Nov. 1, 2019

ONA/PNMC
Executive Committee

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Why Is the SARA Room Becoming a Lactation Room?

In late June 2019, we were contacted by a lactating nurse who was having trouble getting her lactation breaks and did not have a consistent place to pump without intrusion from other employees, as state law and the Oregon Health Authority (OHA) requires.

We filed a grievance for Laura Rolfson and all other affected workers. The timeline was extended due to scheduling issues, and we hoped the situation would improve. It didn’t. We met with Med/Surg management and the former Human Resources representative on Wednesday, Aug. 14. On Thursday, Sept. 5, we received a response that was not reflective of the law and our contract. We moved the grievance to step two, along with the law, highlighting areas that Providence Newberg Medical Center (PNMC) was still not following:

839-020-0051

Rest Periods for Expression of Milk

(a) A “reasonable rest period,” unless otherwise agreed to by the employer and the employee, is no less than 30 minutes during each 4-hour work period, or major part of a 4-hour work period, to be taken by the employee approximately in the middle of each work period.

(b) If feasible, the employee will take the rest periods to express milk at the same time as the rest periods or meal periods that are otherwise provided to the employee. If not feasible, the employee is entitled to take an unpaid rest period of up to 30 additional minutes during each 4-hour period to express milk.

(c) An employer subject to ORS 653.077 will make a reasonable effort to provide the employee with a private location within close proximity to the employee’s work area to express milk.

(d) As used in ORS 653.077 and this rule, a “private location” is a place, other than a public restroom or toilet stall, in close proximity to the employee’s work area for the employee to express milk concealed from view and without intrusion by other employees.

We received no response to this email. In October, we forwarded this to the new Human Resources representative and our Chief Nursing Officer, along with a recent issue regarding the lactation room that is shared with a physician’s call room. The nurses were having difficulty being able to use the room located in the Birth Center to pump when needed.

Administration promptly responded. Within that week, we were informed that the existing “Stay and Rest Awhile” (SARA) room would become a lactation room for all working mothers that need to pump. We want to thank Melissa Burns and Marianna Sorensen in HR for hearing our concerns and moving swiftly to resolve this. There is discussion for the existing SARA room to be moved elsewhere. They needed to move quickly

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Birth Center Overtime and Call-back Grievance

In June, birth center nurses started talking with each other about discrepancies in their paychecks. They were being put on low census earlier in the week, then being called in, which pays time-and-a-half. Later that week, they started going over 40 hours, yet they were not getting overtime pay after 40 hours.

We filed a grievance on Friday, June 21, 2019. This is what our grievance stated:

Jennifer Lardy, Beth Lepire, Hannah Lavish, Mauri Price and others have been denied overtime above 40 hours in the weeks that they have received call-back time. PNMC is incorrectly defining "pyramiding" in this situation. State law and the Fair Labor Standards Act (FLSA) is applicable in this situation.

The contract violations are: Article 8 Section C (1, 2 and 3), Article 8 Section E and Appendix B and violation of applicable law or regulation.

The remedy sought was: Compensate all nurses whom have worked overtime above 40 hours at one-and-a-half times their hourly rate.

We met for our step 1 meeting in July 2019. PNMC’s argument is that the nurses are “pyramiding” time and one-half premiums. Our response was that “pyramiding” applies to workers who stack two different overtime payments for the same hours worked. That is not the case in this situation. Call-back pay is a separate benefit that is compensable by its own contract language. It is in Appendix B of our contract. The grievance was denied at step 1.

We met for our step 2 meeting on Wednesday, Oct. 2, 2019. We had great difficulty with the previous HR representative. She was not responding to emails and meeting requests regarding this concern. We rearticulated our concerns with Melissa Burns, Chief Nursing Officer, present. Mauri Price spoke eloquently about how this issue has affected her and her team.

Since then, ONA’s attorney has confirmed that this situation is indeed not pyramiding.

We also reached out to multiple ONA nurse leaders throughout the Providence Portland metropolitan area and have had our interpretation of the issue confirmed: the call-back pay is separate from the overtime pay, especially when state law and FLSA requires overtime to be paid at forty (40) hours.

We received the step 2 denial letter on Thursday, Oct.17. We conferred with each other and decided to move it to step three the same day.

If you have any questions or concerns about this issue, please don’t hesitate to reach out to Brandi Osborne, Birth Center Officer and ONA PNMC Vice Chair or labor representative Jocelyn Pitman at Pitman@OregonRN.org.
We have held two bargaining sessions, Thursday, Sept. 26 and Monday, Oct. 14, for the Sexual Assault Nurse Examiner (SANE) nurses at Providence Newberg Medical Center (PNMC). There are currently five SANE nurses at PNMC: one in the Emergency Department (ED), and four in the Medical Surgical (M/S and Intensive Care Unit (ICU)) area. These nurses were initially promised double time for all call-back shifts prior to the Oregon Nurses Association (ONA) being involved. In Jan. 2019, ONA was contacted by one of our nurse leaders, Savannah Jensen, one of the five SANE nurses. The double time never came to fruition in their paychecks. Human Resources was contacted, but they were unaware of the situation.

Soon after, Providence St. Vincent began bargaining their SANE agreement, it was verbalized that whatever their agreement ended up being would set precedent for the SANE nurses at other local Providence facilities. Providence Portland and Providence Milwaukie finalized their agreements earlier this year.

Having three other local SANE agreements in place should make it easier to finalize a SANE agreement for PNMC. Unfortunately, that did not occur when we met with administration on Monday, Oct. 14.

What we proposed reflected the other agreements, our contract, plus agreements made in our Sept. 26 negotiation:

Compensation:

SANE Exams: SANE nurses that are contacted by the Medical Center for a SANE case will be paid at the call-back rate (time-and-a-half their hourly rate) plus incentive pay of $18.00 per hour for hours worked on weekdays; $19.25 on weekends and will be paid 12 hours of on-call/standby pay compensation (or more should the shift worked be in excess of 12 hours), in addition to being subject to the 3-hour call-back pay provision of Appendix B Section A of the collective bargaining agreement. SANE certified nurses will be eligible for certification pay in Appendix C — certification regardless of primary department.

Standby/Call: SANE nurses will be paid the on-call/standby rate of pay for call shifts of $4.00 per hr or as otherwise later defined by the ONA/PNMC contract.

Appendix B:

Shift Differentials: SANE nurses will be paid shift differentials according to Appendix A, Section F - majority of hours worked between 3 p.m. and 11 p.m. - $2.10 per hour. Majority of hours worked between 11 p.m. and 7 a.m. - $5.70 per hour, or as later defined by the ONA/PNMC contract.

Travel:

SANE nurses will receive mileage at the IRS rate for miles traveled (round trip) to a case at a Providence facility according to the following mileage chart:

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SANE Update  (continued from page 3)

Mileage Chart from PNMC – Round Trip

<table>
<thead>
<tr>
<th>City</th>
<th>Miles</th>
</tr>
</thead>
<tbody>
<tr>
<td>Milwaukie</td>
<td>63</td>
</tr>
<tr>
<td>Portland</td>
<td>54</td>
</tr>
<tr>
<td>St. Vincent</td>
<td>38</td>
</tr>
<tr>
<td>Willamette Falls</td>
<td>47</td>
</tr>
</tbody>
</table>

Court Appearances: Overtime rate of time-and-a-half hourly rate.

Training: Regular rate of RN’s primary position.

Retroactive Pay: Retroactive pay for SANE RNs at the agreed upon SANE exam rate for independent evaluations and preceptored cases (not applicable to other training or class time) on or after Dec. 14, 2018.

Trial Preparation: Regular rate of RN’s primary position not to exceed two hours without SANE program nurse manager approval.

In addition, we rejected their resuscitation quality improvement (RQI) proposal that they had given us on Thursday, Sept. 26, packaged with their meager initial proposal for SANE. This proposal was of concern to our PNMC ONA officers for three main reasons:

1) We are being expected to do our trainings while also performing patient care, which is difficult and unsafe.

2) This is an issue that affects all of the nurses at PNMC. It is not appropriate to put this issue on the bargaining table when the contract is not open. The SANE issue is different, since this affects nurses that have been performing this work since Dec. 2018. The SANE nurses were not paid what they were initially promised.

3) St. Vincent’s nurses have pushed back on RQI due to it taking away paid training time. They filed a demand to bargain (DTB) on this issue. Dedicated training time is incredibly vital to content retention and safe patient care.

Unfortunately, administration was not prepared to respond to our proposal on Monday, Oct. 14. They said the needed to consult with their legal department and they could not get a hold of them.

These nurses perform critical and emotionally charged work for our community. At the beginning of the Oct. 14 session, we showed a video which shows Brenda Tracy speaking about her experience as a sexual assault victim with the SANE nurse that examined her. Click here to watch the video and find out what happens next!

We are working with a new HR representative, Marianna Sorensen and our Chief Nursing Officer, Melissa Burns. We hope to get this issue resolved with them by our next bargaining session!

Our next bargaining session is scheduled for Monday, Nov. 4 from 10 a.m. to 12 p.m. If you would like to come observe or you have questions or concerns about SANE or RQI, please do not hesitate to reach out to one of our ONA Officers, Savannah Jensen (SANE Steward) or Jocelyn Pitman at Pitman@OregonRN.org.

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, like Comcast, Yahoo and Gmail, 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 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. We will update our records to ensure you don’t miss future ONA emails.