



Pennsylvania Association of
Staff Nurses & Allied Professionals

UPDATE

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Victory! PASNAP Members at Temple Hospital Win Strike



Learning From Temple

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When Temple University Hospital issued their “last, best, final offer” to our 1,500 members in late September of 2009, their actual agenda had long since become quite clear. Their proposals to eliminate the requirement that all employees join our union or pay “fair share,” separate the common expiration dates of our two contracts and to “gag” our ability to publicly advocate for our patients were obvious hallmarks of an employer seeking to bust our union or at the very least weaken it for a generation.

After forcing Temple to negotiate fairly in the last two rounds of negotiations in 2003 and 2006, our 1,000 nurses and 500 professional and technical PASNAP members had set the highest contract standards in the Philadelphia area. In this round, Temple sought to opportunistically exploit the economic crisis not simply to extract steep economic concessions, but to permanently cripple our union’s ability to fight for our interests in the future.

Temple failed. The nurses and allied professionals at Temple won. And they won for all of us.

All along, Temple’s goal was to provoke a strike in the midst of this economic crisis, believing that our members would crumble within a week or two and return to work not only defeated but with a contract that would demoralize them for years. What Temple did not count on was the truly extraordinary unity and determination of our union at Temple. After 28 days on strike, more than 95% of the union remained on the picket line, demonstrating clearly to Temple executives that our union would not be broken.

Most thinkers and strategists on the question of sharp conflict say that the outcome of any battle is largely determined before the fight even begins. This is because what is most important in conflict is preparation and the strength of one’s own internal organization. Once well-prepared, you then have the ability to bring enthusiasm and morale to the battle to complete your victory.

winning contract campaign begins with one on one communication long before the contract deadline and a mindset that never waivers that the members are the union.

Temple’s failed attack on our union is being replicated throughout the country right now. In Palo Alto, California, Kalamazoo, Michigan, Minneapolis and Las Vegas, hospital executives are



PASNAP Leaders stand with AFL-CIO President Rich Trumla at a press conference several days before the start of the 28-day strike at Temple University Hospital.

There was no shortage of enthusiasm and morale on our picket lines and rallies during the Temple strike. The picketing was consistently energetic, with constant movement, chanting, even occasional singing. Our rallies were large and inspiring to everyone who attended them, including the many labor and community allies joining us in the fight.

But it was the long-term commitment to building a strong internal organization at Temple that made the difference in the strike. Our local leaders and staff have worked tirelessly over many years to ensure that every unit, every work area was engaged in the union. This is the lesson for all of us. Preparing for a

playing out an almost identical game plan to weaken these nurses’ unions in order to impose pay cuts and other steep economic concessions. I have spoken to the nurses and staff organizers leading these fights. All of them say that our victory at Temple inspires them as they organize their members to be fully prepared in order to win at their contract deadlines.

And just about all of them have adopted a certain chant during their informational picketing and rallies. Together, they scream...what’s disgusting?...Union Busting!

Temple Nurses and other Health Professionals Stick Together and Win 28-Day Strike

Standing up to a direct attack on their union and their right to speak out for themselves and their patients, the 1500 nurses and health professionals at Temple University Hospital ended their strike and ratified a new contract on April 28th. After Temple executives withdrew their proposals to weaken the union for a generation and made compromise economic proposals, PASNAP members at Temple voted 1045-30 in favor of returning to work just as they left 4 weeks earlier: standing together.

The strike lasted 4 weeks, but it had been provoked months prior when Temple presented the unions with unacceptable proposals contained in what they called their “last, best, final offer.” That offer was made to PASNAP on September 25, 2009 and Temple never modified its proposal until the final hours of negotiations—6 months later.

Temple proposed impose a “gag clause” that would prohibit nurses and professionals from publicly advocating for the patients in ways that could be perceived as “disparaging” of Temple management, eliminate the union



shop, and divide the two union locals (TUHNA and TAP) with contract expiration dates 1 year apart. The “last, best, final offer” would have cut wages by thousands of dollars per year, drastically increased health care costs, and eliminated a long-standing policy allowing tuition remission for

children of employees to attend Temple University.

Off-and-on negotiations throughout the winter yielded no progress. The members sought to avert a strike by going to Harrisburg, reaching out to elected leaders, wearing buttons and holding rallies. Meanwhile, members sought other forms of

employment in the event of a strike. Over 1,000 people rallied in front of the hospital on March 26, demanding that Temple return to the table and avoid a strike.

In response, Temple continued to refuse to negotiate, and the members voted 1025 to 50 to reject their final offer and commence a strike on March 31, 2010.

The strength and solidarity of PASNAP members was evident from the onset of the strike. Everyday from 6 am to 9 pm, the corner of Broad and Ontario was home to a



powerful, joyous picket line of parading signs, songs, and supporters.

Other events included:

- The day before Easter was a gorgeous spring Saturday, members gathered in Rittenhouse Square to rally in front of the luxury condo of Ann Weaver Hart, President of Temple University.

- Members rallied by the hundreds at City Hall and filled the chambers of City Council. After the Council session, over 300 nurses and professional staff descended the five flights of winding, marble staircases chanting, “no contract, no vote!” Their voices were heard: the very next week, City Council passed a resolution calling for fair negotiation.

- After being contacted by a few members, the City Controller office sent a letter to Temple and the media that the hospital was potentially in violation of the law because the scab agency had not applied for a business license and the scabs were not paying local wage taxes.
- As complaints from inside the hospital began to trickle out to the picket line

REFLECTIONS FROM THE STRIKE



JACKIE SILVER, president of the professional and technical union, said, “The reason this strike is so strong is because of the anger that Temple has provoked by telling us in too many ways that they no longer respect us. They have told us that this is not about money but about their wish to no longer be ‘above average.’ What we do here is above average and we want to keep the care that we deliver above average. We will not give up what we know to be necessary to keep this hospital safe and functional in the long run.”

SELENA HODGE, “At our last negotiation, I was told two Monday’s ago, that if I wanted my Constitutional rights, I needed to go someplace else.” WHYY Ap 1.

PAT GANNON, “This is absolutely not about money. This is about respect. Respect for this union, how we speak for our patients and how we speak for ourselves.”

TOM GEIGER, who spoke to a reporter about the importance of the tuition remission benefit, since, as a single father, he was able to send his daughter to college, “...if you don’t stand up for something, you can lose everything.”

MICHAEL MOORE, “I am proud to support the striking nurses and staff at Temple University Hospital. It is an embarrassment that an otherwise fine institution of higher learning would treat its own nurses and health professionals with such contempt. Exactly what lesson is Temple teaching to its students when they attack the nurses at their own hospital?”

“They knew we would not take their ‘best and final’ offer, but they underestimated the strength of our membership. Their plan to weak us did not work. Instead, we became more united in this strike, and we will return to work with a great amount of pride in what we achieved,” **MAUREEN MAY, April 28**



“We’re just here to send them in. We came out together and we promised we’d all go back together, at least be here to send them in as a show of unity because that’s really what won us a reasonable contract this time is our unity,” **KAREN WALKER, RN**



about patient care problems inside the hospital caused by the replacement workers, members, patients, and other hospital workers contacted the Pennsylvania Department of Health to formally file patient care complaints. Members also held a press conference to question the credentials of the scabs, which put the hospital on the defensive and got the media's attention.

- During PASNAP's House of Delegates, Temple and other PASNAP members marched to the law firm of Cozen O'Connor, where Patrick O'Connor, Temple's Chairman of the Board is a partner, and called on him to end the strike.

- Hundreds of members held a rally at the National Constitution Center in Philadelphia as Temple's elite held a fundraiser.
- Members and supporters inundated their elected officials with letters, phone calls, and office visits. In response, elected officials sent letters and made phone calls to Temple administration urging them to return to the table in order to reach a reasonable agreement.

After 26 days on strike, 95% of the 1,500 members remained out. After increasing pressure from both political leaders and the level of crisis inside the hospital, Temple committed to staying at the table until a settlement could be

reached. Four days into a marathon bargaining session, eight months after Temple had laid out their so-called "final offer," they substantially changed their positions on the major issues. They withdrew their union busting proposals around the gag clause, union shop, and disparate contract expiration dates. A reasonable compromise was reached on healthcare and the proposed wage freeze was exchanged for fair wage increases.

In addition, despite numerous public assertions otherwise, Temple agreed to provide up to 6 credits per semester of tuition remission for the children of all Temple Health System employees—not just PASNAP members.

The major victory was that the members were united throughout the strike and the unions were stronger by its end.

Please visit TempleWatch.org to review our strike in its entirety.
Thank you to all who contributed to our collective victory.

The Nurse and Health Care Worker Protection Act (S. 1788 and H.R. 2381)

Several members of Congress are leading the way to ensure health care workers to not put themselves in danger by lifting too much at work. Senator Al Franken (MN) and Representatives John Conyers (MI) and Lynn Woolsey (CA) have introduced legislation that would ensure safe patient lifting standards.

S. 1788 and H.R. 2381 would require the use of lift equipment to move patients, safe patient handling and injury prevention plans and training, and protection for health care workers who refuse unsafe assignments.

Eleven states and health care facilities all over the country have successfully implemented safe lifting policies, and the benefits are clear. Where safe lifting policies have been put into place, workers' compensation claims are down. Health care workers take less time off, they stay in the profession longer, have higher productivity, and most importantly, are they better protected in the workplace.

Call Congress today and tell them to support S. 1788 and H.R. 2381. To find your representatives, go to <http://www.congress.org/>.

PASNAP Celebrates 10 Years at House of Delegates

PASNAP members from across the state came together for the annual House of Delegates meeting in Philadelphia. The meeting marked PASNAP's tenth anniversary. While full of good spirits and lively discussion, the meeting was took place in the midst of the Temple strike. Fortunately, since the Temple strike was also in Philadelphia, members had an opportunity to show solidarity with the striking members by marching and rallying outside the center city office of Temple's Chairman of the Board, Patrick O'Connor.

In an unfortunate twist, the hotel had agreed to a contract with the staffing agency that supplied Temple with scabs for the strike. The management of the hotel, to the dismay of the unionized employees who work at the hotel, accepted the contract with the scab agency long after PASNAP. Unable to get out of the contract, we had to share the hotel with the replacements. Members learned too often in shared elevator rides that the scabs had little regard for patients and patient care issues, commenting that the work at Temple was "below them," but still worth their \$10,000/week salary.

One evening was marked by PASNAP members "greeting" scabs as they returned from work with chants of "scabs go home."

On the other hand, one scab witnessed the unity and strength of the PASNAP members and gave up her scab position.

She told a PASNAP staff member that she could no longer compromise her values for pure greed. She saw that the nurses and professionals who were out on strike were acting on principle and toward the betterment of their professions and patients.

Guests of the convention included leaders of National Nurses United, including the newly installed President of NNU from Michigan, Jean Ross, RN and Jill Furillo from the California Nurses Association. Each spoke of the nationwide struggle that nurses are facing by an increasingly emboldened hospital industry (see Cruice's op-ed). Another plenary speaker was Wendell Potter, a former Cigna Healthcare executive who became a well-known whistleblower. After seeing too many people denied health care, Potter decided to quit his executive job and speak out against the abuses within the health insurance industry. Where once he used to put deceptive 'spin' on our healthcare system, he now advocates for healthcare reform and believes that healthcare advocates play a crucial role in revealing the flaws in our healthcare system.

Members also had the opportunity to go to a number of informative workshops on workplace rights, FMLA, and how to run an effective nurse practice committee. Be sure to watch out for next year's House of Delegates.

HEALTH CARE REFORM

2010

- Insurance companies can't deny coverage to children with pre-existing conditions
- You can't get dropped from your plan because you get sick.
- The uninsured with pre-existing conditions can get coverage through a high-risk pool.
- Children can stay on their parents' plan until they turn 26.
- Qualified small businesses get tax credits to help provide coverage to employees.
- Eliminates lifetime coverage limits and restricts annual limits.
- The Medicare prescription drug "donut hole" starts to close.
- Provides funds to build and expand community health centers.

2011

- Free preventive care for Medicare beneficiaries, encourages states to cover free preventive care for Medicaid
- Continues closing the Medicare prescription drug donut hole
- Provides grants to states for consumer assistance programs.
- Allows state Medicaid programs to cover home- and community-based care for people with disabilities, instead of institutional care.

2012

- Begins payment reforms and incentives to encourage doctors and hospitals to provide more efficient and higher-quality care and reduce preventable hospital readmissions.

2013

- Limits the tax deductibility of compensation to health insurance company executives.

Fair Acres Nurses Ratify New Contract

PASNAP nurses at Fair Acres Geriatric Center in Delaware County ratified their first contract by a 90% yes vote. With the new contract, the nurses will see significant improvements in their working conditions, which they believe will improve patient care, staffing and morale in the county facility. The contract will expire December 31, 2011.

“We are very proud of our new union and our new contract. The dedicated nursing staff now has a strong voice to better advocate for both our residents and our profession,” said Carol Dougherty, RN, local union President.

The new agreement requires the Administration to create at least fourteen 12-hour positions and establishes a pilot program where nurses will schedule themselves, enabling a much greater amount of flexibility for nurses and their families.

“We are pleased with the improvements in our new contract. The new 12-hour flexible schedules will have a big impact in our ability to retain caring and experienced nurses, which will improve the care environment for our residents,” said Lori O’Brien, local union leader and Staff Development RN.

Other highlights of the agreement include, for at least two years:

- 100% employer-paid family health insurance
- 8 major holidays, plus 8 additional holidays where nurses are paid time and half for working
- A new seniority system which ensures fairness in the allocation of extra shifts, overtime and job bidding

“We are very happy to finally have a permanent voice on the job, where we can represent our interests as professionals and to make sure that everyone is treated fairly and with respect,” said Theresa Brown, a member of the union’s negotiating committee.

Vote to Establish Solidarity Fund Passes Statewide Membership Vote

After meetings held at each local, members voted by a margin of 89% to 11% to accept a one-time temporary dues supplement. Members will now be seeing this temporary increase in dues, which amounts to \$5.00/pay for 20 pay periods or \$10 per month for ten months. This money will be placed into a contingency fund that will be used for media, extra staff, and anything else it takes to win in every local union in the state, even when our employers launch their most aggressive attacks, as happened at Temple and is happening at Wilkes-Barre General Hospital.

11% Fewer Deaths in PA Hospitals if Proposed Legislation to Establish Minimum Nurse-to-Patient Ratios Were to Go into Effect

A new study from Linda Aiken and her colleagues at the University of Pennsylvania shows that safe staffing requirements in Pennsylvania hospitals would save lives and reduce nurse burn-out. In a comparison of hospitals in Pennsylvania with California, the only state that has mandated nurse-to-patient ratios, the study finds that Pennsylvania would have 11% fewer deaths if California’s ratios were adopted.

Two bills in Pennsylvania would establish these ratios, the Pennsylvania Hospital Patient Protection Act of 2009, authored by PASNAP and introduced by Senator Daylin Leach (D-17), and House Bill 147, introduced by Representative Tim Solobay (D-48). Both of these bills would require that acute-care hospitals abide by minimum, safe RN-to-patient ratios in all units at all times and “staff up” based on acuity. In addition, the bills provide for genuine whistle-blower protection for RNs who report unsafe care conditions. For more information on PASNAP’s safe staffing campaign, contact Kathleen or Emily at PASNAP (610-567-2907).

REFORM TIMELINE

2014

- No more denying coverage because of pre-existing conditions or charging more for groups with large numbers of women.
- No more annual limits on the amount of coverage you can get.
- Opens health insurance exchanges in each state, allowing people to comparison shop.
- Tax credits and vouchers for low-income people to use in the

- exchanges, expands access to Medicaid.
- Requires most people to have health insurance or pay a penalty.
- Requires employers with 50+ employees that don’t provide health coverage to pay a fee for employees who have to get subsidies to buy their own insurance in the exchanges.
- More tax credits for qualified small businesses to provide insurance coverage for workers.

2015

- Takes two additional major steps that lower health care costs and improve quality—creating an Independent Payment Advisory Board and a value-based payment program for physicians under Medicare.

2018

- Begins the excise tax on employer-provided health plans costing more than \$27,500 for family coverage and \$10,200 for individual coverage (\$30,950 for family coverage and \$11,850 for individual coverage for retirees and workers in high-risk professions).
- The work of union activists reduced the excise tax by 85 percent from the original proposal by raising the thresholds and pushing back the effective date.



WHAT'S INSIDE?

- Overview of the Temple Strike
- PASNAP's 10 years & House of Delegates
- Update on Safe Lifting legislation
- New study about Staffing Ratios

...and more!

NATIONAL NURSES ORGANIZING COMMITTEE



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