



# Member Alert

## Agency Nurses Come to Hospital During EPIC Training

***Articles 10.03, 10.11 and 11 of your Union contract list some of the rules for the use of Agency nurses.***

### **Local 5138 Executive Board**

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### **Article 10.03 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.

*This means that they cannot give agency nurses shifts without posting them for your first.*

Thereafter, the hospital will assign shifts to available personnel. However, a bargaining unit member may bump a day agency nurse (non-contracted agency) or a contracted agency nurse working overtime or extra shifts, provided at least twenty-four (24) hours' notice is given to Nursing Management before the start of the agency shift and does not result in a sleep day situation.

*This means that the agency nurse schedule must be posted so that you can bump them if you desire.*

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 6 months on a particular unit and shift, the hospital shall post a comparable classification position.

*This means that Per Diem nurses must be offered temporary positions to cover shifts before Agency nurses are used.*

### **Article 10.03 C Agency Nurses:**

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

### **Article 10.03 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.

### **Article 10.11 Temporary Reduction of Staff on a Daily/Shift Basis (Flexing)**

In the event of flexing the following order shall apply:

1. Non-contracted agency nurses working on the units and extra shifts for contracted agency nurses.

*In both the above cases, the Union considers an agency nurse in extra shift above 36 hours a week.*



**Health Professionals and Allied Employees**

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## Article 11.01 Floating A. Guidelines

4. In the event floating is necessary, the order in which staff will be required to float is as follows:

a) All non-bargaining unit employees, including Non-contracted agency, and all extra shifts for contracted agency.

### Mandatory Overtime

Bargaining unit nurses are not legally required to work mandatory overtime in order to complete their EPIC training. Nurses must be allowed to 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: [Local5138@HPAE.ORG](mailto:Local5138@HPAE.ORG)
- Tell your coworkers to stick together to protect your rights and your contract.

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**You have a right to file a grievance if one of the above sections is violated. Please contact your Union Rep or email [Local5138@HPAE.ORG](mailto:Local5138@HPAE.ORG) if you want to file a grievance.**