



August 28, 2015

ONA Bargaining Team:

Laurie Nilsson, RN,
Med/Surg

Donna Abbott, RN
Med/Surg

Janice Conchuratt,
RN, Med/Surg

Nancy Needham,
RN, Med/Surg

Ediy Paulsen, RN,
ENDO

Julie Davison, RN,
Marie Teela, RN, ED

Renee White, RN,
PACU

**ONA Labor Relations Representative
Jaime Newman**
503-293-0011 ext 331
newman@oregonrn.org



Oregon Nurses Association
18765 SW Boones Ferry Road
Suite 200, Tualatin OR 97062
1-800-634-3552
within Oregon
www.OregonRN.org



In this issue

- Your Contract Has Been Ratified - Page 1
- Your New ONA Labor Relations Representative - Page 1
- Timecard Grievance and Class Action Resolution – Pages 2-3
- Oregon's Staffing Law – Page 3
- ONA Statewide Elections – Page 3
- ONA Bargaining Leadership Conference – Page 4
- Update Your Information – Page 4

Your Contract Has Been Ratified!

Your contract was ratified by majority vote of the membership on Monday August 24. The new contract is now in effect. Oregon Nurses Association (ONA) and your Providence Milwaukie (PMH) bargaining team will be proofing the new contract over the next couple weeks. Upon approval, it will be sent off to the printers; so it may be a few weeks before we have the hard copies of the new contract ready. In the meantime, you can access the tentative agreement on the ONA bargaining unit webpage and, feel free to contact your bargaining team nurses or ONA if you have any questions.

Welcome Your New ONA Labor Relations Representative Sam Gieryn!

ONA has assigned Sam Gieryn to work with nurses at Providence Milwaukie. Sam started with ONA in 2011 and led negotiations for our 2011-2013 contract. Sam has also spent the last four years representing the nurses at Oregon Health & Science University (OHSU). Sam has an extensive background managing campaigns and representing clients on behalf of unions and other nonprofit organizations. Sam worked as a staff

representative and organizer for the American Federal of State, County and Municipal Employees (AFSME) for eight years and for five years as an organizer with Wisconsin Citizen Action. His professional resume reflects a strong history of organizing, collective bargaining, contract administration, litigation, local union administration, legislative and political action. Sam has a bachelor of arts in philosophy from the

University of Wisconsin and a law degree from Marquette University Law School. You can reach Sam at 503-293-0011, ext. 350 and Gieryn@oregonrn.org



Timecard Grievance and Class Action Resolution - Checks Have Started to Arrive in the Mail

For the nurses who opted into the Timecard Grievance and Class Action Lawsuit Settlement originating out of Oregon Nurses Association's Providence St. Vincent's Bargaining Unit, the checks have started to arrive!

Many of you remember that in May 2013, ONA filed a grievance against Providence St. Vincent Medical Center on behalf of all St. Vincent nurses after several nurses came forward with reports that their timecards were improperly altered after submission by their managers. (*We reported on this in a March 2015 edition of this newsletter.*)

The changes to the time cards occurred primarily in cases in which nurses had clocked out or in on Kronos in amounts greater than seven minutes, as their managers were trying to prevent the quarter hour rounding. As more staff learned how to check their time cards and identify the errors, the grievance continued to expand.

In the summer of 2013, Providence agreed to an audit of all the units and repayment of all money owed, and we mutually agreed the grievance would be on hold while this audit was underway. During that time, two individual nurses who had left employment at St. Vincent, and would not be included in the grievance or

repayments, initiated a class action lawsuit (*Thanane v. Providence Health & Services*) over this issue. The audit then appeared to have slowed.

The Association later learned that it had been stopped entirely by the Medical Center after the class action lawsuit was filed. Providence announced that it believed that the grievance and class action were so similar that any resolution must be global. The plaintiffs in the class action lawsuit and the Association agreed to formal mediation with Providence, which began in May 2014 with a federal judge.

In November, 2014, Providence and the plaintiffs in the class action lawsuit reached a settlement. That settlement was preliminarily approved by the court on December 19, 2014.

Official notice was mailed to all persons included in the class action and/or grievance by a claims administrator on March 13, 2015. That notice includes information about the process as well as the amount you would be paid.

If you would like to read the full settlement agreement, it is available http://www.oregonrn.org/resource/resmgr/STV/STV_Settlement_2015-01-15.pdf

Now the process is complete and the checks are beginning to arrive.

Understanding Your Settlement Check

If you opted into the Timecard Grievance Class Action lawsuit settlement you should have already received (or be receiving one soon) a check in the mail from Tilghman and Company for the Thanane Settlement for the *Thanane v. Providence Health and Services United States District Court Lawsuit*. The settlement award amounts will vary based on how much overtime you were improperly denied.

Based on the Settlement Agreement, 15 percent of your individual settlement amount is for attorney fees. (This helps to cover their costs in helping to bring the

lawsuit forward.) The remaining 85 percent of what you are awarded is allocated as follows: 70 percent of the remaining 85 percent is considered wages and is subject to state and federal tax withholdings as well as Social Security and Medicare. If you think about it this only makes sense. This award is money you should have been paid as wages. You would have paid taxes on these wages had you been properly paid and not had your valid overtime removed. The other 30 percent of the remaining 85 percent is for the penalties. This is for damages that Providence is required to pay for

(Continued on page 3)

Understanding Your Settlement Check

continued from page 2

improperly taking legitimately earned overtime out of your paycheck. The idea behind the penalties is so that the employer is discouraged from engaging in this kind of behavior again.

Here is a breakdown of how this works based on a settlement example.

Individual Settlement Amount	\$2,017.21
Less Attorney Fees (15 percent deducted)	\$ <302.58>
Net Remaining After Attorney Fees (85 percent)	\$1,714.63
<i>The breakdown of what remains (and the taxes) is as follows:</i>	
Wages	\$1,200.24
Federal and State Income Tax, Social Security and Medicare (deducted)	\$ <511.89>
Total wages remaining after deductions	\$ 688.35
Penalty (net remaining—added to wages)	\$ 514.39
Total Check Amount	\$1,202.74

Oregon's Nurse Staffing Law

ONA successfully passed improvements to Oregon's hospital nurse staffing law in



working conditions for nurses, and give the state new tools

2015. Thank you to all nurses who attended ONA's Nurse Lobby Day, contacted legislators and otherwise participated in ONA's campaign to update the law. Many provisions of the law, including prohibitions on mandatory overtime for nurses are already in effect. New provisions in the law give more authority to nurse staffing committees, increase transparency, improve

to enforce the law. Find out about these important changes and learn how they will affect your facility and your practice.

Click [here](#) to learn more about changes to Oregon's hospital nurse staffing law. Please email practice@oregonrn.org if you have questions about the new nurse staffing law.



2016 STATEWIDE ELECTIONS

Considering running for an ONA office?

January 20, 2016 is the deadline to self-announce candidacy for the statewide ONA elections. If you are interested in candidacy for any of the above positions, please complete the *Talent Bank & Consent to Serve* form found by clicking the *ONA 2016 Elections* button

on ONA's home page and mail it to: ONA, 18765 SW Boones Ferry Road, Suite 200, Tualatin, OR 97062 or submit an online form on our website www.oregonrn.org.

For more information, please contact Kathy Gannett at 503-293-0011, 800-634-3552 ext. 309 or gannett@Oregonrn.org.

ONA's Open Offices – 2016 Elections

- President
- Secretary
- Director (3)
- Cabinet on Health Policy (1)
- Cabinet on Education (4)
- Cabinet on Nursing Practice and Research (3)
- Cabinet on Human Rights and Ethics (2)
- Cabinet on Economic & General Welfare (2)
- Nominating Committee (4)
- Elections Committee (1)
- ANA Delegate Alternate (2)
- Last ANA Delegate Alternate (1)

ONA BARGAINING UNIT LEADERSHIP CONFERENCE

Powering Up: Challenges & Opportunities

Please mark your calendars and plan on joining us for the 2015 Annual ONA Bargaining Unit Leadership Conference this fall. This year's leadership conference, "Powering Up: Challenges and Opportunities," will be Friday, Sept. 18, 2015, at the Holiday Inn in Wilsonville.

We are excited to present a day of educational sessions focused on strengthening our bargaining units and honing collective bargaining skills, positioning ONA and nurses to be ready for future challenges and to capitalize on opportunities as they arise.

Featured Speaker

Gordon Lafer holds a PhD in Political Science from Yale University and is an Associate Professor at the University of Oregon's Labor Education & Research Center. He has written widely about labor and economic policy, including publications on the nursing

shortage and state and federal labor law. In 2009-10 was on leave from the UO to serve as Senior Policy Advisor for the U.S. House of Representatives' Committee on Education and Labor.

Key Topics and Sessions

- Oregon' New Nurse Staffing Law
- Working Together to Improve Practice & Staffing
- Standards
- Organizing for Success
- Next Steps: Nurses Leading the Way
- What's Been Happening In Our Union
- Fighting Back: The Plan to Stay Strong at ONA
- Review of the Victory in Newberg

Who Can Attend?

This conference is specifically for ONA professional union members who are either currently in leadership positions (BU executive team, PNCC members, Staffing Committee members) or those who are interested in taking a more active role in their bargaining unit. ONA Student Affiliate Members are also welcome to attend.

Continuing Education

This program is pending approval by Oregon Nurses Association, CEARP # 301.06.2015 for continuing nursing education contact hours. ONA is an accredited provider approved by Cal BRN, Provider #15089.

Update Your Contact Information

Throughout the year it is critical ONA labor relations representatives are able to communicate openly and efficiently with nurses. It is even more critical during contract negotiations. The ONA website, mail at home and emails at home continue to be the best methods of getting negotiation updates to all members as quickly as possible.

Unfortunately, many members aren't getting the most up-to-date information because ONA doesn't have a current mailing address or a home email address on file for them or the email address on file is a work email.

ONA is often restricted when sending out mass emails

to employer-based email addresses and if we don't have a current mailing address or home email address that results in many members not receiving the critical information they need as quickly as they should.

To remedy this situation, ONA is encouraging all members to go to www.OregonRN.org and click on *Update Your Contact Information*, to update their information on file to include a personal (non-work) email address to ensure the messages get through in a timely manner.

Together we can make sure everyone is involved and stays informed!