

BMC nurses set second strike for Feb. 27

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By Larry Parnass, The Berkshire Eagle

PITTSFIELD — Registered nurses at Berkshire Medical Center will strike again, pressing demands for contract changes they say are needed to improve staffing and ensure patient safety.

But the hospital views the demands as unacceptable — and warns a second strike will again prove costly, up to \$4 million, and might force it to reallocate resources.

Following up on a Jan. 16 strike authorization vote by its members, the Massachusetts Nurses Association told hospital executives late Thursday their roughly 800 members will walk off the job Feb. 27, unless progress is made at Tuesday's negotiation session. The contract talks are in their 17th month. The union's contract lapsed in September 2016 but under federal law most of its terms remain in effect. Amber VanBramer of Pittsfield, an RN and member of the bargaining committee, said Thursday that right after authorizing a second strike, members pressed her panel to set a date.

"They were eager to give the notice," VanBramer said.

Nurses also struck for one day Oct. 3, and were then locked out for the following four days as the hospital called in replacement RNs. The job action affected not only the hospital but satellite operations in Pittsfield and North Adams, and would again at the end of this month.

An effort late Thursday to get comment from the hospital about the newly set strike date was unsuccessful.

But in a letter Tuesday to hospital employees, executives warned that a second strike seemed imminent, prompting them to begin planning for coverage.

The letter, sent by David Phelps, the president and CEO of Berkshire Health Systems, and Diane Kelly, the hospital's chief operating officer, said "core" issues remain unresolved in the negotiations.

They said a central issue is the union's request that "charge" nurses not receive patient assignments. Charge nurses oversee shifts on their units.

The union says that change would allow those nurses to help others on the same shift who find their patient caseloads unworkable.

Not 'prudent'

Phelps and Kelly suggest that while not assigning patients to charge nurses is "current practice," the hospital cannot make it a rule. "As we all know, the work demands on each of us change from day-to-day," the letter said, "and even over the course of a single day because of unexpected circumstances, including spikes in patient census, unusual changes in patient acuity and unscheduled absences of our colleagues."

"Accordingly, fixing in stone a highly restrictive patient assignment limitation for charge nurses/clinical team leaders is not a demand that we can prudently accept," the letter stated.

VanBramer said nurses decided to set the strike for a Tuesday so members who work Mondays could log at least one day of work that week. The union does not provide financial benefits during a strike.

Hospital officials told employees this week they expected the strike could come Feb. 20, the day after Presidents Day. Instead, it will take place a week later, unless success in negotiations leads to its cancellation.

According to Phelps and Kelly, recent sessions have shown progress. They said in their letter the hospital adjusted two of its long-held proposals. "A relatively narrow range of issues remain on the table," they said Tuesday, before a session held Thursday, the sixth since the October strike and lockout.

The union, however, said Thursday that one of its key concerns has not been accepted. The union is asking BMC to commit to maintaining existing levels of RN staffing. That means following its own current staffing grid. Showing frustration, hospital leaders suggested, as they have before, that the strike is designed to satisfy union objections beyond the contract under review.

"We are deeply disappointed that a second walkout may have been planned for weeks, apparently in pursuit of some purpose other than reaching a fair contract at Berkshire Medical Center," Phelps and Kelly wrote.

"It's just not true," said Joe Markman, a union spokesman. "The nurses have very specific staffing solutions that are not anything except what they need at their hospital."

He said nurses would not have set a winter strike if they didn't believe it was needed for their workplace.

Last month, 82 percent of union members who voted by secret ballot backed a second strike, almost exactly the percentage that supported the first strike authorization vote last July.

The union is required by law to provide 10 days' notice of a strike. Thursday's announcement came 19 days before the planned walkout.

Alex Neary, co-chair of the bargaining committee, said strong backing from member nurses, and the wider community, "have empowered us to stand up for what is right. We hope management will make the right decision and reach a settlement."

Lockout likely

The union does not know yet whether members will be out for a full week, as they were in October. The union is contesting the hospital's decision to keep the RNs out for four additional days that month, alleging in a National Labor Relations Board complaint that it was retaliatory.

Markman said that since the Jan. 16 strike authorization vote, members of the bargaining committee have been trying in earnest to reach an agreement.

The hospital's letter this week suggests, based on the expense it anticipates, that a lockout will again be part of its strike plan. In October, BMC hired U.S. Nursing Corp. to supply 247 replacement RNs; a contract with that company required BMC to provide the out-of-town nurses with a minimum of five days' work, the hospital said.

The hospital has declined to make the contract public.

Phelps and Kelly wrote in their letter that the \$3 million to \$4 million the strike would cost the hospital diverts money from better uses and "will not be available to invest in our people, technology and facilities to meet the needs of our community and other community providers, despite their growing dependence on us."

But they also said the cost of "yielding" to the MNA's staffing requests "is even less financially palatable."

VanBramer said she hopes negotiations Tuesday move the needle.

"It gives us an opportunity to at least meet face-to-face," she said Thursday. "They said to us tonight, 'We'll see you on the 13th.' "

After that, thoughts will turn to making arrangements for the Feb. 27 strike, she said.

"We'll be coming up with a plan," VanBramer said. "It's going to be cold."

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