December 22
UNFAIR LABOR PRACTICE
STRIKE HANDOUT

Frequently Asked Questions at
MedStar Washington Hospital Center
Nurses Picket at Providence Hospital on November 12th
GENERAL INFORMATION
One-Day Strike at Medstar Washington Hospital Center
Date: Monday, December 22, 2014
Time: Begins 7:00 AM on 12/22 - Ends 6:59 AM on 12/23

PICKETING
You will be assigned a minimum of a six-hour picket shift to picket with the other nurses on your unit. Picketing is scheduled for 7:00 a.m. to 5:00 p.m. on December 22. It is essential that we have very large crowds outside the hospital at 7:00 to 9:00 a.m. and 12:00 noon to 3:00 p.m. We will have a rally outside the hospital at 12:00 noon and we need every RN to participate in that event.

In addition, assuming that management does NOT lock us out after the strike, we will march back to work as a group at 6:45 a.m. on December 23 (we will know in advance whether the employer will lock us out and will so inform the membership). Please assemble on the picket line on December 23 at 6:00 am for the march back into the hospital. We strongly encourage everyone to participate in that march, even if you are not scheduled to work day shift on December 23rd so we have as strong a showing as possible (after the march, those who are not scheduled to work can go home).

If there is a lock-out after the strike, we will maintain picket lines for the duration of the lock-out. We will get in touch with you to sign up for picket duty in that event.

WHAT DO YOU DO?

NNU – Represented Nurses
There is NO need to give notice or call in your intent to strike. Show up on the picket line. Report to your designated picket captain, sign in and pick up a picket sign.

Nurses working night shift before a possible strike
It is the legal responsibility of Medstar Washington Hospital Center to provide someone for you to report off to. RNs working the night shift before the strike starts will be asked to report off to a supervisor at the end of their shift (or at 7:00 am if your shift goes later) and come out to the picket line. RNs whose day shift starts before 7:00 am (for example, 5:00 am or 6:00 am) should report to work, then report off to a supervisor at 7:00 am and join the picket line.

Medstar Washington Hospital Center will have time to make arrangements for the strike. By law, we must give a ten-day notice of a strike so that management can make arrangements for care of the patients. By giving such notice, we are transferring all legal, ethical, and licensure responsibility to the employer. MWHC will pay out-of-state traveler nurses hired by scab nurse agencies up to $75 per hour, plus first-class travel, meals, and high-end hotel accommodations to work during the strike.

Be prepared for pressures that will be placed upon you by the Administration and your immediate supervisor. They will cynically prey upon the profound commitment we have for our patients and their well-being. We are NOT “walking away from our patients.” We are standing up for our patients by insisting on respect for the RNs who are on the front lines of patient care and for sufficient staffing at the hospital so patient care is excellent and safe. It is management that bears the responsibility for any disruption that may result due to its unfair labor practices, understaffing, and disrespect of RNs.

If you are asked by your Manager whether you are going to strike, you should say:

“Yes” or “of course I will be on strike with my colleagues, I would never cross my own picket line.”

Management interrogation of nurses’ union sympathies is an unfair labor practice. If you experience this or know of a coworker who has experienced such an interrogation, please report such illegal behavior immediately to your NNU labor
representatives so charges can be filed with the National Labor Relations Board.

Questions and problems should be directed to members of the facility bargaining council or your NNU labor representatives.

PICKETING

Our Right to Picket
The Constitution’s First Amendment, Federal labor law and DC Law protect the right of peaceful picketing to publicize a dispute. The U.S. Supreme Court has stated that peaceful picketing, designed to inform and persuade the public, is within the area of free speech guaranteed by the First Amendment of the U.S. Constitution.

Food, Children and Pets
Children should be encouraged to picket with their parent to help understand their parent’s job and practice and the struggle for respect and dignity on the job. Other family and friends are of course welcome. Pets can add to the morale and spirit of a picket line, but car horns and chanting can create commotion. Be sure your pets can handle the excitement and please clean up appropriately.

Questions and problems should be directed to Nurse Negotiators or your Labor Representative.

NNU LABOR REPRESENTATIVE AND CONTACT INFORMATION: Bradley Van Waus 240.460.0352 or Stephen Frum at 202-494-8083

PATIENT PROTECTION TASK FORCE, PATIENTS DURING A STRIKE

Ten Day Notice: No Registered Nurse will just “walk off” the job. Before actually striking, the Hospital will be provided by NNU ten days’ advance, written notice. Several days before the strike, the Hospital should stop admitting new patients, and begin the process of transferring all patients who can safely be moved.

Emergency Care: A Patient Protection Task Force will be formed, and Nurses can volunteer for this. At the discretion of the Patient Protection Task Force, emergency care will be provided after the strike begins if requested by the hospital. The task force will make a professional assessment of each situation where assistance is requested and will, if deemed necessary, assign a Nurse to care for the patient.

To add your name to the Patient Protection Task Force please call your Labor Representative or send them an email to notify them of your interest in being on this task force. A list of Labor Representatives and their contact information are noted above.

AGENCY WORK—DOCUMENTS REQUIRED

Agencies need the following documents: Record of exposure or vaccination for rubella; proof of negative TB test or chest x-ray (most require within 6 mos.); proof of titer for mumps (some require this); physical or letter of good health from physician within the year; Social security card and driver’s license or passport or valid green card; your nursing license; current BLS card; ACLS card for critical care units/PACU/OR (some require this); and PALS or NRP for specialty units.

FREQUENTLY ASKED QUESTIONS

Q: If I am not scheduled to work on December 22, am I still on strike?

A: YES. The strike affects all registered nurses in the bargaining unit whether you are scheduled to work that day or not. Likewise, all registered nurses in the bargaining unit will be expected to join their colleagues on the picket line for brief six-hour daily shifts during the strike (and subsequent lock out through the weekend, if the hospital imposes one) whether you are scheduled on those days or not. It is
essential that we all stick together and show support and solidarity with each other.

Q: Are newly hired nurses, new graduate nurses, and probationary nurses protected when they join the strike?

A: YES. Nurses on orientation/probation have exactly the same legal rights as everyone else. All union activity, including strikes, is protected under the United States Constitution and federal labor laws which protects all workers, regardless of employee status or length of service. Accordingly, we will expect everyone to stick together and honor the picket line to win the fair contract we all deserve. No RN should cross the picket line as a strikebreaker under any circumstances. It is illegal for WHC managers to suggest to any nurse on orientation/probation that she/he is not protected by the law or that she/he must come to work in the event of a strike. Please report any such illegal conduct to your unit rep or a member of the facility bargaining council.

Q: I’m working the night before a possible strike. What should I do when the strike begins? What if my shift starts before the strike time?

A: It is MWHC’s responsibility to provide someone to report off to. We will give them more than the legally required 10-day notice to make arrangements for a potential strike. If no one replaces you, report off to a manager. If your shift starts before the strike start time, show up to work and then report off to a manager at 7:00 am, then join your co-workers on the picket line.

Q: I am concerned about my patients’ safety. How do I know the Hospital will adequately take care of the patients?

A: We give a 10-day notice to the hospital so that they can divert patients, stop admitting patients, and otherwise take responsibility. When we give the 10-day notice, all legal, regulatory, and licensure responsibility for patient care becomes solely the hospital’s. Your supervisors and managers may also don scrubs to care for patients during the strike.

Q: Should I clock in/clock out on the day of the strike as suggested by my head nurse?

A: No nurse should clock in or out during a strike. In issuing a strike notice to the hospital, all ethical, legal and licensure responsibilities are transferred to the hospital. Any attempts by management to get you to “stop by” should be treated with suspicion.

Q: What if my manager asks me to sign a paper stating that I will work the day of any strike?

A: You should NOT sign such a form. You have no legal obligations to discuss the strike with your manager and should state, “I don’t want to talk about this or sign the form.”

Q: Should I participate in the strike picket if I am not schedule to work on the day of the strike?

A: Yes. All units will have scheduled shifts on the picket line. Further, all units will rally together at midday. It is essential that everyone participates in their unit’s picket shift. Your Facility Bargaining Council representative will contact you with further details.

Q: Can I park in the employee parking lot on the day of the strike?

A: MWHC may decide to deactivate badges the day of the strike. Please plan to pay for parking in the public garages or elsewhere.
Q: If an RN is on vacation when a strike begins, or is scheduled for vacation during the strike, what happens to vacation time and pay?

A: The hospital cannot cancel your vacation. Management could, however, choose not to pay vacation pay while on strike, but any time not paid will remain in your accrued PTO bank.

Q: What happens to leave status (personal, maternity) if on leave during a strike (does time accrue, seniority accrue)?

A: Nurses on medical or maternity leaves should not be considered to be "on strike." Those nurses are not impacted and may continue to draw on their PTO banks.

Q: I am a Georgetown Scholar, what will happen if I strike?

A: The hospital has not taken any action on Georgetown Scholars who have participated in strikes in the past. MWHC has never voided a contract for participating in a strike in the past. It would be illegal for the hospital to retaliate against any group of employers for participating in a collective action.

Q: Will anything happen to my tuition reimbursement if I strike?

A: It is highly unusual for MWHC to do anything with respect to tuition reimbursement for such a brief strike. It is theoretically possible that the hospital could take the position that employees would have to pay back the one-day’s pro-rata share of tuition costs, but like with health insurance it is very unlikely and will be dealt with in eventual contract settlement.

Q: What about the local agency nurses who normally work at WHC?

A: Local agency nurses typically have several different work options so we strongly encourage them to make themselves available for hospitals other than MWHC on the date of a strike and the following few days if MWHC locks us out for such time. Local agency nurses should be reminded that full-time nurses are standing up for the profession and for standards that they will also benefit from. It is illegal for MWHC to threaten to retaliate in any way against local agency employees because of their expressed support for full-time nurses.

Q: What happens if a strike settles?

A: If a contract is settled, the strike will be cancelled. In that case, you need to report for work if you are scheduled. Call the hotline to get the latest information. We will also make sure to email our membership in the event of a change.

Q: Is it legal for the Hospital to lock me out after the strike is over?

A: Because we will be on strike, in part, to protest MWHC’s flagrant unfair labor practices, MWHC must return to everyone to work within a few days of the one-day strike. We believe it is very unlikely that we will be locked out through the next week because MWHC will say they can only get their “scab” agencies to work for them if they commit for at least four or five days. There has not been any extended lock-out in the history of NNU.

Q: If MWHC chooses to lock us out, do we all stay out?

A: Yes. As long as the hospital declares a lock out, no nurse should work. The strike and any subsequent lock out apply to use as a collective whole, not just those scheduled to work on the day
of the strike. We all go out together and we all come back together!

**Q: Will management lock me out for sure?**

**A:** This retaliatory action differs from employer to employer. MWHC will likely notify the Union. Please check in with your Facility Bargaining Council representative regularly for this and other important information. Please check the hotline at 240-235-2007 and the website at [www.nursesunited.org](http://www.nursesunited.org)

**Q: The hospital is claiming that they will lock out for 10 days, is this true?**

**A:** It would be highly unusual for the hospital to lock out for 10 days and they are required to show a valid business reason for doing so. Because scab agencies require 60 hours of work, many employers lock out for 5 days. Remember that the hospital must pay hundreds of dollars an hour for well over a thousand agency nurses. A lockout of 10 days would cost the hospital tens of millions of dollars and severely damage their reputation in the community. Nurses should also take note of management’s written publications on the topic which solely suggest that their agency has “recommended” a 10 day lockout, not that they will impose a 10 day lockout. If a manager tells you that you will be locked out for 10 days, ask for them to put it into writing and contact your labor representative. A 10 day lockout would also encompass Christmas and New Years.

**Q: How will I know when the lockout period is over?**

**A:** The hospital will make that announcement. We cannot control what the Medstar Washington Hospital Center decides to do. As soon as we get this information, it will be on the hotline.

**Q: Can the hospital selectively lock out some nurses and not others?**

**A:** It would be blatantly illegal for the hospital to lock out some nurses and not others. The extremely rare exception to this is if the hospital has a “substantial business justification” but in any case management cannot hand pick which nurses it wants to work, and which it does not, based on union sympathies. The hospital would be exposing itself to significant potential liabilities in back-pay awards if it pursues this path.

**Q: If the hospital locks us out for any period of time after our strike will we be expected to be on the picket line during the lock-out period?**

**A:** Yes. We will make a picketing schedule for your unit for the one day strike and the lockout period. Demonstrating strength and unity through strong picket lines will be a key part of winning the contract and respect we deserve.

**Q: I can afford to be out for a one day strike, but can't afford to be locked out for any duration---what do I do?**

**A:** Sign up now for an agency so you can work if you need to. Agency info is contained in this manual. Picking up extra shifts now, or working per diem at other hospitals will help.

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**Sources of Agency Work**

**Registries will need the following documents:**

- Record of exposure or vaccination for rubella
- Proof of negative TB test or chest x-ray (most require within six months.) There is time involved in getting read back from the test so be sure you get this in order right now. If you do not have a current test, public health agencies will do them for less than $10.00. Do no wait. Get this done now!
- Proof of titre for mumps (only some require this)
• Physical or letter of good health from a physician within the year
• Social Security card; and driver’s license, or passport, or valid green card
• Nursing license
• Current BLS card
• Some hospitals require current ACLS card for critical care units/PACU/OR PALS or NRP for specialty units

Some Local Agencies:
• Aya Healthcare (formerly Access Nurses) 866-687-7390
• Online registration is at http://www.ayatravelnursingjobs.com
• Nursefinders: www.nursefinders.com, 866-294-2322
• Alliant Staffing: www.alliantstaffing.com, 301-654-1002
• Progressive Nursing: www.progressivenursing.com, 877-750-1012
• Contemporary Healthcare Solutions: www.rnstaffing.com, 888-767-4968
• NursingJob.org lists openings in DC at http://www.nursingjobs.org/dc

If you have any questions, call one of your labor representatives:
• Stephen Frum at 202-494-8083
• Bradley Van Waus at 240-460-0352