie to employees to obtain their signatures.

Employees lose the opportunity to carefully assess information, change their mind, and vote in secret. As a result, employees will make their decisions based only on what the union tells them without hear the employer's side of the story.

Employees lose their ability to ratify or reject negotiated contract terms. Most unions require employees to vote on a proposed contract. Under EFCA, the arbitrator will impose the contract terms without employee input or consent.

Some employees may be unaware of organizing but bound by decisions of card signers. Unions attempt to organize in secret and obtain employee signatures before the employer can respond.

Employees lose the right to informed consent – guaranteed opportunity to hear from union and employer before committing; input on certification (e.g., an employee not approached to sign); secret ballot election; vote on a contract; and decertify the union for at least 28 months (currently employees can vote the union out after 1 year).

What are the implications to employers? Employers will have limited opportunity to timely communicate facts about unions to employees.

Due to increased penalties, employer concerns regarding claims of improper messaging will have a chilling effect on employer communications.

Expect unreasonable/excessive contract demands by union because they have nothing to lose by doing so.

Unions will no longer need to strike to attempt to force an employer to agree to its bargaining demands. This removes the risk of the employer hiring permanent replacements and the strikers losing income. Because there is no risk of a strike, the employer has lost much of its leverage in negotiations.

Employers will face arbitrator-imposed labor costs and standards. There is no restriction on an arbitrator imposing labor costs which could make the employer uncompetitive.

Union/cards become ongoing business "agenda items". Employers who desire to remain union free must be in campaign mode continually.

Increased penalties increase risks of unions filing unfair labor practices and may cause employers to fear responding to union organizing efforts.

Supervisory training on how to recognize union activity and employee education on the costs and realities of becoming unionized should be done NOW. After the EFCA becomes law, there may be little time to train managers and supervisors how to communicate properly with employees. The legislation does not indicate how union authorization cards signed prior to the legislation's passage will be treated. It is possible that union authorization cards that unions are securing today may be used to gain immediate recognition once the legislation is signed into law

## Movers and Shakers

John Jones of Pepper Hamilton appointed as Adjunct Professor at Drexel University's Earle Mack School of Law



John Jones

John W. Jones, Jr., a partner with Pepper Hamilton LLP and a member of the firm's health care services and corporate & securities practice groups, has been appointed as an adjunct professor at the Earle Mack School of Law at Drexel University. Mr. Jones will be teaching a five-credit practicum to upper-level students on health care transactions beginning in March 2009.

The health care transaction practicum will treat students as if they were associates in a law firm and provide them with real-life training on client counseling, the structuring of health care transactions and negotiating strategies. The course will cover the corporate, health care regulatory, tax and finance issues that impact transactions.

Mr. Jones practices in Pepper Hamilton's Philadelphia office and concentrates in corporate and health care matters.

### About Pepper Hamilton

Pepper Hamilton LLP ([www.pepperlaw.com](http://www.pepperlaw.com)) is a multi-practice law firm with more than 500 lawyers in seven states and the District of Columbia. The firm provides corporate, litigation and regulatory legal services to leading businesses, governmental entities, nonprofit organizations and individuals throughout the nation and the world. The firm was founded in 1890.

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Richard Cohen, FACHE, receives an ACE Recognition Award from Thomas Skorup, FACHE, President of HLNDV.

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DE AWARD RECIPIENTS 1: Debbie Watson, Regent for Delaware and an award recipient, and Tom Skorup, HLNDV President present ACE Recognition Awards to affiliates from Delaware. Pictured from left are Stephan Yelenik, FACHE; Joan Thomas, RN, FACHE; Deborah Watson, FACHE; Lynn Jones, FACHE; and Thomas Skorup, FACHE.



NJ AWARD RECIPIENTS 1: Adrienne Kirby, PhD, FACHE, and Michael George, FACHE (second and third from left) received ACE Recognition Awards from Terrence Cahill, FACHE, Regent for New Jersey and Thomas Skorup, FACHE, President of HLNDV.



PA AWARD RECIPIENTS 1: Jim Burke, Regent for Eastern Pennsylvania, and Tom Skorup, HLNDV President and an award recipient, present ACE Recognition Awards to affiliates from Pennsylvania. Pictured from left are Alan Zuckerman, FACHE; Dennis Kain, FACHE; Robert Hill, FACHE; Rieke Baize, FACHE; Warren Lyons, FACHE; John Lynch, III, FACHE; Thomas Skorup, FACHE; and James Burke, FACHE.

## National News Winter 2008

### DON'T MISS ACHE'S CONGRESS ON HEALTHCARE LEADERSHIP

Join us in Chicago March 23–26 for ACHE's 2009 Congress on Healthcare Leadership, the premier educational event for healthcare executives and one of the year's best opportunities to learn, connect with leaders and advance your career. Whether you are new to Congress or you have attended many times before, it is one of the best values for your educational dollar and a great way to make the most of your membership in ACHE.

Congress will be held at the Hilton Chicago & Palmer House Hilton. Register early so you can have first pick of more than 100 high-quality seminars, networking events and career development sessions, along with opportunities to meet and interact with leaders in the field. Get a jump start on Congress by attending a pre-Congress seminar or one of our Boot Camps.

Watch for the complete Congress brochure, which was mailed in mid-November, or view it online at [ache.org](http://ache.org).

### CHANGE TO FACHE REQUIREMENTS

Starting January 1, 2009, individuals may apply to become Fellows only if they have post-baccalaureate degrees (master's degree or equivalent). This upcoming change, which was announced when the Board of Governors developed the most recent credentialing changes in 2006, reinforces the commitment to maintaining the rigor of the credential and the value of board certification. For information about becoming a Fellow, please go to the Credentialing area of [ache.org](http://ache.org).

### ACHE EXECUTIVE PROGRAMS

In 2009 ACHE will again offer two distinctive executive-level programs. The Senior Executive Program is for the upper-level executive who is poised to move to the chief operating officer or chief executive officer role. It consists of three sessions, each two and one-half days in length.

The Executive Program, consisting of three, two-day sessions, is intended for the mid-level manager aspiring to move into positions with broader management responsibilities and authority.

The programs are designed to help healthcare leaders refine their knowledge, management competencies and leadership skills. Participants will have the opportunity to learn, share and grow professionally together over the three sessions. Both programs will cover (with different amounts of emphasis) appraisal of personal leadership, talent development, board relationships, conflict management, measuring financial success, physician integration and patient safety.

The programs will be held in Chicago (June 8-10), San Diego (August 10-12) and Orlando (October 12-14). For more information, contact ACHE's Customer Service Center at (312) 424-9400 or go to <http://www.ache.org/education.cfm>.

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### President's Message *Continued from Page 1*

healthcare management profession. ACHE's new Recognition Program bestows recognition awards at three levels, based on a range of specific volunteer activities that demonstrate leadership and contributions to furthering professional excellence. Within HLNDV, 16 members received Service Awards and two, Dennis J. Kain, FACHE, and Warren L. Lyons, FACHE, received Distinguished Service Awards for their contributions. Please join me in thanking all of our local award recipients for making a difference for our profession. The following is a list of Service Award recipients:

- Rieke C. Baize, FACHE
- Richard J. Cohen, FACHE
- Adam S. Engle, FACHE
- Kate J. Flynn, FACHE
- Kevin C. Flynn, FACHE
- Michael George, FACHE
- Robert F. Hill, FACHE
- Lynn C. Jones, FACHE
- Adrienne E. Kirby, PhD, FACHE
- John J. Lynch III, FACHE
- Thomas E. Skorup, FACHE
- Joan G. Thomas, FACHE
- Deborah L. Watson, FACHE
- Christine C. Winn, FACHE
- Stephan N. Yelenik, FACHE
- Alan M. Zuckerman, FACHE

As we near the end of 2008, it is time to plan for the future. In this issue, you will find a Call for Nominations for HLNDV's 2009/2010 board elections. HLNDV officer and committee terms run from April 1st through March 31st. If you are interested in submitting a nomination, please contact Gail Malcolm at [President-elect@hlndv.org](mailto:President-elect@hlndv.org).

In closing, I would like to extend my thanks to all who have contributed to making HLNDV an award winning chapter of ACHE in 2008, and best wishes for a healthy and prosperous new year.

Happy Holidays!

Thomas Skorup, FACHE

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**Healthcare Leadership Network**  
*of the Delaware Valley*

4514 Chester Avenue  
Philadelphia, PA 19143-3707

UPDATE

We gratefully acknowledge our Annual-level leaders in corporate support for the Healthcare Leadership Network of the Delaware Valley.



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