



# The Patient Advocate

A Newsletter by and for VirtuaMemorial/CNS Nurses, Local 5105 of the Health Professionals and Allied Employees, AFT/AFL-CIO

June 2016

## Message from the President

### Do We Work in a Just Culture?

In January of this year Virtua proclaimed itself to be a "Just Culture" and did a PowerPoint presentation outlining their "culture of safety" at Professional Practice Day. A Just Culture is one where management looks at the processes that lead to errors to examine whether improvements can be made in systems and where education is the focused outcome for most human errors. A Just Culture, or a culture of safety, is one where honest mistakes--including med errors-- do not result in discipline and punitive action. In a culture of safety, employees are not afraid to report mistakes because they know they will be dealt with as learning opportunities. An employer who fosters a Culture of Safety realizes that employees do not know every policy or procedure in the HR manual and therefore there is always room to learn. Neither does an employer in a Just Culture claim to have a perfect system. In fact, in a true Just Culture, a corporation will own the fact that sometimes its own processes and systems can lead to employee errors.

At Virtua, do we have a culture like this? Or do we have a culture of blame? A culture of blame is a punitive culture that rewards mistakes with discipline. In a culture of blame, employees are afraid to report errors because they know it will result in discipline. Employees who work in this culture work under an atmosphere of intimidation and fear. You know you work in a culture of blame if your employer deals with mistakes in this way:

1. Who made the mistake?
2. Which policy was violated?
3. How harsh a discipline can we issue?

In a culture of blame you will see upstanding 30+ year employees terminated for one med error. You'll find employees who self-report fired for charting errors and for having a "lack of integrity". And you'll find an employer who generally looks at employees as incompetent, sneaky and "having to be held accountable", rather than as human beings who make mistakes.

That is why it is so necessary that we have a union. In a Union environment, one always has recourse. We can grieve these unjust disciplines and terminations, leaflet to warn our members of dangers and file charges against employers who violate labor laws. We have done all of these things and plan to do more. Don't be fooled by the words of your employer. Look at their actions.

Deb White  
President, Local 5105

### HPAE Local 5105 Member Alert ....On Disciplines

**Weingarten Rights**—Members have been deceived into thinking a meeting with management is only a “talk” or “conversation” when, in fact, it’s an investigatory meeting that will lead to discipline. ALWAYS ask whether a “talk” or a “discussion” could lead to discipline and when in doubt or if you’re uncomfortable, bring a rep. Of course all of our members know they need a rep for any discipline. You have 24 hours to choose a rep. It is a violation of our Weingarten rights to deny an employee union representation.

### **Multiple Disciplines and Terminations--**

Despite short staffing in all areas and the highest level of Unsafe Staffing Forms in recent history, management has become very punitive. Members have been harshly disciplined and/or terminated for simple mistakes. Management has failed to follow progressive discipline, frequently making ridiculous claims that our honest and hard-working members have a “lack of integrity.”

**Occurrence Reports**—We all believe Occurrence reporting to be non-punitive, right? Right! Except here at Memorial. In the past few months, incident reports have been used to discipline or terminate the very employees who wrote them.

**Suspensions**—Multiple suspensions have occurred while management takes their time building a case against our members. Most companies put employees out on investigatory suspension only in the most egregious of circumstances. However, in our workplace, these suspensions are done in order to prevent our members from talking to one another. Has management never heard of cell phones? Though members who are not terminated are paid for suspension days, wages are delayed.

“The Union” is all of us together making our working conditions better.

# Why I Need a Union!



I heard a nurse say recently: "Unions are like insurance policies. I'm sure I'll never need it." It's easy for those who have never received discipline to feel a false sense of security. They

feel that they practice safely, receive excellent annual evaluations, have been nominated or received awards such as the Daisy Award or been part of a committee such as Professional Practice Day or even Unit Based Council- until one imperfect day, a human error occurs. Our employer does not deal kindly with errors. They judge harshly and often issue discipline that is just as harsh. This is one of the reasons why having union representation is invaluable.

Let me explain what a disciplinary investigation was like for me. Let me preface by saying that I would consider all investigatory meetings with the new ICU manager an interrogation rather than an investigation. Prior to nursing, I received a bachelor's degree in Criminal Justice and served as a police officer. I also served in the military service for our country. I say that the manager interrogated rather than investigated because he seemed to already have his mind made up regarding guilt. This was a new manager to my floor and did not know anything about me, yet chose to act this way because of a comment I made to him and because of my position as Union VP. In addition, the Union leadership at his prior place of employment confirmed that he was a bully there—they were happy to see him go. It seems that our employer welcomes and recycles these types of managers. Fortunately, with a union I have recourse. I have hope.

Although the investigation went on for 3 weeks, it was a blessing in disguise. I was fortunate enough to speak with another nurse who confirmed what I had been saying all along and stated that I indeed did not override safety mechanisms on an IV pump—something management had accused me of—and I felt vindicated. In a democratic society we are

innocent until proven guilty. At Virtua, we are guilty until proven innocent. The punitive culture that our employer brought to this entire interrogation was appalling and retaliatory. We have since filed charges and grievances and we will continue to fight. Again, thank God we have a union at Virtua Memorial.

Upon returning to work, physicians who were questioned and/or knew of my case, came to me incredulous and outraged as to why Virtua turned a simple med error into such a huge issue. I have been moved and so grateful for the support, hugs and care received by so many. I proudly remain your Vice President, as the result of OUR UNION (NURSES) fighting for me. A big thank you to every nurse who came out in a moment's notice to leaflet and/or circulate information! We are strongest when we stand together.

Just as a reminder, please make sure your area has reps. Please become one if you have no reps in your area. Know your rights, know your contract and do NOT go into any manager's office without union representation and ALWAYS ask whether or not any meeting with management can be used to discipline. You always need to have a rep if the meeting is investigatory and the information gleaned could lead to discipline. Apparently, the new ICU manager is confused about this. Please contact me with any questions.

As for me, I am grieving this discipline and we will fight to have it dismissed. We have also filed three Unfair labor Practice charges which the Labor Board confirms together are a solid case. One for violation of Weingarten rights, one for interference with union activity and a third for retaliation against Union activity. Thank God for our union. We are strong together!

In Solidarity,  
Lorraine Thone  
Local 5105 VP/Hospital



## We're a Union - Let's Support Each Other



Please remember, when you report your coworker to your manager it is never "anonymous". The union has a right to any statements, including verbal statements made, that lead to the discipline of a fellow member. I know most of us would never report our coworkers, and would choose, instead, to go to a coworker personally. However, to those nurses who feel the need to make statements about coworkers to management, please consider that:

- You may find yourself someday sitting across from them in an arbitration. You will be testifying to the very words you've spoken "anonymously" in the manager's office.
- We are a union and we need to support one another and stick together! We are strongest standing together. Don't allow management to divide us!

## MESSAGE FROM THE PRESIDENT



### When Hospitals Are also Corporations

U.S. Hospitals started as charitable institutions in the late 1800s, funded by wealthy donors and religious organizations. The mission was focused on health

care and care for the poor. It was clear where the money came from, clear where it went.

Much has changed. More and more, our community hospitals are disappearing, and in their place large corporate systems are emerging. Hospital revenues now also come not just from patient care, but from for-profit subsidiaries, investments, ambulatory surgical centers, and income from hospital-controlled physician practices.

One Bergen County hospital that started in 1880 with 12 beds is now part of a system with 28 hospitals. A recently merged hospital system will employ nearly 50,000 people, with revenues of \$8 billion dollars.

As hospital systems grow, they often begin to act more like for-profit institutions, even while maintaining not-for-profit status. The source and use of their funds becomes both more complicated and less transparent. So does their mission, their relationship to local communities, and their relationship to their employees and physicians.

It's now common for not-for-profit hospitals to own and provide financing to for-profit subsidiaries, to have for-profit entities operating from their tax-exempt property, to engage in profit-sharing with their physicians; and for hospital CEO compensation to reach into the millions.

In Trenton, elected officials are scrutinizing whether not-for-profit hospitals that own for-profit entities and permit for-profit physicians to use their hospitals with minimal control (especially over billing practices) are solely focused on a "charitable" mission of health care service to the community, or are part of a profit-making corporate structure that is not paying their fair share of property taxes.

This debate is happening not only because of the growth of hospital systems, but because many of our towns and cities are facing fiscal problems, and having difficulty absorbing the costs of critical public services. Hospitals, like other corporations, are large employers and large users of local services such as police, fire, infrastructure, and public safety.

Both not-for-profit and for-profit hospitals have an obligation to be good corporate neighbors, reinvesting in healthcare, listening to the needs of the community, and sharing in the costs of local services, whether through community contribution fees or property taxes.

In New Jersey, the average nonprofit hospital receives a \$1.6-million benefit annually as a result of exemption from property taxes. While much of this tax benefit supports charitable activities, profit-making entities and activities at not-for-profit hospitals are benefitting from loopholes in existing law.

In return for exemption, the government requires nonprofit hospitals to provide community benefits, which includes research, health professions training, and community health education programs. It also includes charity care provided to patients who cannot pay, which all hospitals must provide, regardless of their tax status.

Hospitals are anchors in our community, providing essential services and employing large numbers of our citizens. Both for-profit and not-for-profit hospitals have moral, as well as legal, responsibilities to the hospital's patients and our communities, to focus on promoting health as well as treating illness. Hospitals should continue to be driven primarily by these obligations, rather than profit or competition.

That means doing more than charity care. It means ensuring that 'community benefits' are based on true community need, and will improve health outcomes for our residents. It means using surpluses to re-invest in the hospital, in public health measures, and other activities that are the hallmark of charitable institutions.

I know that many hospitals take that mission seriously. Paying property taxes commensurate with the value of the property used by for-profit subsidiaries or by physicians engaged in for-profit activity independent from the hospital's jurisdiction should be part of that mission.

As the NJ legislature debates new legislation and the establishment of a study commission, we urge the inclusion of community residents, municipal officials, healthcare workers and advocates in the process. Solutions must account for and protect the services of community, urban and safety net hospitals, and include financial transparency, since the size and speed of hospital mergers and subsequent mingling of funds makes it increasingly difficult to 'follow the money.'

**We should expect all of our hospitals to be good corporate citizens and neighbors, and responsible stewards of our healthcare.**

Ann Twomey  
HPAE President





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## Remaining Neutral?

Recently, I've heard people say, "I don't want to get involved," or "I've known this manager for a long time and we have a good relationship," or "They were the ones that hired me." If you think ANY of these reasons will protect you from a discipline, it's time to wise up!

Healthcare is a business and people are expendable – even YOU! What are you willing to give up to remain in your current position? Money, benefits, friends, your personal and professional integrity? When you go home at the end of the day, can you live with yourself? How have you supported your colleagues today? In the past? Can they rely on you? Or are you just out there for yourself? How do you want to be remembered? How will your behavior and reputation affect your family?

It is impossible to remain neutral when one of our own is being attacked. You will pick one side or another. Whatever side you choose – do it to the best of your ability because don't forget – you will be remembered for it.

To quote Maya Angelou: "People will forget what you said. People will forget what you did, but people will never forget how you made them feel."

Beth Cohen  
Secretary / Treasurer, HPAE Local 5105

## SAVE THE DATE

**HPAE CONVENTION 2016**

**October 6 & 7**

**Bally's—Atlantic City, NJ**

## Making Memories and Staying Connected



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Member Benefits

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