



Local 5058 Executive Board

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Agency Nurses Come to Hospital During EPIC Training

Know your rights and the Union contract rules for the use of Agency nurses:

Articles 3.04 D(5), 4.09 A, C & D, 6.03 and 6.06 have language on your rights.

Article 3.04 D(5)(d)

Non-bargaining unit employees, Agency Staff either day or contracted, may be utilized on units under the following terms and conditions:

- i. Bargaining unit positions are posted. If hired staff are oriented and there are no open positions posted, Agency Nurses will not be utilized.
- ii. Overtime is posted according to the Agreement.
- iii. The Employer will notify the Union when Agency staff or non-bargaining unit employees are in use.
- iv. Non bargaining unit employees which also includes all Agency staff will be clearly marked on the schedule as “AGENCY” and their time will be posted as available on the overtime list.
- v. Bargaining Unit Employees may bump day Agency staff or any other non-bargaining unit employee with 24 hours’ notice or contracted Agency Nurses with 72 hours’ notice.

Article 4.09 Bargaining Unit Work Preference:

A. Available Work Time.

All available work time, assignments and scheduling shall be offered to bargaining unit employees which includes all shifts for day or contracted agency nurses before being offered to non-bargaining unit employees during the Pre-posting period.

Thereafter, the hospital will assign shifts to available personnel. However, Bargaining Unit Employees may bump day Agency staff or any other non-bargaining unit employee with twenty-four (24) hours' notice or a contracted Agency Nurse with seventy-two (72) hours' notice given to the nurse Manager and that it does not result in a sleep-day situation.

In areas where subcontracting occurs due to a critical shortage (i.e., Operating Room), the choice of hours of work for a specific schedule shall be offered first to bargaining unit employees.

Contracted Agency nurses shall be required to work weekends, holidays and shall have the same scheduling requirements as bargaining unit employees. In addition, before subcontracting, the hospital will post a temporary position. In the event an agency nurse is being utilized for six (6) months on a particular unit and shift, the hospital shall post a comparable classification position.

Article 4.09 C Agency Nurses

All shifts that agency nurses are working either per day or subcontracted shall be clearly marked on the schedule as "Agency." Agency Nurses shall not be scheduled during pre-posting period. Agency nurses shall be pulled or reassigned before bargaining unit employees.

Article 4.09 D Cancellation of Extra Shifts by Hospital

Cancellation on the particular unit will be in the following order:

1. All non-bargaining unit employees, including Non-contracted Agency and all extra shifts for contracted agency nurses;

We consider Agency nurses working on a fourth day in the week, to be in extra shift.

Article 6.03 Work Schedules

Agency resources are considered contingency staff.

Article 6.06 C Floating

The order in which staff will be required to float is as follows:

Nurses from outside agencies will be required to float before bargaining unit employees. If such agency nurse refuses to float, she/he will be sent home by the hospital. Such agency nurse shall not be eligible for scheduling for one (1) pay period in the next posted schedule.

Mandatory Overtime

Bargaining unit nurses are not legally required to work mandatory overtime in order to complete their EPIC training. Nurses may choose if they will do their training during their normal work week or in overtime.

All time worked over 40 hours in a week, including time spent in training, is paid at premium pay.

Take Action if your rights are violated

- Assert your rights to your manager immediately.
- Take screen shots of Agency nurse schedules and other evidence to support your position.
- Send issues to the Local email: Local5058@HPAE.ORG
- Tell your coworkers to stick together to protect your rights and your contract.

You have a right to file a grievance if one of the above sections is violated. Please contact your Union Rep or email Local5058@HPAE.ORG if you want to file a grievance.