

Health Professionals and Allied Employees

Affiliated with the AFT Healthcare, AFT/AFL-CIO



February 2009

Vol. 23, No. 1

Why We Need the Employee Free Choice

Imagine that you have a chance to exercise your democratic right vote in an election that has important consequences for you. The result of the vote will affect your income, your job security, health and pension benefits. It will affect your family and your career. Further, imagine that one of the parties to this election can threaten you with the loss of your job if you do not vote for their position. They can misrepresent and lie about their opponent's position. If this imagined scenario was in the context of the Presidential or Congressional elections, we would all be outraged. We would call such an election unfair and an affront to our democracy.

And yet, when working people try to organize a union the election held to determine if the majority want to be represented by a union, is often tainted by employer threats, intimidation, lies, and scare tactics. Employers routinely hire high-priced consultants to direct the anti-union campaign. They often go beyond threats and take punitive actions against pro-union supporters. 25% of employers in the private (non-governmental) sector fire at least one employee for their union support activities during an organizing campaign.

As Americans we are entitled to exercise our right to vote freely – without pressure, threats or intimidation. We expect to hear from both sides equally. We expect that our final decision will be based on our own choice and will be respected. An election marked by intimidation, fear, and threats is seen as illegitimate; and it should be. If we believe that working people should be able to freely choose to join a union to gain a voice in the workplace, as is provided in the National Labor Relations Act, then employer interference with our right to choose a union cannot be accepted. That is why it is essential that the Employee Free Choice Act (EFCA) become a law. EFCA will limit employers' ability to interfere with workers' democratic right to freely choose (or not to choose) union representation by doing the following:

continued on page 3



Michelle Silvio is President of Local 5131, which represents RNs at South Jersey Healthcare. RNs at SJH achieved a first contract in November 2007 despite a vicious anti-union campaign. Here is Michelle's account of the hospital's attempt to intimidate and scare RNs:

"It seemed like we were acting out scenes from an old movie. Nurses making secretive calls to arrange meetings, talking in back hallways and storerooms, and trying to figure out who they could trust not to rat on them to their bosses because they were talking about... the UNION.

From the moment that the administration of SJH heard "rumblings of Union Activity", they barraged the nurses with memos, mailings to their homes, one on one and group meetings to tell them how the Union would take their money but at the same time be powerless to represent the nurses due to "management's rights."

After more than 2 years of work, after arguments were presented on both sides and questions were asked and answered, a majority of nurses signed cards in support of organizing and we presented them for an election. Then management really began their campaign.

Nurses who were vocally in support of organizing began having their work scrutinized as never before and disciplined for the most minor mistakes. Some were fired for those mistakes.

Others were told they were being watched and their coworkers were afraid to be seen talking to them. Misinformation and half-truths from management regarding the Union came daily through our work email and in flyers and memos posted everywhere.

We responded the best we could, but we were prohibited from using the same communication system. Once again, we used our own time after our 12 hour shifts and on our days off to meet nurses, make calls, and answer the nurses' questions.

Finally, we had our election and we won. But that wasn't the end. Our hospital system appealed our election; not once, but twice! We won both appeals and finally, after almost 3 years, began the process of negotiating and ratifying our first contract.

Must the process be so drawn out and divisive? So much time and money spent by our hospital system could have been saved if the cards we had signed had been recognized for what they were, a decision by our members to organize, period!"

THE TIME IS NOW



We are going through the most difficult economic downturn in decades – perhaps in our lifetime. So many have lost their jobs and have seen their savings and retirement funds virtually disappear.

Every day, another business closes its door. Two HPAE hospitals filed for bankruptcy and only one survived. Current funding to hospitals, particularly from insurance companies, is inadequate so things will probably get worse before they get better.

It's important to understand what has caused this economic disaster. Bankers and investors abandoned prudent lending practices for quick ways to make big profits, and went largely unregulated. CEOs tried to convince us that defined benefit pension plans are passé and heralded 401k plans as the wave of the future. If the country has learned anything in the last 12 months, it is that the 401K system doesn't work for working people – and that trusting in Wall Street and CEOs to do what's right is just plain foolhardy. Whether in health care or banking, we've seen that the CEOs are still getting bonuses while the frontline worker gets the wage freeze, or pink slip.

Hospitals have become competitive businesses choosing profit-making services over the patient care needs of the community. Copying from their Wall Street role models, hospital management embarked on short-sighted expansions, ignored bad fiscal practices, and allowed lack of accountability and misplaced priorities to send their hospitals into bankruptcies and closures.

In health care the layoffs are still relatively small and our industry is still growing. It may be tempting to hunker down and wait for the storm to pass but that's exactly what we cannot do. Now is exactly the time to take our core principles and priorities and use them to build and maintain standards for quality health care, for safe working conditions and secure retirement.

In fact, now is the time to fight to improve working conditions in our hospitals. If we don't, the standards we have fought hard and long for will slide backward. Employers will take this opportunity, exploiting a climate of fear to cut our pensions, let staffing degenerate even further, and challenge workplace protections, asking our members to settle for far less than we and our patients deserve.

Many of our locals face contract deadlines in 2009 and may be fearful of the economic

challenges. Rather than let fear stop us, let's use it to fight for what we know our patients and our communities need. We need to focus even more on our principles and priorities.

Safe Patient and Workplace Conditions: We must make sure that every patient has the right staffing at their bedside. We need to fight for a safe staffing bill in the legislature and staffing requirements in our contract. We must make sure we have a safe working environment.

REAL Health Care Reform - Expanding the Children's Health Insurance Program, increasing funding for Medicaid, and allowing the uninsured access to health care are three short-term steps. We must sure that our medical research continues and expands in order to cure illnesses and disease. The big step is comprehensive national health care reform. This is a priority for our union on both the state and national levels—and its essential to real economic recovery.

Right to Organize - Now is the time to fight for Employee Free Choice Act and repeal of the 'Kentucky River' ruling. We know our members set the standards of practice and care in their hospitals because we are unionized. We bring up the standard of living for everyone – and assure that the frontline worker has a voice. In health care, our rights to our union means that we can speak freely for our patients.

Defined Benefit Pension plan – Every HPAE member deserves a decent pension plan. Some of our hospitals have them; others do not. We are in the process of creating a multi-employer pension plan that will provide the benefit our members deserve. A multi-employer plan will provide financial savings that single-employer could not receive on their own.

Now is the time for a real economic recovery package --- By the time you read this, I expect the bill will be signed by President Obama, and hopefully, we will start to see the positive impact of federal dollars in aid to our states, for education, health care, and infrastructure. When the money for health care comes to our states, we need to fight to make sure it gets to our patients and our communities – and not just to the CEOs and Board members.

Now is the time for decent contracts, with fair wages, safe staffing and safe working conditions. Now is not the time to backtrack, but instead, to work with our hospitals wherever we can to keep the doors open, the staff working, and our patients well cared for. Now is the time, more than ever.

Ann Twomey
President

NEWS FROM THE HPAE COPE

President Obama Signs Lilly Ledbetter Fair Pay Act

President Barack Obama signed the Lilly Ledbetter Fair Pay Act on Jan. 29, 2009. The act corrects the U.S. Supreme Court's misinterpretation of Title VII of the Civil Rights Act of 1964 regarding the timely filing of a pay-discrimination claim. The Fair Pay Act removed the statute of limitations as to when pay discrimination can be proved and eliminates the requirement to report within 180 days of the first act of discrimination.

The bill is named after the Alabama woman who, after working nearly 20 years at a Goodyear Tire plant, discovered she had been paid significantly less than men doing the same job.

A federal jury ruled in her favor but Goodyear appealed, and in 2007, the U.S. Supreme Court ruled that Ledbetter—and other workers—had no right to sue for a remedy in cases of pay discrimination after more than 180 days after the first paycheck, even if she didn't discover the pay discrimination until years later. Based on the Supreme Court's misguided ruling, hundreds of pay discrimination cases were thrown out of court.

(Vote passed 250-177, 6 not voting); Rep Scott Garrett voted NO

HPAE is part of the New Jersey for Health Care Campaign and Health Care for America Now, a broad alliance of health care, consumer, senior, student, disability, women's, labor, faith-based, civil rights and social justice organizations working to bring guaranteed, high quality, affordable health care to all.

Everyone benefits from healthy communities, where we all have access to affordable, quality health care from a provider of our choice, at the time we need it, at a cost we can afford. Our mutual goal is affordable, quality health care for everyone in America and for our nation.

Many of us have concerns about the private insurance industry and rising health care costs. Now, President-Elect Barack Obama wants to know what worries you most about the health care system in this country. It's important that he hear from us, because we already see the insurance and drug company lobbyists swarming Congress.

We need you to get involved. Sign up for important information and email alerts; and call Congress and tell them to support health care.

For more information visit:
<http://healthcareforamericanow.org/>

6000 Members Prepare for Negotiations

In the midst of a difficult economic environment combined with the hope for positive change at the federal government level, eight HPAE locals will be going to the bargaining table this spring to negotiate successor contracts. All of these contracts expire May 31st. Our local at Jersey Shore Medical Contract will negotiate in the fall for a contract that expires October 31st. (See the sidebar on page 5 for the list of locals involved in the negotiations.)

In total, 6000 HPAE members will be part of the One Voice 2009 campaign to achieve higher standards, a fair compensation package, and greater job security. By coordinating our efforts and supporting each other, we will be in a better position to attain our objectives.

For over a year, we have been meeting to discuss the challenges and opportunities we face this year. In addition, we have identified the key issues for all of our local unions.



In the 2009 negotiations, HPAE locals are fighting for:

STAFFING - Improved staffing language, including minimum staffing levels, staffing ratios, and acuity systems, is an important priority in the 2009 negotiations. Better staffing at our hospitals not only improves working conditions for direct patient care givers, but improves the quality of care for our patients.

RETIREMENT SECURITY – As we watch our 401k and 403b assets decline, we need to maintain or improve negotiated pension benefits. We also need to build on our initial contributions to HPAE's retiree medical program, with additional contributions from employers.

WAGES – While recognizing that we are in an economic recession, we still need to negotiate a decent economic package, one that recognizes our professionalism and dedication, and keeps pace with the cost of living.

HEALTH AND SAFETY - Proposed contract language will continue our efforts to ensure that our members have adequate protections against health and safety hazards.

JOB SECURITY – In today's climate of economic insecurity, it becomes even more important that we have strong language in the event of layoffs, as well as the guarantee that our contractual rights will be maintained if a hospital merges with or is bought by another.

ACCOUNTABILITY OF HOSPITALS – While part of the financial stress hospitals are experiencing is due the general state of the economy and reductions in reimbursements, hospitals themselves have often been mismanaged and spent their money unwisely. We need contract language that obligates hospital management to provide information on their finances and business dealings, as well as providing for regular meetings with representatives of the Board of Trustees.

MAINTAIN OUR ABILITY TO BE ADVOCATES FOR OUR PATIENTS AND OURSELVES – In the 2006 negotiations, all HPAE locals negotiated guarantees that hospitals would not use a revised interpretation of the meaning of "supervisor" by the National Labor Relations Board to take Charge Nurses and other lead staff out of our bargaining units. This "Kentucky River" language keeps employers from weakening our union, and maintains our ability to be strong advocates for patient care and professional working conditions.

Why We Need the Employee Free Choice Act *(continued from page 1)*

▪ **Strengthens penalties for companies that illegally coerce or intimidate employees that are trying to organize a union**

▪ **Brings in a neutral third party to settle a contract when a company and a newly-organized union cannot reach an agreement. Currently, unions are unable to achieve a first contract with employers 44% of the time.**

▪ **If a majority of employees sign cards expressing their desire for union representation, and these cards are validated by the National Labor Relations Board, the company must recognize the union and start collective bargaining.**

These are fair, reasonable solutions to the problem of employer intimidation. Employees can still petition the National Labor Relations Board to hold a union representation election. And the employer can still present their views on the union. What the employer cannot do is refuse to recognize the choice of employees to be represented by a union. EFCA will create a more equal relationship between employers and employees. It will give working people a real opportunity to choose whether or not they want union representation. And it will ensure that the democracy we care so much about is not just limited to the election of political candidates, but is part of our work places as well.

RNs Alert - License Renewal 2009

Continuing education credits are required for 2009 license renewal

This year the NJ State Board of Nursing will be asking if you have attained thirty hours of Continuing Education credits. A Q&A regarding this new requirement is located at: www.state.nj.us/lps/ca/faq/cefaqs.htm. Only some licensees will be selected for an audit but review the information and be prepared.

If your address has changed since 2007, fill out the online form for address change at: www.state.nj.us/lps/ca/nursing/nursecoa.htm

If you have made a legal name change since 2007 report it immediately to the Board of Nursing. You must mail the following items to the Board office c/o Professional Board Consumer Service Center, PO Box 45046, Newark, NJ 07101.

Your PRINTED former and new names, license number (be sure to include the two-letter prefix with your license number) AND a copy of your marriage certificate, decree of divorce or court order.

During the month of March the BON will be sending out reminder postcards with instructions for online renewal of your license. It is highly recommended that you renew online!! An online renewal Q&A is available at: www.state.nj.us/lps/ca/nursing/nurfaq.htm

This is the second year that all RNs will be required to be criminal history background checked in order to be eligible for renewal. If you have not completed the forms and gotten finger printed visit: www.state.nj.us/lps/ca/chbc/chbcinfo.htm



HPAE LOCALS IN ACTION



Local 5118/Cooper University Hospital

Although the hospital is opening up a new patient care pavilion this spring, the local faced the threat of 35 RN jobs being eliminated in a Med-Surg area due to difficulties in staffing the new pavilion. However, due to strong support from the membership and the determination of the local leadership to stand united, we got the administration to agree that there will be no loss of jobs and no mandatory transfers of regular staff to the new pavilion. As part of this agreement, local leaders also negotiated that the administration will not raise parking fees of bargaining unit nurses in 2009.

Over the past year it has become more evident to the membership and the local leadership how foolishly Cooper wastes money. The lobby of the new pavilion is floored in marble, surrounded by glass ceilings and all of the amenities of a five star hotel, including a soon to be built "Healing Garden." Yet, in January, the administration raised the cost of the health insurance to the highest amount contractually possible. In the past, the increase to our members did not reach the contractual maximum. The hospital also proposed a \$20 monthly increase in parking fees for FT & PT nurses, and for all others, a \$60 quarterly increase. In response, 850 RNs signed a letter calling for less waste and more focus on what is needed to deliver quality patient care. The letter was presented to the VP of Human Resources by nurses who asked to lead this action and show their solidarity.

Local 5103/American Red Cross (ARC)

The local recently completed officer elections. The newly elected officers – Co-Presidents Judy Merkowsky and Renee Conyers, as well as Co-Presidents Tina Mills, Jerry Costello, and Jason Gunsenhouser – would like to thank every one for their hard work and participation. The officers are looking forward to building the local and working for the membership.

Members of Local 5103 have surpassed the ARC's blood collection goal this year, collecting over 2400 pints of blood so far. If the trend continues through June, the membership will receive an additional .5% pay raise provided in the union contract.

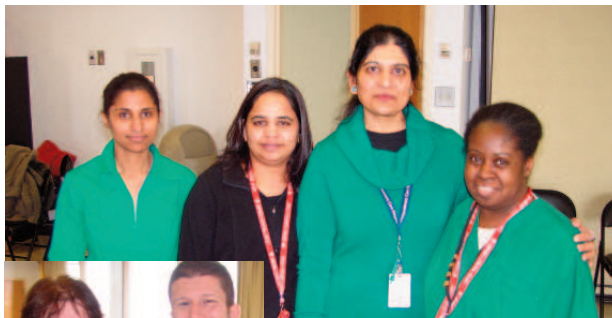
Local 5138/Southern Ocean County Hospital (SOCH)

The local will certainly have their hands full this year as they enter into contract negotiations. It was recently announced that SOCH has signed a letter of intent to explore the possibility of joining with Meridian Health, which owns Jersey Shore Medical Center and other health care facilities. At this point in the talks, there are more questions than answers. The local leadership will continue to push for transparency and participation in this process to make sure that the membership's rights are preserved.

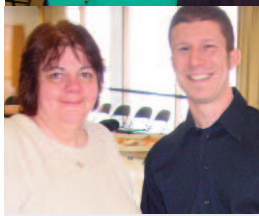
The local has recently won grievances regarding

members not receiving lunch breaks in the ED and members being improperly flexed in other areas.

Local 5147 Meadowlands Hospital



Above l-r: Local 5147 members Irum Hassan, Sejal Patel, Pasneem Siddique, Stephanie Stone



Local 5147 President Joanne Dudsak and Staff Rep Corrado Cotumaccio

On January 15th, the local had a party to celebrate their 10th anniversary in HPAAE. Initially, RNs and techs joined HPAAE and formed Local 5147. Then, in 2006, service workers became members of the local. Over 150 people stopped by to share some solidarity with their union brothers and sisters, along with food of course! Thanks to all the members who showed support, and special thanks to those who signed up to help in the upcoming contract negotiations. Here's to another great ten years!

Local 5105/Virtua

Seven RNs were laid off last month due to declining patient levels of a for-profit surgi-center in which Virtual retains 51% ownership. Formerly very profitable, the surgi-center had problems attracting enough cases.

Local 5131/South Jersey Healthcare

Local 5131, which achieved its first contract in November 2007, has won its first arbitration case. An RN employed for many years at the hospital was unjustly terminated by a manager over an IV infiltrate. The manager is known as some one who tries to bully staff who speak up for their rights. After two days of hearings, the arbitrator ordered the RN reinstated. This win has been a huge boost of confidence for the nurses that work with her. Congratulations, Local 5131!

Local 5107/Llanfair House

The local negotiated a one year successor contract that will expire November 30, 2009. The contract contains wage increases and several beneficial language changes. The St. Barnabas health care system, which owns Llanfair House, is attempting to sell Llanfair House and other nursing homes in their system.

Local 5135/UMDNJ-UHC

HPAAE's newest local is currently in negotiations. When UMDNJ got the contract to provide medical services to inmates in the state prison system, 200 RNs in the medical services unit became members of HPAAE Local 5135. While Local 5135 members'

contract will be based on the Local 5089 contract with UMDNJ, wages, differential payments, and some other issues need to be negotiated. The first bargaining session is set for early March.



Local 5030/ Palisades Medical Center

Every one was talking for days about the heroic efforts of the U.S. Airways pilot who landed his crippled plane in the Hudson River and saved the lives of 150 passengers and crew members. Well, four of the plane crash survivors were taken to Palisades Medical Center, where they received great care from Local 5030 members. Governor Corzine was at the hospital to hold a press conference to highlight the role of New Jersey healthcare providers in this emergency.



Local 5089 and Local 5094/University of Medicine and Dentistry of New Jersey (UMDNJ)

HPAAE locals at UMDNJ, which represent over 3600 staff, are currently in "expedited mediation" with UMDNJ over the terms of contract re-opener negotiations for the 3rd and 4th years of contracts that expire June 30, 2010. The contract re-opener talks concern wages and several other issues.

The mediator was appointed in response to Local 5094 (non-nursing professionals) sending UMDNJ notice of an intent to hold a one day job action. In response, UMDNJ went to court to block the action. The judge ordered Local 5094 to call off the job action – which the local agreed to – but also ordered Local 5094, Local 5089 (RNs), and UMDNJ to enter into expedited mediation to resolve the contract re-opener issues.

The first mediation sessions were held in early January, followed by sessions on February 12 and 13. Both locals are pushing hard to achieve a tentative settlement.



Local Treasurers' Training

HPAE held a Treasurers' Training session for Local presidents and treasurers on January 28, 2009.

pictured: top left: Presenter Julie L. Hoffsten, CPA, Associate Director, AFT Financial Services Dept.

top right: Andre Savaille, Local 5147 Treasurer, Stephanie Orrico, Local 5004; Gloria Wheeler, Local 5030 Treasurer; and Michelle McLaughlin, Local 5004 President.

Center: Jim Scharff and Patti Scharff, Local 5118 Treasurer.

Bottom right: Local 5131 officers: Kelly Hobbs, Treasurer and Karen Bailey, Grievance Chair.



One Voice 2009 Negotiations: List of Contracts

MAY 31, 2009

Bayonne Medical Center (Local 5185)
Cooper University Hospital (Local 5118)
Meadowlands Hospital (Local 5147)
Southern Ocean County Hospital (Local 5138)

Christ Hospital (Local 5186)
Englewood Hospital & Medical Center (Local 5004)
Palisades Medical Center (Local 5030)
Virtua-Health Alliance (Local 5105)

OCTOBER 31, 2009

Jersey Shore Medical Center (Local 5058)

See Something? Say Something!



With the economy in turmoil, we're all taking great pains to wisely manage our own personal finances. We're cutting unnecessary expenses, avoiding waste and re-ordering our priorities.

But what about our hospitals?

Management claims they can't afford safe staffing or the wages and benefits that will recruit and retain qualified and experienced staff. Yet we see waste and mismanagement costing precious patient care dollars – for example, wasted supplies, sloppy billing practices; too many administrators and supervisors; fancy lobbies and landscaping.

We need you to be part of the solution.

Tell us when you see waste, mismanagement, or misplaced priorities.

Please fill out and return the survey to:

HPAE See Something, Say Something - 110 Kinderkamack Rd., Emerson, NJ 07630

Or you can leave a message at 1-800-801-5005 ext. 175; send it via fax to: 201-262-4334 or fill it out online at: www.hpae.org/waste_survey09.

CALENDAR OF EVENTS

HPAE Education Day

Tuesday, March 10, 2009 (9 am - 4 pm)

Saddle Brook Hotel & Conference Center
50 Kenny Place - Saddle Brook, NJ 07663

Thursday, March 12, 2009 (9 am - 4 pm)

Holiday Inn Conference Center
399 Monmouth St. - East Windsor, NJ 08520

REGISTRATION INFORMATION

Registration Fee: Members: \$25 (refundable) *You must attend the workshop to receive the refund.* Non-Members: \$25 (non-refundable)

You can confirm your registration for the workshop by sending a check payable to: HPAE - 110 Kinderkamack Rd., Emerson, NJ 07630. For more information or to register, go to:

http://www.hpae.org/ed_days_0309.htm

CONTACT HOURS WILL BE OFFERED

Health Professionals and Allied Employees, AFT/AFL-CIO is an approved provider of continuing nursing education by New Jersey State Nurses Association an approver by the American Nurses Credentialing Center's Commission on Accreditation P94-1/08-11. HPAE - 110 Kinderkamack Road, Emerson, NJ 07630
This contact hour is calculated at 60 minutes per contact hour.

AFT Healthcare-Public Employees Joint Conference

June 11-14, 2009

Marriott Wardman Hotel - Washington, DC

Through the joint efforts of AFT's healthcare and public employee divisions, we can stand up for quality healthcare and quality public services—and have fun doing it!



HPAE Welcomes Haydee Wagner

Haydee Wagner is the Administrative Director at HPAE. Haydee is a CPA (Certified Public Accountant) and her previous experience includes several years in the Financial Department at the New York Times and four years in the Financial Department at Ticketron (Control Data/Ceridian). Prior to that, she was an independent auditor at Deloitte & Touche in Manhattan, one of the largest and most exclusive firms in the world.

In her current role as Administrative Director at HPAE, Haydee Wagner oversees the HPAE Financial Processes in her Controller function, including Financial Statements, Department of Labor Requirements, IRS Requirements, and Accounts Payable. In her Human Resources role she oversees Payroll, HR and Financial Policies. She works with the officers, the staff and the locals to ensure compliance with financial requirements and financial streamlining for the organization.

Haydee Wagner lives in Glen Rock, NJ with her husband Ken, her teenage son, Derek and her teenage daughter, Alexis. She can be reached at hwagner@hpae.org or 201-262-5005 x118.



Health Professionals and Allied Employees, AFT/AFL-CIO
110 Kinderkamack Rd.
Emerson, NJ 07630



Clarion is published by the Health Professionals and Allied Employees, AFT/AFL-CIO
110 Kinderkamack Road - Emerson, NJ 07630

Telephone: (201) 262-5005 or (800) 801-5005
Fax: (201) 262-4335 Postage paid at Emerson, NJ

ANN TWOMEY
President HPAE

Editor: Mike Slott
Managing Editor: Ann Twomey
Graphic Design: Theresa Thompson
Contributors: Jeanne Otersen, Chris Whalen



HEALTH PROFESSIONALS AND ALLIED EMPLOYEES
Affiliated with the American Federation of Teachers Healthcare, AFT/AFL-CIO