



The Flame

Lighting the Way for Quality Health Care

March 2008



Linda McDonald, RN
President

The UNAP is committed to enforcing RI's new mandatory overtime law -- and expanding it to other states and other health care workers.

We are also committed to ensuring that hospitals do not try to "solve" mandatory overtime by forcing nurses to work short-staffed.

The UNAP will soon release its "Eye on Staffing" report, which will reveal that hospitals regularly assign higher numbers of patients per nurse than their publicly reported staffing plans claim.

Safe staffing requires constant vigilance by all of us.

UNAP in action

UNAP provides training and resources to enforce new RI mandatory overtime law

Rhode Island's new mandatory overtime law went into effect on March 4. In preparation, the UNAP has provided training for nearly 150 members and non-members about our rights under the law. The UNAP has also prepared and distributed a variety of materials to educate members about their new legal rights -- including posters, fact sheets, badge cards, and mandatory overtime documentation forms. For copies of these materials, contact the UNAP at 401-831-3647 or go to www.unap.org/mot. See *inside* for more about the new law.



UNAP conducts health care worker survey about Lifespan-Care New England merger

The UNAP is conducting an on-line survey for health care workers to express their opinions about the proposed Lifespan-Care New England merger.

If approved, the "new" Lifespan would include RI Hospital, Miriam, Bradley, Newport, Kent, Butler and Women & Infants. Together, the system would control nearly 70% of the hospital business in RI. Supporters of the merger say it would create a world-class health system in Rhode Island that could compete regionally and nationally, while others have raised concerns that the system would be too large and powerful. *To take the survey, go to www.unap.org/merger.*

UNAP keeps an "Eye on Staffing"

Last year, the UNAP conducted a month-long study of 21 patient care units at seven hospitals in RI to determine whether the average number of patients per nurse (PPN) on these units was consistent with the staffing *plans* that the hospitals have submitted to the RI Department of Health.



The data indicate that the hospitals' actual staffing levels exceeded their staffing "plan" on 70% of the units studied! For example, the following chart shows the difference between the *projected* number of patients per nurse and the *actual* number of patients per nurse on a medical/surgical floor at Fatima Hospital during the month of February, 2007.

St. Joseph-Fatima Hospital -- 4PAV (Med/Surg)			
	Days	Eves	Nights
Projected PPN	3.50	4.20	5.25
Actual PPN (Feb, 2007)	4.21	5.10	7.70

Further results of the Eye on Staffing study will be published soon.



Westerly UNAP locals reach out to Hospital Board President

The UNAP locals at Westerly Hospital sent a letter to the President of the Hospital Board, along with a petition signed by hundreds of employees, voicing concerns about the continued financial distress of the Hospital, and a lack of confidence in the administration. The letter states "...we feel compelled to speak out on the continued downward trends at the Hospital...It is alarming to us to see many consecutive years of

heavy financial losses." The Union reminded the Board of its independent fiduciary responsibilities and that The Westerly Hospital belongs to the entire community.

Brattleboro contract improves staffing

A new three-year agreement negotiated with the Brattleboro Retreat improves

staffing levels. The Retreat contract is the only UNAP contract, and one of the few in the country, that includes specific staffing levels for nurses and mental health workers based on patient census. The agreement also restores annual step increases that had been frozen and increases paid time off accruals to hundreds of members who had been accruing paid time off at rates less than similarly-situated employees.

UNAP / RI Hospital Education Trust helps workers "Step Up" to better jobs

Last year, the UNAP/RI Hospital Education Trust joined forces with Women & Infants Hospital to form "Stepping Up", an innovative career ladders program that provides training, education, career coaching, and support services for entry-level workers and low-income Providence residents.

This past fall, Stepping Up provided hospital internships for nine neighborhood residents (seven of whom have already obtained jobs at the hospitals). Stepping Up is also providing academic and career coaching to nearly 160 employees who are interested in pursuing new job opportunities in health care.

Confused Governor scapegoats nurses

State-employed nurses are fighting back against drastic cuts to pay and benefits demanded by an obviously confused Governor. Proposed cuts include a demand for twelve unpaid days of work over the next year which amounts to a pay cut of over 4%. The Governor is attacking the nurses by claiming that private sector nurses have lower pay and benefits, but *the Governor is wrong*. The state-employed nurses' local fought hard throughout the 1980s to bring their pay up to the levels of private sector nurses and are not now willing to slip back into second-class citizen status simply because they are state employees.

Homestead members finish first contract; ready to negotiate second

Members of The Homestead Group completed negotiations for their first contract providing the first pay increase in years. Because of funding problems, the duration of the contract is one year. The union's negotiating team is now

preparing to negotiate their second contract which expires in several months.

Throughout their first year of working with the benefit of a union contract, the local union has been extremely busy processing grievances and enforcing their rights.

Labor Board finds Memorial Hospital guilty as charged!!!

In 2006, UNAP members at Memorial Hospital fought a gallant battle to get the administration to limit mandatory overtime. Instead of recognizing that mandatory overtime is unsafe for patients and staff alike -- and negotiating a solution to the problem -- Hospital management tried to silence the Union by interrogating members and forcing them to take off Union buttons. (*below*)

After a trial at the Labor Board, the judge handed down a scathing decision finding the Hospital's conduct illegal. Union President Bill George said "It is a disgrace and an outrage that Hospital management broke the law in an attempt to stop Union members from speaking out against the unsafe practice of mandatory overtime. Their reputation will suffer for it."



Fatima nurses prepare for bargaining

UNAP members at St. Joseph-Fatima Hospital are preparing early for what is sure to be difficult negotiations this spring. Over the past year, the Hospital has cut the pay and benefits of its non-union employees--citing its financial problems.

But UNAP members have noted that while the administration was claiming it had no money, it was estimated to have spent over \$100,000 in anti-union conduct trying to intimidate and bully 17 facilities management employees from exercising their free right to join our union. (As this article went to print, the results of the election were being litigated at the Labor Board).

Who is the UNAP?

The UNAP represents 4,500 nurses, therapists, technologists, support staff and others who work at:

- Copley Hospital (VT)
- Fatima Hospital
- Greater Rhode Island VNS
- Health Care & Rehabilitation Services of SE Vermont
- Homestead Group
- Landmark Medical Center
- Memorial Hospital
- Putnam School District (CT)
- Rehabilitation Hospital of RI
- Retreat Healthcare (VT)
- Rhode Island Hospital
- RI Community Living & Support Services
- RI Dept of Human Services
- RI Veterans' Home
- URI, CCRI, RIC Health Services
- Westerly Hospital
- Youth Services (VT)
- Zambrano Hospital

Proud history at Copley Hospital UNAP

The Copley Hospital UNAP celebrated its tenth anniversary last year. Part of the celebration was a recollection of the victorious strike that marked the negotiation of their first contract. A demonstrated willingness to stand up for their members and their patients has proved a winning principle underscoring a proud ten-year record of accomplishment. The Local executive board is now preparing to renegotiate their current contract, which expires on May 29.

Epic battle for first contract yields victory in Vermont

After one of the toughest battles for a first contract in the history of the UNAP, members of the newly-formed union at Health Care and Rehabilitation Services

of SE Vermont celebrated the ratification of their first contract in December. After a two-year battle that included numerous unfair labor practices, Labor Board complaints, leafleting, outreach to community leaders and politicians, and a lawsuit filed against the Union, the Employer finally concluded that the Union was there to stay and completed a solid first contract. One of the major issues holding up the agreement was the Employer's insistence that employees have a right to be free riders, i.e., get all the benefits of union membership, and pay none of the costs (dues). This issue was resolved in favor of the Union.

Another organizing victory at Landmark

The UNAP local at Landmark Medical Center expanded its membership to well

over 500 members, securing its place as the second largest local in the UNAP. Over one hundred new members were added last August through a neutrality agreement with the Hospital. Rather than waste enormous amounts of health care dollars in an anti-union campaign and Labor Board election, the Hospital agreed to remain neutral during the union organizing, and also agreed that it would recognize the Union once a neutral third party verified that a majority of employees had signed a union card.

New member and emergency department secretary Kim Chausse said "We worked hard for several years organizing and we are really proud to be part of the UNAP at Landmark Medical Center.

More questions & answers about the new RI mandatory overtime law

I work an 8-hour shift. Does this mean I can routinely be mandated for four hours?

No. You cannot be mandated at all, except in an "unforeseeable emergent circumstance."

If there is a sick call on my unit, and my manager cannot find a volunteer, does that mean I can be mandated?

No. A sick call is *not* an "unforeseeable emergent circumstance." The purpose of the law is to compel hospitals to find better, safer ways to cover sick calls than by using mandatory overtime. Some of the ways that hospitals can avoid mandatory overtime are: planning properly, hiring more staff, establishing float pools, using per diems wisely, requiring managers to help out, creating financial incentives for employees to report to work on short notice, and rewarding voluntary overtime.

Is an increase in patient census or sick calls due to the flu an acceptable reason to be mandated?

Not necessarily. Only an *irregular* increase in patient census or sick calls is a legal exception to the mandatory overtime law. So, if an increase in census and/or sick calls during flu season is regular and predictable, then you cannot be mandated. Furthermore, if the mandatory overtime is due to chronic short staffing by the hospital, then you cannot be mandated even in an "unforeseeable emergent circumstance."

Can I be charged with patient abandonment if I exercise my rights under the law?

No. It is not patient abandonment to go home at the end of your shift. Your responsibility at the end of your shift is to "report off", so you should inform your manager that you are not willing or able to work overtime, and then ask her/him to take report.

What if my manager threatens to discipline me if I refuse to do mandatory overtime?

We do not want you to see any member disciplined. If you have made clear to your manager that you are not willing or able to work overtime, and you are threatened with discipline, tell your manager that you will work "under duress" and that you intend to file a complaint with the RI Department of Labor. Be sure to fill out a UNAP Mandatory Overtime Documentation Form to send to the UNAP, and contact a Union representative as soon as possible. The Union will represent you at the Department of Labor.

What rights do I have as a non-nurse?

The UNAP will make clear to hospital management that it expects all members to be treated equally. If management can find a way to comply with the law for nurses, it can do so for all employees. Non-nurses are urged to document all incidences of mandatory overtime so that, if necessary, the UNAP can show the Legislature that the law needs to be expanded to cover other health care workers.

What if my manager makes us work short-staffed because s/he can't mandate us?

Unsafe staffing is *never* acceptable. Unsafe staffing should be documented on UNAP Unsafe Staffing Forms, and chronic problems should be reported to the Union and brought to nursing administration -- or, if necessary, to the Department of Health, the Legislature, the press, and/or the general public -- to make sure that our patients get the care that they deserve.

For more information about the RI mandatory overtime law, call the UNAP or go to www.unap.org/mot.

Apply by April 1 for a UNAP educational scholarship!



The UNAP is currently accepting applications from members and/or their dependent children for three \$1,000 scholarships for students who are enrolled at least half time in credit classes at degree-granting institutions.

Application forms may be obtained on-line at www.unap.org/medberry or by contacting the UNAP office.

Completed applications must be submitted to the UNAP no later than April 1, 2008.

In memory of Memorial Hospital UNAP member Kristen Dupre, RN

Memorial Hospital UNAP members and friends have come together to honor the memory of their friend and co-worker Kristen Dupre, who was stricken with cancer at the age of 26.

A scholarship fund for RI College nursing students has been set up in Kristen's name. Contributions to the "Dupre Scholarship" may be sent to:

*Office of Development / RI College
600 Mt. Pleasant Ave.
Providence, RI 02908*

SAVE THE DATE: The 2008 UNAP Professional Issues Conference will be held on June 10, 2008 from 8:30 AM to 3:30PM at the Providence Convention Center.

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