TENTATIVE AGREEMENT!

Bargaining Update #10

On Oct. 2, 2017, our Oregon Nurses Association (ONA) bargaining team and the Samaritan Albany General Hospital (SAGH) administration team met with the federal mediator for a marathon bargaining session lasting until late evening. We reached a tentative agreement that our ONA team recommends to the bargaining unit for a ratification vote. Our team supports a “yes” vote. Voting will take place online and in-person (details in the blue box at the top of this page).

A “redlined” tentative agreement showing all language changes will soon be posted on our bargaining unit webpage—watch your email for an announcement that it has been posted, plus more details about the upcoming ratification vote.

Got Breaks? Our Guide to Meals and Breaks

Nurses ensure patient safety every day in all sorts of ways, including taking care of themselves as declared in provision 5 of the American Nurses Association (ANA) Code of Ethics. Rested nurses perform their professional responsibilities at higher levels, are less prone to errors, and interact with patients and coworkers in a more collegial and productive manner. Nurses who take care of themselves engage in an active plan to safeguard their own rest, including their meals and breaks.

Meals and breaks are governed by Oregon’s Bureau of Labor and Industries (BOLI) and also fall under our collective bargaining agreement with our employer. The table on page 2 of this newsletter details the number of paid 15-minute rest breaks and unpaid 30-minute meal periods required by our contract and the law.

Your Breaks Are Work-Free, with No Interruptions

Under Oregon law, meals and breaks must be completely duty-free periods without any work-related interruptions. If a meal or break is interrupted by any work-related intrusion, the break is NOT a legal break. If you are required to perform any duties during your meal or break, then a break did NOT happen.

So, if you sit at a computer charting, monitor a patient’s telemetry or strip, read work-related emails, study...
At our request, Erin Frenzel, director of human resources at SAGH, responded to three specific questions on which our membership wanted clarification.

**Q.** If I’m on my break/lunch, can I still chart in EPIC?

**A.** You should not chart or work at all when you are on break/lunch because that interferes with your break/lunch and means that you were not able to take a 15-minute break or 30-minute meal period, uninterrupted. Essentially if you work by charting in Epic, then you didn’t get a break / lunch. You need to be relieved of all duties while on a break or lunch.

**Q.** I’m on lunch break and clocked out. Can I leave the hospital for my 30-minute lunch?

**A.** Yes, unless your manager states otherwise, as long as you clock out and are able to return within 30 minutes, you may leave campus.

**Q.** I’m on my lunch break but the manager walked over and asked me work-related questions, even though I stated I was on break. Does my lunch break start again?

**A.** Yes, technically it is supposed to start again, or, if you don’t have the opportunity to take a full uninterrupted 30-minute meal period, then you need to complete a Kronos exception form stating that you were not able to take a lunch.

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**Human Resources Answers Your Questions**

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**SAGH Contractual Provisions Governing Meals and Breaks**

**Article 7 B.** Except as otherwise agreed upon, the workday shall be eight (8) hours, ten (10) hours, or twelve (12) hours plus one half (1/2) hour unpaid meal period. The Association will be notified of such agreed upon exceptions at least ten (10) days before implementation. The Hospital and the nurses shall be responsible for working together to arrange suitable meal periods.

**Article 7 E.** One fifteen (15) minute rest period shall be allowed for each four (4) hour period of employment. Restrooms and lockers shall be provided by the Hospital.

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**Got Breaks? Our Guide to Meals and Breaks (continued from page 1)**

<table>
<thead>
<tr>
<th>Length of work period</th>
<th>Number of paid 15-minute rest breaks required</th>
<th>Number of unpaid 30-minute meal periods required</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 hours 1 min – 5 hours 59 minutes</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>6 hours</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>6 hours 1 minute – 10 hours (applies to 8- and 10-hours shifts)</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>10 hours 1 min – 13 hours 59 minutes (applies to 12-hours shifts)</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>14 hours</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>14 hours 1 minute – 18 hours</td>
<td>4</td>
<td>2</td>
</tr>
</tbody>
</table>

Work-related materials, or are asked a question about a patient, then you did NOT have a break.

If your paid 15-minute rest break is interrupted, your break should be restarted or reset from the point of the interruption. If additional coverage is not available at that time, you should be offered another 15-minute rest break later in your shift in combination with your meal break. If your unpaid 30-minute meal period is interrupted, several options exist to ensure you get your meal period: (1) You should be paid up to the point your meal was interrupted, and your 30-minute meal period restarts from there, (2) you can take your full 30-minute meal period later in your shift, or (3) you can clock your missed meal period and be paid for it.

**Nurses Must Take Breaks as Directed by Employer**

We have the responsibility to advocate for our breaks, but we also must take breaks at the time we are directed to by our employer, i.e., as directed by the manager or charge nurse. However, the employer is accountable for guaranteeing we get our breaks. They may even discipline an employee who refuses to take all mandated breaks; please note that under state law, employees can never legally waive their rights to receive required rest and meal periods.

Some ONA contracts require the employer to provide a meal period in the first six hours of a shift. If that does not happen, nurses at those facilities are entitled to premium pay (i.e., time-and-one-half) until they get their meal break. Our contract with SAGH does not contain this type of provision around missed meals.

For more information on Oregon laws around meals and breaks, visit BOLI’s FAQ on meal and rest period rules.