ONA Works to Protect Our Rights

For almost thirty-five years, ONA-represented nurses have been developing our contractual rights as employees of McKenzie-Willamette Medical Center. Our contract language has evolved over many years through much effort on our part to protect our employment and to legally define the relationship between nurses and McKenzie-Willamette. We will continue to do the same with Community Health Systems, Inc., our new owner.

Do We Have Rights Without a Union?

Many nurses in non-union hospitals assume they have inherent rights as employees to protect them from losing their jobs or from being treated unfairly by their employer. The fact is that, aside from a handful of laws that regulate overtime or protect employees from discrimination based on a protected class (such as race, religion, etc.), nurses in non-union environments are considered "at-will" employees. That means they serve at the pleasure of the employer and may be dismissed or unfairly treated at the will of the employer. Most nurses at non-union facilities only become aware of this reality when their employer takes some unfair action against them. That's when nurses realize they need the protection of a union.

Our Right to "Proper or Just Cause"

There are many rights we have won in our contract. Perhaps the most important, though, is the language in Article 5.1 that protects us from being dismissed or disciplined without "proper cause". This means that a nurse must have committed an extremely serious practice or behavioral violation before she/he can be dismissed. In all but the most egregious cases, the hospital must over time use several progressively more harsh levels of discipline in an effort to correct a nurse’s performance or behavior before it can terminate that person. In addition, the hospital must meet seven well-defined "tests of just cause", a fairness measure that is a standard in labor law.

Our Right to ONA Representation

Both our ONA contract and the laws governing employment in a unionized workplace protect our right to ONA representation. MWMC nurses have the right to be represented during any questioning about or investigation into their performance or activities as employees. These are known as "Weingarten Rights", after the federal court ruling that established them. However, unless a nurse asserts these rights and insists on having an ONA representative (Labor Rep. or Bargaining Team member) present during an investigation, the hospital and agency are not required to ensure this occurs. If we file a grievance, we have the right to be represented by ONA during the Grievance Procedure, which is the process by which we resolve individual or Association conflicts over contract implementation. And, lastly, we have the right to meet with our ONA representatives in our workplace.

Our Right to be Treated Fairly

Our ONA contract establishes certain parameters that require the hospital to treat us fairly. These include how nurses are paid (the employer must follow the established pay scale and may not discriminate by awarding money to one nurse and not another – Article 9 and Appendix A); how nurses are scheduled (there must be a system of scheduling and time off that is followed for every nurse – Articles 8, 10, and 11); how nurses are held to performance standards (all nurses must be subject to the same standards and may not be disciplined based on subjective criteria that vary from nurse to nurse – Articles 5 and 16). There are, of course, many others.

Our Right to Fair and Equal Access to the Benefits in our Contract

There are many employment benefits in our contract that were won by successive MWMC Bargaining Teams over the years. These include differentials and premium pay for special work, such as on-call, call back, sixth and consecutive days, mandatory overtime, and many others. We have a right to these benefits and a right to access them in a fair manner. That's why our contract contains language requiring the hospital to follow certain steps before canceling or curtailing scheduled work hours, assignment of overtime, etc.

We hope you will take some time to study our contract and to familiarize yourself with your rights and benefits.