

Facts About Decertification and Bargaining at Fountain Valley

We are Fountain Valley Professional Association, 1,000-strong registered nurses, pharmacists, clinical lab scientists, social workers, physical and occupational therapists, and speech-language pathologists joined together for a better Fountain Valley.

Q: Isn't this a representation election, not decertifying? Or: What is a representational election?

A: Call it what you want, it amounts to the same thing. Both a decertification petition and a representation petition can result in the potential decertification of UNAC/UHCP or any union. Our current contract is so good that NUHW claimed victory when they just won things we had for decades. NUHW doesn't have the power we do at the table when you look at the facts. It's unclear why NUHW would want to call this election a new name—because NUHW doesn't want to release a statement similar to one made in 2020 about a decertification of an NUHW unit:

What NUHW leaders told THEIR members in 2020: **"In the event we did have an election, we would be faced with a contentious decertification vote...This is a lose-lose scenario...we'd have to start negotiating a new contract from scratch."**

Q: With NUHW, we'd keep our contract as-is and just negotiate improvements with management. Or we just change our Union, keep our contract, and add the right to strike.

A: False. You do not keep your contract. You would bargain a new contract. If you choose NUHW, the UNAC/UHCP contract is no longer valid. While the terms and conditions remain while you negotiate a new contract the Employer is under no obligation to keep any of the current language in your CBA.

Leaving UNAC/UHCP for a smaller, less powerful union will not give you the same leverage at the bargaining table. We are currently negotiating with the employer and have made our position clear that in the new CBA we will have the ability to strike when the contract expires.

With a larger union, like UNAC/UHCP, you'd be able to start with pre-existing contract language in other UNAC/UHCP contracts with similar job classifications. With NUHW, a half-pint union with a tiny number of registered nurses and health professionals, you'd essentially be starting from scratch. In addition, with UNAC/UHCP, you have power at the table and experienced negotiators who have bargained new contracts for other health professionals. With NUHW's modest operation, you'd start over and have to bargain each and every item again. For NUHW, finally achieving overtime and double-time language that UNAC/UHCP has had for 27 years is considered a big win—in 2021.

Q: Management has to give us our wage increases that were negotiated by FVPA.

A: Management doesn't have to do anything.

Q: Why did it take so long to negotiate our last contract?

A: At the outset, our bargaining team was clear on our priorities. It took longer than many of our contracts take to bargain, but the team decided to press on toward our goals. Membership involvement can speed up the process. When we stand together, we have power. Solid participation by our union members shows management and the public that we are united to achieve our goals. Unity means taking part in actions big and small, including:

- Sharing bargaining information on social media
- Wearing a sticker or button to work and taking a picture to share
- Signing a petition
- Joining an informational picket or vehicle parade outside of our work hours

Our contract expires in April 2022. That's why we are out early, talking to every single member to see what is the most important to Fountain Valley registered nurses and health care professionals in our negotiations.

Keep in mind it took NUHW five years to bargain first contracts for other groups where they decertified an existing union.

Q. Why did FVPA give up so much during the previous negotiations?

A. We all received raises, including some as high as 36%. Ninety-two percent of us voted yes to ratify the last contract. Let's stay involved so we can be sure the bargaining team knows what matters to us. Right now, there are two quick ways to take action toward an even better contract. Complete the Commitment Card for a stronger contract & FVPA and join our Contract Action Team.

Q: Where was FVPA during the pandemic when we were inundated with patients in unsafe conditions?

A: Here are some ways we worked together to address the unique challenges of COVID-19:

- Pushed for voluntary cross training opportunities at Fountain Valley where units with lower census can support heavily hit areas within each professional's scope of practice
- Pushed for the hospital to hire up - in June 2020, more than 80 permanent RNs and 11 travelers were hired to fill vacancies and backfill
- Applications open for additional 11 permanent RN positions
- UNAC/UHCP communicating with Governor's office to mitigate relaxed staffing ratios and other emergency regulations
- PPE donations distributed regularly as available
- Urged HR to improve EAP accessibility and provide virtually (access by calling 866-335-2340)

When COVID began, we weren't able to get into the hospital, but our leaders were still pushing for an end to the waiver in Sacramento and demanding the hospital address staffing problems. The lesson learned is that we need to build and maintain an internal structure of member-leaders per unit, per shift, We're doing this now by strengthening our Contract Action Team (CAT) and conducting Steward Training. The CATs are our eyes, ears, and mouths inside the units, and will be our QRTs (quick reaction teams) to support our members with their daily issues and concerns in the units. Can we invite you to be a CAT? If no, do you know who in your department we should talk to? Don't worry, we will train all the CAT members.

Q: Why didn't FVPA fix staffing issues and ratios?

A: We still have a lot of work to do with ratios. Our union FVPA-UNAC/UHCP was instrumental in winning the safe staffing ratio law. We fought for this for more than a decade and we stayed the course during those challenging times because as an RN & Licensed Health Care Professionals union, we understand how important it is, not only for the protection of our licenses and sustainability of our practice of our profession, but more importantly, for the safety and well-being of our patients and communities that we serve.

Q: Why would I fill out an objection? Staffing objections do not work.

A: It may seem to some that staffing objections don't do what we immediately want or need, but it's not true they don't work. This may be what NUHW is trying to convince our members to think, but it is because NUHW is not a licensed health care professional and RN union. NUHW members have never taken a stack of objections into professional care committee and won new positions. UNAC/UHCP, on the other hand, has been doing that for decades. While NUHW does not understand the importance and purpose of objections and why we fill them out each time we face a staffing issue during our shift, we do. We know that a staffing objection can protect your license.

The FVPA Officers and the HPAC collect and compile all objections, which they then bring to the regular RNC-management meeting. At this forum, management is asked to remedy unsafe staffing. If management does not provide a satisfactory resolution, then FVPA may escalate it to various levels of the DHS, political and community leaders, media, and other allied supporters for safe patient care. Which is why we still continue fighting for safe staffing daily and should continue filling out objection forms.

Q: NUHW has the ability to strike, why did FVPA give it away?

A: You are right, the strike is workers' most extreme tool and last resort to use when contract negotiations don't go well. But the truth is, there are many ways we can show our power and get what we deserve. FVPA has already put in an official notice the employer to negotiate, and we are building our Contract Action Team now. As a part of UNAC/UHCP, we are part of a larger organization that can help us strategize the best ways to use our power without going on strike. We can participate in collective action during bargaining, put pressure on elected officials to do the right thing, continue to gather signatures on the commitment card and make sure everyone fills out the bargaining survey. At the end of the day if members are active and involved, we don't need to strike to get what we deserve.

That said, when FVPA was founded, members did not want to strike. Times change and we've definitely heard the member input that the no-strike clause must go. Our union has already sent a formal notice to the employer that we won't agree to retain the no-strike clause in our contract going forward.



More Questions?

Reach Out To Your FVPA Officers



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