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## United States Senate

COMMITTEE ON HEALTH, EDUCATION,  
LABOR, AND PENSIONS

WASHINGTON, DC 20510-6300

WARREN GUNNELS, MAJORITY STAFF DIRECTOR  
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October 13, 2023

### **VIA ELECTRONIC TRANSMISSION**

Dear Chair Sanders:

Yesterday, you announced that the Senate Health, Education, Labor, and Pensions (HELP) Committee will hold a field hearing on October 27, 2023 in New Brunswick, New Jersey on the “severe hospital staffing crisis,” focused on nurses. This field hearing is prompted by a labor dispute at the Robert Wood Johnson University Hospital in New Brunswick where approximately 1,700 nurses went on labor strike. On August 22, 2023, you issued a press release “stand[ing] in solidarity” with the striking nurses, and sent a letter – on HELP letterhead – to the President and CEO of RWJBarnabas Health accusing the hospital of “unfair labor practices” and stated that the hospital was failing to negotiate in good faith.<sup>1</sup> You provided no information to support the allegation that the hospital engaged in unfair labor practices or was negotiating in bad faith. You have made similar statements through your official social media account, re-stating accusations made by the union that the hospital has engaged in unfair labor practices and calling on the hospital to “meet these workers’ demands.”<sup>2</sup> On September 13, you also did a livestream event through your campaign website with the striking nurses.<sup>3</sup>

The announced partisan HELP Committee field hearing in New Jersey on nurse staffing in hospitals raises significant concerns about the proper use of Committee resources under the Senate Ethics rules and guidelines. Pursuant to the Senate Rules and Senate Ethics Manual, committee resources should only be used for official legislative purposes.<sup>4</sup> Senate funds cannot be used for campaign purposes, and vice versa, unless specific exceptions apply. The Senate HELP Committee should not be used to take sides in a private labor dispute, and especially not to support a favored political organization. Official actions like hearings should not become avenues for Chairs to give unions, corporations, or any other groups the imprimatur of the Senate HELP Committee.

Conducting a field hearing on this topic in New Jersey, less than two miles from the nurses’ picket line, reinforces that this hearing is intended to manipulate federal labor proceedings and send a signal of political support for one side in an ongoing labor strike. Field hearings are more expensive than traditional hearings, requiring money to be spent on travel, space, and other

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<sup>1</sup> NEWS: Sanders Stands in Solidarity with Nearly 2,000 Nurses on Strike at One of New Jersey’s Biggest Hospitals (August 22, 2023), <https://www.sanders.senate.gov/press-releases/news-sanders-stands-in-solidarity-with-nearly-2000-nurses-on-strike-at-one-of-new-jerseys-biggest-hospitals/>.

<sup>2</sup> <https://twitter.com/SenSanders/status/1689995635670315008>.

<sup>3</sup> <https://twitter.com/BernieSanders/status/1702069517743009806>.

<sup>4</sup> See, e.g., Rule 38 of the Standing Rules of the Senate and Chapter 4 of the Senate Ethics Manual.

logistical costs. Such costs can be beneficial when committees can hold hearings in locations with inherent fact-finding benefit. That is not the case here. If you were interested in a genuine policy discussion on nursing workforce challenges, we could have worked together on a follow-up from our bipartisan February hearing on health care workforce shortages. Instead, over four months since the last HELP Committee hearing, you have now unilaterally decided to hold a hearing in New Jersey about a category of worker (nurses) that are striking just miles from the hearing, after lending both your official and campaign support for their strike. This creates the appearance that this hearing is an attempt to use the Senate Committee that we lead, and its resources, to support one side in a labor dispute.

This hearing could be taken as an example of what some accuse the Committee of doing, politicizing labor law. Congress created statutory frameworks that govern labor disputes. The Federal Mediation and Conciliation Service (FMCS) is the federal entity charged with preserving and promoting “labor-management peace and cooperation.”<sup>5</sup> In fact, the FMCS is already engaged in the negotiations and facilitated a bargaining session on October 7.<sup>6</sup> Moreover, a charge of unfair labor practices has been filed with the National Labor Relations Board (NLRB).<sup>7</sup> Consistent with bedrock principles of fairness and due process, the FMCS and NLRB are intended to provide neutral forums for parties to resolve labor disputes. Political leaders interjecting themselves into these disputes—including through reiterating unsubstantiated allegations of illegal conduct that are before the agencies created to assess such allegations—corrupts the process that Congress carefully established.

This hearing creates an appearance that could undermine trust in the process that Congress created. I ask that you reconsider your use of HELP Committee hearings and resources in this way.

Sincerely,

Handwritten signature of Bill Cassidy, M.D. in blue ink.

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Bill Cassidy, M.D.  
Ranking Member

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<sup>5</sup> <https://www.fmcs.gov/aboutus/>

<sup>6</sup> *Federal mediator to hold next bargaining session Friday amid Robert Wood Johnson nurse strike* (Oct. 4, 2023), <https://longisland.news12.com/federal-mediator-to-hold-bargaining-session-friday-amid-robert-wood-johnson-nurse-strike>.

<sup>7</sup> National Labor Relations Board, Case Number 22-CA-326616.