



P R E S S R E L E A S E

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Baystate Franklin Medical Center Nurses Express Outrage and File Complaint Against Baystate Health for Its Illegal Declaration of Impasse in Negotiations

Latest Violation of Federal Labor Law Follows a String of Complaints Against the Health Care Giant by the National Labor Relations Board, Including a 2012 Charge of Unfair Labor Practice by the Employer for Illegally Declaring Impasse in Negotiations with the Baystate VNA Nurses

GREENFIELD, Mass — The registered nurses of Baystate Franklin Medical Center (BFMC) are outraged by the latest in a series of illegal actions by the Western Mass health care corporation to flaunt federal labor law, with its announcement today that it was declaring impasse in its negotiations for a new contract with the nurses and its plan to implement its last offer, which would eliminate a key nursing standard that serves to protect nurses from working prolonged shifts.

The declaration of impasse comes on the heels of no less than three complaints the National Labor Relations Board has issued against Baystate Health for unfair labor practices in their dealings with the 200 nurses at the Greenfield-based facility. Coincidentally, one of the complaints against Baystate Health was for a similar illegal declaration of impasse in 2012 in Baystate's negotiations with the nurses who work at the Springfield-based Baystate VNA & Hospice. Ultimately, Baystate was forced to rescind its declaration of impasse and to continue negotiations with those nurses.

"We are appalled at Baystate's willful effort to flaunt the law, and their attempt to deprive nurses of their right to negotiate a fair agreement that is in the best interests of the nurses and the patients we work so hard to care for every day," said Linda Judd, RN, a longtime nurse at the facility, a resident of Shelburne, and co-chair of the nurses local bargaining unit of the Massachusetts Nurses Association/National Nurses United. "For our part, we have worked and will continue to expend every effort to reach an agreement, and as recently as last week, we had submitted an information request to the hospital in an effort to move this process forward and had been exchanging dates with management for the next bargaining session and then they blindsided us with this unlawful declaration of impasse."

Last summer, the NLRB issued complaints against Baystate for its refusal to provide information the nurses needed to evaluate the management's proposals at the table, as well as for management's efforts to prevent nurses from their lawful right to discuss union matters at work. In fact, the Baystate is utilizing attorneys from Jackson Lewis, a high priced law firm known for its aggressive anti-union tactics, generating enormous legal fees that could be used to improve care for patients at the hospital.

"It is outrageous that management would rather spend its resources to break the law instead of negotiating in good faith, as we are trying to do, to reach a settlement," said Donna Stern, RN, a nurse at BFMC and

co-chair of the nurses local bargaining unit. “We have even offered to put the outstanding issues before an independent arbitrator to reach a decision, yet Baystate has refused that offer and is now trying to unlawfully implement a set of their proposals.”

In response to the hospital’s action, the nurses are filing yet another set of unfair labor practice charges against the hospital with the NLRB, is appealing to local and state officials for help in ending this conflict, and is contemplating a second strike of the hospital, which the membership had authorized the committee to do back in October,

“We don’t want to strike, we want to negotiate, but we may be left with no other option since Baystate shows no sign of wanting to negotiate in good faith,” said Judd.

The key issue preventing a settlement is Baystate Health’s demand to eliminate the requirement that the employer pay overtime for consecutive hours worked beyond the end of an eight, ten or twelve hour shift. The nurses adamantly oppose this practice because they know this protection is in place in all MNA/NNU hospital contracts (which includes 70 percent of the hospitals in Massachusetts) and is a policy at most of the few non-union hospitals as well.

“The nurses have been clear – they want to reduce and eliminate overtime as a staffing tool. By contrast, Baystate simply wants to eliminate overtime pay, which removes the one disincentive from using overtime as a staffing tool,” said Stern.

The nurses point out that this is not fundamentally an economic issue. Baystate said two years ago that the total daily overtime cost at BFMC for the RNs was \$180,000 on an annual basis. Since then Baystate has revised that figure since it included weekly overtime as well. That figure has now dropped to approximately \$60,000 annually. To put that figure in context, the total annual overtime costs for all 200 BFMC RNs is roughly equal to one week of Baystate Health CEO Mark Tolosky’s pay and benefits.

There has been an outpouring of support for nurses’ collective bargaining rights over the last year. At the Democratic State Convention held in Springfield last summer, the convention delegates unanimously passed a resolution calling on Baystate to conduct good faith negotiations with the MNA nurses and come to a fair agreement. The Greenfield City Council passed a similar resolution last year. Thousands of Franklin County residents have signed a petition of support for the Baystate Franklin Medical Center nurses and delegations of community supporters and elected officials have called on Baystate to avoid further conflict and settle a fair contract with the nurses at BFMC.

“The nurses appreciate the deep and broad community and political support that has been shown across Franklin County,” Stern added, “and we ask all Franklin County residents to call on Baystate to work with the nurses to avoid a needless strike.”

The nurses of BFMC and management have been negotiating for more than two years. The BFMC nurses negotiating team will be holding meetings with its members this week to determine its next steps.

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Founded in 1903, the Massachusetts Nurses Association is the largest professional health care organization and the largest union of registered nurses in the Commonwealth of Massachusetts. Its 23,000 members advance the nursing profession by fostering high standards of nursing practice, promoting the economic and general welfare of nurses in the workplace, projecting a positive and realistic view of nursing, and by lobbying the Legislature and regulatory agencies on health care issues affecting nurses and the public. The MNA is also a founding member of National Nurses United, the largest national nurses union in the United States with more than 170,000 members from coast to coast.