

## ARTICLE XX – REDUCTION IN FORCE

- A. Reduction in Force. A reduction in force is defined as a mandatory reduction in the number of regular full- and/or part-time bargaining unit nurses employed by the Clinic or a mandatory reduction in FTE that results in a change in a nurse's benefits eligibility. Voluntary reductions in FTE or temporary consolidations of clinic locations of less than one (1) year will not be considered a reduction in force. Per diem nurses are not covered by the process set forth in this Article. The Clinic may choose to not schedule a per diem nurse at the Clinic's discretion.
- B. Seniority Lists. For a reduction in force impacting only one clinic location, nurses working at that clinic location will be placed on a seniority list. For a reduction in force impacting more than one clinic location, nurses at all affected locations will be placed on a single seniority list.
- C. Order of Reduction in Force. Upon notification to the impacted nurse(s), the Clinic will displace the nurse(s) in order of seniority with the least senior nurse being impacted first.
- D. Notice. If the Clinic determines that a reduction in force as defined in Section A of this article is necessary, a minimum of forty (40) days' notice will be given to the Union and to the regular full and/or part-time impacted nurse(s) concurrently detailing the purpose and scope of the reduction and the likely impacted clinics and positions. The Clinic will provide the Union with a list of open positions at the Clinic and, at the request of the Union, at any other Providence facilities within Oregon.
- ~~D. Open Positions. An "open position" is any position for which the facility Clinic is still accepting applications. If there are any posted nurse positions within the Clinic at the time of a reduction in force, the Clinic will wait to fill such positions with an external applicant until it has become clear which nurses will be impacted by the reduction in force, and those nurses have had an opportunity to apply for those positions. An impacted nurse may apply for any such open positions. The Clinic has discretion to determine whether the nurse is qualified for any open position to which the nurse applies. The Clinic may immediately post and fill positions if it is apparent that the nurses likely to be impacted by the reduction in force are not qualified for the open position. The Clinic can fill vacant nurse positions with external candidates within seven (7) days after providing the forty (40) days' notice if it has an urgent need to fill the position for patient care reasons. The Clinic will inform other employers within Providence Oregon of the existence of the reduction in force, and request that they consider hiring the impacted nurses, if any, for any open positions.~~
- E. Discussion with Union. ~~Upon notice to the Union, representatives of the Clinic and Union will meet to discuss scope of the reduction and the likely impacted~~

clinics and positions as well as options for voluntary lay-offs (including requests for voluntary layoff), reduction of the scheduling of per diem nurses, conversion from regular status to per diem nurse, and FTE reductions (full-time nurses going to part-time status). The Employer will consider the options suggested by the Union but will not be required to implement the suggested options. **Upon request, the Clinic will meet with the Union after providing notice of a reduction in force for nurses covered by this Agreement. The topics to be discussed may include information about the positions being impacted, options for voluntary layoffs, and FTE reductions/changes, e.g., nurses moving to part-time and/or per diem status. The Clinic will consider the options suggested by the Union but will not be required to implement the suggested options.**

- F. Special Skills or Competencies. In the event the Clinic undergoes a reduction in force and a position exists that, in the opinion of the clinic, requires special skills and/or competencies which cannot be performed by a more senior nurse (and the nurses' performance, qualifications, certification and education are otherwise equal), the Clinic will notify the Union of the need to potentially go out of seniority order. The parties agree to promptly meet and discuss this issue including the job skills required, and how to address the situation to balance seniority rights and care for patients. The Clinic will consider whether there is ability to provide additional training to the more senior nurse to enable the nurse to perform the skills or competencies in question. Special skills and competencies will not include a specific academic degree, non-mandatory national certifications, or disciplinary actions.
- G. Severance. If there are no open positions with the Clinic for which the impacted nurse(s) is/are qualified or there are an insufficient number of open positions for the qualified nurses identified for the reduction in force, the impacted nurse(s) will be eligible for severance provided that the nurse(s) execute(s) the Clinic's standard severance agreement. A nurse who is identified for a reduction in force and who chooses not to apply to other open positions with the Clinic for which they are qualified will not be eligible for severance. The amount of severance pay will be determined by the Clinic's severance guidelines applicable to non-represented caregivers with the same number of years of service as the nurse.
- H. Recall.  
Nurses laid off as the result of a reduction in force will have recall rights as follows.
1. **The nurse must notify the Clinic in writing at the time of layoff that they wish to be placed on the reinstatement roster. When vacancies occur at the Clinic for bargaining unit positions following a reduction in force, nurses on the reinstatement roster will be offered the position(s) prior to the Clinic posting such positions for other applicants.** Recall from a layoff will be in order of seniority provided the nurse(s) laid

off are qualified to perform the work of the recall position. The recalled nurse must accept or reject the recall within **ten (10) business days** of receiving notification from the Clinic or else forfeit their right to recall under this Section. Such recall rights continue for up to twelve (12) months from date of layoff. It is the responsibility of the laid off nurse to provide the Clinic with any changes in address, telephone number, or other contact information. ~~If the laid off nurse fails to provide the Clinic with such changes and the Clinic is unable to contact them after fifteen (15) calendar days of attempting to contact them with available contact information, they forfeit any recall rights.~~

2. Should a nurse be recalled back to the Clinic before the length of their severance at layoff is complete, the nurse may be required to “pay back” that portion of the severance that remains. By way of example, if a nurse is laid off with eight (8) weeks of severance and rehired six (6) weeks later, then they would pay back two (2) weeks’ worth of severance.

- I. Workforce Reorganization. A workforce reorganization is defined as staffing changes, including mandatory materially significant increases or decreases in FTE status of bargaining unit nurses and mandatory changes of positions, resulting from the permanent merger or consolidation of two or more clinics. Mandatory materially significant decreases in FTE status mean those changes to FTE that are required by the Clinic which change a nurse’s benefits eligibility status (in which case the reduction in force process in this Article will apply), or are equal to or greater than eight (8) hours per week. A mandatory materially significant increase in FTE status is one that are equal to or greater than an additional an additional eight (8) hours per week of work. Prior to implementing a workforce reorganization as defined in this section, the Clinic will provide the Union and the impacted nurse(s) with a detailed tentative reorganization plan at least thirty (30) days in advance of the scheduled implementation date. The Clinic shall, upon demand by the Union, bargain the impact of the workforce reorganization. If the workforce reorganization involves mandatory materially significant changes in FTE status and is not otherwise covered by the reduction in force process in this Article, the least senior nurse(s) will be impacted, provided that skills, competence, and performance and needs of the Clinic are equal in the judgment of Clinic.