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## ONA Seeks Greater Corporate Transparency with HB 2019

In the health care field, we prioritize policies that are evidence-based and proven to improve outcomes. However, when it comes to tax policy, the data we need in order to propose good policy is often unavailable, even though releasing tax information would be easy to do.

### [House Bill 2019 \(HB 2019\) would help fix this problem](#)

by requiring the disclosure of corporate tax information gathered from state tax returns. Nearly half a million Oregonians are at risk of losing their health insurance in the next biennium unless the legislature acts to raise revenue and stronger disclosure laws couldn't be more important. HB 2019 is essential to make sure lawmakers and the public know which big corporations are paying their fair share, which could afford to pitch in more, and which are receiving the biggest subsidies from other taxpayers. This would finally allow the state to craft tax policies that improve the chronic instability and unfairness of our tax

structure in a way that is based on data, not speculation.

Representative Knute Buehler from the Bend area has been a vocal critic of corporate transparency and fair taxation efforts. It's vital that he hear from nurses in his district and from nurses who care for his constituents' need for increased disclosure and revenue reform.



Oregon Representative Knute Buehler, District 54 (R - Bend)

[Click here](#) to ask Rep. Buehler to support greater corporate transparency as outlined in HB 2019 and support revenue reform so we can continue to provide Oregonians with the services they rely on, including affordable health care, quality education, and robust public services.

## Relief Scheduling and ETO Approval Collaboration

In the fall of 2016, ONA leaders at St. Charles Medical Center—Bend brought up issues with how relief nurses were being scheduled and concerns about ETO approval to the Labor Management Committee. The group agreed that a

collaborative sub-committee could best address the issues to assure alignment with the contract. The goals are to standardize a relief scheduling process and an ETO approval process.

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## Relief Scheduling and ETO Approval Collaboration (continued from pg. 1)

That work was delayed until 2017 when the new Kronos updates would be completed. The sub-committee has now met three times (Jan. 13, Feb. 2, and Feb. 28) and now better understand the nuances and depth of the issues at hand. We are continuing the collaborative work but also realize that getting the standardization on both issues will take several more meetings.

ONA appreciates those who have committed to being on this sub-committee to help improve processes for nurses and improve their own workflow. We will continue to provide updates on the work being done in future newsletters, so stay tuned.

## Flu Vaccine/Mask Policy & Unfair Labor Practice Update



As you know, ONA filed an Unfair Labor Practice (ULP) charge with the National Labor Relations Board (NLRB) in December regarding the hospital's implementation of a new Flu Vaccine/Mask Policy. The NLRB has chosen to defer the issue back to the grievance and arbitration process.

Though this was not the outcome we hoped for, it will give us the opportunity to have discussions about our concerns with the policy, which has been our goal

all along. Obviously, our efforts will have no effect on this current flu season, but the grievance and arbitration process should conclude prior to the next flu season.

By next winter, we hope that changes to the policy will be implemented based on concerns that we've raised regarding privacy and evidenced-based practices to limit the spread of influenza. We will provide updates regarding our progress every step of the way.

## Premium & OT Calculation Arbitration Update

The arbitration hearing regarding the grievance filed in November of 2015 when St. Charles changed the way overtime and premium rates were calculated by no longer multiplying our differentials by 1.5 times as they have for at least a decade, took place on March 9.

Several St. Charles - Bend ONA bargaining team members were called to testify and St. Charles also utilized two of their bargaining team members as witnesses during the hearing. In accordance with typical arbitration proceedings, the attorneys for both parties will submit briefings, which essentially amount to their closing arguments, in writing.

We expect to have a final ruling from the arbitrator by June.



# How Weingarten Rights Protect Your Job

In 1975, the U.S. Supreme Court issued its Weingarten decision. The essence of your "Weingarten Rights" is to give you the opportunity to have a union representative in a situation that may lead to disciplinary or punitive action against you as the employee.

The National Labor Relations Board (NLRB) gives union members the right to assistance from union representatives during investigatory interviews. An investigatory interview occurs when: 1) management questions an employee to obtain information and 2) the employee has a reasonable belief that discipline or other adverse consequences may result from what he or she says.

Not every discussion with management is an investigatory interview. For example, a supervisor may speak to an employee about the proper way to do a job. Even if the supervisor asks the employee questions, this is not an investigatory interview because the possibility of discipline is remote.

A routine conversation changes character if a supervisor becomes dissatisfied with an employee's answers and takes a hostile attitude. If this happens, the meeting becomes investigatory and Weingarten Rights do apply.

***If you do not invoke, or if you decide to waive your Weingarten Rights during an investigatory interview, you give up your legal protections under the law and your union has no basis to challenge the investigatory interview with your employer.***

Under the Weingarten decision, when an investigatory interview occurs, these rules apply: **The employee may request union representation before or during**

**the interview.** After the request, the employer must choose from among three options:

- 1) Grant the request and delay questioning until Union Representation arrives.
- 2) Deny the request and end the interview immediately.
- 3) Give the employee a choice of
  - (a) having the interview without representation (do not waive your right to representation – it is usually a big mistake)
  - (b) ending the interview.

If the employer denies the request for union representation and questions the employee, it commits an unfair labor practice and the employee may refuse to answer any further questions.

***Do not refuse to attend the meeting with your manager as that could be seen as insubordination.***

***If your manager insists on questioning you without representation, simply answer all their questions by***

***stating "I would be happy to answer that as soon as my union representative is present."***

If your employer asks you to sign any document relative to a disciplinary matter that could adversely affect your job, be careful. Most of the time the best course of action is not to sign any document without first discussing it with your union representative. Be sure to ask your employer for a copy of any document that you are requested to sign. If you have any problems or questions, please contact your union representative immediately.

# KNOW YOUR RIGHTS

# Nurse Staffing Advisory

## *Know Your Rights around Scheduling and Overtime*

Oregon's Hospital Nurse Staffing Law and its rules are now clear, yet some hospital administrators are misinterpreting the law. In fact, some hospitals may be trying to use the law to change nurses' schedules. It is important to remember that **a hospital cannot unilaterally change nurses' work schedules except through bargaining.**

Attempts to change nurses' schedules based on a misinterpretation of Oregon's Nurse Staffing Law are not productive and contribute to frustration, decreased morale and a lack of trust between nursing staff and hospital administrators. Knowing your rights under the law allows you to challenge incorrect assumptions and improve your workplace.

### The Nurse Staffing Law and Call Schedules

In hospital units where mandatory call is typical, some nurses choose to work schedules that include a regular shift plus a call shift within the same 24-hour period. This allows nurses to manage their work-life balance and prevents them from working one day on, one day off rotations. These schedules can also ensure nurses aren't required to take call on their day off.

Unfortunately, some hospitals are interpreting the law and its rules—particularly nurses' right to a 10-hour rest period after working 12 hours—as a threat to consistent scheduling on these units. For this reason some hospitals are considering—and in some

cases threatening—to unilaterally eliminate these elective work schedules. These hospitals' interpretations of this issue are flawed in that they fail to consider the history of nurses choosing to work these schedules.

The law prohibits hospitals from forcing nurses to work hours that may be unsafe for patients and nurses. However, historic schedules that work well for nurses and their facilities can continue under the new law, provided nurses voluntarily choose those schedules.

**Oregon's Hospital Nurse Staffing Law and its rules allow a nurse to work more than 12 hours in a 24-hour period—including call time—if the nurse volunteers to do so.** And hospitals must bargain with nurses before changing nurses' schedules.

### The Nurse Staffing Law and Overtime

Another issue that has been misinterpreted at some hospitals affects overtime. When a nurse works more than 12 hours in a 24-hour period, the staffing law states the nurse is entitled to a 10-hour rest period. **While ONA encourages nurses to take this rest period, nurses can choose to voluntarily waive their rest period and continue working.**

When a nurse chooses to take their rest period, it is the hospital's responsibility to provide appropriate staff to cover the rest period.

In each facility, unit-based and hospital-wide staffing committees should work to develop scheduling practices that comply with the law, support nurses' rights to adequate rest breaks and ensure the hospital can staff the unit appropriately.

If you have questions about Oregon's Hospital Nurse Staffing Law and how it works in your facility, please contact the direct-care nurses on your staffing committee or contact ONA by phone at 503-293-0011 or email [practice@oregonrn.org](mailto:practice@oregonrn.org).

You can also visit [www.OregonNurseStaffingLaw.org](http://www.OregonNurseStaffingLaw.org) for more information.

