

NETWORK

A PUBLICATION OF THE WISCONSIN FEDERATION OF NURSES & HEALTH PROFESSIONALS, AFT, AFL-CIO



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Healthcare consumers have a right to safe, quality care

For years our members have voiced concern about the ability to deliver quality care and services. Staffing is a challenge, and it is getting worse. Mandatory overtime continues to threaten care and is harmful for workers and their families. Bullying and intimidation is rampant—as is violence—in too many of our worksites, such as mental health and in the emergency department. We can, and do, challenge these issues at each worksite; but, the time has come to join forces with other nurses and healthcare workers in our state and mount a new campaign to bring attention to these critical safety issues. We may not win legislation this year, but instead of acting as victims, we believe it is time to take action. Our union is joining with SEIU Healthcare, another union of nurses and healthcare workers in our state, to launch a campaign for Patient Safety and Quality Care.

Our campaign for Patient Safety will have many components, but will begin with legislation focused on the following patient safety issues:

- ♥ Ending Mandatory Overtime
- ♥ Safe Staffing Ratios
- ♥ Safe Patient Handling
- ♥ Healthy Workplace Free from Bullying, Intimidation and Violence

Survey and coordinating committee

In preparation for our campaign, meetings have begun with some of our champions in the State Legislature who will take the lead on these issues, but we also need input from you and your co-workers. We will soon be asking you to complete a survey about these issues to collect information that will help shape the legislation. In addition, we need powerful stories from frontline workers to help the public understand the dangers they face when dealing with the healthcare system.

To guide the work of this campaign, our unions have recruited frontline staff to be part of a coordinating committee. The committee has made a great start identifying the legislation, discussing surveys, themes and communications; but, we could use more members such as you, someone who lives with the effect of these problems every day you go to work, to consider becoming part of the committee to guide this campaign, or recommend a co-worker who has a passion for defending patient safety.

May 7th campaign kickoff in Madison

To launch our Patient Safety Campaign we will be holding a Lobby Day in Madison on May 7th. We are inviting

our members from around the state to come to Madison for the day. We will begin with an informational session about the safety problems and the legislative initiatives identified to deal with the issues. We will hear from state legislators who later that day will hold a press conference with us to announce the introduction of our four bills—the Patient Safety Act. After the press event, all the participants will meet with their own legislators or their staff to inform the politicians about the seriousness of the problems and seek their support. We will have a bus for 50 leaving from our Milwaukee office at 8am returning by 5pm, so please check your calendar and let us know if you will join us. For those working May 7th we will have an alternative way you can participate, so stay tuned.

Future activities

As the campaign moves forward, we will have a dedicated web site so nurses and healthcare workers from around the state can share their stories and concerns and keep up on the progress of the bills. In addition, we are considering developing a Healthcare Consumer's Bill of Rights that can be distributed throughout our communities so patients know what to ask about when dealing with hospitalization. This will be just one more way to hold employers accountable for their behavior.

It is time that healthcare CEOs pay more attention to patient safety than to building unnecessary new facilities and adding fancy new lobbies. If they really care about patients first and foremost, they should step forward and end the dangerous practice of forced overtime, unsafe staffing, and bullying and intimidation, all of which are proven to place patients in harm's way.

As a healthcare union we have, and always will, stand not only for workers' rights, but also for the rights of healthcare consumers. The goal of our union is to link those we represent with those we serve. We know quality care and quality working conditions go hand-in-hand. They always have and they always will. Please join this fight for patient safety and be the force for change that our healthcare system needs.



WFNHP Standing Up for Patient Safety

Patient Safety campaign kickoff on May 7th

Members of our union along with thousands of nurses and healthcare workers across our state are increasingly concerned about policies in their health facilities that place patients in grave danger. Day in and day out frontline staff are seeing staffing numbers cut to the bone. If even one employee on a unit is sick, staffing ends up below safe levels. The constant focus on the bottomline is dangerous for patients and puts tremendous stress on already overworked staff. We could continue to just complain to each other or to our friends and loved ones; but, instead, we have decided it is time to take action—time to stand up and speak out for workplaces that are good for both patients and employees.

Taking action

WFNHP and SEIU Healthcare (a state-wide union of nurses and healthcare workers based mainly in Madison) have joined forces to launch a campaign to end unsafe practices in the Wisconsin healthcare system. The campaign is centered on four main practices that research has identified as linked to placing healthcare consumers in harm's way.

Forced and excessive overtime

Over the last few years more and more research articles have appeared making it undeniably clear that nurses who work too many hours or get too little sleep make errors in care, such as giving the wrong medication or the wrong dose of medication. While it might be important to look at all overtime practices, the most dangerous and disturbing continues to be overtime that is mandated or forced upon a frontline healthcare worker. Nurses who inform their boss that they cannot safely work additional hours should be respected and not disciplined. Beyond being dangerous, the practice of forced overtime is insulting and demeaning. Employees have families to care for and children that end up home alone. Stress over family concerns can be equally dangerous, when critical thinking is impaired by worries about children.

Safe staff-to-patient ratios

For decades researchers have studied the connection between nurse-to-patient staffing ratios and patient safety. The results are clear—when nurses have too many patients, the outcome for those patients is jeopardized. In fact, patient deaths directly link to workloads that are too high. It is time to place clear, minimum limits on the number of patients a nurse should care for in hospitals and nursing homes. The workload for other nursing personnel is equally troubling, so limits must also deal with other critical frontline staff.

Safe patient handling

Up to one-third of nurses experience back or musculoskeletal injuries in a year, and many have unprotected contact with blood-borne pathogens. We know full well that by the end of their career almost all frontline patient care staff will have chronic back, neck or shoulder pain. We also know that the way to fix these injuries is not by better body mechanics or even lift teams, but rather by re-engineering the workplace and making sure every hospital and nursing home has the equipment to safely move patients. Not only is this important for staff, but patients are too often injured when there is not equipment to guarantee safe patient handling. It is time to make hospitals realize the human toll these injuries take and have them put money into equipment before they build new atriums, add fountains or flat screen TV's.

Bullying and intimidation

Many healthcare workers are exposed not only to being bullied, harassed, demeaned and ignored; but, in some cases, even physically assaulted. Too often humiliation is actually accepted as “normal.” It is now well documented that disrespectful treatment of workers increases the risk of patient injury. In a workplace without respect and support, healthcare workers are more likely to make errors, fail to follow safe practices, and not work well in teams. Even the Joint Commission has identified the need to eliminate these practices from hospitals. Our campaign will mandate that each health facility has enforceable policies to create a zero tolerance for bullying or intimidation.

Next steps

The campaign to create a safe environment for patients and staff is just beginning. On May 7th in Madison we will have our first public event where we will announce the campaign and the bills that will be part of the Patient Safety Act. May 7th is just the beginning of a multi-year effort to demand the safety that our patients deserve. By linking together with those we serve, we will truly develop a powerful force to fight for patient safety for our community.

What you can do

- ♥ **Sign up** to ride the WFNHP bus to our Patient Safety Lobby Day in Madison on May 7th. The bus will leave the WFNHP office at 8am and return at 5pm. Call Jamie at 414-475-6065 to sign up today.
- ♥ **Join** our Patient Safety *e-Activist* network. Be among the first to hear the latest on our Patient Safety campaign and upcoming events. Email us at info@wfnhp.org.

Fighting Walker's War on BadgerCare



One of the most important ways the new healthcare reform law expands coverage is filling the gaping holes in state Medicaid programs (BadgerCare in Wisconsin) guaranteeing coverage to low income adults. Currently, there are over 140,000 low income Wisconsinites on a waiting list for BadgerCare who are falling between the cracks. Although accepting millions in new federal healthcare reform dollars would help expand healthcare freedom, create jobs, and save money, Governor Scott Walker decided in February to reject the money and offer an alternative plan which forces 88,000 people off BadgerCare (including 1,200 veterans and 500 military spouses), costs over \$200 million more, and will cover fewer people. However, the decision is not final and Wisconsin can accept the money at any time. If the legislature reverses Walker's decision and accepts the money, Wisconsin will get \$12 billion dollars to fill the holes in BadgerCare over the next 10 years.

WFNHP has joined together with dozens of other organizations, including the Save BadgerCare Coalition and Citizen Action of Wisconsin, to fight Walker's war on BadgerCare. Activists are attending budget hearings and listening sessions around the state to tell their stories about why it is important for Wisconsin to accept the federal funds to expand BadgerCare.

Last Tuesday in Milwaukee, Tracey Sperko, RN, WFNHP member and a 10-year veteran of the Navy, spoke at a press conference to raise awareness for how Walker's decision to turn away billions in federal funds hurts our state and our veteran community. "At least 1,700 veterans and their families will be denied access to care that they earned by serving our country. Healthcare is a basic right—not a privilege. This is a flat-out denial of the sacrifice we veterans have made for our country," stated Tracey. She went on to say, "To me these are not numbers, but the faces of the very best Wisconsin gave to support our country. These are people I have met and cared for. It is a single dad who takes care of his daughter, but without medical care, he will not be able to do so. It is veterans who are at risk of being homeless or are already homeless. I ask you, Gov. Walker, where is your compassion?" Tracey closed by saying, "I am calling on the legislature to

overturn this heartless, short-sighted decision. We need the good people of Wisconsin to demand that our legislature take responsibility and do what is right for our veterans—our sons and daughters, our brothers and sisters, our mothers and fathers. They need you to care about them."

Additionally, two powerful healthcare groups, the Wisconsin Hospital Association and the Wisconsin Medical Society, are telling the legislature's Joint Finance Committee that Gov. Walker's Medicaid budget would raise costs for businesses and could result in the closure of rural hospitals, because Walker's budget restricts BadgerCare to adults who earn up to the federal poverty level. That means individuals who earn more than \$11,490 a year would be expected to get their healthcare through a new federal health insurance exchange. However, those who make just above the poverty level won't be able to afford the out-of-pocket costs of the exchange. Uninsured or not, hospitals will continue to treat these patients, meaning they will have to make up the difference somewhere else.

Dr. Robert Kraig, executive director of Citizen Action of Wisconsin, reported in their Battleground Podcast last Friday that, "Our network of activists across the state have been working very hard to reverse Walker's incredibly damaging decision to turn his back on billions to fill the holes in BadgerCare. And, based on our activists reports and meetings with state senators, if a vote were taken today, Walker's plan would lose." He warned it doesn't mean we will win, and he encouraged everyone to keep fighting.

What you can do

- ♥ **Call on your legislator to *Say Yes to BadgerCare!***
Sign the petition at: http://www.gothehealthcarewi.com/badgercare_petition



Tracey Sperko, RN, asks, "Gov. Walker, where is your compassion?"

WFNHP Members Have Special Legal Protection... and Boy Did They Need It

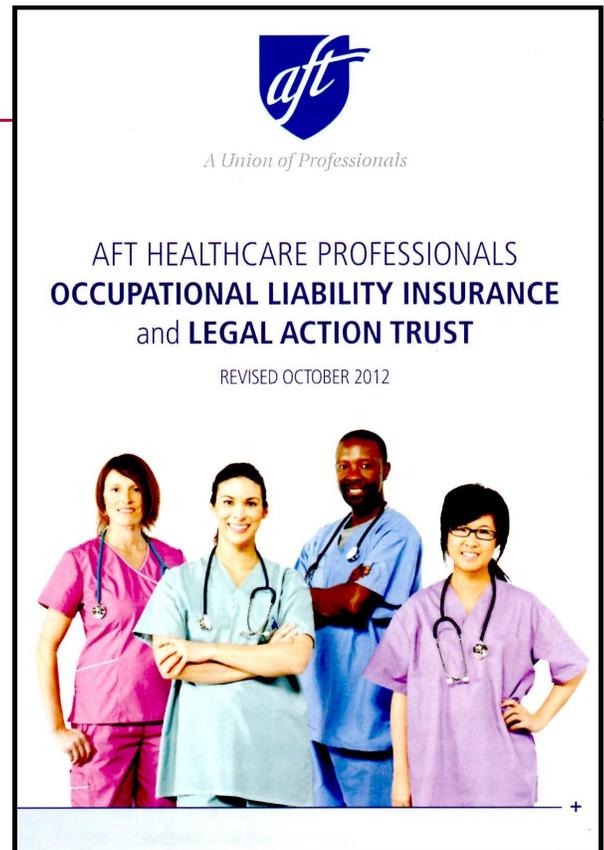
Almost 100% of the members of our union* have access to very special, comprehensive, legal liability insurance protection. The insurance covers a wide range of claims or charges that might arise out of employment activities, and provides cash for legal defense costs. The liability insurance has two parts: occupational liability insurance (OLI), and a self-insured legal action trust.

The **OLI** is standard liability insurance that many health-care workers, especially RNs, might purchase on their own. The **OLI** covers up to \$1 million per occurrence for claims made as a result of a patient injury, client property damage, or claims from a patient regarding personal injury such as slander or libel. In general, the employer also carries this type of insurance, so the AFT insurance only comes into play after the employer's insurance pays.

The **Legal Action Trust** is separate from the **OLI**, and is completely unique and not part of any other insurance that a member might have, because it was designed and is funded by our union. The Trust provides reimbursement for legal fees if a members faces a criminal charge, claim of sexual harassment or abuse (but only if the member is completely exonerated), or licensing board complaints. In addition, the trust provides \$50,000 if a member dies while performing job duties. The trust reimburses the member for legal fees of varying amounts, such as \$5,000 for criminal complaint regardless of outcome, and up to \$35,000 for criminal complaint, if completely exonerated; and, up to \$5,000 for licensing board cases where there is "no adverse finding."

Another very important part of this insurance is that you must be a dues paying member when the event occurred that led to the complaint, but you do not have to be a member when the law suit is filed. So, if you leave your union employment or drop your membership, you may still be able to claim reimbursement just as long as you were a member in good standing when the original act occurred. The **OLI** and **Legal Action Trust** benefits also apply when a member is working in a non-union setting such as moonlighting at another job, as long as the member is working in their occupation and are not the owner or partner in the healthcare facility.

This last year a number of our members that work for Milwaukee County realized how critically important this benefit is. As a result of a patient death at the Mental Health Center, the District Attorney decided to do an



investigation, which included mandating a number of nurses to appear before a John Doe hearing and testify. As you can imagine, this was very upsetting and frightening for the nurses to be part of a potential criminal investigation. It was, therefore, a great comfort when they found out they could hire their own private attorney to give them advice and have up to \$5,000 of their legal fees reimbursed by the trust. In addition to having costs paid, our union was able to get a list of very skilled lawyers for the members to contact. Again, it was complicated because most members needed separate attorneys to avoid any conflict of interest. While no final decision has been made, everyone is quite confident that in the end no criminal charges will be brought against any of our union members.

This is just a very short summary of the highlights of this benefit. If you want the more detailed list of coverage, contact the union office at 414-475-6065 and we will send you a brochure. Also, please remember that if you face any of the situations covered by the insurance plan, you need to contact our office so we can help you with the process.

**Local 5068 (Manitowoc County) does not include this group insurance coverage in their membership dues at this time.*

Act 10 Update – Status of Public Employee Bargaining Rights

It has been almost two years since the passage of Act 10, the law proposed by Governor Walker that virtually ends the right to bargain for nearly 200,000 public employees. Shortly after the law went into effect, a number of lawsuits were filed claiming some portions of the law violated either the U.S. or Wisconsin Constitution.

Conley Ruling—Federal

The first legal challenge was based on the U.S. Constitution. The Judge hearing the case, Judge Conley, ruled that the forced annual elections and ban on the right of the employer to voluntarily collect union dues was unconstitutional. As a result of that ruling, two things happened. First, the WERC (state agency that oversees public sector labor rules) put a hold on all elections, and; second, employers were directed to start collecting dues, at least for labor organizations still considered certified. The state appealed the decision and, about a month ago, the federal appeals court for our region reversed the judge's decision and said while Act 10 might not be good law, it was **not a violation of the U.S. Constitution**.

Because of that ruling, the WERC has now sent letters confirming which local unions were certified in the 2012 election cycle. For WFNHP this includes: Racine and Columbia counties. This decision can only be changed by the U.S. Supreme Court, and no one has taken action to appeal to that court; thus, this is the end of this legal challenge.

Colas Ruling—State

A second legal challenge was based on Act 10 being in violation of the Wisconsin Constitution. The judge hearing that case, Judge Colas, found that four sections of Act 10 were in violation of the state constitution. His decision would prohibit the annual certification elections, restore payroll deduction for voluntary dues, allow for fair share contributions from non-members, and also expand the items that can be negotiated to all in effect before Act 10 was passed. That decision is currently on appeal to the State Appeals Court; but, in the meantime, according to our attorneys, it is the law of the land. As a result, we have requested to bargain with all our public employers. Unfortunately, none have agreed to bargain contracts that cover more than base wages, and the units that were decertified have refused to bargain even over base wages. The position of the counties is that they will wait until the final legal ruling before taking any more action. The certified groups, however, have been willing to bargain over base wages and have been honoring voluntary dues deduction requests.

What's next?

At this time we are bargaining contracts for base wages in Sheboygan, Racine and Milwaukee counties. Columbia is certified, but the County has taken the position they will wait until all legal challenges are resolved.

The Colas decision which is before the State Appeals Court should be decided in the next few months. If those justices uphold the Colas decision, we can guarantee the Walker administration will ask the State Supreme Court to take the case; and, based on the recent election, we have reasons to worry that they will reject the Colas decision and say that all of Act 10, as originally enacted, is now the law. If that happens, employers will again be prohibited from deducting dues and will also be restricted to bargaining only over base wages. In addition, once again, each year unions will have to file for and win super-majority elections in order to be considered "certified" and eligible to bargain base wages.

If the Colas decision is overturned by the State Appeals Court, it is likely that some of the unions will appeal that decision; but, as mentioned above, it is unlikely the current Wisconsin Supreme Court would side against the Governor.

For now we move forward to bargain what we can where we can, collect dues (either by payroll deduction or bank draft); and, most importantly, look for ways to engage members in organized activity to stand up for their own rights, and to stand up for the services they provide to our communities.

Birth of a Local

On Saturday January 26, 2013, a new state-wide public sector local, Local 5000, was born. Local 5000 formed in response to all the changes in Wisconsin's public sector labor laws. The new local consolidated the majority of WFNHP public sector locals, including: Sheboygan County and City, Racine, Kenosha, Wood, Dodge and Columbia counties. Each of these locals voted to merge into the new state-wide local and to also consolidate their financial assets to help fund activities for the new group. It was a great first meeting with much solidarity. Leigh Ullman from Sheboygan County was elected as the founding president, Alecia Pluess (Wood County), Executive Vice President, Laura Graney (Sheboygan County), Treasurer, Janet Carlson (Dodge County), Secretary, and area Vice Presidents include, Leigh Ullman (Sheboygan), Kim Peterson (Racine), Janet Carlson (Dodge), Alecia Pluess (Wood), and Laura Simonds (Columbia). The new local plans to develop its own newsletter and Facebook page, and is planning future educational meetings.



Summer of Bargaining

While our County bargaining units continue the fight to restore their right to bargain, many of our other units are in process of preparing for full blown bargaining. Contracts covering the vast majority of WFNHP members are all expiring this summer, so it's all hands on deck as union leaders and worksite reps prepare for their summer of bargaining.

Burlington—Aurora Health Care

First up are the RNs and Technical employees employed by Burlington Memorial Hospital, an Aurora facility (only Aurora hospital in the state with unionized RNs, and only the second with unionized Technical employees). These 140 members always face a major challenge that's often described as "David and Goliath," as they prepare for a new contract. The contract expires May 31st which is a month earlier than past years. Historically, they settle for a two-year contract. The first session is scheduled for April 11th at 4 pm.

Antigo—Aspirus Health Care

The next groups to bargain are the 130 RNs and Health Professionals that work for Langlade Hospital, which is affiliated with the Aspirus Health Care group founded by the Religious Hospitalers of St. Joseph. The hospital where our members work is a beautiful, new, critical access facility in Antigo, Wisconsin. The leaders of this unit are quite new and inexperienced, but excited to know more about how the union should work and the best way to prepare for bargaining. By the time you receive this newsletter, the members in Antigo will have just completed an educational program, *Union 101*, to help them understand how to make their union and their contract work better for the members. Since the current contract expires June 30th, the team will be ready to exchange proposals by May.

St. Francis Hospital—Wheaton Franciscan Health Care

The largest concentration of WFNHP members work for St. Francis Hospital which is part of the multi-state Wheaton Franciscan Health Care system. The hospital is located on the south side of Milwaukee and has 1,000 members in three bargaining units, RNs, Technical and Service employees. The goal of the leadership is to have three, new two-year contracts in place by October 14th. It is no surprise that preparing to bargain for such a large group, and against a multi-state religious corporation, is no easy feat. To be successful requires the use of what is called a Contract Action Team (CAT). The goal is for



each of the 1,000 members to have their own CAT member who will be the link between them and the bargaining team. The CAT members come from all different units and classifications throughout the hospital. They meet monthly to discuss workplace issues and how they might be addressed during this year's contract negotiations. In the next month a membership survey will be developed. Then, based on both the survey results and input from the CAT team, a final set of contract demands will be developed with the goal of bargaining beginning by early August this year.

Zablocki VA Medical Center—Department of Veterans Affairs

This summer, WFNHP members at the VA will be bargaining a new contract for the first time in 21 years. For many years, there were roughly 30 union members of a 670-person bargaining unit; but, they have reached out to their co-workers and banded together like never before, growing their membership to 170, and adding new members every day. A lot has changed in the world of healthcare since 1992, and the leadership understands that a new contract is needed to address those changes and worksite issues within the VA. Members there are in a unique situation where they cannot bargain wages or benefits because they are federal employees. Through surveys, face-to-face conversations with their co-workers, and the development of a solid leadership structure, they have identified concerns and goals to bring to the bargaining table. Preliminary meetings for bargaining will occur the first weeks of May, and the local agreement that is reached will be sent to Washington, D.C. for approval. It is a long process, but the members are committed to the campaign to modernize their contract and bring the union into the next stage to make the VA a great place to work and provide the best care possible for our veterans.

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Network is a member of the following Communication Associations: AFTCA, AFTCN, ILCA, & MLPA

Keeping Up-to-date

- ◆ **Third Monday of Every Month**
WFNHP Legislative Committee Meeting
5:30-6:30pm—Business Meeting
6:30-7:30pm—Guest Speaker
Union office—West Allis, WI
- ◆ **Saturday, April 20, 2012**
WFNHP Convention
8am-2:30pm
Union office—West Allis, WI
- ◆ **Tuesday, May 7th, 2013**
Lobby Day
Bus leaves union office in West Allis at 8am and returns at 5pm.
State Capitol—Madison, WI

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