



## Strike FAQ

**1. Why are we taking a strike authorization vote?**

We believe that to be successful in getting a good contract, we must be prepared to threaten and use our strongest weapon — a strike. By law, we have to send a notice to the hospital 10 days before we participate in a strike or picket. The timing of the union giving the employer a 10-day strike notice is a strategic decision and can vary depending on the circumstances. These have been very tough negotiations so far. We are committed to signing a contract with patient staffing ratios, and movement on other demands!

**2. If we vote for a strike, does that mean that we will go on strike?**

No. By voting YES, you are giving the bargaining committee authority to decide if we need to engage in concerted activity, up to and including a strike. Voting yes will send a strong message to the hospital that we are serious about raising standards!

**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Everything remains in effect until we sign a new agreement except the no-strike, no lockout language is no longer in effect.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 can't 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 either after a 14-day waiting period (if no replacement workers are hired/reassigned from existing staff to cover our work) or immediately - if replacement workers are used. 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. Per diems are eligible for unemployment insurance benefits if they have earned at least \$303 per week for 20 or more weeks, or a total of at least \$15,200. For more information about



strikes and unemployment insurance benefits eligibility, please visit:

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

**6. If we go on strike, won't they just replace us?**

If we go on strike, management can hire replacement workers or “scabs.” They will likely use an agency that specializes in supplying those strike-breaker nurses from out-of-state. They are very expensive and will cost management a lot of money to use.

**7. If we go on strike, won't they just fire us?**

No, that would be illegal. We cannot be fired for exercising our legal right to strike. Technically, 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 can't fill the vacancies that they have now. Permanent replacement is a very unlikely possibility. Furthermore, when a strike is motivated in part by unfair labor practices, it is an Unfair Labor Practice (ULP) strike and employees cannot be permanently replaced. We currently have ULPs filed against our employer protesting illegal actions related to the negotiations process.

**8. 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. We also recommend that you look into health insurance eligibility through a spouse or partner, a parent depending on age, or Medicaid. These options would most likely be less expensive than COBRA.

**9. 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.

**10. Besides eligibility for unemployment insurance benefits (see #5), 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.

**11. I am in my probationary period. Is there any difference between me and a non-probationary employee during a strike?**

No. Probationary and non-probationary employees have the same strike protections.

**12. Can I use 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.

**13. 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).

**14. 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). While HMM offers a private short term disability plan, this plan is overseen by the State, must be approved in advance by the State, and must offer at a minimum the State plan benefits. To qualify for short term disability under the State plan, one has to have earned 1000 times the minimum



wage, about \$15k. The NJ Family Leave Act (Family Leave Insurance program, FLI) provides benefits for bonding. The threshold to qualify is also \$15k. While applications are normally made to the State for this program, the third party administrator Sedgwick should be processing these applications for the FLA leave as well.

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

Your leave continues.

**16. 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 strike status.

**17. Can I use PTO to cover my pay while I am on strike?**

No — PTO cannot be used while an employee is on strike.

**18. If a nurse gives birth or becomes ill after a strike commences, will the hospital pay their sick leave?**

No. An employee on strike will not be able to apply for contractual sick leave benefits during a strike. The nurse may be entitled to certain benefits provided by law (e.g., FMLA).

**19. 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. When capable of returning to work, the nurse will be asked if they plan to return to work. If the answer is no, then their status will be changed to “on strike.” Physician verification of illnesses that extend into a strike period may be required.

**20. 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 sign out your patients to your replacement, clock out as usual, walk off the job with your union family and join the closest picket line.



**21. 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.

**22. Will the Union help cover my wages while I am out on strike?**

No. We lack the funds for direct wage replacement, but 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.

**23. 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."

**24. 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.

**25. 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.

**26. 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.

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

Unions are required to give a ten-day notice to the hospital and the federal government before our strike. It is then the hospital's responsibility to reschedule procedures, hire temporary replacements, and plan to provide care.

**Brought to you by the HPAE Local Executive Board at Local 5058.  
If you have follow up questions, please reach out to us at [local5058@hpae.org](mailto:local5058@hpae.org).**