

Report from HNA Governmental Affairs Committee

LEGISLATURE UNDERWAY GET INVOLVED IN HNA ACTIONS

HNA No Lift Bill (HB2126) Deferred by House

HNA's proposed legislation would have:

- Required hospitals to establish a policy and program that identifies, assesses, and develops strategies to control the risk of injury to patients, healthcare workers, and Nurses associated with lifting and moving patients.
- Provided tax deduction for hospitals that purchase equipment for the moving of patients.
- Provided protection for an employee who - in good faith - reports (to the Department of Health) a violation that he/she believes will expose a Nurse, healthcare worker, or patient to unacceptable risk of injury.
- Invoked penalties against a hospital that has violated provisions of this measure; such hospital shall be fined by the Department of Health.

The measure was deferred by the House Health Committee. Deferring a bill is similar to tabling a motion, meaning it is no longer under consideration in the House. The Senate still has its own version of our proposal, but the Taxation Department ruled that, if passed, it would not apply to non-profits. It is unlikely to pass this session. Therefore, HNA has focused our attention on legislation concerning the Center for Nursing and preparing for Election Year 2008.

Election Year 2008

This is an election year. All members in the House of Representatives will be running for office again. Members in the Senate will run based upon the expiration date of their term in office.

If you are not a registered voter, please call HNA. We will send you a registration form. This is your chance to elect legislators who will support and protect the interests of all Nurses, healthcare workers, and Hawai'i's Patients.

Oppose HB 2134 – End the Special Tax on Nurses

House Bill No 2134 has been referred for hearing to the following House Committees: Higher Education, Health, and Finance. This bill will allow the Center for Nursing to be funded continuously by imposing a \$40.00 surcharge/tax upon Nurses renewing their license. The bill eliminates the sunset clause in the original Center legislation which stipulated the special tax on Nurses would end as of July 2009.

Act 198 established the Center for Nursing at the University of Hawai'i School of Nursing and Dental Hygiene. The stated purpose was to ensure that better data about Nurses would be made available in order to improve health care in Hawai'i, as well as improving working conditions for Nurses.

See **Legislature** on Page 4

Why Dues Adjustment is Vital For HNA and Hawai'i Nurses

- Can't do everything Nurses need on 1992 dues
- Need full complement of LRS staff to meet Nurses' needs
- Need to fill Strike fund to support negotiations
- Must have full Legislative program to pass vital legislation
- Having reliable economic foundation is essential
- Funding is needed for complete Steward training

See **Dues Adjustment** on Page 3

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LETTER FROM NURSES OF WEST VIRGINIA & KENTUCKY

[The following letter was sent out by the Nurses of West Virginia and Kentucky, thanking everyone in UAN for our support during their recent strike. Those of us in Hawai'i understand especially well what the Nurses of Appalachia faced after the experience of our sisters and brothers on Kaua'i last year. Here is the letter from the WVNA and KNA – ed.]

January 11, 2008

On behalf of the registered nurses in the West Virginia Nurses Association and the Kentucky Nurses Association, and especially WVNA Local 201 and WVNA Local 205, I would like to say that words cannot express the deep gratitude in our hearts for the kindness, generosity, solidarity, support, commitment, friendship, and relentless effort put forth by all during our recent struggle against Appalachian Regional

Healthcare, Inc. and its sidekick, Yessin & Associates. In the face of adversity, we prevailed because of you. We developed a deeper bond with our USW union brothers and sisters as we had supported them in April in their fight against ARH. We grew closer and stronger as union brothers and sisters because you believed in our cause for Patient Rights, Human Rights and Union Rights.

With the help of the UAN, AFL-CIO, God opened up the Heavens and it rained union solidarity upon us from everywhere. And I do mean everywhere. The colors of union logos blending, either on shirts, jackets, or banners, for one cause was amazing. Multiple unions, individuals in communities, whole communities, religious leaders, governors, legislators, regulatory agencies, physicians, business leaders, and others all came to our

aid. How great it was to feel that David had come to help 600+ Kentucky and West Virginia registered nurses defeat Goliath. We will never be able to describe that feeling to you. Again we thank you.

The strike is over and we were victorious but the struggle continues regarding Return to Work issues. And you are still standing there beside us. God Bless You always. I'm crying at intervals as I write this because, as I said earlier, words cannot express-only our hearts know that we have experienced what true union solidarity means. We stand ready to be all that we can be to assist any/all of our union brothers and sisters who need our help.

In Solidarity,
Rue Hairston, RN, Chair
WVNA Economic & General
Welfare Commission

HNA CALENDAR

Monthly Meetings

1st Friday: Collective Bargaining Committee meets at 4:00 pm.

2nd Friday: Executive Committee meets at 6:00 pm.

2nd Friday: Finance Committee meets at 4:00 pm.

3rd Saturday of each month: HNA's Board of Directors meets at 10:00 am.

All committees meet at HNA, 677 Ala Moana Blvd., Suite 301, Honolulu. Times are subject to change, so please phone HNA before planning to attend a meeting.

HNA ACTION

HNA OFFICERS

Luanne Long, RN – President
Joan Craft, RN – Vice-President
Robin Tanner, RN – Secretary
Wilmalee Kimble, RN – Treasurer

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Designed by Glenn McHugh

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Finance Committee:

Wilmalee Kimble, RN, HNA Treasurer

Collective Bargaining Committee:

Joan Craft, RN, HNA Vice President

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Continuing Education:

Faith Rossman, RN

Communications:

Vacancy

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Why Dues Adjustment is Vital For HNA and Hawai'i Nurses

Continued from Pg. 1

The essentials are on page one. HNA has been operating for more than 15 years on 1992 dues. That's the last time HNA dues were adjusted to meet then-current needs.

No Nurse stands alone ... because we have HNA. And that's very important because no Nurse CAN stand alone in this day and age. The management council is united in opposition to many of the things Nurses hold most important, including our No Lift bill. Nurses have no chance to be heard unless we have a collective voice. And we DO have that voice through HNA.

But there's a lot more to it. HNA is not only our representative, HNA is our protection. HNA LRS staff provide support and expertise when our rights are in question. They are there to help us in negotiations. They are there for us when we need council or representation in an arbitration. However, one person can't be in more than one place at a time and our HNA LRS staff is dangerously thin now. You just can't employ as many staff in 2008 on 1992 dollars – inflation has insured that 1992 dollars don't stretch nearly as far as they did back then. Today we have only three Labor Relations specialists. We need to have five working for us, covering all the facilities all of the time.

Our Steward program is essential and it is not where it needs to be. HNA's Officers and Staff have

been working hard to build a full complement of HNA Stewards, Nurses on site who are trained and ready to look out for our interests right there in the facilities where we work. Our HNA Stewards are our first line of defense when issues of importance to Nurses arise. But funding is needed to complete training for all Stewards, to help us guarantee that EVERY site has a fully trained HNA Steward there working for us.

Unanimous Recommendation

There is much more. The Officers and Interim Executive Director have undertaken to explain the issues in a series of letters sent to members covered by collective bargaining agreements. In the HNA ACTION, we have space only to report and summarize the issues. But the bottom line is this: in today's world especially, we need a fully- and reliably-funded union standing up and working for us at all times. That requires a reliable funding foundation, one based on a small percentage of Nurses' base pay, one grounded in today's dollars not those of 16 years ago. Adjusting the dues to the same basis as other unions is the most important thing we need to do to achieve ALL of our goals.

That's why your Officers, Board of Directors, and all the Delegates to the House of Delegates UNANIMOUSLY have voted to urge your approval of the proposed HNA dues adjustment.

Kaua'i Medical Clinic LPNs Gain Contract

Kaua'i Medical Clinic LPNs have completed and ratified a new contract agreement with representatives of management – KMC and the HPH Corporation. The vote was unanimous.

The contract is front-loaded with raises in order to catch the LPNs up with other LPNs statewide.

The employer's original offer was 3% a year for three years. The LPN's HNA negotiating team ended up with 10.5% the first year and 5% each of the next two years. Past increases consisted of 40 to 60 cents per year.

Working with the assistance of HNA LRS Randy Perez, the LPNs' negotiating team was also able to increase shift differentials from \$1.00 to \$1.25 per hour. In addition, they were able to improve their right to union representation for investigative meetings and also to increase their Educational Days from 1 to 2 days.

There was a change in Group Life which continues insurance past 65 years of age but lowers coverage some – from 65 year of age up to 70, coverage was dropped to 65% and at 70 and older, to 50%. This appears to be a priority of HPH which is looking to achieve this reduced level of coverage after age 65 at all of its facilities. This is something HNA is aware of and planning about.

Finally, the team insured that Employers' Caps for Medical/Dental coverage were increased accordingly for every year of the contract, an important detail for all Nurse Negotiating Teams to keep in mind.

HNA congratulates the LPNs of Kaua'i Medical Clinic, including Davone Florence, LPN. and Gege Robert, LPN, the unit's KMC and HNA Representatives and a tip of the hat also to LRS Randy Perez.

Legislature Underway

Continued from Pg. 1



Rep. John Mizuno, Vice Chair,
Committee on Health



Rep. Alex Sonson, Chair,
Labor Committee



Sen. David Ige, Chair,
Senate Health Committee

The surcharge was placed into effect as of July 1, 2003. It has been four years and HNA questions whether the Center has complied with the intent of Act 198. We are concerned that not much focus has been placed on improving the working conditions for qualified, seasoned Nurses at the bedside, caring for seriously ill patients at Hawai'i's Acute Care Facilities. Nor do we believe that much research on best practices and quality outcomes is being done by the Center to retain seasoned Nurses. We believe that seasoned Nurses continue to leave or will cut their work hours - adding to the nursing shortage - because of less than acceptable working conditions and their impact upon nursing practice.

All HNA members should call and urge the following legislators NOT pass HB 2134 because it's unfair to Nurses and the original intent of the legislation is not being met:

Committee on Higher Education:

Representatives Jerry Chang (Chair), Joe Betram (Vice Chair), Lyla Berg, Rida Cabanilla, Scott Nishimoto, Scott Saiki, Maile Shimabukuro, Mark Takai, Dwight Takamine, Roy Takumi, Glenn Wakai, Corinne Ching, Lynn Finnegan.

Health Committee:

Representatives Josh Green (Chair), John Mizuno (Vice Chair), Della Au Belatti, Joe Betram, Rida Cabanilla, Karl Roads, Maile Shimabukuro, Mark Takai, James Tokioka, Karen Awana, Gene Ward.

Finance Committee:

Representative Marcus Oshiro (Chair), Marilyn Lee (Vice Chair), Faye Hanohano, Michael Magaoay, Pono Chong, Mele Carroll, SHaron Har, Joey Manahan, Bob Nakasone, Karl Rhoads, James Tokioka, Karen Awana, Colleen Meyher, Gene Ward.

Meetings Being Held at Kaiser To Learn About National Agreement

RN's at Kaiser have begun attending meetings to learn more about the National Agreement between the Coalition of Kaiser Permanente Unions and Kaiser Permanente (CKPU). "The Agreement describes an organization in which unions and employees are integrated into planning and decision-making forums at all levels, including budget operations, strategic initiatives, quality processes, and staffing. In this vision, decisions are jointly made by unit based teams (Unit Based Teams) – giving people who provide the care and service the ability to decide how the work can best be performed." (Page 13, National Agreement)

HNA & CKPU will continue to host meetings to educate Nurses about the privileges of Partnership offering everyone an opportunity to learn and get involved. Nurses at Kaiser should be sure to attend to get their copy of the National Agreement and have their questions answered. (see partnership website: www.LMPartnership.org)

E Pluribus Unum – out of many, one

A Critical Year



by Luanne Long, RN
President, HNA

We are just over a month into a very critical year for Nurses and healthcare in Hawai'i. The Legislature is in session and we have asked Legislators to enact No Lift legislation protecting both patients and Nurses and other healthcare workers from the obvious dangers of that arise when facilities are not equipped to help lift patients safely.

We are already preparing for Big Five negotiations later this year. We are seeking to adjust our dues to the same basis that has allowed other unions to build up a strong strike fund and to be able to rely on sound economics over time. We have asked the Legislature to honor its promise to end a unique and unfair special tax on Nurses (and Nurses only) by allowing the \$40 surcharge levied on Nurses to fund the State's Center for Nursing to sunset as was written into the original legislation establishing the Center.

And we face all this as our country goes through the process of electing the next President of these United States.

It's Up to Us

As Nurses, we need a great deal of support this year. But a great deal of what we can expect is in our own hands.

Because of HNA, no Nurse stands alone. Nor should she or he ever have to stand alone. But HNA is OUR union, OUR creation. We merged the old Hawai'i Nurses Association and Collective Bargaining Organizations together to form today's HNA so we would have the best representation possible. Now there are things each of us can do to turn that promise into reality and make sure it stays on course.

We can approve the dues adjustment to bring our dues structure into the 21st Century – literally. We continue to try to operate on 1992 dues, and there's just no way we can guarantee ourselves 2008 services on 1992 dollars.

We can volunteer a bit of our time to make things work out best for ourselves and our colleagues. Volunteer to go down to the Capital and join as we lobby the Legislators. Join an HNA committee and help HNA do all that must be done to keep Nurses and nursing strong and safe.

Be Active in Your Union

Check out the HNA website on a regular basis to keep up with what's happening. Call the HNA Hotline at least once a week to stay on top of breaking events that affect us all.

Understand that Nursing is our profession and HNA is our union. They are what we make of them.

Your HNA Officers, Board Members, and Staff look forward to working closely both for and with you throughout this exciting year ahead.

HNA LEGISLATIVE OPENING DAY 2008



Hawai'i Nurses Association Shop Steward Classes, 2008

[Please note that an advanced Stewards Training course has been added to the schedule. This is in order to insure that all Stewards are kept up to date on the latest changes in the law and to help keep HNA accountable to the members through well-informed Shop Stewards, and more. HNA Stewards who have already completed the initial course should plan to take the advanced course this year. – ed.]

Introduction To the Roles & Responsibilities of HNA Stewards

All Classes will be held at HNA on Saturdays from 9 a.m. to 12 p.m.

Bring your Union contracts to class!

Set I	Part I: Collective Bargaining Basics; Duty of Fair Representation; Grievance Steps & Mis-steps	March 22
	Part II: Grievance Investigation & Documentation; Disciplinary Grievances, Just Cause & Remedies	April 26
Set II	Part I: Collective Bargaining Basics; Duty of Fair Representation; Grievance Steps & Mis-steps.	August 23
	Part II: Grievance Investigation & Documentation; Disciplinary Grievances, Just Cause & Remedies	September 27
Set III	Part I: Collective Bargaining Basics; Duty of Fair Representation; Grievance Steps & Mis-steps	November 22
	Part II: Grievance Investigation & Documentation; Disciplinary Grievances, Just Cause & Remedies	December 13

Advanced Classes for HNA Stewards

All Classes will be held at HNA on Saturdays from 9 a.m. to 12 p.m.

Pre-requisite: Completion of Parts I & II of Introductory Steward Classes in 2007 or 2008

Advanced Class 1:	Employments Laws: Workers' Comp.; Wage & Hour: OSHA, & FMLA	February 9
Advanced Class 2:	Collecting Bargaining: Contract Negotiation Process & Practice	May 24
Advanced Class 3:	Strikes, Picketing & Inside Campaigns: Legal rights of Nurses in labor disputes	June 28
Advanced Class 4:	To be Determined	October 25

Know Your Rights

You Have the Right to HNA Representation

During an investigatory interview, HNA collective bargaining members have the right to request that an HNA union representative be present to advise them. Management can call off the interview or wait for your HNA representative to arrive, but unless you voluntarily give up your right to union representation, management cannot proceed without your HNA representative there to advise you.

That's the law of the land, according to a 1975 ruling by the United States Supreme Court. Your right to representation in an investigatory interview have become known as your Weingarten Rights.

Weingarten Rights

It is of concern to HNA that recently there have been several instances in which managements here in Hawai'i have attempted to skirt employees' *Weingarten* Rights. This is a reminder – protect yourself. Know your rights. Management has no obligation to inform you of these rights; that's why HNA is doing so again now, so you can protect yourself. Here are the main details:

Employees have *Weingarten* rights only during investigatory interviews. An investigatory interview occurs when a supervisor questions an employee to obtain information which could be used as a basis for discipline or asks an employee to defend his or her conduct.

The Right to Union Representation

If an employee has a reasonable belief that discipline or other adverse consequences may result from what he or she says, the employee has the right to request union representation. Not in all contracts is management required to inform the employee of his/her *Weingarten* rights; it is the employee's responsibility to make the request.

When the employee makes the request for a union

representative to be present management has three options:

1. it can stop questioning until the representative arrives.
2. it can call off the interview or,
3. it can tell the employee that it will call off the interview unless the employee voluntarily gives up his/her rights to a union representative (*an option the employee should always refuse.*)

Your Representative's Role

Employers will often assert that the only role of a union representative in an investigatory interview is to observe the discussion. The Supreme Court, however, clearly acknowledges a representative's right to assist and counsel workers during the interview.

The Supreme Court has also ruled that during an investigatory interview management must inform the union representative of the subject of the interrogation. The representative must also be allowed to speak privately with the employee before the interview. During the questioning, the representative can interrupt to clarify a question or to object to confusing or intimidating tactics.

While the interview is in progress the representative can not tell the employee what to say but he may advise them on how to answer a question. At the end of the interview the union representative can add information to support the employee's case.

Know Your Rights

Know your rights. If you have any reason to suspect that you are being questioned in a situation in which your answers could lead to discipline or other adverse consequences for you, inform management you want to exercise your Weingarten rights and have an HNA union representative there with you. Do not give up your rights. Do call HNA immediately.

HAWAI'I NURSES ASSOCIATION ACTION

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HNA Hotline Up and Running

The HNA Hotline is up and running once again. Members should call the Hotline number – 537-2833 – at least once a week to stay on top of all that is going on affecting our jobs and careers. Throughout the Legislative Session and then through all the negotiations, the Hotline will be updated whenever there is news to report – but at least once each week – to keep everyone informed of what's going on, and when there is a need for Nurses to join in an important activity, be it lobbying, telephoning, supporting your Nurse Negotiating team or whatever comes up. This is an important service of your union. We hope you will take advantage of it as well as going to your HNA website on the internet for all the latest information and news.

The Hotline number once again is **537-2833**. The website address is www.hawaiinurses.org Mahalo.

Fill Out Negotiations Survey Online

It is important that all HNA collective bargaining members (members who work at facilities covered by an HNA-negotiated contract) go to our website at www.hinurses.org and complete the negotiating survey there. Do it NOW, well in advance of your contract negotiations. Do it NOW for the Big 5 negotiations that will take place later this year. The results of the surveys will help guide your Nurse Negotiating Team in preparing for successful negotiations. Your LRS will be distributing the survey in your facilities as well as encourage you to go online to the HNA website to submit one. We are already receiving completed surveys but ALL Nurses need to complete surveys as soon as possible. Mahalo.