



HPAE Strike FAQ

1. Is there going to be a strike?

Yes, we should expect a strike to begin on Monday, June 9th at 7 am. HPAE issued a 10-day notice on May 29th. We may have an opportunity to meet with SOCH prior to June 9th. We will make every effort to try to settle the contract.

2. How long will a strike last?

The negotiations team has called for an open-ended strike. This means that it would last until we reach an agreement with the hospital that we can ratify.

3. Are we still protected by the provisions of our contract after it expired?

Everything remains in effect until we sign a new agreement except the no-strike, no lockout language is no longer in effect. The hospital may not be required to arbitrate grievances filed after the contract expired, which is an issue we will deal with in negotiations.

4. I cannot afford to go on strike. Can I work elsewhere during a strike?

Yes. No one wants a strike; we want a contract that respects us as professionals and allows us to give the quality of care that our professional standards require. You can work elsewhere during the strike. You will be expected to take shifts on the picket line as well.

5. Can I collect unemployment insurance (UI) while on strike?

Yes. Under New Jersey’s unemployment law, unemployment insurance benefits are paid immediately if replacement workers are used, or after a 14-day waiting period if no replacement workers are hired or reassigned from existing staff to cover our work. (There is also no waiting period if an issue in the strike is the employer’s failure to comply with an agreement, contract, or law pertaining to hours, wages, or working conditions.)

Link to the Department’s unemployment page for striking workers:

<https://www.nj.gov/labor/myunemployment/before/circumstances/disputes/>

6. If we go on strike, will they just replace us?

If we go on strike, management can hire replacement workers or “scabs.” They will use an agency that specializes in supplying those strike-breaker nurses from out-of-state. They are expensive. If we are on an economic strike, we can be “permanently” replaced — but they

must hire us back as soon as positions become available. Permanent replacement is not likely to be a viable option — by law, they cannot offer the scabs anything more than what they are offering us at the time. They cannot fill the vacancies that they have now. Permanent replacement is a very unlikely possibility.

7. My manager says that if we go on strike, I will lose my health insurance.

This is just one of the threats that we can expect management to use to try to intimidate and discourage us using our legal right to strike to make positive changes. If we do go on strike, we have a right to continue benefits under the federal COBRA law. In the event the employer stops paying health insurance premiums at the end of the month, you can continue coverage under the COBRA law as long as you pay the full monthly premium of your current coverage. Benefits can continue uninterrupted for up to eighteen (18) months. As long as your address is current with the plan administrator you will receive notification of COBRA benefits by mail.

8. What is COBRA and how much does it cost?

COBRA is a federal law that requires employers to provide access to continued health benefits following certain qualifying events like voluntary or involuntary job loss, reduction in hours worked, or transition between jobs. A strike resulting in a loss of employer-provided coverage is a qualifying event for COBRA purposes. The hospital must provide you with notice of the right to elect COBRA coverage and must provide at least 60 days to choose whether to enroll in COBRA coverage. So long as you elect COBRA coverage by the end of that 60-day period and pay the required premiums, your health insurance will continue uninterrupted. If your family is covered, you may elect coverage on behalf of yourself, your spouse, and/or your children. The plan can include the costs currently paid by employees and the employer, plus an additional 2% for administrative costs. The amount charged cannot exceed 102% of the cost of the plan for similarly situated employees covered under the plan.

9. Will I get paid if I go on strike?

No. Our union does not have a strike fund for individuals but will support all the activities required to make the strike successful. There may be resources the union can provide for members during a strike who are in dire need. HPAE's hardship fund is for members having serious financial hardship, and it involves an application process for any member who wishes to access it.

10. Can I use PTO, vacation, or sick days to be paid during a strike?

No. You should not plan to use sick days and vacation days during the strike. A strike is about making a sacrifice now for something better overall by withholding our paid labor, which includes paid vacation and sick days.

11. I am on disability leave. Will I still be paid?

Yes. The hospital will not have any say over any insurance that is covered by the State such as Temporary Disability Insurance (TDI).

12. What happens to parental leave?

If you are already on approved leave when a strike begins, your leave should not be affected. If you have a child during the strike, you should remain eligible for Temporary Disability Insurance (TDI) and Family Leave Insurance (FLI). These are state programs that the hospital does not control.

13. What happens if I am on pre-approved leave when the strike begins?

Your leave continues.

14. Will the hospital continue to pay sick leave to a nurse taking sick leave at the commencement of a strike?

A nurse on strike will receive sick leave benefits if the nurse is a qualified and eligible recipient of sick leave and on an approved Leave of Absence on the last date prior to a strike.

15. What happens when my leave ends?

A nurse on either a medical (including a disability leave) or personal leave of absence will be asked at the conclusion of their approved leave if they intend to return to work. If the employee refuses because of the strike and is physically able to work, their status will be changed from a medical or personal leave of absence to Physician verification of illnesses that extend into a strike period may be required.

16. What if I am scheduled to be at work when the strike starts?

You should clock in at your scheduled start time. At the time the strike starts, you should clock out as usual, walk off the job with your union family and join the closest picket line.

17. If our union is out on strike, what happens if I cross the picket line?

By crossing the picket line, you would be weakening the strike, hurting your coworkers, and threatening everyone's chances to get a fair contract.

18. Can my manager ask me if I plan to strike?

They can ask, but you are not required to answer. We recommend that you answer “YES.”

19. Do I need to notify my supervisor that I am going on strike?

No. Our union will give the hospital proper notice of a strike. You will not be written up for walking out nor disciplined for not showing up when the strike begins.

20. What am I expected to do during a strike?

All union members are expected to not cross the picket line or go to work during a strike and to show up to the picket line -- bring your family and make sure everyone participates. Winning this fight demands the full participation of all of us.

21. Do I need to tell my supervisor I will not be reporting to work on the strike day? No. The hospital will be given notification of any strike action ten days in advance.

22. What happens to our work and our patients during a strike?

HPAE gave the required ten-day notice to the hospital and the federal government in advance of our planned strike. It is the hospital’s responsibility to reschedule procedures, hire temporary replacements, and plan to provide care.

Brought to you by the negotiating committee of HPAE local 5138.