

Minnesota Nurses Association – North Memorial
2019 Negotiations

Proposal
May 31, 2019
Time Delivered: _____

MNA Proposal to North Memorial

The Union offers the following package proposal:

- Union accepts Employer Proposal 4 (Low Need), modified as follows:

Article 34.D. shall be modified as follows:

Mandatory Low-Need Days:

If additional reductions are indicated, low-need days shall be taken by the least senior regularly scheduled **part-time** nurse scheduled for the particular unit and shift where the reduction is necessary.

No regularly scheduled **part-time** nurse shall be required by the Employer to take more than twenty-four (24) hours per Contract year. If the least senior **part-time** nurse on a particular unit and shift has been assigned twenty-four (24) hours of low-need, the next least senior **part-time** nurse scheduled for the particular unit and shift may be assigned the low-need day. In any case, the total of low-need days of this provision shall not exceed twenty-four (24) hours per Contract year for any regularly scheduled **part-time** nurse.

~~A part-time nurse regularly scheduled for sixty-four (64) compensated hours or more per pay period shall be considered as a full-time nurse for purposes of this Section and shall not be assigned low-need days.~~ A nurse to be assigned a low-need day pursuant to this Part D shall be given a minimum of ~~four~~**two (42)** hours advance notice before the beginning of the shift.

Casual part-time or temporary nurses shall not be assigned to work on units for which the nurse receiving low-need days is oriented or otherwise qualified. ~~Part-time~~ **n**nurses having hours reduced shall be given first opportunity for subsequent additional work hours that may become available to replace work hours lost.

- Employer withdraws its Proposal No. 2 (Breaks)
- Employer accepts Union Proposal No. 4 (Breaks), modified as follows:

Amend Art. 8. BREAKS, to read:

The Union reserves the right to amend, add, delete, or withdraw without prejudice any and all proposals submitted. The Union also reserves the right to submit future amended, revised or new proposals. Said proposals shall not be used in an Administrative Hearing or Arbitration as evidence of interpretation or intent if the proposal is withdrawn by the Union.

The parties agree that each unit, as of June 1, 1998, shall establish a plan for Registered Nurses to receive one (1) duty-free (unavailable for patient care) 15-minute break for each four (4) hours worked and an unpaid duty-free thirty- (30) minute meal break for each scheduled eight- (8) hour shift. The meal break will extend the scheduled shift time by one-half (½) hour and, if a nurse does not receive this meal break, she or he will be paid for the additional one-half (½) hour on duty time as provided in the section related to salary. If no duty-free meal break is included in the scheduled time for any specified shift, that scheduled shift time will not be extended. A nurse will not be required to remain on the unit during any unpaid break. The plan shall include a definition of a break by management and the Registered Nurses on each unit. In addition, the plan will include what coverage will be made available, including contacting the USC, Manager, and Administrative Manager. The Employer will make every attempt to provide relief for the nurse, but if resources cannot be obtained, the nurse will be compensated for each fifteen- (15) minute break not taken.

The following Missed Breaks Process shall be put into effect by Management:

- 1) Managers of each department are responsible for ensuring that nurses are relieved from duty for a 15-minute rest period for every four hours of work and for a 30-minute meal break each shift. In no case shall such mechanism result in a violation of the staffing levels provided for in the department or unit's nursing grid. The intent of rest periods is they are reasonably close to the middle of a four-hour block of work and the intent of meal periods is they are reasonably close to the middle of a shift, unless a nurse desires a different time. Mechanisms available to management to assure breaks may include, but not be limited to, utilizing break nurses.
- 2) The RN shall record a missed meal or rest break by making either an appropriate electronic entry or using a variance form. Management approval shall not be required in order for a nurse to record or be paid for a missed meal or rest period.
- 3) Paychecks given to RNs will reflect payment for missed meal or rest breaks on a separate category on the paycheck.
- 4) In the rare case that a rest break is missed, the missed rest break shall be treated as hours worked and will be compensated at the rate of 15 minutes of double time.
- 5) In the rare case that a meal break is missed, the missed meal break shall be treated as hours worked and will be compensated at the rate of 30 minutes of double time.
- 6) Nurses will take breaks when they are afforded the opportunity to under their specific unit/department break plan, so long as doing would not jeopardize patient safety, as determined by the nurse's professional judgment.

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- 7) Management will not tolerate any retaliation of any kind of a Nurse who requests relief to take a rest period or records a missed rest or meal period. Management will promptly investigate any accusation of retaliation against a RN for requesting relief or recording a missed break and take corrective action to ensure that retaliation does not reoccur. In accordance with principles of a culture of safety, in no case shall Management discipline or counsel a Nurse for recording a missed rest period, requesting relief, or incurring incidental overtime. If at any time during the investigation there is a need to speak with a nurse regarding retaliation for taking a break, the nurse shall have MNA representation for any and all conversations. There will be no use of electronic monitoring or surveillance to enforce break plans.

- 8) Management will track and provide MNA department-level data on missed meal and rest breaks on a monthly basis. The union and management shall review this data monthly. If a unit/department has more than 85% breaks missed the following steps will be initiated:
 - a. Break nurses will be assigned to this unit so nurses can be relieved for their 15-minute rest breaks and their 30-minute meal break.
 - b. A grid review will be automatically initiated within thirty (30) days to evaluate the break plans
 - c. A new break plan shall be implemented immediately to ensure nurses receive their breaks.
 - d. Additional staff resources provided to any shift shall not result in the reduction of support staff levels or the reduction of staffing on other shifts.

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