

Union Alleges 'Workday' Start Time Violations



Our Union has filed a class-action grievance alleging that Kaiser Moreno Valley management violated California Wage Order 5 and Federal Labor Code 500 by changing the start time of employee's 24-hour "workday" in order to save overtime costs. However, a "workday" is defined in the Industrial Welfare Commission Orders and Labor Code 500 for the purpose of determining when daily overtime is due. A workday is a consecutive 24-hour period beginning at the same time each calendar day, but may begin at any

time of day. The employer may establish different workdays for different shifts. However, once a workday is established it may be changed only if the change is intended to be permanent and the change is not designed to evade overtime obligations.

In this case, management was changing start times for RNs who had worked on-call on Sunday and then came to work for their regular shift on Monday. For example, an RN who was called in at 11:00 a.m. on Sunday and who works a regular 7 a.m. to 7 p.m. shift on Monday, the 24-hour clock was changed to start at 11 a.m. for the rest of the week. This is a clear violation of labor law as the employee's scheduled shift is intended to be the permanent established workday.

Our Union is asking that the work schedules be reviewed for all affected RNs who have worked on-call and had their 24-hour clock changed to be reimbursed for the proper regular, overtime or double-time pay and that the hospital cease and desist the practice immediately.



New Nurses Hired at Higher Rate?

Our Union has filed a class-action grievance alleging that Kaiser Moreno Valley is hiring new nurses with less nursing experience than current RNs at a higher rate of pay than nurses already working at Kaiser Moreno Valley. This is unfair and unjust treatment for the nurses that are working at Kaiser Moreno. It constitutes discrimination, and is a violation of our collective bargaining agreement with management. We are demanding that the hospital cease and desist this practice immediately and make whole any current RNs who have been affected.



RN ETO & ELS Accruals

A class-action grievance has also been filed on behalf of RNs whose ETO and ELS accruals have not been paid per our collective bargaining agreement and past hospital practice. Our Union is requesting a complete audit of all RN ETO and ELS accrual from June 2008 through December 2010, and that any affected RNs be credited with the proper ETO and ELS accruals.



Computerized Charting

Our Union recently has been fact-finding and researching the issue of computerized charting. Please take great care with your computerized charting and double check everything before you close out charts at the end of your shift. Make sure all areas of charting are complete. If you feel you need additional training or help with the new computerized charting system, contact Union Representative Debbie Jackson @ (760) 690-7392.

Harassment — It's Against the Law!

It has come to our Union's attention that some RNs feel they are being harassed and discriminated against by fellow RNs. This must stop not only for the health and safety of all RNs in the units, but also to protect the job and license of those who may not be aware that their behavior is negatively affecting others and that they can be fired and even sued in civil court for harassing and discriminatory actions.

Federal and State law says that "harassment is unwelcome conduct that is based on race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information. Harassment becomes unlawful where 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment

that a reasonable person would consider intimidating, hostile, or abusive.

Offensive conduct may include, but is not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance.

Also, the victim does not have to be the person harassed, but can be anyone affected by the offensive conduct, such as other RNs, CNAs, secretaries, or techs on the unit.

If this type of behavior sounds familiar to you, knock it off immediately! No one deserves to be subjected to discrimination and you are putting your job at risk by participating. Be the professional you were trained to be.