BEND NURSES GOING ON STRIKE
KNOW YOUR RIGHTS & HOW TO SHOW SUPPORT

As you may have heard, ONA nurses in Bend have overwhelmingly voted to authorize a strike action and provided notice of their intent to go out on strike beginning on Monday, June 12 at 0700.

We want to support our ONA colleagues in Bend by any legal means available to us. Here are the facts about what Bend ONA nurses are demanding and what you can do stand with them to demand a change in the status quo at St. Charles!

WHAT ARE THE BEND ONA NURSES FIGHTING FOR?

- Minimum nurse staffing ratios for all nursing units to protect our patients from Bend St. Charles chronic staffing crisis.
- Successorship language to protect our jobs and our Bend ONA union contract in the event St. Charles sells the health system.
- Better premiums for our health care costs.
- Market adjusted wage to retain and recruit nurses to central Oregon.
- Nursing schedule protection so nurses can plan their lives.
- Increase in Earned Time Off (ETO) accrual.
- For more information on the bargaining process or to see specific proposals please visit the ONA St. Charles Bend Bargaining Unit webpage.

WHAT RIGHTS DO I HAVE, AS A REDMOND OR PRINEVILLE ONA NURSE, TO HONOR THE BEND ONA NURSES’ PICKET LINE?

Due to differences in the Redmond & Prineville ONA Agreements, we need to address each separately:

- Redmond – Redmond ONA nurses can confidently honor the Bend strike line. It is well established that “sympathy striking” falls within the protections of Article 7 of the National Labor Relations Act and is a lawful act of concerted activity (See, e.g., Children’s Hosp. Med. Ctr. of N. California v. California Nurses Ass’n., 283 F.3d 1188, 1191 (9th Cir. 2002); NLRB v. Peter Cailler Kohler Swiss Chocolates Co., 130 F.2d 503, 505-06 (2nd Cir. 1942)). Thus, when the Bend ONA nurses are engaged in an Unfair Labor Practice (ULP) strike and cannot be disciplined, discharged, or permanently replaced, but at most temporarily replaced then the same holds true for Redmond nurses! This means that should any Redmond nurse encounter an ONA picket line they are absolutely entitled to honor that picket line and cannot be disciplined or punished for doing so.

- Prineville – Prineville ONA nurses will need to be more cautious due to Article 18 of their Agreement which expressly prohibits “sympathy strikes” while the Agreement is in-effect. This means that Prineville nurses do not have the right to refuse to cross an ONA picket line. However, the Prineville nurses do have the right to not work as “strikebreakers,” by not doing work that would otherwise be performed by nurses in the Bend ONA bargaining unit (Cooper Thermometer Co., 154 NLRB 502, 506 (1965); McCann Steel Co., 190 N.L.R.B. 12, 18 (1971); enfd 80 L.R.R.M. 2651 (6th Cir. 1972))

- Remember – you are community members too! Each and every one of us has the right to show up and support our ONA brothers & sisters in Bend during our personal time. Come out and lend your moral support to our Bend colleagues, the strike line will be a family-friendly place, so bring your loved ones and stand in solidarity whenever you can!

For more information on how you can support Bend nurses on strike, as a community member, please visit www.RespectOurNurses.com
WHAT AM I RIGHTS TO REFUSE AN UNSAFE ASSIGNMENT IF BEND PATIENTS ARE OVERBURDENING REDMOND & PRINEVILLE HOSPITALS DURING THE STRIKE?

Regardless of the stressful environment we are working under, it is important that your right to be treated fairly and with respect is maintained. We also have a responsibility to provide quality patient care by virtue of our independent nursing license. That means we need to be extra vigilant during this difficult period. We need to be hypersensitive to fatigue – our own and our colleagues’. We need to stand strong if we face pressures to work beyond our capacity.

- The Oregon Nurse Practice Act requires that we self-asses for impairment due to fatigue AND that we refuse to accept any assignment which we are not “educationally prepared” for. The Act is clear that we should not accept assignments which we do not have the “knowledge, skill or ability to safely perform.” Please remember that your nursing license could be jeopardized if a patient care error is made regardless of the fact that you have been placed in an unsafe assignment.

- Know your rights and responsibilities and be prepared to stand up for them if needed! If you are being asked to accept an assignment that you do not feel you can safely perform – it is your obligation to refuse to accept the assignment by virtue of your independent nursing license. This is tough, you may be threatened with discipline. It is important to remember that maintaining an unencumbered nursing license is far more important than avoiding grievable discipline at St. Charles – don’t put your license at risk!!!

- Document, document, document!!! As you know, if it isn’t documented then it didn’t happen so be sure to document your refusal to accept the assignment. Take note of who you spoke to and how they responded and use email to document your specific concern regarding taking the unsafe assignment to your supervisor. Should your supervisor and/or nurse manager insist that you accept an assignment that you do not feel you can safely perform we all need to stand strong and refuse!

- If the assignment is not modified in order for you to feel safe performing it and your supervisor either disciplines and/or intimidates you in an effort to force you into taking an unsafe assignment that is a violation of the Nurse Practice Act and the supervisor could be reported to the Oregon State Board of Nursing (https://www.oregon.gov/osbn/pages/complaint.aspx). Contact your Labor Representative for assistance.

WHAT IF I CHOOSE TO WORK, BUT DON’T WANT TO DO EXTRA WORK TO MAKE UP FOR THE NURSES WHO ARE ON STRIKE?

- The hospitals are still required to follow existing staffing plans that have been approved by the Staffing Committee. The Oregon Nurse Staffing Law (OAR 333-510-0110) requires the hospital to implement the staffing plan that has been approved by the Staffing Committee which “must include a formal process for evaluating and initiating limitations on admission or diversion of patients to another hospital when, in the judgment of a direct care registered nurse or a nurse manager, there is an inability to meet patient care needs or a risk of harm to patients.” If staffing plans are not being followed and/or there is no mechanism for staff nurses to initiate limitations on admission or diversion of patients please complete a Staffing Request and Documentation Form (SRDF) to alert ONA and management of the concern (https://fs22.formsite.com/nAjztM/sk89ravemq/index.html ). Also, consider filing a complaint with the Oregon Health Authority (OHA) to report that the hospital is out-of-compliance with the Staffing Law.

WHAT IF I AM CURRENTLY IN THE ST. CHARLES SHARED NURSING POOL (SNP)?

- Participation in the Shared Nursing Pool is voluntary under all three ONA-St. Charles Agreements. Please notify your local administration that you will not participate in the SNP during the Bend ONA strike, if such participation would require you to work shifts at Bend.

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