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All is not well at the Hospice of Lansing - Chaplain loses job; NLRB finds violations

By Chaplain loses job; NLRB finds violations August 6, 2003 Publication: Lansing City Pulse (MI) Word Count: 893

By DANIEL STURM

When Richard Preston took over as the chaplain for the Hospice of Lansing in 2000, his relationship with the southside nonprofit organization was “warm and healthy,” he said.

But in March 2003, Preston was fired. He claims his dismissal was directly related to his efforts to organize a union at the hospice. The hospice’s executive director disputes his contention.

On Labor Day 2002 35 employees, including Preston, decided to try to unionize. They wanted better wages, benefits and working conditions. “We were caught in a cycle of not knowing when raises would take place and how much they would be,” Preston, 56, said. “Many employees felt they were working in a hostile environment created by the management, where nobody would listen to their concerns.”

After holding a union election in December, two collective bargaining units were certified by the National Labor Relations Board. Preston’s unit wasn’t certified due to a 3-3 vote.

The management then fired Preston, allegedly because he had problems keeping his appointments and visiting clients. “But those claims have never been substantiated,” Preston said.

In April 2003 Preston, together with the Office and Professional Employee’s International Union of the AFL–CIO (Local 459), filed several unfair labor practice charges against the Hospice of Lansing with the National Labor Relations Board in Detroit. On June 30 the board accused the hospice of engaging in a series of unfair labor practices, as defined by the National Labor Relations Act. These included violating the right of employees to organize, engaging in unfair labor practices, and refusing to negotiate with aides. The board also ordered the hospice to restore the practice of giving employees a 3 percent raise upon request by the union.

The board said that the Hospice of Lansing’s executive director, Barbara Kowalski, “admonished employees because they discussed conditions of employment with each other.” The board also found that hospice management prohibited the distribution of literature of any kind without approval and denied employee requests to be represented by the union during investigatory interviews conducted by the employer.

A hearing has been scheduled for Sept. 17 with an administrative law judge of the National Labor Relations Board to consolidate complaints, but a settlement is still possible. According to the board, one-third of the 30,000 unfair labor practice charges filed in the United States are found to have merit, of which 90 percent are settled.

Joseph Marutiak, a Lansing representative of OPEIU, said following the hearing the hospice would probably have to pay raises, erase disciplinary actions from employees' records and announce that they will no longer engage in unfair labor practices.

Marutiak said that the National Labor Relations Board did not criticize Preston's dismissal. Marutiak said the appeal was probably rejected because the hospice had waited three months after the election before firing him. "That's all they had to do, wait a few months. Then you can't prove that the firing is linked to his union activity." (Preston is appealing at the National Labor Relations Board in Washington.)

Preston, a Roman Catholic priest who performed the marriage ceremony for the film director and social activist Michael Moore, said he doesn't understand why his boss, an active member of the Catholic Social Diocese of Lansing, opposes labor unions. "If she's concerned about social justice, she should know better," he said.

In an interview at the hospice, Kowalski said Preston wasn't let go because of his union activism. She said she was not free to say why he was dismissed. When asked whether she supports unions she replied: "We respect the rights of our employees to organize."

Kowalski denied Marutiak's accusation that the consultant she hired to talk with the hospice's 50 employees was a "union buster."

But the consultant, Benjamin Morris, sure looked like a union buster to Marutiak. He pointed to fliers designed by the Royal Oak-based Employee Relations Services, for which Morris worked, as evidence. The fliers, which are addressed to all employees, ask questions, such as, "Could us employees end up with less than we have now, after a union is voted in?" And the answer is "yes, it is possible." Or "Would you please give me some specific reasons why I should not want a union to represent me?" The 13 possible answers range from unions being too costly, unions only being interested in self-empowerment and its being "very difficult to get rid of a union" once it exists.

"This is an apparent case of mismanagement," Marutiak said. "And since the hospice is a non-profit organization, meaning it's taking money from the public to do good work, the public has a right to know about this mismanagement."

On July 29, Preston sat in the audience at BoarsHead Theater, where local leaders discussed the challenges facing labor in the current political climate, in a panel titled, "Created With Our Hands: Lansing's History Through the Voices of the Unions."

"We've seen an assault on legislatively protected unemployment benefits, and this is part of the current political emphasis," said Lynn Johndahl a panelist and former Michigan House representative. Stories told in the open discussion sounded similar to Preston's own.

Local playwright Eileen O'Leary has been employed by a \$7,000 grant from the Michigan Humanities Council to turn the labor leaders' stories into a play. Excerpts from her interviews with participants and from the panel discussion will be made into a play and performed Sept. 8 and 9 at BoarsHead.

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