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Unpaid Study Time Lawsuit Settlement

The lawsuit filed in January 2013 by a St. Charles Prineville nurse was recently settled for \$9.5 million. The class-action lawsuit sought remedy for unpaid hours associated with mandatory training for nurses such as Basic Life Support (BLS) and Acute Care Life Support (ACLS) certifications required to work as a nurse at St. Charles. The Fair Labor Standards Act (FLSA) requires an employer to pay for mandatory trainings as if it was time worked. The case sought payment for 51 opt-in plaintiffs who had not been properly compensated for the required training, specifically that they were not paid for necessary study time and that time spent

during training was not counted as hours worked for purposes of calculating overtime. The case was recently settled for \$9.5 million with \$500,000 being disbursed to the opt-in plaintiffs and the remaining \$9 million to pay for attorney's fees, penalties and then be distributed to those who file a claim for their unpaid time related to mandatory trainings. A notice to file a claim should be mailed to every nurse potentially impacted by St. Charles' payment practices within the next couple of months. Keep an eye on your mailbox for further information if you feel that you have not been compensated appropriately for mandatory training time.

Still Seeking ONA Secretary and Membership Co-Chair

If you are interested in filling one of these midterm vacancies, please contact Courtney Niebel at Niebel@OregonRN.org with any questions that you may have regarding the roles. These positions will be filled via appointment by the remaining members of the ONA/STC-B executive committee. Interested

candidates would be committed to fulfilling the current term which runs through 2017. No experience necessary, education will be provided. If you've always thought about getting involved, this is the perfect opportunity to join ONA leadership at St. Charles Bend!

ONA Unit Steward Training

If you are interested in becoming a unit steward, have been a unit steward but would like more education to assist you in your role or just want more information about how your union at St. Charles

works join us for one of the upcoming ONA Unit Steward Trainings. RSVP to Labor Relations Representative Courtney Niebel at Niebel@OregonRN.org

Date: Saturday, July 16 or Saturday, July 23
Time: 9 a.m.-1 p.m.
Location: St. Charles Medical Center Bend in Conference Room C

How to Complete Staffing Request & Documentation Forms (SRDF)

The Oregon Nurse Staffing Law administrative rules (OAR333-510-0002(9)(a to j)) defines “safe patient care” as “nursing care that is provided appropriately, in a timely manner, and meets the patient’s health care needs.” Further, the administrative rules provides a list of factors that may be evidence of unsafe patient care including:

- A failure to implement the written nursing staffing plan;
- A failure to comply with the patient care plan;
- A error that has a negative impact on the patient;
- A patient reports that his/her nursing care needs have not been met;
- A medication not given as scheduled;
- The nursing preparation for a procedure not accomplished on time;
- Registered nurses, licensed practical nurses and/or certified nursing assistants practicing outside their scope of practice;
- The daily unit-level staffing does not include coverage for all known patients, taking into account the turnover of patients;
- The skill mix of employees and the relationship of the skill mix to patient acuity and intensity of the workload is insufficient to meet patient needs; or
- An unreasonable delay in responding to a patient's (or a family member's request on behalf of a patient) request for nursing care.

Unsafe or insufficient nurse staffing occurs when not enough staff are present; the right mix of staff are not present; the nurse workload intensity is too complex to be managed safely within the shift; other factors such as remodeling, students, orientees and presence of inoperable or broken equipment, or lack of equipment needed for patient care exists.

If you find yourself working with unsafe or insufficient nurse

staffing, you should complete a Staffing Request & Documentation Form (SRDF). SRDF's should be available through your ONA unit steward on every hospital unit. The SRDF can also be found online at www.OregonRN.org by clicking on the SRDF tab under the Nursing Practice page of the Professional Services tab or [click here to go directly to the form](#). Filing a report is part of the ethical obligation of nurses to report when provision of “safe patient care” is, at the least, not supported or at the most, impossible. When a nurse on a shift is faced with staffing which is imminently or potentially unsafe according to the various causes of unsafe staffing, it is intended that the nurse a) notify someone in the chain of command, b) ask for additional staff, and c) ask for a response in a reasonable period of time, e.g., minutes, hours. The diagnostic reasoning based on professional practice is conducted as to the cause. Following this, the nurse assumes the patient care load as assigned, asking for help as he/she needs. At the end of the shift, or within 48 hours, the nurse completed the form, files it with the nurse manager, PNCC and ONA.

These forms not only assist ONA in tracking unsafe staffing throughout St. Charles and other hospitals across the state but provide you with some protection should an error occur. The SRDF serves as documentation that you accepted the assignment despite objection that you alerted the hospital that staffing was insufficient and requested assistance. If the hospital fails to provide the requested assistance, you cannot be held solely responsible for sub-standard care provided due to inadequate staffing and if an error occurs, the consequences should be mitigated by the fact that staffing was inadequate and administration failed to respond to the request for improved staffing.

Protect yourself, your license and your patients by filling out an SRDF every time unsafe staffing occurs!

Meals & Breaks Survey

The ONA/St. Charles– Bend (STC-B) executive committee has launched a survey to gather information about meals and breaks at St. Charles- Bend. New contract language required units to have developed and implemented plans to provide meals and breaks as of the end of April. We want to hear from you regarding whether these plans are in place and, if so, how they are working for you! We estimate that it will take approximately 10 minutes for you to complete the

survey. Please take the time to provide the information we need to better advocate for our legally required rest periods. [Take the ONA/STC-B 2016 Meals and Rest Periods Survey by clicking here](#). You may also find it on the St. Charles-Bend Web page of the main ONA site at www.OregonRN.org under Find Your Bargaining Unit and select St. Charles- Bend.