

Background on Baystate Franklin Medical Center and Massachusetts Nurses Association Negotiations

- 1) The 200 RNs at Baystate Franklin Medical Center (BFMC) in Greenfield and the 45 RNs at Baystate VNA (BVNA) in Springfield are the only unionized employees in the Baystate Health system. The RNs at BFMC have been union for nearly 40 years.
- 2) It is a long established norm for RNs in Massachusetts hospitals to have overtime paid for work beyond the end of their shift – whether it is an 8, 10, or 12 hour shift. This has long been seen as a nursing standard, rather than an individual economic benefit. The time and one-half provision serves as a disincentive for individual managers to staff by keeping nurses at work beyond the end of their shift. This provision serves to ensure that in general, staffing is maintained at a level to allow nurses to leave work at the conclusion of their shift.
- 3) The MNA has long set the standard for hospital nurses in Massachusetts: of the 74 acute care hospitals in Massachusetts, the RNs at 45 hospitals have MNA contracts. Each of these contracts provides for overtime payment for work beyond the end of the shift. Additionally, most of the non-union hospitals also adopt this standard.
- 4) The current contract at BFMC expired December 31, 2011. Bargaining for a new contract began in October 2011 and there have been 42 bargaining sessions since then with the most recent session on December 18th, 2013. The key sticking point in negotiations has been Baystate management's insistence on removing the provision for overtime and paying overtime only for hours more than 40 in a week.
- 5) Of the 200 RNs at BFMC only 9 are 40 hour nurses. The rest are 36 hours/week, 32 hours/week, or 24 hours/week. Therefore, under management's proposal nearly 95 of the bargaining unit could be forced to work beyond the end of their shift without overtime pay – the only disincentive that managers currently have to preclude this practice.
- 6) This issue represents a nearly trivial economic savings: management estimates that "daily overtime" for the RNs at BFMC costs approximately \$80,000 per year. The MNA estimates that it is \$60,000 or less. In either case it is substantially less than 1% of total RN pay.
- 7) The MNA committee has offered comparable savings in negotiations. Those offers were rejected. Management stated that even if the savings were zero, they would still insist on this change because they had made this change for all non-union employees in the Baystate system.
- 8) The MNA committee has grave concerns that the Board of Trustees of Baystate has not been exercising proper fiduciary oversight of management regarding these negotiations. The MNA estimates that management has expended between \$250,000 and \$500,000 during these negotiations on legal fees, advertising, mailings, defense against numerous ULP filings and complaints, FLSA complaints, strike preparations and related costs. The Baystate Board's fiduciary obligations should raise questions about such exorbitant spending in order to achieve minimal savings. It is overwhelmingly evident that this is driven by anti-union animus rather than adherence to sound fiscal management and non-profit hospital oversight.
- 9) The good-will costs are mounting. Over the last two years, there have been many shows of community support for the BFMC nurses including: over one thousand residents across Franklin County placed lawn signs of support for the nurses; over 2200 residents of Franklin County signed a community support petition delivered to Baystate management; the Greenfield Town Council passed a support resolution for the nurses; the state Democratic Convention passed a support resolution for the nurses; ten towns in Franklin County had signatures gathered to place a support resolution on the warrant for town meeting and all ten towns passed the support resolution; the nurses held a one-day strike a year ago and had hundreds of area residents on the picket line in support; the nurses hosted a community forum at the high school with nearly 200 Greenfield residents in attendance; the nurses have voted to authorize a three-day strike which has not yet been scheduled.

- 10) The nurses have offered to forgo a strike if Baystate will agree to resolve negotiations through binding interest arbitration. Baystate has refused.
- 11) The nurses have offered a one hour "grace period" such that overtime worked for the first hour past the shift would be paid at straight time. This proposal would account for 67% of all "daily overtime." Baystate has refused.
- 12) The nurses have offered several other creative resolutions to this issue and remain committed to address the issue in any possible win-win scenario. Baystate simply insists on a concession that is not in any Massachusetts hospital contract and very few non-union hospitals either.
- 13) The current CEO, Mark Tolosky, is retiring as of this spring and will be replaced by Mark Kerouac. This provides an opportunity for Baystate to take a fresh start and resolve this long standing non-productive dispute. Again, the MNA committee does not have "to win" and is comfortable with any solution that allows both sides to save face and to preserve the established nursing standard for overtime.