



UNOCH News

United Nurses of Children 's Hospital

9019 Park Plaza, Suite A, La Mesa, Ca. 91942

Ph. (619) 697-5099

Fax. (619) 697-5776

*Human Resources
A help or a hindrance?*

Over the years the Human Resources (HR) Dept. at RCHSD has changed, as many departments have. What's interesting in the HR Dept. is that the change has brought in Managers with *no HR experience*, attempting to manage Business Partners with years of experience. Granted, this philosophy may work in some companies, although UNOCH cannot think of any, but this system clearly does not work at RCHSD.

When UNOCH first formed in October of 1999 we strove to foster an honest, respectful, working relationship with RCHSD management. And for the most part we succeeded very well. The UNOCH Directors met with upper management, we formed the Labor Management Committee, we negotiated Collective Bargaining agreements. UNOCH filed occasional grievances on behalf of our members, settled disputes and participated in several mediations.

And then in November 2009 RCHSD formed a position that was called "Sr. Director of Labor Relations" (the name has changed several times since then). Shortly after that RCHSD fired the attorney that had successfully negotiated previous contracts and rehired an attorney (previously fired by RCHSD) from a firm known across the country as one of the most vehemently anti-employee/ anti-union law firms in the country.

Since then, HR has been out of control. If you don't believe me, take a look at the arbitration chart on this page. We reached a record seven (7) arbitrations in 2012- all a result of RCHSD mismanaging grievances and exhibiting an astounding lack of experience, honesty, and willingness to advocate for the employee.

This isn't our opinion or assumption- look at the chart- the numbers speak for themselves.

Year	ARBITRATION: CBA DISPUTE	ARBITRATION: MEMBER DISCIPLINE DISPUTE
2000	--	--
2001	--	--
2002	--	--
2003	--	--
2004	--	--
2005	--	--
2006	--	--
2007	--	--
2008	--	--
2009	1. CBA – Member-ship 2. CBA – New Policies	Employee Termination
2010	CBA – Mandatory Flu Vaccine	
2011	CBA – Palomar Break Room Access	
2012	CBA – OR call	
2012		1. Tech. Division Member position demotion 2. RN Division Member Termination 3. UNOCH Board Member Letter of Warning 4. RN Division Member Termination 5. Tech Division Member Performance Improvement Plan (PIP) 6. Tech Division Member Termination 7. Tech Division Member Termination



“Feeling Railroaded?”

UNOCH wins another important case last month.

The subject of this most recent arbitration was *retaliation*. In this case, a UNOCH officer was disciplined merely for responding to RCHSD emails at home. UNOCH argued that this discipline was part of a pattern of retaliation against UNOCH representatives. Within the last year alone, RCHSD has disciplined or *attempted* to discipline several UNOCH Board officers and one UNOCH Representative without *just cause*. Under the terms of our labor contract, all unresolved disputes are submitted to binding arbitration before a neutral arbitrator who sits as judge and jury.

In this most recent case, the arbitrator found that (1) there was absolutely no just cause for discipline of the UNOCH Officer; (2) the investigation was poorly conducted; and (3) the Union Officer was the only employee ever disciplined for a rule that no one knew existed.

“In sum, the Grievant is the only employee who has been disciplined for violating policies that have not been articulated, which have not been disseminated, and which have not been consistently and uniformly applied or enforced.”

-Arbitrator Mei Bickner

The Arbitrator found that the investigation the Hospital conducted was flawed in a number of respects. At no time during the investigation was the Grievant appraised of the charges against her nor was she questioned regarding her perspective on these charges or provided an opportunity to explain her actions.

HR representative J. Woods testified that there was no need to interview the employee or her co-workers because he was able to obtain all the information he needed from the employee’s emails.

At the same time, he also testified that he knew that the employee attempted “feverishly” to withdraw a May 4th email when directed to do so by NICU Supervisor P. Alvarez, even though he proceeded to charge her for insubordination for that retracted email.

Woods also testified that he had reviewed all of Vice President M. Syed’s emails to the Grievant, but acknowledged during his testimony that he had not seen the email that stated that:

“It is not our thought that if staff log on infrequently to check schedule changes for just a minute or two, that this activity needs to be approved by the supervisor and that it needs to be tracked. To clarify . . . staff do not have to get supervisor approval to check email for a minute or two infrequently to check schedule changes, etc. . . .” M. Syed

Yet, despite his own testimony to the contrary, Woods proceeded to charge the Grievant with checking emails from home without obtaining prior approval.

Finally, Woods testified that the Grievant’s Supervisor, F. Taulane, “*absolutely*” agreed with the discipline issued to the Grievant, when the Supervisor testified **that she did not recommend** that the Grievant be issued the Disciplinary Memo.

“Given this record of inadequate investigation . . . The investigation the Employer conducted was neither fair nor thorough.”

-Arbitrator Mei Bickner

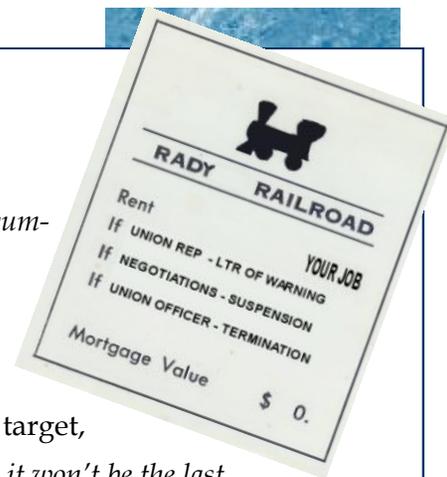
To add insult to injury, this employee has been employed for over thirty years **without a single discipline on her record**. Employees who have worked for this length of time with an unblemished record should be provided with more (not less) than the usual consideration when questions arise regarding

their performance and actions.

"The evidence in the record shows that the Employer gave little consideration to the employee's length of service when it issued the Disciplinary Memo under the circumstances of the case."

Arbitrator Bickner

Some of you have you have guessed by now that the employee in question was your own UNOCH Executive Director, Nicole Kennelly, RN. She may be a target, but let it be known that this isn't the first arbitration that UNOCH has won and *it won't be the last.*



Here's what is important:

- **Retaliation is illegal**
- Being an active member of a labor organization is a federally protected right.
- UNOCH has a zero tolerance policy on retaliatory behavior
- UNOCH defended Nicole and other employees, and we work tirelessly to defend you.
- **DO NOT BE BULLIED by HR.** You have a labor organization that is strong and will stand by you.

What are Protected Activities?

Protected activities or conduct are things that you can do without having to fear retaliation by your employer. Many things qualify as protected activities, including:

- Complaining to anyone, like a co-worker or your spouse, about your employer's discrimination
- Threatening to file a charge of discrimination with the EEOC
- Requesting medical leave under the Family and Medical Leave Act (FMLA)
- Filing a claim for workers' compensation benefits
- Refusing to do something your employer orders you to do because you reasonably believe that what you're being told to do is illegal
- Testifying as a witness in a lawsuit against your employer that's based upon it's unlawful conduct, such as discriminating against its employees
- Helping law enforcement or a government agency, like the Securities Exchange Commission or OSHA, to investigate claims filed against your employer.



Tech Contract Negotiations

First Meeting **Tuesday, Feb. 12, 2013 0900–1100**

UNOCH offices 9019 Park Plaza Dr. La Mesa, Ca. 91942 (619) 697-5099

It's that time again! The Technical Division needs you to be a part of the UNOCH Negotiating Team. UNOCH would like to have a new group of members on the team this year- a fresh point of view. If you are interested we will be having an initial meeting in February that all interested Tech Division members are welcome to attend. This meeting will cover time commitment, pay, duties and a question and answer session. **We currently have volunteers from Pharmacy, OR, and Radiology.** Please contact **Mary Bradley, RRT, UNOCH Director, Tech Division, at unoch@hotmail.com.**

UNOCH
9019 PARK PLAZA DR.
SUITE A
LA MESA, CA. 91942

Non- Profit Org
POSTAGE PAID
Permit # 322
Santee, Ca. 92071

Return Service Requested



We're on the Web!

www.unoch.org



UNOCH OPEN HOUSE!!

Tuesday, February 26, 2013
12:00 Noon—4:00 PM

9019 Park Plaza Dr., Suite A
La Mesa, Ca. 91942
(619) 697-5099

Food! Logo wear! Freebies!
Come see our new "home" and meet your UNOCH officers
and Legal Team!
All UNOCH Members Welcome

*Our February open house is in lieu of the
January Members' meeting.*

RN Contracts

The RN Contracts are finished!!

UNOCH will be handing out the contracts in the coming weeks. You can get one from your Unit Rep., the Certified Reps., a UNOCH officer, and in your break rooms. We will send an e-blast reminder out when we are on campus with them.