

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

NURSES UNITED OF THE NATIONAL CAPITAL REGION,)	
)	
)	
Plaintiff,)	
)	
and)	Civil Action No. _____
)	
WASHINGTON HOSPITAL CENTER CORP.,)	
)	
)	
Defendant)	
)	

DECLARATION OF GERALDINE V. LEE

I, Geraldine V. Lee, do hereby depose and state as follows:

1. I am a Clinical Nurse III employed by Washington Hospital Center Corp. (“Washington Hospital” or “Hospital”) and have held that position since July 1979. I work in the Delivery Room/5NE. I was first hired by the Hospital in July 1979 as a Registered Nurse. I have been a nurse for thirty-one (31) years.

2. I am also a member of Nurses United of the National Capital Region (“Nurses United” or “Union”), the collective bargaining representative of nurses at Washington Hospital. I have served on the 2007 and 2009 negotiation team and will be a member of the 2010 negotiating team. Currently, I am a member of the Department of Nursing Performance Improvement Committee and have served as a Shop Steward for the past 7 years and have been an Executive Board Member for the past 5 years.

3. Based on my 31 years of experience as a nurse, I believe that if the Hospital fired several nurses for failing to comply with its new flu vaccination policy, the Hospital would be left short-staffed, with significant negative consequences for the quality of patient care that we

provide. Nurse-patient ratios are crucially important to the quality of care that we provide. If, for example, the Delivery Room lost nurses, there would not be enough nurses to perform fetal monitoring during delivery – a vital task for a Delivery Room Nurse. The health and safety of fetuses would likely be jeopardized as well as the health and safety of the mothers. Emergent situations such as prolapse umbilical cords, emergency cesarean sections, and uterine abruptions (separation of the life-giving oxygen to the fetus of the placenta organ from the wall of the uterus) without adequate staffing would result in negative outcomes such as fetal and maternal death. The Hospital may be considering assigning temporary agency nurses to fill vacancies of terminated Nurses. Because agency nurses often lack the specialized credentials to fill certain jobs, I worry that if Washington Hospital fired nurses from Labor and Delivery it could not quickly replace those positions.

4. I and other nurses recognize that a high rate of flu vaccination at the Hospital would help to protect patients. But we also know that flu vaccination is not the only measure, or even the most important measure, in reducing flu transmission and protecting patients. For example, improved compliance with hand washing protocol would do more to protect patients' health and safety than forcing nurses to submit to vaccination. Further, there are highly effective respirator masks which would protect both nurses and patients from flu transmission, if that were truly the Hospital's concern. I and other nurses also understand that a seasonal flu vaccine is not truly an immunization against disease like, for example, the MMR vaccine. Instead, the formulation of any particular annual flu vaccine is based on advance predictions about the anticipated flu strains that will be in circulation; and the effectiveness of the seasonal flu vaccine can vary widely, from below 50% in some seasons, to between 70 and 90% in well-matched years, but even at best it does not approximate 100% protection. The Hospital has not presented

any studies or other reliable scientific evidence demonstrating to me and my nurse colleagues that the firing of remaining unvaccinated nurses is necessary or effective to improve patient health and safety.

7. All these circumstances, and the timing of the Hospital's nurse terminations, give nurses the perception that the Hospital is not really acting to promote safety and health. On the other hand, this unnecessary show of force does attack, undermine and put pressure on the Union and the nurses as they are about to begin the upcoming contract negotiations.

CERTIFICATION PURSUANT TO 28 U.S.C. §1746

I hereby declare under penalty of perjury that the foregoing is true and correct.

January 27, 2010
Date

Geraldine V. Lee
Geraldine V. Lee