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 Oregon Nurses Association (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.

- Contact your ONA steward or ONA labor representative immediately or call the ONA office at 503-293-0011.
- Wait for the ONA steward or labor representative to arrive or reschedule the meeting. Do not continue the meeting until your ONA steward or representative is present!

Every ONA nurse has the right to fair representation. If you have additional questions about your Weingarten Rights, contact your union steward or your labor representative, Paul Kyllo kyllo@oregonrn.org.

Need help remembering your Weingarten Rights?

Request an ONA badge backer from your labor representative, Paul Kyllo kyllo@oregonrn.org. ONA badge backers identify you as a registered nurse, fit most lanyards and contain the full Weingarten statement on the reverse side.
Mandatory Day Off MOU

The nursing task force (NTF) met June 11, 2020 to discuss the Mandatory Day Off (MDO) Memorandum of Understanding (MOU), again, that we had agreed on at the end of bargaining last summer. The agreement was that management would gather data for a year on the rates of mandatory vs voluntary low census in order to determine the necessity of a low census cap.

We argued last year that there is no difference between mandatory or voluntary, that the low census burden on any given unit should be limited regardless. Since we could not agree, we put it in an MOU to revisit after gathering the data.

Providence Willamette Falls Medical Center (PWFMC) was not able to start gathering mandatory vs voluntary low census data until November 2019, so they have a small window of data to look at right now.

We shared at the June 11 NTF meeting that in order to do our due diligence per the MOU, we need to meet as a bargaining team with the federal mediator present in order to come to a resolution. Management agreed to this, so we will be finding some dates soon that work for the team to reconvene and bargain over a low census cap.

 Discussions Update

Update on Discussions with Providence

A dedicated group of ONA Providence leaders and ONA staff members have been meeting regularly with a Providence management team to discuss working conditions, and practice concerns.

There has been a hope that the issues routinely pushed off by the local hospital administrators saying that the issues are Providence regional issues could be resolved. This has not always been the case.

In a recent exchange Providence broke off the meetings citing factual errors in the eblast regarding Providence finances as presented in the National and local media. Additional talks have been scheduled and are to resume.

A request for financial information related to negotiations in Hood River has not been responded to, since negotiations are still open and the Hood River negotiations team is awaiting dates for continued negotiations sessions.

Collecting Stories

If you or someone you work with has a story regarding inadequate personal protective equipment (PPE) or unsafe practices relating to PPE please send them in to ONA. Providence says that the PPE they have is adequate, and that no nurse should be doing without or using unsafe PPE. We are collecting information to verify the stories Providence is telling us and the stories our members are sharing. What is your experience? We want to hear the good and the bad.
Open Shift Visibility

Open Shift Visibility for Cross-Trained and Resource Nurses

The process we agreed to for making open shifts visible to cross trained nurses is that managers will email open shifts to nurses who are cross-trained on their unit in order for them to see the available shifts during the open shift availability period.

Resource nurses who are interested in picking up shifts in a specific unit need to email the manager of that unit and let them know you are interested in picking up shifts.

Management was willing to include resource in their emails out. They will discuss this and get back to us on their agreement.

Differential Corrections

Night Shift Differential Corrections

If you are scheduled for a night shift and are sent home before 2300 (11 p.m.), you are entitled to night shift differential per Appendix A, section A of the collective bargaining agreement.

A problem that keeps coming up is that our Providence payroll software is not set up to apply the night shift differential to your hours, so evening shift ends up being dispensed.

If this happens to you, you must fill out an exception sheet in order for it to be corrected. Until the payroll software can accommodate our contract language, this is the solution we agreed on.

Report to Work Requirement

Article 11.3 of the PWFMC collective bargaining agreement requires a nurse to report to work after being called in from standby is 45 minutes, "except in unusual circumstances where safety needs prevent the nurse from meeting this time frame."

There are many PWFMC nurses who live more than 45 minutes away from the hospital and struggle to meet the time frame.

For those nurses, the expectation is that they make every effort to be ready to come in at the moment they are called. This means being dressed and ready to go while waiting at home on call.

If you meet this expectation and are still not able to meet the 45-minutes requirement, you need to let your manager know so that arrangements can be made to accommodate your circumstances.

The past practice has been to have an understanding within your unit so the charge nurse on duty knows that you may be called in sooner in order to allow you the time you need to report to work, or you may be skipped and the next person on call will be called if the unit need is emergent and you cannot make it in the 45 minute time frame.

It is not the expectation of the hospital for you to find a place to stay that is closer to the hospital in order to report to work in the 45-minute time frame, so long as you are making every effort to get to work as soon as you can when you are called in.

Priority PTO Request Requirements

There are three requirements for a paid time off (PTO) request to be a priority per Article 21.5:

1. It must be at minimum seven consecutive calendar days.
2. It must be requested no more than six but no less than four months in advance.
3. You MUST email your manager/scheduler that you have submitted the priority request in Kronos.

This email notification has been in our contract since 2018 and is a requirement for priority PTO requests.

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IF YOU DO NOT EMAIL YOUR MANAGER/SCHEDULER, THE REQUEST WILL NOT BE CONSIDERED A PRIORITY.

Priority requests are first-come-first-served whereas all other PTO requests are granted/denied based on seniority.

Preassigned Preceptors

If you are a preassigned preceptor for an orientee or nursing student, you are exempt from mandatory low census.

You can still volunteer for low census and your orientee can be assigned a qualified preceptor (per Article 11.12), the same process as if you need to call in sick on a precepting shift.

Otherwise, if you are the assigned preceptor, you get to work over other nurses per Appendix B section C 1. Please reach out to your executive team if you have any questions on this.

Completing the Staffing Request & Documentation Form (SRDF)

WHY FILL OUT THE SRDF?

The Oregon Hospital Nurse Staffing Law defines “safe patient care” as “…nursing care that is provided appropriately, in a timely manner, and meets the patient’s health care needs.” Inappropriate nurse staffing can lead to patient care needs not being met.

The information gathered in SRDFs allows ONA to track staffing data and provide information to hospital wide staffing committees. It also provides valuable information to labor representatives about how specific units are staffed, and can be used to assist with OHA complaints.

HOW TO FILL OUT THE SRDF

If you work a shift with insufficient nurse staffing, you should complete the following steps:

1. Notify someone in the chain of command;
2. Ask for additional staff;
3. Ask for a response in a reasonable period of time, (e.g., minutes, hours) and;
4. Complete the SRDF as detailed below.

The nurse should complete the SRDF at the end of the shift or within 48 hours. The SRDF can be found online at OregonRN.org/SRDF. A PDF copy is automatically emailed to the nurse and to ONA, and it is the nurse’s responsibility to forward a copy of the completed form to the nurse manager, PNCC chair, and staffing co-chair. The SRDF should be completed even if the problem is corrected quickly.

Questions about the SRDF process? Email SRDF@OregonRN.org