May 20, 2016

ONA / Providence Home Health and Hospice (PHHH)

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Working Off the Clock - Not the Answer to Meeting Productivity

Most nurses want some type of personal life outside of work. Work/life balance is important to your physical, mental and spiritual health. That’s why we are concerned when we hear from some nurses that they occasionally work off the clock in order to meet the demands of Providence Home Care Services (PHCS) productivity standards. We’ve heard that some nurses are concerned that when they request authorization to work overtime in order to complete required work, they will be accused by their supervisor of poor time management and/or a lack of ability to work at a sufficient pace.

The reality is that most professional nurses manage time well and are sufficiently skilled, so when required work leads to overtime, there’s usually a very good reason for it. Good nursing cannot be rushed. A busy day resulting in overtime is often caused by a shortage of appropriate staff or high patient acuity for which sufficient appropriate staff is not provided.

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Negotiations are Right Around the Corner

Our current contract with PHHH expires December 31, 2016. That’s less than eight months away. Starting this summer, your ONA/PHHH bargaining team will meet to begin developing proposals for our next contract. What improvements would you like to see?

Some of you have worked at other unionized home care facilities or acute care hospitals and may be aware of rights or benefits nurses had there that are missing from our contract. Please let us know. You can reply toelayne.dragomir@hotmail.com.
Log Your Missed Breaks and Lunches

You've probably heard an earful about the impacts of nurse fatigue on patient care and the need for nurses to take sufficient breaks and meals at work to allow our minds and bodies to rejuvenate so we can practice at the top of our skills.

We're often asked how many breaks and meals a nurse should receive and whether downtime at work is sufficient to serve as a break. The number of meals and breaks to which each nurse is entitled depends on the length of the shift. Per Article 5, Section 3(b) of our ONA/PHHH contract, all nurses are entitled to a 30-minute unpaid meal period in an 8-hour shift. Nurses are also entitled to two 15-minute paid rest periods in an 8-hour shift. Each unit has the flexibility...
Why We Are a Union

_We are a union_ because we agreed that we wanted the legal right to work together and be able speak with one voice regarding working conditions, wages and benefits at PHHH.

_We are a union_ so that we are able to work together to build a workplace which upholds high standards of care, fairness and transparency.

_We are a union_ so that we have an organized and democratic way to express common concerns and move forward in a unified fashion to address those concerns.

_We are a union_ so that we can work together to maintain what works well and change what doesn’t.

_We are a union_ because we want to support each other as professionals and as individuals.

We are a union because we want to be able to hold our employer accountable to the public they serve.

We are a union because we want to stay connected as RNs at Providence, with other RNs in the Providence system, and with other RNs throughout the state and country.

We are a union so that our professional views have real influence on building a healthy workplace as well as delivering the highest quality of care for our community.

We are a union so that policies cannot be imposed or changed without consultation.

We are a union so that favoritism does not determine rights and obligations in our workplace.

We are a union because we want the power to make positive change.

You Can Earn Extra-Shift Differential and Overtime at the Same Time

Section M of Appendix A in our ONA/PHHH contract provides an $18-19 per hour differential for most extra shifts worked by regular full-time-equivalent (FTE) nurses, which can also be earned by intermittent nurses in certain situations. Recently some nurses were told they had to choose between the extra shift differential or overtime pay when working an extra shift that resulted in overtime.

Nurses on the PNCC brought the issue forward to PHHH and PHHH agreed that under our contract, extra shift differential is applicable in addition to overtime.

If you feel you have not been paid accurately for working an extra shift, please contact Elayne.Dragomir@Providence.org.

Assignment Bidding Grievance

Mental health nurses at Home Health West filed a grievance recently when new territories were created and assigned rather than opened to seniority bidding. Article 15 – Seniority, Section C of our ONA/PHHH contract provides that qualified senior nurses will be given the first opportunity for both assignment and shift preference within their areas of experience and qualifications. PHHH agreed that the manager should have allowed nurses to bid on the new territories and has agreed to bid out the territories immediately.

Nurses Applaud Supreme Court Decision in Labor Rights Case

On March 29, ONA joined national, state and local health care, labor and advocacy organizations in applauding the U.S. Supreme Court’s 4-4 decision in the *Friedrichs v. California Teachers Association* case. The Court’s split decision preserves more than 30 years of legal precedent and affirms the lower court’s ruling in favor of public sector unions. While this particular decision affected only nurses who work for units of government like counties or states, it is an important victory for all nurses.
to develop a process for scheduling nurses for the total amount of rest and meal periods, possibly combining breaks with meals, although it must be approved by the manager. Additional breaks must be provided for each four hours of additional work which, insofar as practicable, shall be near the middle of such work duration.

Nurses are paid at the appropriate rate for missed meals. Usually a missed meal is paid at the overtime rate because it results in an 8.5-hour day. A nurse making $40/hour who misses one meal per week and fails to clock the missed meal periods loses $1,560/year by not clocking them.

The nurse must inform his or her supervisor if the nurse anticipates he or she will be or actually is unable to take such 30-minute uninterrupted meal period. Nurses who clock in and out each day must also proactively clock the missed lunch, because the PCHS timekeeping system assumes you got your lunch and automatically deducts 30 minutes from each 8.5-hour shift. Nurses who do not use a time clock should follow the procedures applicable to their department.

**But what constitutes a real break or meal period?** Both meals and breaks must be completely duty free and uninterrupted. It was not an actual break if the break or lunch was *in any way* interrupted by duty-related concerns. If you are required to do anything, like monitor patients, stay in a particular place, read work related emails or required study materials, or do anything you would normally do on the clock, then a break did not happen.

You are required to let your supervisor or charge nurse know, before you miss your meal or break. They may be able to help make arrangements to get your break or meal covered.

**Why clock a missed break or meal?**

Our patients are depending upon us to be there for them, rested, nourished and alert. Similar to undocumented overtime, undocumented missed meals or breaks understate the amount of time necessary to care for patients and accomplish other tasks. That results in unrealistic expectations about what can be accomplished in a normal day.

When you fail to clock a missed break, you are sending a false signal that staffing is sufficient to allow nurses to take all of their breaks and meals while still providing adequate care to patients. If staffing is insufficient to allow nurses in your department to consistently receive all of their meals and breaks, please talk with your fellow nurses about clocking all the missed breaks and meals so we can have accurate information about the scope of the problem.

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Nurses in an ongoing fight against wealthy special interests bent on forcing member-led organizations like ours to represent workers who refuse to pay their fair share.

Anti-worker attacks like *Friedrichs* aim to silence nurses’ voices to stop us from advocating for our patients, our communities and ourselves. In Oregon, corporate-backed special interests are already trying to put similar anti-worker initiatives on Oregon’s ballot this November and new anti-worker court cases will be filed soon.

Despite this win, we must remain vigilant to protect our legal rights and our ability to improve standards for patients and nurses. We look forward to continuing this work together.

*Click here* to learn more about anti-worker attacks and what we can do to stop them.

*Click here* to stand up for working families by pledging to oppose anti-worker attacks.