

Negotiations Update

Work for Agreement but be Prepared

As we enter negotiations to renew our contracts with the Big Five Hospitals and other facilities, HNA is working hard to achieve quick and fair agreements ... but we will also be prepared for whatever may happen. This is always the case as we enter a negotiations period. Once again, we remind all that we must be prepared for any eventuality as we work to protect our rights and maintain and improve wages, benefits, and working conditions.

HNA is considering a number of approaches to find the best way to secure the most outstanding possible contracts for Hawai'i Nurses, among them an approach involving facilitated negotiations. This was suggested by a federal mediator from the Federal Mediation and Conciliation Service (FMCS), connected with the US Department of Labor, as a possible way to avoid the conflicts that occurred in the previous negotiations with the Big Five.

In facilitated negotiations, negotiators from both teams, coordinated by a trained facilitator, work together to fully understand and work out solutions to problems facing both sides. The goal of this approach is to come to agreement on a contract that meets the needs of BOTH sides – labor and management – in the best possible ways. When this process works, it produces an agreement in which labor and management will work together to make the system work.

Facilitated Approach

As in any negotiations, both sides must enter the process with their goals and needs clearly in mind and expend their energies working to achieve their goals and meet the needs of those they represent. The process by which they go about doing this, however, is quite different from traditional bargaining.

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SEPTEMBER 2005

ACTION

SERVING HAWAI'I NURSES AND PATIENTS SINCE 1917

Take care of yourself now...



...We'll be here when you need us

Eat a healthy diet, exercise, take any medications as prescribed. Hawaii is a wonderful place to live, and we'll be here for you any time you need us.

NURSES:
Can't live without 'em



The Hawai'i Nurses Association is affiliated with the United American Nurses, AFL-CIO, and the American Nurses Association

HNA ran this ad on behalf of Nurses in the Honolulu Advertiser's special supplements: "Hawai'i Senior Resource Guide" and "Body and Mind".

Overtime Must Be Paid –

It's the Law!

Staying late to chart off the clock is not only taking advantage of you, **it's against the law**. It is a violation of the Fair Labor Standards Act (FLSA) and puts you – the employee – at risk as well.

"Charting is patient care. If your manager or anyone asks you to work off the clock, get it in writing and communicate with our union, HNA, as soon as possible. Always sign in for the entire time you are working," declares HNA Vice President Joan Craft, RN.

What the Law Says

Our HNA Staff Legal Counsel, Jon Carroll, explains the law and its possible ramifications:

"There are two different areas of law that speak to working off the clock. The first, and most important, is the Fair Labor Standards Act (FLSA), and the Hawai'i equivalent. (The other lies in common law, other precedents that confirm that working off the clock is counter to the way we do things in our country.)

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Negotiations Update

From Page 1

It is of course absolutely essential for both sides to agree to fully commit to work together to reach agreements that will satisfy the needs of both sides. If either party to the negotiations will not commit fully to the process, it simply won't work, facilitator or no. Obviously, this is a decision that must be reached separately at each facility. Your HNA Nurse-Negotiating teams and your Chief Negotiators are preparing now to be ready no matter which process is employed.

Contacts have been made with management representatives of each of the Big Five as HNA presses to begin the negotiations on our – HNA Members' - behalf. At press time, the one hang-up at this time appeared to be with St Francis where the management, seemingly focused solely on preparations for their upcoming management change, had been unresponsive so far. HNA has met with representatives of the new management group in hopes of getting the talks underway in good time. We will keep you posted on further events as they occur.

Be Prepared

At the same time, the gripping pictures from New Orleans and Mississippi are vivid reminders to us that preparing for hurricane season is a lot like preparing for negotiations, and – just in case – for possible strike. It is a time for feeling strong, planning for any eventuality, and knowing that you have done everything in your power to get ready for whatever may come.

What You Should Do

While we are doing EVERYTHING possible to gain the contract rights and benefits that Nurses need without being forced to deal with major confrontations, it just makes sense to be prepared:

- Make sure you have 3-6 months of expenses saved.
- Seek alternate employment *before* a strike. Nurse Staffing Agencies provided many striking nurses with work opportunity, *without* crossing picket lines, during the 2002-03 strikes.
- Make sure you find out what is going on with the negotiations at your facility - contact your CAST team (see below) and negotiators or call HNA at **531-1628** to find out whom to contact.

- Get involved. It's YOUR contract, your rights, your benefits, your working conditions. Volunteer to help with supporting your negotiators and any strike preparations should they become necessary.
- Check the HOTLINE for updates weekly - **537-2833**. During negotiations, check for updates daily.
- Plan for your family's medical insurance in case of a strike. If we were to go on strike, you may purchase insurance out of your own pocket under COBRA. During the 2002-03 strike, coverage for two people generally cost more than \$400 per month, so having a second job is definitely worth considering. Consider also purchasing Catastrophic Health Insurance. These policies have higher deductibles in order to offer lower premiums for purchasing them. As the name suggests, they protect you against catastrophic medical costs. Check out insurance.com or other sources for more information.

CAST KEY CONTACTS

Note down the name of YOUR CAST Key Contact at your facility:

KAISER

Joyce Koldingnes (625-6331); golfjoey@msn.com
Robin Tanner (542-2742); robintannerHNA@gmail.com

QUEENS MEDICAL CENTER

Lynn Smelker (741-1983); LLSME@hawaii.rr.com
Nicole Chun (387-5252); nmychun@hotmail.com
Joan Craft (864-00739) – vicepresident@hinurse.org

SAINT FRANCIS

Eric Ching (218-1720); kapahulu@yahoo.com
Rosemarie Cordova (841-7817)

KAPIOLANI

Rosie Agas-Yuu (626-1560); yuur001@hawaii.rr.com

KUAKINI

Vicky Poland (487-7450); polandv001@hawaii.rr.com

HNA Affirmation

Negotiations time is here! We need to show management that our HNA Nurse-negotiators enter negotiations with the strong support of the Nurses of Hawai'i.

Show your support. Go to the website – www.hawaiinurses.org – and click on the box in the upper right corner – the one that says “Click here to affirm.” That will open a page where you can sign the petition stating that you support your HNA Nurse-negotiating team. There will be a place to indicate your work facility.

Nurses stand together for everyone's good! Sign the affirmation petition today!

HNA NOW

E Pluribus Unum – out of many, one.

That's the story of HNA today.

Where there were two organizations, today there is ONE – **dedicated, strong, united!**

Our Hawai'i Nurses Association has been restructured. As a result of negotiations stemming from several lawsuits, the duplicating structures of HNA and its Collective Bargaining Organization (CBO) have been replaced by one organization, the structure approved by a special meeting of the House of Delegates (both HNA and CBO) in October 2004. Those negotiations merged two previous documents - HNA's Articles of Incorporation, and the Bylaws of the Collective Bargaining Organization (CBO) of HNA, thereby creating ONE document, the Articles that govern HNA as it is today:

- Where there were two related organizations, each with its own structure and leadership, today there is one – **strong, unified, united.**
- Where there were two sets of officers, today there is one.
- There is one executive director, directing a single Professional Staff which includes the Labor Relations Specialists (LRS), legal counsel, membership coordinator, executive secretary, and consultants in specialized areas as needed.
- Where there were two Boards of Directors and two slates of Committees, now there is a single Board, elected by the membership to run the union, and a single slate of Committees working for Hawai'i Nurses.
- Where there were two Executive Committees, today there is one, including the officers, elected directly by the membership, and five others elected by the Board of Directors, to guide the organization's direction between meetings of the Board of Directors.
- Most important of all, where there was duplication or even divergence, today there is **ONE UNITED VISION AND MISSION.**

Starting next month and continuing through several issues of the HNA ACTION, we will examine the structure of our now-unified HNA, representing us all, strong and united - one.

Overtime must be paid! From Page 1

“Essentially the FLSA governs the minimum wage and overtime standards of pay. Sec. 207 of the FLSA requires time-and-a-half for hours over forty worked. This requires the tracking and payment of all time worked in order to appropriately monitor when overtime is to be paid.

“The risk the employer bears is the threat of a lawsuit from an employee, or group of employees who were not paid appropriately. A decision against the employer can include a fine (up to \$10,000 per violation), payment of back pay, and appropriate legal fees.

Risks to Employee

“The risk the employee runs is also real, but not as likely to turn out in the worst case scenario. An employee working off the clock runs the risk of being excluded from any Workers Compensation benefits, and they open themselves up to liability for their actions. If a mistake or accident happens to the employee, or because of the employee, while off the clock, there is a real chance that the employer could attempt to claim that you were not supposed to be where you were, doing what you were doing. They could try to say you were not working under their authority and that your actions were not for the employer. They could claim that your actions were by and for you, outside of the hospital. **This leaves you open to lawsuits personally, and without certain insurance protection.**

“Working off the clock is something you just shouldn't do.”

Be aware. Don't let anyone put you in the position of doing legitimate work “off the clock.” If the work is part of your job, it should be paid.

That's the law.

EDITORIAL STAFF **HNA ACTION**

Sheri Kearns, RN — **Communications Chair**
Joan Craft, RN — **HNA Vice President**
Robin Tanner, RN — **Communications Committee**
Barry Abel — **Editor**

To contact HAWAII NURSES ASSOCIATION:
PHONE — 531-1628 • WEB — www.hawaiinurses.org
E-MAIL — Debbie@hinurse.org • HOTLINE — 537-2833

677 Ala Moana Boulevard, Suite 301
Honolulu • HI • 96813

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Single copy cost: 35¢

Educational Opportunities

Center for Labor Education and Research:

Grievance Handling - Mondays & Wednesdays, Oct 3-26 - \$40;

Rights Arbitration Certificate Program -Tuesdays & Thursdays, Oct 4-27 - \$ 35;

Tools and Tips for Union Leaders - certification program Mondays & Wednesdays, Nov 2-16 - \$25

Talking to Management – Tues, Nov 29 and Thurs, Dec 1 - \$10

All above classes taught by Dr. Puette – to sign up: www.uhwo.hawaii.edu/clear or call 454-4774

Hawai`i State Center for Nursing

First of two parts, by Barbara P. Mathews, MS, APRN, CNAA

The Hawai`i State Center for Nursing is beginning an exciting and challenging journey. Our organization was established by the Hawai`i State Legislature in 2003 for the purpose of addressing workforce issues in the nursing profession.

As you know, our current nursing workforce is aging...the mean age of Hawai`i's nurses in 2003 was 49.3 years old! By the year 2026, nearly 80% of the current nursing workforce is expected to retire. At the same time, Hawai`i's population is aging and will have increased health care needs. And while there is a great deal of interest in the nursing profession as a career, there are insufficient numbers of faculty to accommodate all the potential students.

The history of the Center dates back to 1996 when the Robert Wood Johnson Foundation funded Hawai`i as one of

20 sites in the Colleagues in Caring Project. That valuable work resulted in ongoing surveys focusing on the supply of Hawai`i's nurses and in the establishment of the Hawai`i State Center for Nursing.

The focus of the Center as mandated by the Legislature is:

- Collect and analyze data and prepare and disseminate written reports regarding the current and future status and trends of the nursing workforce
- Conduct research on best practices and quality outcomes
- Develop a plan for implementing strategies to recruit and retain nurses
- Research, analyze and report data related to the retention of the nursing workforce

To Be Continued in Next Issue



HAWAII NURSES
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677 Ala Moana Boulevard, Suite 301
Honolulu • HI • 96813