

January 18, 2012

Dear NYSNA Member,

At its most recent meeting on January 11, the board of directors discussed numerous issues affecting members, including the American Nurses Association (ANA) Hearing Panel suspension of NYSNA for one year, and the Association's appeal of that decision. There are some basic facts the board would like clarified, to better assist members in understanding what actions can and cannot be taken, regarding the suspension and NYSNA dues. We would also like to update you on other important matters facing the Association.

With respect to the ANA:

- The NYSNA board of directors has taken no action, directly or indirectly, to disaffiliate from the ANA. The ANA Hearing Panel decision to suspend NYSNA on December 13 was based *solely* on the board of directors' choice of hire for its Interim Executive Director. Such hiring decisions, temporary or permanent, are the sole responsibility of the organization, and not subject to ANA review. The ANA is a federation structure, under which the state nurses association (referred to in the ANA bylaws as a Constituent Member Association, or CMA), not the individual nurse, is the ANA member.
- In 2008, NYSNA signed an agreement prepared by the ANA which allows for other membership arrangements to exist under specific terms outlined in the Agreement. ANA's recent direct mailing to NYSNA members, without notification to, or approval by NYSNA, suggested that NYSNA members join another State Nurses Association - even though NYSNA is their bargaining representative - and advised them to demand a refund of ANA dues that NYSNA pays. Those actions by the ANA violate the express terms of Agreement, which remains in effect and is attached.
- Dues paid by NYSNA members are NYSNA dues, set by the voting body. In contrast, the monthly assessment that NYSNA pays the ANA, as a condition of NYSNA's ANA affiliation, is not the obligation of an individual nurse. The formula that ANA applies for calculating the amount of NYSNA's monthly assessment is based on NYSNA's total dues revenue, not the dues of an individual nurse. That assessment formula is attached, and represents 14.1% of NYSNA's dues rates.
- The NYSNA Voting Body, not ANA, is the sole entity with the authority to decide to change NYSNA's dues structure. The ANA is fully aware of this. The relevant section of the NYSNA bylaws, which address specific reduced dues categories, is attached.

Currently, the board of directors is reviewing with counsel what options, if any, are available. On January 17, we filed an appeal of the ANA Hearing Panel's suspension decision. We encourage you to contact the ANA at 800-274-4262 and demand that it rescind the Panel's unwarranted decision. To assure access to the process and information, we have posted on both the public and members only sites:

1. The initial response to the ANA claim;
2. The testimony that the ANA relied upon for its decision, and
3. The appeal NYSNA filed.

Additional information we obtain will be posted there as well.

Constituent of the American Nurses Association

It is our sincere hope that this matter is resolved quickly. The board is proceeding with its budget process under the assumption that NYSNA will remain an ANA CMA, particularly for the upcoming ANA House of Delegates, during which important matters, including potential restructuring of representation, may occur. We certainly would not want to see the misguided decision of ANA to suspend NYSNA used as a vehicle to deny our full representation rights, when such important matters affecting NYSNA, the largest CMA, will be determined.

Additionally, based on a recommendation from the NYSNA Delegate Assembly (DA), after a thorough assessment by the Executive Committee and discussion at the January DA meeting, the NYSNA board of directors voted to disaffiliate from the National Federation of Nurses (NFN). This decision is based on the recognition that the DA, as NYSNA's collective bargaining advisory body, should have significant input into our affiliation with a national labor organization. It was also based on knowledge that certain NFN officers, who were instrumental in orchestrating NYSNA's disaffiliation from the United American Nurses (UAN), improperly used NFN resources to directly interfere in NYSNA internal affairs, and have denied NYSNA representatives the right to attend NFN meetings. Not only did they state that they would continue this practice in the future, but the NFN did not assist NYSNA members when they were engaged in critical collective bargaining to protect our members' health benefits.

The Delegate Assembly also requested the board of directors address a number of concerns surrounding the structure and governance of NYSNA, to better serve the membership. The board has convened a special committee of representatives from current governance/advisory structures (Board, Delegate Assembly and the Congress) to analyze and propose revisions to the structure. A special meeting of the members will be required to bring about changes necessary for compliance with the Department of Labor regulations, and restructuring changes may be addressed then as well.

In light of recent anonymous propaganda mailings and leaflets, which misrepresented facts and maligned NYSNA leadership, and were conducted in a manner and at a time that could have undermined our collective bargaining efforts at major NYSNA-represented facilities, the board has requested an investigation into this matter. This investigation is designed to assure our members that no member information was inappropriately obtained, and no improper funding was used for these slanderous mailings.

Finally, with regards to outstanding litigation, NYSNA has requested expedited mediation of all outstanding litigation which, as you may remember, required a Court order to require the former board to comply with NYSNA's bylaws and seat the current board. We are also cooperating with the Department of Labor in an election investigation. We look forward to the prompt resolution of these matters, assuring that the full energies of NYSNA leadership and staff, as well as our resources, can be focused on the goals and needs of our members, many of whom (particularly those within the public sector) remain without contracts. NYSNA continues to be committed to pursuing the many legislative and health policy priorities vital to our patients and profession.

In the three months since the elected board was seated, there have been a number of organizational changes, and much success. Nowhere is this success more apparent than in the members' hard-fought and well-deserved resolution to numerous outstanding contracts, and the freedom of staff to work in a unified manner to achieve these goals. While a few may fear change, most of you have indicated such change is long overdue. It is important now - more than ever - to focus on moving the Association forward, to secure meaningful change that assures both a dynamic union and a professional organization that is unified and yes, also multipurpose.

In solidarity,
Julie Pinkham, RN
Interim Executive Director