

### ONA Labor Relations Representatives:



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## Solidarity!

There is an old union saying, “An injury to one is an injury to all!” Association of University Registered Nurses - Oregon Nurses Association (AURN-ONA) nurses showed that spirit at the June 13, 2019 rally for our American Federation of State, County, and Municipal Employees (AFSCME) co-workers, who are currently in contract negotiations with Oregon Health and Science University (OHSU) administration.

Many nurses came out to show support for our co-workers, but also to send a message to OHSU that we are watching. AFSCME estimates that more than 900 people came to the rally, and we had a strong presence among them.

OHSU has proposed significant cuts, including:

- Move to a PTO system, AFSCME characterizes management’s

proposal as substantially the same as the proposal from 2017.

- Employees pay 5 percent of the cost for providing employee’s healthcare.
- Employees pay an additional 5 percent of the cost to cover any dependents on our health care plan. We currently pay 12 percent of the cost--this would raise that to 17 percent.
- Management can make unilateral changes to our healthcare plans without employee input.

This is despite OHSU’s latest quarterly report which shows operating profits are up 81%. We might anticipate that this is a preview of what to expect at our table in several months, and we should be ready.

## Victory in Arbitration

One of our fellow nurses has been on the wrong step since 2009. She called HR repeatedly over the years to get this resolved, to no avail, so she filed a grievance.

At first, OHSU’s response was to pay her correctly going forward, then they agreed to give her backpay for the year prior—but the fact remained that she hadn’t been paid correctly for almost ten years, so it was escalated to arbitration.

The arbitrator decided that indeed she is owed the full amount going back to 2009,

which will probably end up being tens of thousands of dollars.

This is the union difference. In non-union facilities nurses have no recourse. They can sue, but the costs (in time and money) are high and employers have the upper hand. Even if the employee wins, if they don’t have a union they are still vulnerable to retaliation.

If you think you are not being paid correctly, don’t ignore it—contact a leader or representative as soon as possible.

# REQ Clock Code

It has come to ONA's attention that many nurses were unaware of the REQ pay code and were not using REQ in situations where they would qualify for continuation of accrued sick and vacation benefits. Per section 7.12.6 of the ONA contract it outlines that employee's seniority and other accrued benefits shall accrue on all curtailed and canceled hours, regardless of whether they elect to use paid time off benefits. When shifts are curtailed or cancelled, employees can choose to use vacation or comp time, or they can opt to take that time unpaid, as outlined in 7.12.1 and 7.12.2 of the ONA contract. When employees choose to take the time unpaid, the appropriate Kronos pay code to use to continue benefit accruals (sick and vacation time) is REQ.

**Please take 2 minutes to fill out the following survey:**

<https://www.surveymonkey.com/r/3KX2XBK>

**See directions for doing your own Kronos audit below:**

**The basics for using the REQ pay code:**

- The REQ pay code is entered in Kronos for hours an employee's shift was curtailed or cancelled, when the employee chooses not to use accrued leave time. (Note: Voluntary curtailment is sometimes referred to as voluntary comp.)
- Employees do not have direct access to the REQ pay code and should request that their timekeeper enter REQ for these hours by submitting a time correction.
- REQ hours are entered only to meet an employee's FTE; not for overtime or regular other shifts.

**REQ Rules:**

There is an exception to the use of REQ, as outlined in 7.12.7 e. of the ONA contract, Order of Curtailment/ Cancellation. **Nurses who volunteer for shift curtailment or cancellation must use available accrued time if a resource nurse is working.** For example, if a nurse's home unit is 11K and that nurse volunteers to have a shift curtailed or cancelled:

- **The nurse can use REQ** if no resource nurse is working on 11K for that shift.
- **The nurse is required to use available accrued time** (vacation or comp) if there is a resource nurse working on 11K.

This rule is applied across the cluster in Adult ICUs. (per Appendix D: Adult ICUs, in the ONA contract)

- Nurses who volunteer for shift curtailment or cancellation must use accrued time (vacation or comp time) **if a resource nurse is working in the Critical Care Cluster.**
- The Critical Care Cluster includes the Adult ICUs and the Critical Care Float Pool.

**In all other units:**

- Volunteers must use accrued time **if a resource nurse is working in their home unit.**
- For float pools, the home unit is the Specialty Float Pool that employs the nurse. (As noted above, Critical Care Float Pool is included in the Critical Care Cluster.)

**What should you do?**

If you think this affects you, you can do a Kronos audit and look for any days where you took unpaid cancellation or curtailment. To do this you can contact payroll services by email at [payroll@ohsu.edu](mailto:payroll@ohsu.edu) and request a payroll audit, ask for specific dates in which you were cancelled or curtailed or you can do this yourself by following the below steps:

1. Login to Kronos.
2. Click the Reports tab.
3. Select Time Detail.
4. Select Range of Dates from the drop down options.
5. In the starting from date select one year back from the date of your audit (ex: if you are doing your audit on 6/26/2019, then start your audit from 6/26/2018).
6. In the to tab select the current date of your audit.

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## REQ Clock Code (continued from page 2)

7. Your last year of dates you worked, were cancelled/curtailed, sick and used vacation will be listed. Scroll through for any dates that you were cancelled/curtailed and did not use vacation or comp time. These would qualify to put in a historical correction for REQ time.

\*\*Per section 6.5.4 Time Limitation of the ONA contract, nurses can have retroactive adjustments made for up to 12 months from the date a time correction is made or payroll is notified that an error was made.

## An Overview of “Just Cause” and our Contract

Under our ONA contract, nurses cannot be disciplined except for just cause, but what does just cause actually mean? There are commonly seven tests that an arbitrator uses when deciding if management’s decision to implement a discipline meets the standard of just cause. They are:

- **Was the employee adequately warned of the consequences of their conduct?** In general an employee must be aware that their conduct could lead to discipline. However some circumstances are so severe that an employee should have been reasonably aware that their conduct could result in discipline in which case it’s assumed this standard is met.
- **Was the employer’s rule or order reasonably related to efficient and safe operations?**
- **Did management investigate before administering the discipline?** To meet the standard of just cause management has an obligation to hold an investigation before administering discipline to an employee. At OHSU management generally holds what are called investigatory meetings where an employee is entitled to union representation before any decision on discipline is made.
- **Was the investigation fair and objective?** Another standard of just cause is that

management’s investigation must be fair and impartial.

- **Did the investigation produce substantial evidence or proof of guilt?** While management must produce evidence, the standard is not the same as in a court of law. Management must produce sufficient evidence that a reasonable person would believe that an employee violated a policy.
- **Were the rules, orders and penalties applied evenhandedly and without discrimination?** Management cannot single out nurses for discipline and any discipline applied must be in line with what has been applied to other nurses in similar situations.
- **Was the penalty reasonably related to the seriousness of the offense and the past record?** Any discipline that management implements must take into account a nurse’s past record and performance. Someone who has worked at OHSU for 25 years with a clean record is likely to face less discipline for a similar incident than a nurse who has just started at OHSU.

These are the traditional seven tests that management must meet when they are implementing discipline. If you have any questions about these standards, please contact a steward or one of our labor representatives.



# Don't Miss Important ONA Emails

ONA wants to make sure all members receive timely communications, ensuring you have the most up-to-date information on your contract, bargaining issues, upcoming votes, nursing research, practice issues and workplace policies. If you are not receiving ONA emails, we can help.

First, check to make sure ONA emails are not being filtered into a junk, spam or clutter folder. Many email providers have built in spam/junk filters or blockers. The filters are intended to prevent you from getting junk mail or spam, but can unintentionally block emails you want to receive. If ONA emails are in one of these folders, flag them as "not junk" and add [News@OregonRN.org](mailto:News@OregonRN.org) to your safe sender list.

If there are no ONA emails in those folders and you still aren't receiving ONA emails, there are various causes listed to the right.

You can fix most problems by simply emailing ONA at [News@OregonRN.org](mailto:News@OregonRN.org) with your name, personal email address and the name of the facility you work at in the body of the email.

We will update our records to ensure you don't miss future ONA emails.

## Common Reasons for Not Receiving ONA Emails

1. **Spam/Junk Filters:** Emails from ONA are being flagged as junk or spam by your email service provider.
2. **No Email:** ONA does not have an email on file for you.
3. **Bad Email:** ONA has an incorrect or outdated email on file.
4. **Blocked:** Due to several failed delivery attempts, our system has stopped attempting to send emails to your email address.
5. **Opted Out:** You have opted out of receiving emails.
6. **Work Email Filters:** Some health care systems filter out ONA emails so nurses don't receive ONA-related emails. This is why we encourage nurses to use their personal email addresses instead of work emails.



## Fixing Problems to Receive ONA Emails

1. **Check your junk/spam/clutter folder for ONA emails:** Flag ONA emails as "not junk/spam" and add [News@OregonRN.org](mailto:News@OregonRN.org) to your safe sender list.
2. **Email ONA:** To fix reasons 2-6, simply email ONA at [News@OregonRN.org](mailto:News@OregonRN.org), and include your name, personal email and facility you work at in the body of the email.

# Staffing Education & Advocacy Training

Have you recently been elected to your hospital's staffing committee or do you desire to be a more prepared and effective staffing advocate? If so, we encourage you to take a SEAT with ONA for our online Staffing Education & Advocacy Training (SEAT). This is the only comprehensive staffing law training in Oregon and is available online through our OCEAN platform. It is available 24/7 and can be taken at your own pace. It is free for ONA members and available to non-members at a discounted price.

Nurses can earn 2.25 continuing nursing education contact hours for completion of the entire SEAT series.

Visit [OregonRN.org/OnlineCE](http://OregonRN.org/OnlineCE) to get started.



**Part 1: Oregon's Nurse Staffing Law**

**Part 2: How to Write a Better Nurse Staffing Committee Charter**

**Part 3: How to Write a Better Staffing Plan**

**Part 4: Staffing Committee Orientation**

*Oregon Nurses Association is accredited as a provider of continuing nursing education by the American Nurses Credentialing Center's Commission on Accreditation.*