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Phone:
(517) 887-8844 or
(800) 833-1103

E-mail Address:
local459@local459.org

Website:
www.local459.org

Unfair Labor Practice Charges Build Bargaining Power at Two Hospitals

Two (2) Local 459 bargaining units at different hospitals have gained bargaining power during protracted negotiations. Even though both Hospitals are making record profits, both employers are proposing significant concessions. The McLaren Greater Lansing (MGL) Technical unit's contract expired on September 30, 2015. The Hurley Medical Center Physician Assistants and Nurse Practitioners have been negotiating a first contract since they voted to join Local 459 in October 2014.

MGL Technical Unit

As was mentioned in the last edition of the *459 Update*, MGL HR discussed concluding Technical negotiations with a contract that would not include any of management's proposed concessions (moving to the more expensive non-Union health care, removing the right for Local 459 to bargain over changes to the insurances in the future (a so called "me too" clause), and eliminating holiday pay). The offer would have also added a new step at the top of the scale. A similar settlement was reached and ratified by the MGL RN bargaining unit. However MGL management decided to withdraw their offer and return to traditional bargaining with the Technical unit. It's still unclear why HR believes these employees would agree to the proposed cuts.

After MGL retracted its offer, Local 459 filed charges against MGL. The National Labor Relations Board (NLRB) recently upheld three (3) of those charges. The NLRB determined that MGL HR illegally made the following unilateral changes -1) limiting out of network insurance coverage to only urgent or emergent care, 2) doing the same for covered adult dependents (e.g., college students) living & receiving treatment outside of the network, and 3) increasing the penalties for Techs who did not complete their modules through McLaren University. The federal government is scheduled to prosecute MGL for these violations of the law at a trial on November 28th.

While the prosecution of MGL does not guarantee it will change its positions, it does put pressure on MGL to reinstate its previous offer to resolve the contract and the ULPs.

The Technical bargaining team is Chief Steward **Kerry Miller, Brian Clay, Rachelle Collier, Amy Fussman, Mark Meade, and Terry Sharp**. The alternates are **Casey Ovenhouse and Dave Smith**. The team is assisted by Local 459 servicing staff **Naudia Fisher and Jeffrey Fleming**.

Hurley Medical Center

The Physician Assistants (PAs) and Nurse Practitioners (NPs) at Hurley hospital in Flint have been engaged in a nearly three (3) year struggle to get their first Union contract. Management has drawn negotiations out. It took the hospital nearly a year to respond the bargaining team's initial economic proposals. If Hurley thought this would lead to the team agreeing to their proposed concessions like drastically cutting overtime pay and small raises, it was sorely mistaken. The team has shown tremendous stamina and dedication through numerous bargaining sessions even though they are not paid for the time they are in negotiations.

(Continued on page 3)

CEI CMH Fights Privatization

FIGHTING MENTAL HEALTH PRIVATIZATION

There has been a long effort to privatize the mental health system in Michigan. A state-wide work group of representatives from the insurance companies, public mental health system, consumers and Department of Health and Human Services spent the prior year studying whether behavioral health Medicaid funds should be turned over to the for-profit HMOs. Their conclusion was the focus should be on finding ways to coordinate physical and mental health care for Medicaid recipients, but the Medicaid funding should remain in the public mental system. The Senate and House ignored their work and instead proposed bills that would privatize Community Mental Health (CMH) funds and turn them over to for-profit insurance companies by 2020.

Even if the HMOs contracted exclusively with existing CMH agencies, research demonstrated it would lead to as much as \$330 million less being spent on services to consumers because HMOs would retain this money to pay for their overhead. Community Mental Health Authority of Clinton, Eaton and Ingham Counties (CMHA-CEI) Local 459 members, Local 512 members, upper administrators, retirees and family members all joined together to fight against this ill-conceived plan that would have led to dramatic cuts in services to

consumers and wide scale elimination of jobs in exchange for fattening the profit margins for HMOs.

Along with others' advocacy efforts, Local 459 organized phone banking so they could contact Union members across the State in key districts to have them urge their representatives or Senators to oppose these bills. The Michigan State AFL-CIO provided technology that made these calls much more efficient. The computers automatically dialed the numbers and only connected the callers when a live person answered. When a Union member was willing to speak out against privatization, the volunteer could transfer them directly to their representative or Senator. These features greatly increased the number of citizens who made their opinions heard by the legislature.

The advocacy efforts clearly had an impact on the final outcome. Had the original bills passed, the 2020 date for the Medicaid funds being turned over to the HMOs would have become law. It would have been enormously difficult to change this in the future. This hard date was taken out. Instead, up to four (4) pilot projects will take place over



CMHA-CEI Member Mike Herdus and Steward Brandi McBride

the next two (2) to four (4) years to evaluate how well HMOs manage the Medicaid money. The process to evaluate these outcomes included additional protections for consumers and a fairer process.

Unfortunately, this is a battle we will have to fight again in the future. Who is elected Governor and to the State House and Senate in 2018 will have a major impact on how privatization plays out.

We would like to thank the following CMHA-CEI employees, retirees and family members who volunteered their time to phone bank which helped stop the HMOs from taking over CMH services in 2020 – **Ikram Adawe, Stacey Bahr, Sarah Bailey, Julie Barron, Jana Baylis, Mary Beutler, Sharon Blizzard, Cindi Borgman, Erin Brady,**

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President Sharon Taylor
Vice President Neal Wilensky
Layout Editor..... Melissa Cogswell

Contributors

Ronda Ackerson • Jeffrey Fleming
Joseph Marutiak • Lance Rhines
Lois Davis-Thomas • Charles Terry
Julie Murray • Kerry Miller • Naudia Fisher

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CMHA-CEI Retired RN - Brenda Shuler, Steward Brooke Hall and Retired RN - Anita Gamble

We also appreciate the other Michigan labor councils who also phone banked including the Huron Valley Central Labor Council, Saginaw Labor Council, and Upper Peninsula Labor Federation. Finally, we would like to thank Huron Valley Central Labor Council President **Ian Robinson**, National AFL-CIO staff **Jake Altman**, MI

AFL-CIO Political Director **Michael Davis** and MI AFL-CIO Development Director **Zinnia Kallabat** for all their support in this effort. The phone banking volunteers were assisted by President **Sharon Taylor**, Chief Steward **Naudia Fisher** and Service Representative **Jeffrey Fleming**.

ULP Charges

(Continued from page 1)

The PAs and NPs do have one advantage in holding out over other public-sector employees. The Republican controlled State legislature and Governor changed the laws a few years ago to punish public employees who negotiate after their contract expires. These penalties include barring any raises from being retroactive, freezing step increases, and having employees pay the entire increased cost for benefits like insurances. The PAs and NPs aren't subject to these sanctions because they don't have a contract to expire yet.

As a public sector municipal hospital, Hurley is governed by the State of Michigan labor laws. These laws are different than those for a private hospital like MGL which are subject to federal labor laws. However, one thing that is the same is that both public and private sector employers are required to negotiate over any changes to working conditions and keep them the same until the bargaining is completed

when the employees are not covered by a Union contract.

Local 459 has demanded to bargain over a number of modifications to working conditions. At a hearing with the State to address the unfair labor practice charges filed by Local 459, Hurley agreed to retract changes in how personal days were approved, whether education memos were placed in personnel files, and making it easier to suspend privileges to practice medicine. The medical center also acknowledged they had an obligation to bargain over changes to medical insurance in the future. One unfair labor practice charge management would not concede on was continuing to pay the PAs and NPs the merit pay increases they had received prior to joining Local 459.

The issue hinged on how much discretion management exercised in giving out these raises. The hospital argued this was not an established working condition because it made numerous changes in the raises from year to year. Local 459 countered

that the employer had continued to award pay increases to other non-Union employees, the annual increases were similar in size and the only discretion it exercised was in the amount that was budgeted from one year to the next.

The administrative law judgefully agreed with Local 459. He ordered Hurley to pay the PAs and NPs the approximately three percent (3%) and three and a half percent (3 ½%) raises with full back pay and interest back to nearly two (2) years. He also ordered the medical center to provide any future merit pay increases to the bargaining unit employees until bargaining is completed\.

While management will almost certainly appeal to avoid immediately having to pay the money, this decision has significantly increased the team's bargaining power to get a fair contract.

The negotiating team at Hurley is **Frank Cowden, Taneisha Franklin, Sarah Vincke, and Lisa Walter**. The team is assisted by Local 459 Service Representative **Jeffrey Fleming**.

Executive Board Action

The Local 459 Executive Board is made up of members elected by the membership. The Board meets at least monthly. It is at these meetings that many of the decisions regarding Local 459 members are presented, discussed, and decided.

Executive Board decisions made during the period of June 2017 to August 2017 of possible interest to the membership are outlined below. Decisions which have been discussed elsewhere in this newsletter are not included.

ARBITRATIONS

Arbitration is the final step in the grievance process. The vast majority of grievances are settled prior to reaching arbitration. Both the Union and management present their case before a neutral arbitrator who makes a binding decision based on the merits of the case. Arbitration is an expensive and time consuming procedure. Local 459 has limited funds and cannot afford to arbitrate every grievance. Therefore, all unresolved grievances are presented to the Executive Board for review.

One (1) grievance was presented to the Executive Board. It was approved for arbitration

Touchpoint Moross – Termination – approved

BUSINESS

The Executive Board appointed Stewards and Alternates at CEI-CMH Large and Residential units, Hope Network and Red Cross Collections where only one (1) member expressed an interest in the position.

The Executive Board approved appointing the following Chief

Stewards: Tammy Wright as the second Chief Steward at Hope Network, Betty Parker as Chief Steward at Touchpoint Moross and Donna MacAulay as Paraprofessional Chief Steward at Northeast Community Mental Health.

The Executive Board approved reimbursement for conference expenses to the MGL RN Chief Steward.

APPEAL PROCESS

The Local 459 Constitution allows the membership to modify or overturn any action of the Executive Board but any such decision must be done at a membership meeting in which a quorum is present and which is held or properly requested within one (1) calendar month of the Executive Board action.

A special membership meeting may be called upon a request submitted to the President by not less than three percent (3%) of the members in good standing. Currently, there are 2,699 members so a petition would require approximately eighty-one (81) signatures. Petitions are available from the Local 459 office.

For reviewing a decision to arbitrate or not to arbitrate a grievance, a special meeting may also be called by three quarters of the members in the bargaining unit in which the grievance arose. For some bargaining units this is less than three percent (3%) of all Local 459 members in good standing

The regular meetings of the Executive Board are held the second Tuesday of each month. Draft minutes of the meeting are available no later than two (2) weeks following the meeting.

Please see the Constitution for specific details. Copies of the

Constitution are available from the Local 459 office and on the Local 459 website.

QUESTIONS?

If there are any questions or concerns about these decisions, please feel free to contact President **Sharon Taylor** by phone at 887-8844 (Greater Lansing area) or (800)-833-1103 (outside Greater Lansing) or by email at staylor@local459.org.

Holiday Baskets

Local 459 is accepting names of members who may be in need of extra support around the Thanksgiving and Christmas holidays. Names of Union members in need must be submitted by a steward on a Recommendation for Holiday Basket form. The forms will be sent to stewards and are available from the Local 459 office. Names will be accepted for Thanksgiving baskets October 16th through November 17th; and through December 15th for Christmas.

Members are also encouraged to donate non-perishable food items to the basket program. Donations can be dropped off at the Local 459 office or we can arrange for a pick up.



Contact Ronda Ackerson at (517) 887-8844 or rackerson@local459.org for more information about the program.

From the President's Desk



By Sharon Taylor, Local 459 President

Don't be a Slacktivist

Why should you be politically active? To make sure your voice is heard. People tell me all the time that there is no point in them being politically active, but, data shows that they are wrong. It doesn't take much time to be politically active in this day and age.

It is easy to advocate for what you want, but clicking on a Facebook link (sometimes called "slacktivism") is not enough. Although it shows your friends what you support, politicians and leaders do not pay much attention to those things.

People need to advocate for themselves on at least the local level. This is where many decisions that most affect your work life happen. If your employer receives any public funding (i.e. Medicare and Medicaid dollars are public funding) then many of your local officials make decisions about matching or how the money is spent. These local leaders sit on Boards of Director's or County Commissions or City Councils that make the decisions about how those employers treat their employees. These folks are not someone sitting in a distant office, they are our neighbors.

The most effective thing you can do is to actually call them on the phone or make an appointment at their local office. Shake things up; go to a town hall meeting.

You get credit for just showing up. Elsewhere in the newsletter we talk about CEI CMH members and retirees fighting privatization. This was political activism that worked. Many members came into the Local 459 office apprehensive about making calls to fellow union members to advocate for public mental health services to remain public. What they found was it was easy and the maximum amount of time they were asked to put in at one time was two (2) hours. Would you spend two (2) hours to save public health care and your job?

Identify something you care about and pursue it. Is it safe staffing? Affordable healthcare? Coverage for pre-existing conditions? Student debt? The cost of college? Pollution from the local factory?

You can literally do a quick Google search for your elected Senator or Representative and click on a link to email or call that person. You just need to tell your Senator or Representative your name, your zip code, what issue you're calling about and if you're for or against that issue. It can be done in less than 5 minutes

What really gets their attention though is meeting with them in person. Recently several Local 459 members attended a training put on by the International where they learned how to advocate for themselves with their congressional representatives. They found out it was not much different than advocating for themselves every day at work. Local 459 will be offering a similar training sometime this fall in Lansing and then we hope to schedule a day to lobby our representatives in Lansing. If this is a training you're interested in, please email me at local459@local459.org and we will notify you when the date is set. You can also keep an eye on the Local 459 website where it will be posted.

At the August 8th membership meeting nominations were taken for the Executive Board. No positions are being contested. I'd like to thank everyone for their support and confidence in the Executive Board. Board members give their time and energy to make sure Local 459 is working in the best interest of you, the members. As has been said over and over, you are the union and together we are strong. Executive Board members will be declared elected at the October 10th membership meeting which will be held at 7:00 p.m. at the Local 459 office in Lansing. All members are welcome and encouraged to attend.

Grievances Settled

The members, stewards and staff of Local 459 settle many grievances each quarter. There is insufficient space to publish all of them. Grievances which are unique or affect a large number of members are more likely to be published. If you would like to publicize a grievance you have settled, contact your Service Representative.



MGL Technical “Glitch”

Tracey Cornell is a Surgical Tech and steward on day shift in Labor and Delivery at McLaren Greater Lansing (MGL). She is also a Team Lead. Her department did a Master Schedule Change (MSC) in April of 2017. Since that time, **Cornell** noticed her Team Lead pay was removed from her paycheck even though she was still performing Team Lead duties. **Cornell** inquired several times to several people (Her manager, HR, Payroll) with no real answers. She then contacted Technical Unit Chief Steward, **Kerry Miller**, to start a formal grievance. **Miller** was told it was a “payroll glitch” and to “rest assured” it would be corrected by the next pay period.

The hospital’s own policy states that in the event of an error, a check shall be issued within the next pay period. The glitch continued until **Miller** filed a grievance “wrongful withholding wages/willful failure to pay owed wages”. The hospital doesn’t need to solve the problem

to pay her what is due, said **Miller**. **Cornell** finally received her additional check, and the “glitch” has been repaired.

MGL Technical “Shall Not” Means Can’t

The MGL Technical bargaining unit has specific language in their contract prohibiting mandatory days off (LCDOs) to avoid overtime payment for extra hours worked within a pay period.

Melody Snell is a Surgical Tech on the Greenlawn campus, who agreed to work overtime/extra hours to accommodate the department’s schedule. During the same pay period, **Snell** was mandated to take an LCDO on her regularly scheduled 12 hour shift. **Snell** was not the lowest senior employee working that day and did not want to take an LCDO. She inquired about this process with her steward, **Shannon Carl**. **Carl** contacted Chief Steward, **Kerry Miller**.

Miller immediately contacted the Greenlawn surgery manager and explained the contract language. “Employees who volunteer for overtime or extra hours shall not have a regular shift cancelled as a result of accepting the overtime or hours.” The manager agreed, and **Snell’s** PTO Bank was restored.

MGL Technical An LCDO by any Other Name

Karl Ervin is a day shift employee in the Biomed/Clinical Engineering Department. **Ervin** had been attending mandatory training that caused some incidental overtime. He was subsequently given a low census day off (LCDO) within the same pay period to avoid the overtime that was accumulated during the previous week. **Ervin**

didn’t want to take an LCDO and was not the lowest senior employee working on shift that day. He contacted Chief Steward, **Kerry Miller**, to seek assistance.

Miller contacted **Ervin’s** supervisor to make him aware of the contract language that specifically prohibits LCDOs to avoid overtime. The supervisor tried to refute information by stating that **Ervin** was not LCDO’d, but “sent home early for management reasons”.

Miller in turn filed a grievance stating contract language that no employee shall be given an LCDO to avoid overtime and no employee shall be made to take an LCDO if a lower senior employee is working on shift. HR granted the grievance and **Ervin’s** check was restored.

MGL Technical 60 is Full Time for Layoffs

Even when implementing a master schedule change (MSC), MGL management must adhere to the Technical bargaining unit contract. **Vicki Behovitz** is a sixty (60) hour per pay, dual departmental employee on the day shift in MRI and Nuclear Med Departments. She has over twenty (20) years seniority and is definitely not the least senior person within the radiology department.

Behovitz received an unexpected letter from MGL’s Senior Human Resources Consultant stating that her budgeted hours were changing (increasing by four) and they would be eliminating one (1) of her two (2) dual positions. This change would also force **Behovitz** to transfer to a 2nd shift position (which is considered an unreasonable offer), or she could accept a layoff with a small severance package.

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Upon urging from her co-workers, **Behovitz** contacted her Chief Steward, **Kerry Miller**, to help her understand the contract language and make an informed decision. According to the contract, **Behovitz** had another option that was not presented to her. She could bump a full time employee. For purposes of Layoff and Recall, an employee whose schedule of work usually consists of sixty (60) hours or more during the two (2) week pay period is considered full-time. Since **Behovitz** is not lowest senior, HR was forced to rescind their plan. **Behovitz** was allowed to remain in her sixty (60) hours per pay dual role.

MGL Technical It's Miller Time Again

Karah Sorenson has been a Cardiovascular Tech on days in the Special Studies Department since June of 2015. In March of 2017 there was an external new hire brought in at a higher wage than **Sorenson**.

Sorenson questioned the fairness and then contacted Chief Steward, **Kerry Miller** for help. **Miller** contacted HR and pointed to the contract language under wages.

If a new hire is brought into a unit at a step equal to or higher than other employees in that unit in that classification who have the same or more relevant work experience, then those employees will be adjusted up the steps so that they make more than the new hire. HR agreed to the equity adjustment and **Sorenson** was moved to step five (5).

MGL RN Remember Me?

The McLaren Greater Lansing (MGL) RN contract allows nurses to pick

up extra hours on other units if they have the qualifications to work there. **Vicki Parmer** had worked on the Endoscopy unit before they had a master schedule change which resulted in her hours being cut enough to be considered an unreasonable offer. She opted to go on layoff status and exercise her bumping rights. This allowed **Parmer** to bump into the least senior position which was an opening on the GEMS unit. As she was working part time hours she wanted to supplement her hours by picking up hours on her former unit, Endoscopy. The manager there was not allowing **Parmer** to pick up those hours she requested and was giving the hours to a per diem instead.

Parmer called the RN Chief Steward **Julie Murray** for help. After filing a grievance on her behalf and meeting with HR, **Murray** was able to show that other nurses have been able to pick up hours in different units and the contract allows a nurse to bump a per diem with forty-eight (48) hours' notice. One of the stipulations is the nurse has to possess the skills to work on the unit. **Murray** argued **Parmer** must have those skills since she originally came from that unit. It was settled with **Parmer** being paid for two (2) shifts she was previously denied, able to pick up hours and bump a per diem with forty-eight (48) hours' notice.

MGL RN We are Clarifying It Now

MGL RN **Kim McDonald** was a fairly new employee on the Ortho floor at the Penn Campus. She had heard she could pick up hours at Greenlawn if she got a low census day off (LCDO). So she submitted her phone number to be alerted by text message when there was a need.

In January, **McDonald** received

such a text message which said they would be paying at the mandation rate of double time. She agreed to go over to 4 Main anticipating the extra mandation pay. When she got her pay check she did not receive the double time rate. She called Local 459 for help.

Chief Steward **Julie Murray** tried to resolve this with the director. It was denied because the director said **McDonald** did not clarify she was getting the mandation rate with the scheduling office. **Murray** filed a grievance and met with HR about it. After HR did an investigation the grievance was granted and **McDonald** was paid at the mandation rate.

MGL RN Late Pay for Timely Performance

The MGL RN contract has a perfect attendance bonus that an RN can receive if they have no unscheduled absences in a six (6) month period. After meeting this criteria they can apply to receive an amount equal to one (1) shift of pay for full time employees (1/2 shift for part time). They can take it as pay or put the hours in their PTO bank.

Robyn Ross is a long term RN in the Penn Campus Surgery department. She asked for Chief Steward **Julie Murray's** help when she applied for her bonus on March 7th, called payroll a month later and was told they never received it because it was still in HR. **Murray** contacted the HR department and asked for follow up. **Ross** did receive her perfect attendance bonus after that intervention.

MGL RN Mistakes By Scheduling Happen

In June, MGL RN **Michelle Prudden** picked up an extra shift. She was

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notified by the scheduling office that they were putting her on call because they didn't need her. They told **Prudden** she would be in overtime later in the week so they cancelled her. **Prudden** found out later that two (2) other lower RNs were working extra that also would have been in overtime later in the week. She asked Chief Steward **Julie Murray** to help her.

Murray contacted the director and she investigated what happened that shift. It was determined that a mistake was made. They apologized to **Prudden** recognizing she picks up many extra shifts and helps them out a lot. **Murray** then asked that they also pay her for the shift she should have been able to work and they agreed.

MGL RN Mistakes By Employees Happen

When a nurse in PACU at MGL is on call, they have a pager and can also be called by phone. In May, a PACU RN on call had installed a new battery in her pager but inadvertently put in incorrectly rendering the pager useless. On that same day unbeknownst to her, her cell phone charger wasn't working. When the supervisor tried to call her on both her pager and cell phone there was no response. They called in another PACU nurse and issued the first nurse a step one discipline.

Julie Murray, the RN Chief Steward, is quite familiar with being on call as she has been an employee in surgery for over thirty (30) years. She knows technical difficulties sometimes happen. It doesn't mean an employee is knowingly not coming in to work when needed. She has never seen anyone disciplined for it. She used her knowledge to advocate for the RN and had the step one discipline reduced to a coaching and mentoring memo.

MGL RN Not My Turn

When the hospital census goes down MGL RNs are sent home according to a specific procedure in the contract. RN **Nichole Hunt** was given a low census day off (LCDO) in June on her regular shift because the supervisor determined she was in overtime due to picking up an extra shift later that week. This did not follow the contract language regarding the order people are cancelled.

Hunt reached out to Chief Steward **Julie Murray** about this issue. **Murray** followed up with the director. After investigating the matter, the director decided to restore the PTO that **Hunt** used that shift to her bank.

MGL RN 9 on the 9th

Jane Montague is an RN in the MGL PACU at the Greenlawn Campus. She put in the request to pick up extra hours on June 9th. Her manager verbally acknowledged, in the presence of other staff, that she saw she was available to work. **Montague** never heard back and then realized that two per diem nurses had been scheduled for that day so she reached out for help to Chief Steward **Julie Murray**.

Murray attempted to resolve this with her manager but it ended up going to the HR department who agreed that **Montague** should have been paid and agreed to pay her for the nine (9) hours she would have worked.

MGL POST No Take Backs

Roger Rich is a full time Environmental Services(EVS) Tech II at MGL. **Rich** had an emergency in his family. He contacted the supervisor on call, **Joe Hill**, and asked if he could have two (2)

emergency PTO days off to attend to his family emergency. **Rich** was told by **Hill** that he could have the two (2) days off. **Rich** got back to work and was informed that the emergency days off were rescinded by his manager **Tony Yeo** and **Rich** received a penalty of two (2) attendance points.

Rich contacted Post Chief Steward **Lois Davis-Thomas** who contacted the MGL HR Department. HR agreed that the EVS midnight supervisor did approve it and removed the two (2) attendance points from **Rich's** record.

MGL POST OT Offers

Chanita Robinson, a Tech I employee at MGL's EVS Department, wasn't given the opportunity to work overtime. **Robinson** found out the next day that a lower senior was asked to stay over to work because of a call in.

According to the MGL POST contract language, they must offer in order of higher to lower seniority which would not result in overtime. **Robinson** contacted Post Chief Steward **Lois Davis-Thomas** who filed a grievance on **Robinson** behalf, which resulted in **Robinson** getting paid the one (1) hour overtime at time and a half.

MGL POST Extension instead of Termination

Here is a good example why you should always ask to have Union representative present.

Margaret Johnson is a Sterile Processing Department employee at the MGL Penn Campus. The position requires certification. **Johnson** didn't realize her certification had expired and **Chris Apolinar**, the supervisor didn't catch it until a year later. **Johnson** was immediately put on suspension

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pending a HR meeting the next day. HR plans were to let her go. **Johnson** contacted Post Chief Steward **Lois Davis-Thomas** and asked for representation.

Davis-Thomas represented **Johnson** at the meeting and pointed out that another sterile processing employee was given an extension when her certification lapsed. **Johnson** was also given an extension to get recertified and **Johnson** was back on the schedule by the weekend.

MGL POST

Shift Preference by Seniority

Mary Epps, an employee at MGL's Switchboard department, signed up for a shift on the Memorial holiday. **Epps** was the higher senior but was given the afternoon shift and a lower senior was given the day shift. According to the MGL POST contract, unless your department vote an alternative method, the holiday must be awarded to those who signed up to work the holiday in order of high to low senior.

Epps contacted Post Chief Steward **Lois Davis-Thomas**, whom contacted **Epps'** supervisor. **Epps** was given the holiday day shift.

MGL POST

Closed Department on Holidays

MGL have certain departments that are only open Monday – Friday. If a holiday falls on a part-time employee's regular scheduled work day, that employee is entitled to receive four (4) hours of holiday pay. This didn't happen for two (2) part-time employees.

Sharon Hensley, a Cath Lab employee contacted Post Chief Steward **Lois Davis-Thomas**, stating that she haven't been receiving her four (4) hours holiday pay when the office was closed.

Hensley was told that she had to use her PTO to cover the holiday that fell on her regularly schedule work day when the office was closed. **Davis-Thomas** contacted **Beth Adler** MGL Administrative Assistant. **Adler** explained that she was instructed to do it that way. **Davis-Thomas** then contacted **Tina Menzie** MGL HR consultant. **Menzie** agreed to go back a year and pay **Hensley** the four (4) hours for each holiday that she was not paid.

Kathy Hoerner, an MGL surgery employee, contacted Post Chief Steward **Lois Davis-Thomas** after being told by her manager that she should have been receiving four (4) hours holiday pay when the department is closed. **Davis-Thomas** contacted the MGL HR department and **Hoerner** also received a year's back pay for the Holidays when the department was closed during her regular scheduled work day.

MGL POST

Good Catch Gonzalez

Recently there was a meeting with the MGL Emergency Department (ED) Techs, Post Chief Steward **Lois Davis-Thomas** and ED Manager **Hilary Pamperin** regarding mandating shifts. ED Techs felt like they were getting mandated all the time and the Techs came up with a suggestion. They wanted to have a volunteer on-call, so that they won't be get mandated as much. **Pamperin** agreed. As we know things are never that simple, the on-call process was not done correctly. MGL began calling employees from outside of the department before utilizing the employees inside the department who signed up. Post Steward **Nicole Gonzalez** realized that the procedure was not done correctly and spoke with the ED manager. **Pamperin** agreed that the Techs from the department should have been utilized first, but offered only an apology.

Gonzalez was not satisfied with that answer so, she contacted Chief Steward **Lois Davis-Thomas**, who filed a grievance. The HR department agreed to pay **Dana Campbell, Jared Krausz, Rachael Love** and **Nicole Gonzalez** for the times they signed-up for on-call and someone else worked the shift.

MGL POST

Only Needs 6 Months, Has a Year

Sharon Hensley, a part-time MGL Cath Lab employee, contacted Post Chief Steward **Lois Davis-Thomas** about working more than part-time hours. **Hensley** stated that she had been working full-time hours for more than a year. **Davis-Thomas** pulled **Hensley's** pay records and confirmed that **Hensley** had been working full-time.

According to the POST contract, if an employee works full-time hours for sixty (60) days or more, they should be granted a status change to full-time. **Davis-Thomas** set up a step 1 meeting with HR. In the meeting HR agreed that **Hensley** had been working full-time and granted her that status.



CMHA-CEI Large Unit Never Happened

Lonetta Carter is a Mental Health Worker for Crisis Services at Community Mental Health Agency-Clinton, Eaton & Ingham Counties (CMHA-CEI). She was issued a verbal warning for a Recipient Rights complaint. Steward **Kim Olney** filed a grievance on her behalf.

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Carter denied that the incident ever occurred. **Olney** further argued that **Carter** is known as a strong advocate for her consumers and has never demonstrated any behavior that would lead to a Rights complaint. The grievance was denied at the supervisor's level. The grievance was then moved to Adult Mental Health Services (AMHS) Program Director, **Shana Badgley**. She agreed to remove the discipline and replaced it with a non-disciplinary verbal counseling memo.

CMHA-CEI Large Unit Understaffing Leads to Discipline

A clerical employee at CMHA-CEI was issued a verbal warning for alleged insubordination and unsatisfactory work performance. Steward **Paul Brooks** filed a grievance on her behalf.

The grievance was denied at the director's level. It was then moved to Chief Human Resources Officer **Sharon Blizzard**. **Brooks** argued that the office was understaffed and the employee often did not have the time or resources necessary to satisfactorily complete her assignments. Additionally, the employee's work performance had steadily improved since receiving the discipline. **Blizzard** agreed to remove the verbal warning if the employee maintains this work performance as demonstrated by not receiving any more disciplines for nine (9) months.

CMHA-CEI RN Unit Don't Block Me Please

A Registered Nurse at CMHA-CEI was issued a written warning for documentation errors. The RN was interested in seeking a new position due to ongoing conflicts with their coordinator. However, management has the contractual right to block an employee with an active discipline on his or her record in the last twelve (12) months from a new position within CMHA-CEI.

At the RN's request, the Union proposed that management not block their ability to accept new CMHA-CEI positions. Chief Human Resources Officer **Sharon Blizzard** agreed to this resolution without a formal grievance needing to be filed.

CMHA-CEI Residential Declining One Doesn't Give Up Right to Other

Ashley Starr, a relief resident technician at CMHA-CEI, worked at least forty (40) hours per pay period in a temporary position from January 2017-July 2017. The CMHA-CEI Residential contract has language that requires management to place relief Resident Technicians in a regular position if they work a schedule usually consisting of forty (40) hours per pay period for at least six (6) continuous months. This language prevents management from working relief all the time and avoiding paying benefits for regular part-time or full-time positions.

Local 459 contacted Human Resources Manager **Jana Baylis**. **Baylis** stated that **Starr** was not eligible for a position due to her decline of a previous position that was offered to her in May 2017. **Baylis** was under the impression that this position was offered to Ashley to fulfill this contractual obligation, however, the Union clarified that Starr applied for and declined that posted position due to a mistake in the posted schedule. Relief staff are able to apply for any posted position of their choice without this interfering with their eligibility to push for a regular position. The Union argued that **Starr** was clearly still eligible to be offered a position. Chief Human Resources Officer **Sharon Blizzard** agreed to offer **Starr** a regular part-time position without a formal grievance needing to be filed.

CMHA-CEI Residential Staying Awake Increases Disability

Jami Slater, an overnight technician, at the CMHA-CEI Westbury Home,

injured herself and was placed on short-term disability. Short term disability at CMHA-CEI offers six (6) month coverage at 65% of salary with a maximum of \$500 per week beginning the fifteenth (15th) day of disability. As an overnight technician, **Slater** is paid a set amount for the hours that she is asleep and a different set amount for the hours that she is awake. **Slater** is paid substantially more when she is awake. HR Specialist II **Feliz Rodriguez** manages all short term disability claims and contacted **Slater's** Coordinator **Victoria Thomas** to request the weekly number of Slater's awake and sleep hours. **Thomas** reported that **Slater** had five (5) awake hours and thirty-five (35) sleeper hours each week. This varied greatly from **Slater's** report that she has at least sixteen (16) awake hours each week. This discrepancy led to nearly \$100 less in disability pay per week.

Slater disputed the hours worked awake and CMHA-CEI increased them to ten (10) awake hours each week. **Slater** maintained that these numbers were still incorrect and contacted Local 459. The Union requested a time card audit to verify **Slater's** awake and sleep hours. It was verified that in the last eight (8) weeks prior to her disability leave, **Slater** had seventeen (17) awake hours and twenty-three (23) sleep hours per week. **Slater's** disability payment was adjusted and she was reimbursed for previously lost wages without a formal grievance needing to be filed.



Hope
**No Meeting Necessary – Here's
Your Pay**

Cheryl Braylock is a Residential Instructor for Hope Network at the Cherry Valley program. **Braylock** signed up for an open shift at Cherry Valley following the

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contract language, but somehow the shift was awarded to another staff outside of the Cherry Valley program.

Braylock contacted her steward **Lauryn Gallant** who filed a grievance on her behalf. **Gallant** tried to point out the error to her manager, to no avail. Hope's Talent Management Department (HR) corrected the error and paid **Braylock** for the eight (8) hour shift she was entitled to without even having to have a meeting.



Touchpoint at Macomb Approved Means No Discipline

Craig Brooks is a Touchpoint food service worker in the dietary department at St Johns Macomb Hospital. **Brooks** had missed some

days due to being ill and was disciplined under the attendance policy.

Brooks contacted **Chief Steward Blenda Coward** who filed a grievance on his behalf. The discipline and the absences were removed from his record when it was shown that **Brooks** was approved for a leave.

Touchpoint at Macomb First Step First

Linda Dahl is a Touchpoint Environmental Service worker at St Johns Macomb Hospital. **Dahl** had a dispute with a coworker and used inappropriate language and was disciplined for it. **Dahl** realized she was wrong, accepted the discipline and apologized, however she noticed that she received a step two (2) discipline as management assumed they were following progressive discipline.

Dahl contacted **Chief Steward Blenda Coward** who was able to successfully argue that progressive discipline was not followed because a previous discipline was removed after it was grieved. The discipline was reduced to a step one (1).

Touchpoint at Macomb Untimely Discipline for Absences

Megam Malerbi works as a Touchpoint Housekeeper in the Environmental Service department at St Johns Macomb Hospital. **Malerbi** received a discipline for her attendance.

There was no dispute that **Malerbi** exceeded the allowable attendance points, however the discipline was given outside of the allowable timeline to give a discipline. Chief **Steward Blenda Coward** successfully pointed this out to management and the discipline was removed.

Rose



A ROSE FOR HRDI'S RON ROSE

Some employers seek concessions from their employees even when they are in strong financial shape. Others only propose cuts when facing large deficits. True leaders seek a partnership with their employees recognizing that to survive and thrive during a crisis everyone must work together. Ron Rose, CEO of the Michigan

State AFL-CIO Human Resource Development, Inc. (HRDI), is such a leader.

HRDI provides employment and training services to workers and economically disadvantaged Michigan residents. The State has altered the way it bids on these contracts. This change has led to the loss of a number of contracts at HRDI. The organization has shrunk dramatically due to circumstances outside anyone's control. Since Rose's leadership began in January 2011, he has made a point to communicate and seek input from employees. He has been transparent about the financial situation and done whatever he can to minimize the impact on employee compensation.



At the end of this year, Rose will enter into a well-deserved retirement. We are awarding CEO Ron Rose a Rose for role modeling for other employers the benefits of forming a partnership with their employees and their Union.

Steward Spotlight

Kim Olney CMHA-CEI Large Unit

Kim Olney began with Community Mental Health Authority of Clinton, Eaton, and Ingham Counties (CMHA-CEI) in 1988 as a relief Community Support Technician. **Olney** has been a steward for over ten years. In addition to serving as a steward, **Olney** is also a member of Local 459's Executive Board since 2002 and has served on CMHA-CEI's negotiating team two times. **Olney** thinks it is of the utmost importance that she advocates for good continued working conditions for employees. She is a "third generation union member and there was not ever a question that she would serve her union."

Olney began at the Transitions-North program. After (2) two years, **Olney** received a regular position there before working as a Residential Technician for Adult Mental Health Services (AMHS). She has worked as a Mental Health Worker at several programs including Bridges Crisis Unit (BCU), Community Services for the Developmentally Disabled, ACT, and PATH. After sampling each program, **Olney** returned as a BCU Mental Health Worker in 2015. **Olney** plans to remain at BCU until her retirement. **Olney** loves her position as a Mental Health Worker as it gives her a chance to advocate for her consumers. She also enjoys her work environment and coworkers. Her favorite aspect of the job is that she works as a part of a team that treats each other with respect.



Olney recently retired from her weekend job of twenty five (25) years at Advent House Ministries where she was employed as a Supervisor. Her duties included supervising staff/ volunteers, and overseeing the functions of the day shelter and community kitchen. Most importantly, she maintained a safe and welcoming environment for all attendees.

Outside of work, **Olney** enjoys spending time with her children, grandchildren, and her loving Pitbull. **Olney** roots for Pitbull's and wishes that everyone could know of their ability to love. She has a home built in the 1930s that keeps her busy every weekend.

Shelly Clare - Hospice of Lansing

Shelly Clare is a Medical Billing Specialist at Hospice of Lansing (HOL). She has been with the organization for five (5) years. "I love the organization and the people I work with", says **Clare**. She especially likes participating in the fundraisers which she thinks are a lot of fun.

Clare has only been a Union Steward since January, but she hit the ground running. She is aggressive on behalf of the Local 459 membership and is extremely competent. **Clare** likes helping people. She looks out for her members and makes sure they are being treated fairly.

Clare was on her first bargaining team during the most recent set of negotiations. She fought hard for a fair raise for employees and got it. She says she learned a lot and looks forward to negotiations next year.

Clare has been happily married to husband **Mike** for twenty-one (21) years. She has five (5) children and thirteen (13) grandchildren. Her daughter just had a set of twins a year ago. "I love spending time with the twins who are just starting to walk and getting into more trouble", **Clare** says.



When she is not working **Clare** enjoys being outside, bicycling and gardening. Local 459 is proud to feature **Shelly Clare** in this edition of the Steward Spotlight.

Bargaining Unit Spotlight

LAFCU “YOUR CREDIT UNION FOR LIFE”

Local 459 represents over one-hundred (100) employees in the Greater Lansing Area at LAFCU Credit Union. We are proud to say that they are one-hundred percent (100%) UNION. There are no freeloaders, every one of them has become a Local 459 member.

LAFCU is a homegrown credit union serving the community since 1936. Starting modestly helping United Auto Workers (UAW) members at Oldsmobile, the Credit Union was known as Oldsmakers Federal Credit Union, then Lansing Automakers Federal Credit Union and now simply LAFCU. LAFCU’s first loan was actually for a cow!

Offering a comprehensive range of personal and business financial products, LAFCU provides services that include checking and savings accounts, auto and mortgage lending, business accounts and business lending.

LAFCU serves nearly 60,000 members, holds nearly \$600 million in assets, and maintains nine locations throughout Greater Lansing and Shiawassee County. Anyone who lives, works or attends school in its designated counties is eligible to join.

LAFCU employees have been members of Local 459 since 1973. Over the years, employees have been able to negotiate good contracts with fair wages and benefits. The employees at LAFCU enjoy a good quality of work life because they stick together and back their Union.

LAFCU management has not forgotten their roots. The Board is made up of union friendly people who are proud of the fact that they can pay good wages. The CEO and upper management feel the same way. Local 459 maintains a good labor-management relationship with LAFCU.

Local 459 members in the Lansing Area should consider joining LAFCU and supporting your Union brothers and sisters!



Local 459 Nurses Council

Fill a Back Pack drive

The last few falls the Local 459 Nurses Council partnering with Child and Family Charities has sponsored a "Fill a Back Pack" drive. Our goal is to help children in the foster care system have a good start to their school year with a brand new backpack and school supplies. Over the years we have been able help hundreds of kids who often arrive in the foster care system with little more than the clothes on their backs. They frequently are starting in a new school system and our contributions do make an impact for these kids.



Coat Drive

In October we will be starting our semiannual coat drive so clean out your closets and be ready to put your used coats to good use. Watch for emails about when it starts.

Lobbying for Safe Staffing

We are still putting together a group that is interested in learning how to effectively lobby our representatives on issues that can directly affect how we give patient care. There are currently bills in the House and Senate (Nurse Staffing Standards for Hospital Safety and Quality Care. HR 2392 and SB 1063). We can no longer wait for things to get better. If nurses aren't pushing the safe staffing legislation why would we think others will do this for us? We are the ones that can tell our representative what is happening.

In Michigan we have a package of bills called the Safe Patient Care Act which sets limits on the number of patients we can be assigned and limits the hours an RN can be forced to work. While most of us have staffing ratios in our contracts, most hospitals do not. Having this be the law, as it is in California, will put a little more teeth in the enforcement of it.

We would encourage you to join us as we learn the effective lobbying techniques and plan a rally day at our State Capital. Come and be a part of this. Contact MGL RN Chief Steward Julie Murray at jmurray@local459.org or call 517-887-8844 and be a part of the change for the nursing profession.

Nominations for Executive Board

At the August 8, 2017 membership meeting, there were fourteen (14) nominations for the fourteen (14) Executive Board positions. There are no contested positions. The nominees are:

Officers

President: **Sharon Taylor**
Vice-President: **Neal Wilensky**
Secretary-Treasurer: **Jonathon Brock**
Recording Secretary: **Kyra Keusch**
Trustee: **Robert Potts**
Trustee: **Kimberly Olney**
Trustee: **Richard Hamilton**

Member-at-Large

CEI CMH Large Unit: **Juaquin Sanchez**
CEI CMH Residential Unit: **India Hudson**
LAFUCU: **Pam Hegmon**
MGL RN Unit: **Theresa Wing**
MGL POST Unit: **Ricky Bailey**
MGL Technical Unit: **Karah Sorensen**
All Other Units: **Cynthia Dine**

The nominees will be deemed elected Board at the October 10th membership meeting and sworn in at the November Executive Board meeting.



Pictured above: Back Row - Robert Potts, Jonathon Brock, Cynthia Dine, Richard Hamilton and Neal Wilensky
Center Row - Rick Bailey, Pam Hegmon, India Hudson, Sharon Taylor, Theresa Wing and Kim Olney
Front - Kyra Keusch and Karah Sorensen
(Missing – Juaquin Sanchez)

**Office and Professional Employees
International Union, Local 459**

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Local 459 Membership Meeting October 10, 2017

The next meeting of the membership of OPEIU Local 459 will take place on Tuesday October 10, 2017 at 7:00 pm at the Local 459 office, 838 Louisa Street, Lansing Michigan.

The election of the Local 459 Executive Board positions will take place at that meeting (see article on page 15).

