

# OHSU's Complete list of Issues for Interest Based Bargaining

As of June 30, 2010

Statements that are underlined> are new.

## 1. **Scheduling**

- a. Limitations on altering shifts on units to accommodate the scheduling desires of individual nurses (especially on units with a mixture of 12-hour shifts and 8-hour shifts) present substantial scheduling challenges that complicate OHSU's ability to efficiently meet patient care needs.
- b. The Employer's ability to adjust an employee's start time due to patient volume and other operating conditions needs to be clarified.
- c. The current on-call provisions in the contract place severe restrictions on the hospital's ability to flex staff in response to constantly fluctuating patient volumes.
- d. The impact of temporary unit closures under the contract is unclear; including the consequences of redeploying nurses in the float pool and whether those closures count toward the individual caps on curtailment and cancellation. Contributing to the uncertainty of the individual caps is whether voluntary curtailment and cancellation must be counted toward the maximums.
- e. The lack of flexibility available for granting extra weekend shifts off is inequitable and causes nurse dissatisfaction.
- f. The consequences of a Resource Nurse not fulfilling work availability requirements need to be specified.

## 2. **Conducting ONA business on OHSU premises**

The parties need to clarify their mutual understandings and expectations regarding the circumstances under which Association representatives have access to OHSU premises to conduct Association Business.

## 3. **Non-contractual terms and benefits**

The current contract imposes restrictions on OHSU rights that are in excess of the employee protections afforded under PECBA. These restrictions hinder OHSU from responding to workplace needs and place OHSU at a disadvantage in the marketplace.

## 4. **Use of accrued sick leave, compensatory time and holiday hours**

- a. The current compensatory time and holiday pay provisions encourage nurses to take additional time off without utilizing their accrued vacation time. Nurses are also allowed to build their comp time bank without restriction. These allowances

add to the Employer's scheduling and staffing challenges when seeking to provide coverage for such additional time off.

- b. The current provision requiring cash-out of holiday hours accrued after the maximum is reached violates the constructive receipt doctrine utilized by the federal government.
- c. The contract language for utilization of sick leave is so broad that it allows for the interpretation that a nurse may take sick leave even if it results in pay in excess of the nurse's scheduled FTE.

#### **5. Application of differential pay**

- a. The current eligibility language for shift differential pay has unintended consequences, is difficult to administer, and creates dissatisfaction among nurses.
- b. The current language pertaining to preceptor pay and the current practice of compensating preceptor nurses does not adequately take into consideration the level of the preceptor's accountability in performing this function.
- c. The circumstances under which a shift becomes designated as a CNI shift, the scope of its application, and the circumstances under which a nurse may waive CNI pay need to be clarified.
- d. The different forms of pay for interpreter services under the contract are exceedingly complicated and cumbersome.
- e. Some nurses are receiving certification pay for certifications that are not relevant to the nurse's area of practice.
- f. The circumstances under which resource nurses in the Specialty Float Pool are eligible for differential pay need to be clarified.

#### **6. Parking and transportation**

Several contract provisions pertaining to parking and transportation need to be updated to reflect current conditions, conformed to current practices, and/or modified to optimize the filling of all available parking spaces.

#### **7. Benefits eligibility**

The current month-to-month basis for determining new or continuing health insurance eligibility is difficult to administer and creates greater instability and unpredictability of insurance coverage for nurses.

#### **8. Layoffs**

The language of Article 20 creates unintended consequences by not sufficiently anticipating circumstances that arise when layoffs actually occur.

## 9. Accrued Leave

The existing components for accrued leave (vacation, holiday, and sick leave), with the additional option for nurses of compensatory time, present substantial administrative challenges and complications for OHSU. They also limit the more extensive prescheduling opportunities that are available to employees under a comprehensive paid time off system.

## 10. Overtime and premium pay

- a. The current prescribed method for calculating overtime, which counts hours worked at a premium or overtime rate toward weekly overtime, allows employees to receive weekly overtime pay without having worked 40 hours at the regular pay rate. This method creates a penalty to the Employer for overtime compensation that is above industry standards and creates a competitive disadvantage.
- b. The current provisions for double back pay do not permit the Employer the opportunity, when workload allows, to preserve eight (8) hours' rest for RNs. The also provide a double-dipping system of premium pay for nurses called to work from on-call status.
- c. The length of time the Employer is obligated to compensate a nurse at the premium rate of pay when the nurse reports for work while on call also needs to be clarified.

## 11. Other Compensation

- a. OHSU would like discuss with ONA the potential avenues to explore for merit and/or performance-based pay programs including parameters and time lines for the development of such programs.
- b. The absence of a minimum hourly requirement for resource nurses for advancement to the next pay step is inequitable and creates premature cost increases for OHSU before the nurse has gained the additional experience expected for advancement to the next step.

## 12. Retirement

- a. The retirement provisions of the contract need to be updated with built-in flexibility to adapt to changing circumstances affecting the PERS and OPSRP retirement plans.
- b. The length of the eligibility period for the pre-retirement counseling and the amount of paid time allowed for pre-retirement counseling leave are excessive.

## 13. Insurance benefits

- a. Monthly tracking of employee insurance benefits is difficult to administer, causes timekeeper issues and leads to reprocessing of transitions.
- b. The monthly cash benefit associated with opt-out coverage is excessive.