

Breaking news! Labor Board sides with NYSNA, dismisses election challenge!

As this edition went to press, NYSNA received word that the National Labor Relations Board (NLRB) **dismissed** all five of the hospital's objections to our successful recertification election on June 23. An NLRB hearing officer is recommending that a certification of representation be issued.

Unwilling to respect our overwhelming vote to recertify NYSNA as our professional union, the hospital filed the challenges on June 30. At a hearing on July 21 at the NLRB's Albany office, the hospital, represented by legal counsel, desperately tried to claim that NYSNA supporters engaged in behavior that was in violation of the National Labor Relations Act (NLRA).

In such cases, the "petitioner" must prove that the other party's conduct during the election had the "tendency to interfere with the employees' freedom of choice" and "affect the outcome."

NYSNA **knew** that its members and staff did **not** violate the NLRA and was confident that, based on the testimony offered by hospital witnesses, the board would not find **any** evidence of wrongdoing. In addition, the hospital's case was fundamentally flawed in that it had very little, if any, proof in support.

In his decision, NLRB Hearing Officer Alfred Norek wrote, "Based upon the record developed at the hearing, and consideration of the post hearing briefs, the undersigned recommends that all objections be overruled."

With this dispute settled, and the issue resolved that RNs at Benedictine clearly support their union, only **one** question remains: When will the hospital begin to show respect for registered professional nurses by addressing the lack of equity between Benedictine and Kingston Hospital RNs? This is a great question – and one we should consider asking hospital administration.

The latest on contract talks

At our most-recent negotiation session on July 28, the hospital continued to veer from the **core tenets of respect, equity, and fairness** by again rejecting our contract proposal for retroactive wage parity with our Kingston Hospital RN colleagues.

In response, we made a formal request that the hospital provide us with the fees it has paid to legal counsel since 2008 – when we were organizing with NYSNA – as a way to substantiate that it's not a matter of whether the hospital can adhere to the principle of equity, but rather a matter of if it **wants** to. To date, it has shown it does not.

Our next negotiation session will be held on **Wednesday, Sept. 7, at 10 a.m.** in the **Auditorium**. Please make a point of attending and once-and-for-all conveying to the hospital that we are united around an equitable and fair contract.

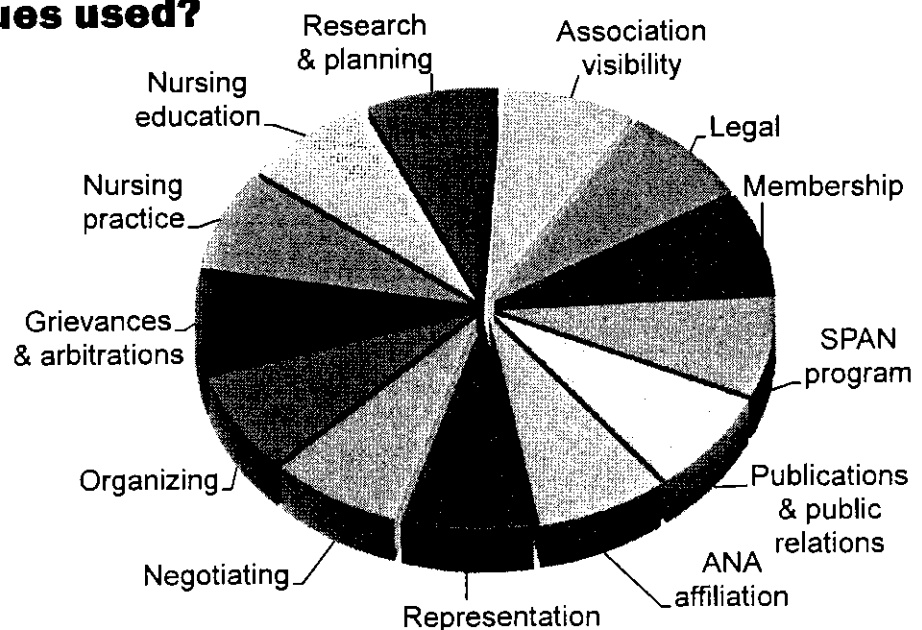
How are my NYSNA dues used?

NYSNA dues fund numerous programs and activities that directly benefit its members.

NYSNA's labor arm, the Economic & General Welfare Program, provides staff to service more than 140 local bargaining units, including representing members during grievances, arbitrations, disciplinary proceedings, and contract negotiations.

The Education, Practice, & Research Program covers services and activities related to nursing education, research, and advising members on issues related to nursing practice.

The Governmental Affairs Department coordinates legislative advocacy for the association, serving as the voice for RNs at the State Capitol, and working with the State Legislature and government agencies to preserve and protect the nursing profession.



“We did it, AGAIN!”

**From Estelle Aquino-Woych, RN-BC, MA, CRNI
President, NYSNA Local Bargaining Unit at Benedictine Hospital**

Congratulations! I want to thank all of my RN colleagues who worked to reaffirm our commitment to excellence and to our direct affiliation with our professional union, NYSNA, on June 23.

While I realize that there are some of us who were not certain – and no one claims an absolute, 100-percent agreement from all nurses – I do hope that every nurse realizes that we are all an absolute 100 percent for each other!

I hope that we will prove to be a professional, unified voice here in Kingston over time, and that, along with the other members of the Executive Committee, hope we can win your trust.

It's essential that RNs now band together and complete our first contract without further manipulations and delays. NYSNA can provide guidance, but we need active and **proactive** participation.

If you can come to negotiations, we would greatly benefit from your presence. The hospital continues to play games of distraction, confusion, distortion, and delay in an ongoing attempt to derail our contract negotiations. We urge you to attend a membership meetings as well. **It's time to raise your voice!**

We've accomplished a great deal, but the hospital continues to exhibit blatant disrespect by ignoring the core principles of equity, fairness, and professional respect. We **cannot** agree to a substandard contract that does not contain these core professional tenets.

As your colleague for more than 20 years, I implore you to lend your undivided support to the Executive Committee as we work toward achieving these goals. We **will** win a contract on terms of integrity and strength, which will establish a solid foundation upon which future contractual gains will be made.

We are also looking for volunteers for our upcoming community blood-pressure screening days. Please watch the flyers for more detailed information and the date.

Please don't hesitate to call or e-mail NYSNA Representative Janice Treanor in the NYSNA office next to the Broadway Lights diner at **(845) 331-1818** or at **Janice.Treanor@nysna.org**, with questions or concerns. Or you can call me at home at **(845) 339-4599**.

Our choice: One voice!

What is a protest of assignment form?

A protest of assignment (POA) form is a document that notifies management of an unsafe assignment on your unit that endangers your patients, your practice, and your license. NYSNA's POA forms are designed to make sure that your legal and professional liability is shared with the hospital in the event something untoward occurs.

With healthcare's trend toward increased in-patient acuity, it's important that you take steps to protect your license and protect yourself from liability. If you believe that your patients' safety is jeopardized by insufficient staffing, it's vitally important that you file a POA form.

The POA is used to document any situation in which you feel that working conditions are unsafe and compromise patient safety. In addition to protecting you in the event of a negative patient outcome, the POA is used to track patterns of RN understaffing.

How do you file a POA?

First, notify your supervisor that you believe that the conditions on your unit are unsafe and that a POA is being filed.

The supervisor cannot tell you that a problem does not exist, only YOU can make that determination. The supervisor should then complete a section on the form stating what corrective action,

if any, was taken. If the supervisor does not come up to assess the situation or refuses to fill out their portion, note this on the form. Keep a copy of the POA for yourself, and send one to your NYSNA representative.

If you are placed in an unsafe situation

You are professionally and morally obligated to file a POA if placed in a situation that you feel endangers patients. Here's what to do when you file a POA:

1. Call your supervisor and explain the situation and request help. If help isn't available, you must work under protest.
2. Ask your supervisor to visit the unit. Document the response, including refusal to come, the time the call was made and arrival time on the unit.
3. File a POA. This will help document staffing problems and patient care issues. POAs also provide shared responsibility in the case of an untoward event. You must do this every time you are placed in a situation which you deem unsafe.
4. Keep your supervisor informed on a routine basis during the shift of your displeasure over the unsafe situation and any hope for relief.

Questions? Ask your NYSNA negotiating committee or NYSNA representatives!

Estela Aquino-Woych, RN	President	(3SP)	(845) 338-2500
Sharon Miller, RN	Vice president	(Mental Health)	(845) 338-2500
Ann Krom, RN	Grievance chair	(ENDO)	(914) 334-4925
Carmen Ianora, RN	Membership chair	(4SMC)	
Kathy Mellert, RN	Secretary	(3SP)	
Janice Treanor	NYSNA program representative		(800) 724-NYRN, ext. 254
Tom Darby	NYSNA labor representative		(888) 551-3112, ext. 126
Glenn Bouldin	NYSNA organizer		(845) 331-1922