

The Turning Point

President's Message

Greetings 5186 RNs. Working in a hospital, for nurses, now involves many things we and other HPAE locals never thought of even ten years ago. We have dealt with bankruptcy issues, and all the lack of needed resources that accompany such events. We have dealt with a takeover, real and proposed, and we have dealt with renegotiating our contract four times in five years. Without the strong successor language in our contract many, if not all nurses, might not be at Christ Hospital anymore. All the provisions of our contract would have been threatened even if we didn't have strong successor language.

In times of layoffs and continued struggles with unsafe staffing all over the state, high health insurance premiums, merging and consolidations of hospitals into systems - the list goes on and on - we can become frustrated. When we cannot achieve all that we want, sometimes we say, "Why have a union?" or "Why pay dues?" I'm going to tell you just a FEW reasons why...

With a union, you have a contract. That contract, YOUR contract is a legal document filled with protections for YOU. Wages, raises, safe conditions, job security, fair and just discipline, absence of discrimination, education and proper training, safe floating, seniority, multiple benefits and benefit time, rules and regulations management must follow when employing you, scheduling and overtime and on call rules, bumping rights, there isn't enough room for me to name all that it entails. I'm amazed that more RNs don't read our contract. I still do, at least once a week. To be blunt, none of these contractual rights and benefits - absolutely none of these - are guaranteed or even applicable or even negotiable without a contract. Without a union and a contract, you and all of your employment terms are at the discretion of your employer. Even state laws that protect nurses and patients are extremely difficult to enforce without a union. Without a contract you have no voice, no say, and no power to negotiate one thing that will be placed in writing and followed. Without a union or a contract you are an "employee at will". For those who don't know what that means, it means you may be terminated/dismissed at any time at the will of your employer without just cause and with no options. A contract provides you the grievance procedure to enforce your rights and benefits and includes an arbitration process for when the grievance doesn't initially yield the fair or proper result.

In this local you have local union leaders fighting for you and your patients every single day. You are a part of a statewide union - HPAE - that fights for your profession and your patients every single day.

Now, does this mean contracts are always followed? Nope. Does it mean a union can fix all things and prevent layoffs all together? Nope. Does it mean we can always negotiate everything we want? Nope. I'll tell you what it does mean

- it means we can do all that can be done and we have the right to fight and lessen every single blow that comes to us. It means we have a chance, in areas we would have none. It means you have a right to be at the table to discuss every single thing that affects you. It means together we can do almost anything; and when there are areas we are losing more than we are gaining, it means that we, as a group, need to be stronger and more united. It means we need to work harder and exert ourselves and enforce our contract even more. It doesn't mean give it all up. It never means you will have more without a union than with one. Any union is only as strong as its members' dedication, and any union contract is only as strong as the members that are enforcing it.

I join in your frustrations many days. I and your other local union leaders join in your exhaustion every day, but I also know that so many members are not even aware of the hard-fought for rights your contract allows you. Many have no idea what is happening in the continual ongoing union representative and management interaction.

Lastly, there are no organizations that can run successfully, meet responsibilities or function without money. A union cannot function without employees working for them, in support of work for us, without funds. A union cannot represent members, communicate with members or negotiate for members without funds. A union cannot (like ours has many times) get laws passed, pay all its legal fees needed to represent members, publish materials, organize new members or participate in any local or state activities without funds. A union cannot legally enforce a contract without funds. A union cannot even on the most basic level print a contract without funds. A union cannot provide continuing education, hold conventions or negotiations, or meetings of any kind without funds. What I have mentioned is but a SMALL part of how member dues are spent. To put it simply all dues go for all expenses of the union and all those expenses are for the work the union does for its members. On a local level, your union leaders function almost completely on a volunteer basis.

To recap - the power to have what we want and need to be successful nurses is in nobody's hands but our own. That power comes from the collective bargaining that occurs only when there is a union.

I again thank you for the opportunity to serve you as president and I hope to see you soon as we continue to survive as the undefeated local that we are. **WITHOUT STRUGGLE THERE IS NO STRENGTH.**

In solidarity and unity, I remain
Nicole Mankowski RNC
HPAE Local 5186 President

COPE CORNER

Lobby day, which had been scheduled for May 13, has been postponed due to changes in the legislative calendar for the NJ Assembly and Senate.

We still need to address the key issues faced by health care workers across the state:

- ◆ Safe Staffing in Hospitals and Nursing facilities
- ◆ Protecting Public Workers Retirement and Health care
- ◆ Workplace Rights and Raising the Minimum Wage
- ◆ Bargaining rights and the campaigns at Bergen Regional Medical Center, Inspira Health, Memorial Hospital and University Hospital

Look for further updates on the new date for Lobby Day. We urge you to register for this important event. Information regarding carpool, buses and all logistics will be available.

At Lobby Day, we meet with legislators throughout day to discuss our key issues. This is a great opportunity for us to stand up for our rights and be heard.

ACLS Reimbursement

ACLS Again we ask any member who has not been reimbursed for completing their required course to notify:

- Nicole Mankowski --ICU
- Mary Kelly -- Endo
- Nancy Weinstein --Endo
- Shelley Crowe -- 6 T
- Rebecca Lowe -- ICU

You are entitled to these monies and we continually work to ensure your payment. Please do not allow the tactic of delay and disorganization to frustrate you and permit non-payment.

When you are a nurse, you know that every day you will touch a life



A life will touch yours.

**THANK YOU
Local 5186 nurses**

MEMBERSHIP MEETING IN MAY
DATE and PLACE TBA !

NURSES DAY GIFT will be available !
UNIT specific agenda items to discuss !

PLEASE ATTEND TO SHARE OUR
SPECIAL DAY & PROFESSION

Supreme Court Decision in *Friedrichs v. CTA* is Victory for Us

Some of you may be aware of the recent Supreme Court decision in the “Friedrich vs California Teachers Association” case concerning the payment of “fair share” fees by public sector workers who are not full members of their union. Whether a union member or not, all public employees are represented by their union in regards to wages, benefits and discipline. That is why it is important that non-members still contribute money to support the union’s representational activity.

As a result of the Supreme Court’s 4-4 ruling in the “Friedrich vs California Teachers Association” case, public sector unions will continue to have the right to negotiate “fair share” fees for non-members. By enabling public sector unions to have sufficient resources to represent their members and the public, the decision protected teachers, nurses and healthcare workers who join a union and who advocate for their workplace rights and the rights and safety of their patients, students and their communities.

Here in New Jersey, HPAE is outspoken about hospital mergers, for-profit health care, nurse staffing levels, worker health and safety, the role of the NJ Department of Health and issues affecting the health and well-being of workers, patients and communities. When the institutions we work for cut corners on safety or the public health for the public, it is our duty to advocate for our patients. Without a strong union, our voices would be silenced.

Friedrichs v. California CTA is a part of a continuing effort across the country to silence the voices of teachers, nurses, firefighters and public service workers and their unions by defunding their union organizations. While this case concerned public sector unions, it would not be a far reach to extend to private sector locals such as our local. If it had been successful, our union and other private sector locals would have become the next battleground with those employers who desire to keep all control in the workplace.

Charlotte Crowe

Protecting Public Services and Democracy in NJ Cities



Public health professionals, residents, public service workers and local elected officials in New Jersey's largest cities are watching with concern as the debate in Trenton continues over the proposed state takeover of Atlantic City.

Placing Atlantic City's resources and workers in the hands of Governor Christie, without any protections for the rights of city residents or workers, sounds alarmingly like what happened in states like Michigan and Wisconsin. I hope Trenton keeps debating alternatives, because the threats to democracy and the rights of public workers can be as serious as the threat of bankruptcy.

After a state takeover of Flint Michigan's city functions and water supply resulted in dangerous levels of lead in city water, one would think caution would prevail. As the Mayor of Flint Karen Weaver testified in Congress "There is no accountability for what these managers do, because they only report to the Governor."

Atlantic City, like many of our older cities, has suffered from the economic recession, as well as from its unique setting as a Casino town. The loss of taxes and jobs due to recent Casino failures has deepened its debt and darkened its financial future.

According to the Atlantic City Press in 2014: "A series of tax appeal settlements and judgments have hammered Atlantic City's bottom line, as the casinos argue their downward spiral means their properties are worth a fraction of what they once were. This year alone, casinos challenged nearly \$2 billion worth of Atlantic City assessments, which together result in almost \$49.2 million in combined city, school and county taxes."

Yet the planned takeover of Atlantic City governance isn't limited to taking steps to right the troubled fiscal situation. It would allow the Director of Division of Local Government Services within the Department of Community Affairs to void contracts, sell off infrastructure, cut public services, fire workers, privatize city utilities, and cancel collective bargaining agreements for police, firefighters and other city workers. The takeover plan revokes protection for workers from unfair labor practices by their employer, an issue entirely unrelated to finance.

The takeover could eliminate or transfer functions of local city departments like the Department of Health. Local city Departments of Health are essential to protecting the public health, providing immunizations, health education, and local health inspections.

The ranks of Atlantic City police and firefighters have already been cut: firefighters from 272 to 147 and police by 20%; salaries too have been slashed, not only for public safety, but municipal workers too, who have been under a wage freeze since 2011. Wealthy bondholders' money is protected, but city workers making \$22,000 a year will be hardest hit, bearing the brunt of the takeover.

As currently framed, the takeover plan would also eliminate the democratic rights of Atlantic City residents, by transferring the powers of city government to one director appointed by the Governor. The public's right to information – the 'Open Public Records Act' – wouldn't always apply, but the Director could apply it 'to the extent practicable'.

Any major urban city in similar fiscal distress could face the same future if they face similar debt levels, in a process that provides little transparency and few safeguards for public resources and utilities.

A real solution isn't easy, but state involvement should focus on rebuilding a viable economic future for city residents, not just slashing the budget, putting the public's safety and well-being at risk.

Rather than placing control of New Jersey cities in the hands of an unelected director, let's engage community, business and labor leaders, focus on a recovery plan, economic development, and job creation. Let's make sure that any legislation sent to the Governor's desk contains specific benchmarks, careful planning, and protection for democracy and the public interest.

Ann Twomey
President HP AE

SAVE THE DATE

HPAE Convention
October 6 - 7, 2016

Bally's Atlantic City Casino
Atlantic City, NJ

Consider Malpractice Insurance

Thought about a recent article. I've maintained malpractice insurance since my student days. The risk to our livelihood and professional identity and licensure has increased significantly over the years.

Individual policies offer an added benefit of license protection – few employer policies do. This helps to support the coverage for attorneys when there may be an investigation or discipline by the licensing board, for us the Board of Nursing. Policies will set limits and they will vary, but these days we are more likely to be facing a disciplinary charge rather than a malpractice.

Consider it as any type of investment worth the effort for you to earn a living. So to learn more by Katherine J. Pohlman, [Why You Need Your Own Malpractice Insurance](#). "American Nurse Today" November 2015, vol. 10, number 11.



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Taking Aim at Staffing

Health care is an ever evolving, complex system in the United States.

As professionals who are an integral element of this system, we understand the importance of change, restructuring, evaluation and performance data. The patient as the center of our focus has been the one consistent determinant of Nursing throughout the years.

For us as nursing professionals, staffing is about the ability of a nurse to focus on caring for patients. For too long, the issue has been stagnating in political, professional and business discussions. Presently, only fourteen states have addressed staffing by requiring committees, disclosure of staffing levels or studies. California is the only state with mandated nurse to patient ratios. All of these laws and regulations have been created because of the absence of a federal law regarding staffing, such as the proposed “The Registered Nurse Staffing Act”.

Research findings continue to support the need for appropriate staffing for optimal care. Review of all this data and study is not the undertaking here.

Rather, we need to understand that “when employers fail to recognize the association between staffing and patient outcomes, laws and regulations are necessary. “This quote is found on the ANA website.

Nurses across the country have moved beyond the scientific approach to validate a need for staffing regulations. We know the facts. The truth about staffing and the plan to be enacted must become laws. Communicating to those decision makers our understanding that nursing is the one biggest operational cost for any facility does not alleviate our oath or burdens. Our patients’ lives, our careers, and our profession’s integrity depend on balancing the power to make decisions affecting these outcomes. Nurses overwhelmed by unmanageable workloads and burned out, suffering from depression and stress, cannot enhance our patients’ lives, or our own.

Many issues in our lives today are at a defining moment, including the Presidential election, and require nothing less than all of our effort to achieve a favorable result. Please keep well informed of the current research, the political movements which affect us, your own institution’s issues (e.g. Arbitration Agreement) and support wholeheartedly and summarily efforts for legislation to secure safe staffing. We cannot count on the best efforts, promises and specious arguments of those in opposition. Now is the time for us to come together to fight for safe staffing.

Sincerely,
Mary Kelly

Weingarten Rights

“If this discussion could in any way lead to my being disciplined or terminated, or affect my personal working conditions, I respectfully request that my union representative, officer, or steward be present at this meeting. Until my representative arrives, I choose not to participate in this discussion.”

In 1975 the United States Supreme Court in the case of *NLRB v. J. Weingarten, Inc.* 420 U.S. 251 (1975) upheld a National Labor Relations Board (NLRB) decision that employees have a right to union representation at investigatory interviews. These rights have become known as the **Weingarten Rights**.

Please know your right to have representation. Please invoke your right no matter how you “feel” the issue or person addressing you is neutral, safe, fair or friendly. These rights, like so many others, were hard earned and fought for every day. The employer is required to find a union representative, not you. Mutually agreeable times are designated by contractual language. Exceptions are identified as well by your CBA. Missing out on this VERY IMPORTANT bit of knowledge can be devastating. Don’t let it happen to you.



Make Great Memories
Save on family travel and entertainment, including theme parks, car rentals and movie tickets with AFT+.

AFT families have more fun and get big savings on travel and entertainment. That includes up to 25% off on rental cars, plus major savings on movie tickets and theme park packages – including Disney and Six Flags destinations. Who knew your union membership could be so...entertaining?

Learn more at UnionPlus.org/AFTTravel


A Union of Professionals
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AFT-TR-04-15-16