



Message from the President

COVID among HCW is automatic Worker's Compensation!

Senate Bill 2380 was signed into law by Governor Murphy on Sept 14th and is retroactive back to March 6th, 2020. This bill creates a rebuttable presumption that healthcare workers, public health workers, and other “essential employees” that become positive for Covid-19 contracted this virus from the work-place and would therefore be eligible for workers’ compensation benefits. This presumption shifts the burden of proof from the employee to the employer. In order to rebut the fact that employee contracted COVID-19 from the workplace the employer must prove by “preponderance of the evidence” that there was no COVID-19 exposure at the workplace and that the employee contracted the virus outside of the workplace. Also, in this bill the workers’ compensation carrier cannot increase the employer’s premiums based on COVID-19 exposure cases.

However, our employer has not been transparent about how one goes about making sure they have an open workers compensation claim once they have informed the employer of their positive Covid-19 status. At first, the union was told that the exposure incident report (RL) triggers the Health and Safety team to “investigate” whether a claim should be filed on the covid positive members behalf. Most recently, the union is being told that they are looking back at all the positive covid members and “investigating” if the members Covid-19 illness was due to an at work exposure. The problem with both of these statements is the fact that it is by law presumed that healthcare workers contracted COVID-19 from the workplace so why the investigation?

What is happening statewide is that many employers are dancing around what the law is saying!! Unfortunately, many employers including ours may require intervention by an attorney. State HPAAE is working on a list of attorneys who can file claims for members. They also have a wonderful resource page for workers’ compensation questions!! Visit HPAAE.org and look under Issues and Action.

Here is WHAT YOU NEED TO DO to ensure your rights are being upheld under Senate bill 2380 (advice of a workers’ compensation attorney):

1. Fill out incident report (RL) and keep a copy for your records
2. Notify manager via email and cc Human Resources that you have COVID-19 and you contracted it at work!!
3. Attempt to find out who employers workers compensation carrier is (Union trying to find this out!)
4. If successful- contact workers’ compensation carrier and see if incident was reported and then confirm conversation with carrier in writing if possible.
5. If reported- obtain claim number and inquire about medical and temporary disability benefits
6. If not reported- contact manager and HR and find out why incident was not reported and confirm in writing
7. If still not reported- see if you can report the incident directly with the workers’ compensation carrier and confirm in writing

Keep in mind, the employer is able to rebut any claim by the employees so keep in mind employers will be surveilling social media pages? Be mindful of postings. [Continued on next page.]



Mr. and Mrs. Santa—Local 5105 bargaining unit member, Leslie Killianand, and her husband Greg Killian visiting our ICU! Leslie is an RN who works on 3NW. The person in the PPE is Kimoanh Do, dialysis RN, and she is the mother of bargaining unit member Katherine Nguyen RN, ICU.

Upcoming Meetings 2021

General Membership Meetings

5/18/2021—TBD

9/14/2021—Education Dinner

Unit Rep meetings

1/19/2021—Virtual

3/25/2021—TBD

10/5/2021—TBD

12/6/2021—Holiday Party-TBD

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OSHA Complaint Round 2 - Across New Jersey, healthcare workers have filed many complaints over unsafe working conditions related to the ongoing and ever-changing hazards of COVID-19. These complaints have resulted in OSHA issuing several citations and corrective action plans to facilities across New Jersey. Those citations, however, are the direct result of HPAE having a safety officer on staff who doggedly pursued the agency to fully investigate these complaints.

In most parts of New Jersey, OSHA has been accepting documentation submitted by our safety officer and our sister locals and doing targeted investigations to get to the route of reported issues. Much to our disappointment the OSHA Marlton office of South Jersey did not do a complete investigation of our Local's complaints against Virtua, despite the overwhelming, undisputable documentation provided. Our local had probably the most well documented and organized OSHA complaint in New Jersey and we believe this documentation was overlooked and undervalued by the OSHA investigators and definitely did not get to the route of the ongoing health and safety issues at Virtua!! If we are not safe neither are our patients and families.

Instead of "just taking it" we decided to regroup and plan our next steps. With the expert help of the State HPAE officers and safety officer we re-submitted our complaint because we had serious concerns that it was not handled properly the first time. The State HPAE officers demanded that the ongoing health and safety OSHA complaints at Virtua be investigated by a new team that may not be so "Virtua friendly". OSHA did take this seriously and assigned a team of investigators from North Jersey. We really did not realize how bad the first investigation was until the new team started their investigation and immediately started interviewing our members and taking a deep dive into our concerns!! This OSHA team truly has the workers best interest weaved into their investigative methods and even want to ensure the nonunion workers concerns are heard!

The biggest issues uncovered so far include poor employer record keeping regarding OSHA 300 logs, poor record keeping regarding exposures and Covid positive members, improperly trained fit testers, no medical evaluations for fit testing, limited Covid -19 testing offered to employees, deficient training and education regarding chemical cleaning products and of course faulty and fraudulent PPE.

Special thanks to Beth Cohen and all members who testified for a second time!! It really has taken a huge amount of time and effort to get our complaints heard!! We should not have to work so hard to hold our employer accountable for the health and safety of its exhausted but STILL THERE frontline healthcare workers!!

In Solidary,

Sheryl Mount, President Local 5105

Biden Looking Ahead

What can I say, we have really had a year, haven't we? I do not have to tell you that we will all remember about this time in our lives, and not with fond memories. The Covid-19 pandemic has affected us all, mentally and, for some, physically, with several of us becoming sick. As many of you know, our governor, in September, signed a Covid 19 workers compensation bill that states if an essential worker becomes ill with Covid, it is presumed that the illness was contracted on the job. The burden of proof is shifted to the employer. Of course, the employer can rebut this, saying the employee contracted Covid from outside of work, so it is important to be mindful when posting on social media.

Our governor is also considering stepping into force hospitals to make information about Covid outbreaks among healthcare workers public. As of now, there is an online dashboard that posts daily updates with info about healthcare worker outbreaks in long term care facilities, state veterans' home and psych hospitals, but none on outbreaks in hospitals. A state senate bill mandating that hospitals report healthcare worker infections passed earlier this year, but the assembly version has been stalled for quite some time. It is unclear whether the governor will

make an executive order regarding this, but, as reported in Northjersey.com, he stated that he is "100%" in favor of transparency, and it is something his staff is working on.

Looking ahead to next year, it is obvious the Biden administration is more worker and labor friendly than the current one. The president-elect has already appointed over two dozen labor movement leaders to his transition team, three of those from AFT alone. He has chosen an RN, Jane Hopkins, to his Covid-19 advisory board. Not only does Ms. Hopkins have experience advising on the Washington state's Covid task force, but she is also a union member who serves as the Executive VP of SEIU Local 1199NW. I am hopeful that she will give a much-needed perspective to this important task force. It is choices like this that make me anxious to get the new year started.

On a personal note, I wanted to wish all of you a safe and happy holiday season, it is my honor to work with such dedicated and amazing folks.

Yours in solidarity,
Melody Schantz, Local 5105
Secretary/Treasurer, COPE co-chair.

Staffing Committee Update

As a Union and per our Contract Bargaining Agreement (CBA), we have a Staffing Committee that meets with administration every second Thursday of the month. I encourage you to attend to discuss any issues pertaining to staffing on your unit. Your voice is your power and collectively, we are stronger. Staffing committee can be an eye opener for those who think that their unit is the only one with a particular problem – for the most part the same issues are everywhere.

Current updates from Staffing Committee October and November meetings:

- All open positions posted. Agency contracted in all areas. Incentives offered to nursing and pcts.
- 1 to 1 agency will start in ER in 4 to 5 weeks
- Some unit secretaries have been cross-trained in 1 to 1 role
- Open shifts for Per Diem to be posted on bid shift for all to see and bid at least 2 weeks in advance of need
- EVS position posted for 11a to 11p to help with terminal cleans in ER
- Home Care to have a unit meeting to address their specific concerns
- Meeting pending r/t COVID quarantine predicted baby boom and anticipated staffing needs
- 2N most vacancies filled
- Expectation that during these unprecedented times NM, ANM and Educator will actively help out on the units

We are always available to have unit meetings outside of regular Staffing Committee times as needed.

Pandemic Preparedness Committee Update

Our newly created Pandemic Preparedness Committee meets every third Friday to discuss a range of concerns that not only include staffing during these crazy times but PPE, exposure notifications, COVID testing of patients and employees, visitors, and bedding of patients along with many other topics. This committee was created out of a need for clarity, transparency, and safety, none of which we found we were getting since the beginning of these COVID times. As you might recall, we came to the employer early on, before negotiations were originally supposed to start, before COVID was declared a pandemic in the USA, before restrictions were in place, to propose that we work together on plans based on safety, best practices and realistic expectations all surrounding COVID. We proposed this to the employer AT LEAST 3 TIMES. Each time they said “no”. So here we are with new contract language to boot. Each unit has specific needs, but our overall goal of safety is paramount. Please consider attending a session.

A short summary of some of our meetings:

- COVID patients to 3NE if not ICU level of care
- 4NE has 4 rooms set aside for COVID M/S overflow
- 4NW to remain for M/S non-COVID pts
- 2N to remain a clean unit
- ICU to house COVID + ICU & 2N pts
- 40 rapid tests available to Memorial per day
- All other tests sent to Voorhees in batches and tested in batches
- Exposure alerts via email (you should get an email. A text is NOT sufficient)
- Religious exemption for beards (need to fill out a form)

Together we can tackle these problems and try to come up with solutions to make our workplace safer for us all.

Hope you had a safe holiday season! Hope to see you in person in 2021!!

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A Newsletter for the members of



Address Service Requested

Why a Union

I was a new Grad in 1984 and my first job was in a small hospital, in a small town, in the middle of the blueberry fields halfway to Atlantic City. It was the sort of town where everyone knew each other, where people used to say that "you leave with a magnet in your pants, because you always come back." I was not from the area, so I did not know that the hospital was a union hospital. It was a hard-fought battle to bring the union in. Neighbors became foes, picket lines formed and were crossed, and it left some deep permanent rifts. But why the union came to be was especially important. Nurses who were nearing retirement age or nearing the top of their pay scale were being terminated without cause, as a cost saving measure. A very brave handful of nurses met in secret, at great peril of being discovered and terminated, and recruited other likeminded nurses. Finally, there was protection and representation at this small-town hospital.

My second job brought me to the big place in Camden, not a union hospital at the time. At one point, my Med Surg unit was dissolved, and we were "invited to bid for other positions within the hospital". That is, if a position were open, and not necessarily the shift times you had been working. My new unit was Gyn oncology, Urology, and young adult care unit. Not my preference, but at least I had a job, and kept my shift. My new manager was not happy to accept people that she did not choose, and she did not hide that fact. True story, she invited all of her staff, except the newbies, to view her breast reduction results in person! Very professional! Not having a BSN degree, herself, she was very resentful of the new nurses with degrees.

There was no support from upper management with regards to these situations. There was no union to grieve, no contract to uphold.

Which brings me to my current job here, kind of where I started, in that I was born at the very hospital I now work in! I have been the fortunate recipient of all the efforts of every negotiating team and of all of the focused and wonderful leadership of our entire local. Through our local we have a voice, and protection! Thank you to the brave nurses that came before me, for organizing, and making our jobs better, safer for both nurses and patients. Happy New Year to all.

Kristine Anderson, 4 NE

HPAE Council of Retirees (COR)

A great way to stay connected with our Union when we retire, is to become an active member of the HPAE Council of Retirees. The COR will continue the fight for patient safety guidelines, improve staffing levels and win legislation that protects our patients and our rights as Union members. Members may assist with elections such as phone banking, provide support to locals who may be doing an action around an issue they have in their Local or provide support to other retirees that need help. As an HPAE Retiree we encourage you to attend HPAE events and conventions. Please contact, Doris Bell, RN at dbell-hpae@comcast.net for more information.

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