

nurses united



NEWS

Official Newsletter of Nurses United
of the National Capital Area
SPRING 2006

Notes from the Recording Secretary

Marie Edelen, RN

Did you know that Nurses United holds general membership meetings at least four times a year? We arrange for guests to speak at the meetings and educate the membership on issues that affect us in our daily work lives. From our speakers, we have learned more about the Employee Assistance Program, managed disability, payroll, holiday pay, and other topics.

We hold votes on important new issues that affect the membership and provide opportunities for voting on changes affecting our bylaws. In addition, those in attendance receive a copy of the "State of the Union," which lists the work that has been done and decisions made between membership meetings by the NU board of directors as they are authorized to do by our constitution and bylaws. We get regular updates from nurses who have volunteered to participate on in-house committees listed in the collective bargaining agreement – such as the Educational Grants Committee, the Safety Committee, the Infection Control Committee, the Quality Patient Care Committee, and others.

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The spring 2006 edition of *NU News* is dedicated to all Nurses United members in honor of their continued dedication to the nursing profession and in recognition of National Nurses Week, May 6–12, 2006.

The President's Corner

Dottie Hararas, RN

Every year in the month of May we celebrate National Nurses Week. Nurses are the center of everything that happens to a patient. We are the only profession that is represented at the patient's side 24 hours a day, seven days a week. That is why I, personally, *celebrate all nurses* not just one week out of the year but *every day of each year*. Because we give so much to so many is the reason I have dedicated myself to the empowerment of direct care nurse providers and why I accepted another term as the president of Nurses United.

Nurses' work is vital to saving lives, facilitating and restoring improved health, enhancing good health, and assisting people to a peaceful end. We nurses know best what we do, how the work gets accomplished, how appreciated we are by our patients, and how vital we are to their health and well-being while under our care.

Studies have shown that a satisfied nurse results in a satisfied patient. My hope is that our supervisors and executive-level officials continue to understand that improving the quality of work life for nurses results in improved care for our patients.

Congratulations to all nurses who continue to move the profession of nursing forward and who embrace the concept of the empowerment of nurses in the work setting. Throughout our career as nurses, may we often be blessed to hear the following words: "Do you have to go now?" "I really appreciate everything you have done for me." "You have been so caring. I will always remember you."

Happy Nurses Week. ■

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More on ADO Forms

Patty Ronayne, RN

The filing of ADO (assignment despite objection) forms continues to be an important tool in our ability to function efficiently as a union and to provide proper representation to our members. It can protect us from a potentially unsafe situation on the job.

When you document a situation on an ADO form, *inform management*. Give them an opportunity to rectify the problem immediately. Once management has been notified, the situation can often be resolved without further action.

Sometimes the problem cannot be resolved, so the ADO form must be initiated and submitted. Follow the directions on the bottom of the form by faxing a copy to the Nurses United office (301-588-8854), giving a copy to your manager, and keeping a copy for your own records.

ADO forms also provide information to NU about issues as they occur. Management can follow up on such situations, when appropriate, which could include discussions in the Quality Patient Care Committee and the Labor Management Consultation Committee. In addition, information gleaned from the ADO forms can be the basis for talks when negotiations resume by and between the hospital and the union.

Remember, when conditions on your unit seem unsafe, first notify your manager, then fill out an ADO form. Print legibly and provide as much information as you can. If necessary use a second page to provide complete information. Increased communication with

the union makes us all stronger. A completed ADO form may provide just the right support you need!

To download ADO forms, go to our Web page and click on the Forms link. ■

Units Submitting ADO Forms

As a new feature of the newsletter, we will be listing the units that have submitted ADO forms to Nurses United. The following list is for the quarter January 1, 2006–April 14, 2006:

- Main OR
- Medstar
- 2F
- 2G
- 3NE
- 3NW
- 3H
- 4C
- 4E
- 5D
- 5NW (L&D)

Most of these units have filed multiple forms about continuing issues of concern to them. The union continues to encourage nurses to submit ADO forms when appropriate, so that we can track problems and develop solutions. ■

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The information in this newsletter is provided as a service to Nurses United members. It does not constitute legal advice. If you have a workplace problem, before you file a grievance or take legal or other action, please read the union contract and contact a shop steward or the chief shop steward.

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Plans for Contract Negotiations

The NU Board of Directors

Have you looked at the front cover of the pocket-sized collective bargaining agreement contract by and between the Washington Hospital Center and Nurses United? When you do, you will see that the term of the contract runs from April 4, 2004, to April 3, 2007.

That means it is time for all of us to gear up for another round of contract negotiations. Our NU bylaws and constitution call for the formation of a Negotiation Committee. The opportunity to participate on that committee is open to all Nurses United members in good standing with the union. We are excited to see this mechanism created so as many nurses as possible can be involved.

In unity there is strength. Unity is oneness in action.

– Abraham Lincoln

On Wednesday, June 7, we will officially convene the first meeting of the Negotiation Committee. This is your invitation to participate. The first meeting will be from 2 to 4 p.m. (location to be announced, but it will be on the hospital campus). These committee meetings will coincide with the general membership meetings held quarterly on the first Wednesday of March, June, September, and December.

We know our nurses have plenty of creative ideas about how wages, hours of work, and working conditions can be improved at our hospital. This is your opportunity to immerse yourself in the actual process of idea sharing and creative thinking. We know that not all nurses can be present; nevertheless, we encourage all of you to communicate to NU your ideas, hopes, and dreams for improved and enhanced contract language.

Commencing with the first meeting in June, the Negotiation Committee will meet each month. In each of the following months (July, August, September, October, and November), we will highlight and focus on particular floors of the hospital. The Negotiation Committee's schedule will look like this, with meetings occurring on the first Wednesday of each month from 2 to 4 p.m.:

- June 7 – First meeting. General discussion and sharing of ideas, thoughts, and mechanisms to keep the committee functioning.
- July 5 – Focus on 5th and 4th floor nursing units' issues. Invitation extended especially to nurses working on those units.

- August 2 – Focus on 3rd and 2nd floor nursing units' issues. Invitation extended especially to nurses working on those units.
- September 6 – Focus on 1st and ground floor nursing units' issues. Invitation extended especially to nurses on those units.
- October 4 – Focus on all outlying nursing units (for example, all of the Cancer Institute's bargaining unit nurses, etc.). Invitation extended especially to nurses on those units.
- November 1 – Address all other areas of concern for sharing and discussion.

Mark your calendars now! Plan your work schedules to be available to attend. Remember, if you cannot attend, speak to a union officer or a shop steward to get your ideas presented at these meetings. Here are some other means of communicating that were described in the fall issue of *NU News*:

- E-mail Nurses United at nursesunitedorg@aol.com.
- Phone Nurses United (301-588-8853) and leave a descriptive message.
- Contact one of the shop stewards (for a listing go to www.nursesunited.org and click on the Shop Stewards link).

We plan to be prepared with input from our members as we head into negotiations with the hospital. Soon our Web site will be updated with the information regarding the Negotiation Committee meetings' dates, times, and locations as described in this article. *Please send your current e-mail address to nursesunitedorg@aol.com.* ■

Attention

The NU Board of Directors

All Nurses United members should know that the following policy has been put in place and has been communicated to the hospital: While a nurse is out on approved leave of absence (LOA) or on approved/certified medical leave of absence, dues are *not* to be taken out of his or her paycheck during the time on leave. If you think you have had dues taken out while you were on LOA, please submit a copy of each pay stub indicating NU dues and a bona fide medical statement of the date(s) of your medical LOA and/or the appropriate written approval by your supervisor authorizing your LOA and the dates you were on LOA. ■

Grievance Summary, 2005

Stephen Frum, RN, Chief Shop Steward

The 30 Nurses United elected shop stewards function throughout the hospital to represent members, explain and enforce the contract (collective bargaining agreement), and promote the benefits of our union.

One aspect of enforcing the contract is the filing of grievances. In essence, grievances are disputes, filed by the union, regarding contract violations such as a failure to pay a nurse properly.

Shop stewards file grievances only after a complete investigation, discussion, and an attempt to find a suitable agreement with both parties involved (the union and hospital management) have occurred. The process of direct discussions with the managers most immediately involved in the issue is the most successful step in resolving disputes. Under Nurses United, shop stewards and union members have resolved many issues without ever having to file a grievance.

Shop stewards do not solve problems *for* the union; rather, they work *with* union members to resolve contract violations and answer contract questions. We believe that every member has a responsibility to promote and protect the union through contract enforcement. The grievance process is covered in article 17 of the contract. That section describes the relevant timelines and process for grievance handling. We encourage members to review it often and familiarize themselves with the language.

In 2005, our union filed 17 grievances. Below is a brief summary of some of them:

- A nurse was terminated for position abandonment. After filing a grievance, multiple meetings, and giving supporting documentation to management, the nurse was rehired, given lost paid time off, and had full seniority restored. Record of the action taken against the nurse was removed from the nurse's personnel file.
- A grievance was filed following the termination of a nurse. A thorough investigation did not produce enough evidence to get the nurse rehired; however, paid time off was recovered. The nurse remains ineligible for rehire.
- Arbitration is currently under way regarding a grievance filed on behalf of a terminated nurse. This nurse was terminated for a clinical issue. The union strongly believes that the nurse

should not have been terminated. As we go to print, four days of arbitration hearings have occurred over a three-month period. Two more days of arbitration hearings are planned. Union evidence has included testimony from clinical experts, a member of the negotiating team for the 2004 contract, the grievant, and others.

- A grievance filed by a shop steward on behalf of a group of nurses suspended for gross misconduct was dropped by the union because of a lack of participation by the affected nurses.
- Two grievances filed by a shop steward on behalf of two nurses who were suspended for engaging in a verbal altercation with each other resulted in them having their suspensions removed and receiving lost back pay.
- A grievance filed by a shop steward alleging that the hospital had violated the contract by underpaying a nurse was withdrawn following discovery of new information that made the grievance groundless.
- Following the filing of a grievance, a nurse terminated for alleged clinical practice issues will be eligible for rehire after two years. The nurse was also paid for the paid time off she had accumulated at the time of her termination.
- A nurse was not paid the correct shift differential after transferring to a new position. Following the filing of a grievance and multiple meetings with management, the nurse was paid the full amount of back pay that she was owed.
- Two float pool nurses were not paid for 30-minute lunch breaks they could not take due to patient assignments. The filing of a grievance and meetings with management resulted in both nurses being paid for their lost breaks.

In summary, grievances are one of the ways our union resolves disputes with the hospital. However, they are not the most effective way. Some of the grievance resolutions outlined above took more than a year to achieve. On average, the resolutions took several months. If you have an issue that you think could end up becoming a grievance, talk to your shop steward as soon as possible, so that she or he can start working with you right away in an attempt to resolve the issue. ■



Union Boards

Patty Ronayne, RN

Every nursing unit at Washington Hospital Center has, or should have, a union bulletin board for union announcements. We also have two general bulletin boards – one is located on the first floor near the bus circle, beside the payroll window, and the other is in the hallway outside the back of the main cafeteria, opposite the job postings boards.

A list of shop stewards' unit assignments and ADO (assignment despite objection) forms should be posted on your unit's board for quick reference. It's also convenient to have a copy of the contract posted there. If your unit needs to have a pocket-sized copy of the contract posted on its board, let us know, and your shop steward

will put one up. In addition, from time to time, current information and union announcements are provided in the form of Nurses United union flyers.

We anticipate that contract negotiations will begin less than a year from now. So, stay informed! Know where your union board is located and watch for current postings.

If there is no board on the unit where you work, notify the union immediately, so one can be put up. Having a union board on your unit is part of the collective bargaining agreement by and between the hospital and Nurses United – article 4.3. Check your union boards regularly for current union updates. ■

Supreme Court Rules on Protective Clothing Pay Issue

Article reprinted from USC News Service (www.unionist.com)

Submitted by Stephen Frum, RN

The U.S. Supreme Court unanimously ruled that workers who are required to wear special protective clothing and equipment on the job should be paid for the entire time they are wearing the equipment, including the time spent putting the equipment on and taking it off, and the time spent walking to and from their work stations.

The “doffing and donning” decision was called a “very substantial victory for the employees” by Thomas C. Goldstein, the attorney who argued the case on behalf of workers.

The court's decision stemmed from cases involving meat and poultry processing workers. Employers had argued that the compensable workday only includes time spent on the job floor itself. But Justice John Paul Stevens wrote in his decision for the court that workers should be paid for any activity that is “integral and indispensable” to the “principal activity” of the workplace. Since putting on and taking off safety equipment is integral, any activity after it is on should be paid, he said.

Writing for the online newsletter Workplace Fairness, editor and lawyer Paula Brantner said, “(F)or those who spend ten or fifteen minutes each day suiting up, it will be a welcome relief. Now workers in production facilities, depending on the layout

of the plant and the time needed for dressing, might only be on the production floor for seven and one-half hours of their eight-hour shift.”

On a narrower issue, the court agreed with employers that time spent waiting to receive protective gear should not be compensable.

The ruling establishes a “clear bright line rule” clarifying the definition of the “continuous workday” under Labor Dept. regulations, Goldstein said. He suggested that the decision's language could apply to other workplaces like telemarketing, where employees perform significant activities before the workday officially begins.

U.S. Secretary of Labor Elain Chao also hailed the ruling, calling it “a tremendous victory for lower-wage workers across the country and the Department of Labor.”

Brantner said the decision is “a welcome sign that even the more conservative members of the Court recognize that some laws protecting workers remain vital and strong. While it seems inevitable these days that judicial interpretation has become politicized, especially as it relates to the rights of workers, it's nice to know that laws originally passed in 1938 (the Fair Labor Standards Act) and 1947 (the Portal-to-Portal Act) still maintain their vitality.” ■

Notes from the Recording Secretary

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We hear from our executive board members, including regular finance reports and news on membership ratification of our annual budget from our treasurer. We have open forums on such subjects as computerized scheduling, parking, the NDNQI all-RN satisfaction survey, and other important topics that members raise for discussion.

We meet and greet new members and get to see old friends and co-workers. We laugh and network together. Members are encouraged to join us. It is not just a general membership meeting, but

a coming together in unity. Unity is our greatest strength – your attendance at the meetings and your participation in NU makes us all stronger.

We encourage you to mark your calendar for the remaining three general membership meetings in 2006: June 7, September 6, and December 6. The meetings run from 4:00 to 6:30 p.m., and all are held in 5B-3. For details on the general membership meetings, go to www.nursesunited.org and click on the Meetings link. ■

Payroll

Patty Ronayne, RN

Since the hospital's transition to the Lawson payroll system and Medstar's Central Business Office (CBO), Nurses United members have continued to have questions and experience payroll issues. To assist nurses in resolving such payroll issues more effectively and efficiently, Washington Hospital Center management is working toward having a CBO employee

located on the WHC campus on a daily basis. With such access nurses will be better able to get their questions answered and their paycheck issues resolved. Be on the lookout for further information and announcements regarding this new development. Meanwhile, ask your manager or call Employee Labor Relations for more information. ■



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