Rest and Meal Break Grievance Update

On Jan. 16, 2018, 12 nurses from six different units at Providence Willamette Falls Medical Center (PWFMC) met with PWFMC administration for our step two grievance meeting regarding adequate and safe rest and meal break coverage. Chief Nursing Executive Lisa Halvorsen, Director of Nursing David Monego, and human resources representative Julie Smith were there to meet with us.

At this meeting, Hannah Brainard, RN (emergency department), helped deliver our petition, signed by 80 percent of nurses at PWFMC, demonstrating our commitment to asking PWFMC to do what is right and lawful in providing rest and meal breaks. Thank you to all who signed the petition, collected signatures, came to a meeting, and stayed informed. Together we are making a difference and helping change our hospital’s culture about breaks.

Oregon Nurses Association (ONA) labor relations representative Karly Edwards opened up the discussions with a quote from Dr. Martin Luther King, Jr.: “The time is always right to do what is right.” Then she invited administration to hear our call for them to make adequate and safe rest and meal break coverage a reality at PWFMC. The feedback from the nurses focused largely on:

- How the buddy system doesn’t work.
- Managers saying it is “our responsibility” to take our breaks but not providing coverage.

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How our nursing work does not stop when we are on break.

The need for actual and competent relief nurses.

How by not providing break coverage, PWFMC is contributing to nurse “burn out.”

The concern about whether PWFMC’s use of the buddy system is lawful.

The need for a culture change in every unit around rest and meal breaks.

Shane Baker-Snelling, RN, who represents the medical/surgical unit on the Staffing Effectiveness Committee (SEC), said, “Budget and staffing grid constraints don’t allow us to use the resources we already have,” but told administration we have solutions at the ready in some units. Our bargaining unit president, Jay Formick, RN, said, “Hopefully this is a collaborative process to fully implement the contract.”

SEC co-chair and bargaining unit grievance chair Virginia Smith, RN, raised concerns that any policy PWFMC implements cannot have language that contradicts Oregon Administrative Rules (OARs) regarding nurse practice and nurse staffing, and that these concerns have been raised in the SEC in response to how PWFMC is answering the complaint findings by the Oregon Health Authority (OHA) regarding our lack of adequate and safe rest and meal break coverage.

During the meeting we also discussed two documents administration has been preparing regarding breaks. One is an actual policy called “Meal/Rest Breaks and Patient Care Coverage,” which has been presented in the Nurse Task Force; the other is an “interim” plan for rest and meal breaks until the float pool is fully implemented. Administration agreed that the “Meal/Rest Breaks and Patient Care Coverage” policy would be addressed through the Nurse Task Force and the grievance process, and then finalized in the SEC.

After our grievance meeting, nurse leaders from the meeting sent these documents to nurses for feedback. Responses included that the draft policy still has many problem areas such as identifying using a “care partner” for rest and meal break coverage, which in practice is another name for the buddy system.

We closed our step two meeting by asking PWFMC’s nurse administration and their leadership to take action and to recognize the work that has been done in trying to achieve solutions. PWFMC administration will provide a written response to ONA by Feb. 1, 2018.
In June 2017, the nurses at PWFMC filed a complaint with the Oregon Health Authority (OHA) regarding inadequate rest and meal break coverage. OHA is the state agency that oversees hospital compliance with the Oregon Hospital Nurse Staffing Law. The process and timeline OHA follows for complaints are dictated by Oregon Administrative Rules (OARs); it is a long timeline that can last well over a year before a resolution can be met. The Staffing Effectiveness Committee (SEC) at PWFMC is governed by these OARs, and as such is working with OHA to implement staffing plans and staffing practices that are compliant with the law.

In addition to starting the process with OHA, we filed a grievance with PWFMC for not following our contract provisions regarding rest and meal breaks (Article 14.7). Article 6 of our contract dictates the timeline for grievance procedures, and while it is a shorter timeline than the OHA complaint process, it is still a process that takes time. We are currently coming to the end of step two. If the grievance proceeds to step three, our next meeting with PWFMC would involve Russ Reinhard, chief executive office (CEO). Here are the current timelines for both processes:

### Timeline for OHA complaint
- **June 28, 2017:** Nurses at PWFMC file complaint with OHA.
- **Aug. 28-Sept. 5, 2017:** OHA onsite survey at PWFMC.
- **Oct. 20, 2017:** PWFMC receives OHA plan of correction (POC), i.e., recommendations for changes to staffing plans and practices, including provisions for rest and meal breaks.
- **Dec. 5, 2017:** PWFMC submits response back to OHA.
- **Jan. 22, 2018:** OHA POC determination letter identifying deficiencies received by PWFMC.
- **March 7, 2018:** Deadline for PWFMC to resubmit POC response to OHA.

### Timeline for grievance
- **Oct. 28, 2017:** Nurses file grievance with PWFMC.
- **Nov. 15, 2017:** Step one meeting with nurses and administration.
- **Nov. 22, 2017:** Administration responds in writing.
- **Dec. 13, 2017:** Nurses hold pre-step-two information-sharing meeting.
- **Dec. 15, 2017:** Nurses advance grievance to step two in writing.
- **Jan. 16, 2018:** Step two meeting with nurses and chief nursing executive (CNE).
- **Feb. 1, 2018:** Deadline for step two response from CNE.

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**ONA invites you to bring your voice and perspective to the ONA Convention and House of Delegates (HOD), held April 18-20, 2018 in Bend.**

The HOD is ONA’s primary governing body. As a delegate, you will hear from ONA’s Board of Directors, Cabinets, Constitution Associations and other leadership groups and discuss and vote on resolutions, amendments and other initiatives.

Delegates pledge to register for and attend ONA’s House of Delegates on Friday, April 20 and delegates and other nurses are invited to register to attend the continuing education days, April 18-19.

Travel, lodging and education reimbursements may be available. Please see your bargaining unit or constituent association rules on how to apply for reimbursement.

Know Your Weingarten Rights!

What are Your Weingarten Rights?
In the case National Labor Relations Board vs. J. Weingarten, Inc., the Supreme Court ruled an employee who reasonably believes an investigatory interview will result in discipline has the right to have a union representative present. This is legally protected activity under the National Labor Relations Act (NLRA) and is your fundamental right as part of an ONA bargaining unit.

All nurses in ONA bargaining units have the right to ONA representation during any investigatory interview that could lead to discipline. By invoking your Weingarten Rights, you ensure you have an advocate by your side during difficult conversations. Having an ONA steward or labor representative supporting you gives you a contract expert to advise you during any conversations with management that may lead to discipline.

While we hope you never need to exercise these rights, it’s important that we all know our rights in order to protect ourselves and our coworkers.

You Have a Right to Representation
Every nurse has discussions with supervisors about job performance. When this happens to you, there is an important question to ask your boss, “Could this meeting lead to discipline or affect my personal working conditions?”

If the answer is “Yes,” stop the meeting and invoke your Weingarten Rights by saying: “If this discussion could in any way lead to my discipline or termination, or affect my personal working conditions, I request an association representative, steward or officer be present. Unless I have this representation I respectfully choose not to participate in this discussion.”

How to Use Your Weingarten Rights
Take immediate action when you are called into a meeting or discussion you believe may lead to discipline.

- Ask the supervisor or manager who is present, “Could this meeting lead to discipline or affect my personal working conditions?”
- If the answer is “Yes,” stop the meeting immediately.
- Invoke your Weingarten Rights by saying: “If this discussion could in any way lead to my discipline or termination, or affect my personal working conditions, I request an association representative, steward or officer be present. Unless I have this representation I respectfully choose not to participate in this discussion.”

Need help remembering your Weingarten Rights?
Request an ONA badge backer from your labor representative, Karly Edwards, at Edwards@OregonRN.org. ONA badge backers identify you as a registered nurse, fit most lanyards and contain the full Weingarten statement on the reverse side.