

United Nurses of Legacy expect to file for union election

American Federation of Teachers (AFT) has been trying to unionize 3,000 nurses at Legacy Health System for four years. Over the last month, the campaign has been turning up the heat.

Portland-based Legacy is a non-profit chain consisting of five hospitals in the Portland metro area. It was formed by the 1989 merger of hospitals founded by the Lutheran Church and the Episcopal Diocese of Oregon.

AFT is a nationwide union with a sizable health care division. In the Portland area, AFT represents nurses at Kaiser Permanente and Providence Milwaukie Hospital.

AFT has tried to persuade Legacy management to adopt a neutral stance toward the union drive. Partly because of the Legacy's historic ties to the religious organizations, AFT organized a group of local religious leaders to call on Legacy to agree to a union-written code of conduct for the campaign. Legacy declined.

In March, union organizers started publicly distributing leaflets aimed at embarrassing Legacy.

"We've been nice for four years," said Robert Painter-Johnson, the union staffperson responsible for building community support for the campaign. "The time for nice is gone because they're not responsive to nice."

Union leafletters are appearing regularly outside Legacy Emanuel with fliers saying the hospital is dirty and unsafe due to cuts in housekeeping hours. The fliers cite a Medicare report that faulted the hospital's standards of cleanliness.

They've also been showing up outside branches of West Coast Bank with leaflets making a similar point. Legacy board member Duane McDougall, former CEO of Willamette Industries, is also on the board of West Coast Bancorp. "Tell Duane McDougall," the flier said, "if he wants your deposits of money at West Coast Bank, clean up the deposits of dirt at Legacy Emanuel."

Legacy Emanuel chief administrative officer April Whitworth reacted to that with an e-mail to employees: "I am not going to sit back quietly while a group of outside union organizers criticize our hospital and staff," Whitworth wrote. "AFT is a national union that is desperate to organize Legacy's nurses.... But their organizing efforts ... haven't worked. So now they are trying a new strategy: a public campaign against Emanuel."

"A lot of the statements the union is making, they take things and blow them out of proportion," Legacy spokesperson Silvia McDaniel told the Northwest Labor Press.

On April 21, union leafletters set up outside the Battleground, Washington, home of Legacy board member Jeffrey Gordon, a real estate developer. The message: Gordon is asleep



Christobal Mozingo, a registered nurse at Legacy, holds a union placard outside an April 22 hospital CEO forum at the Multnomah Athletic Club, at which Legacy CEO Pam Vukovich was speaking.

at the wheel. "Rich directors like Jeffrey Gordon shell out millions to executives," the flier said, "but can't find money to assure patient safety."

Several union fliers have made an issue of CEO salaries: Legacy's interim CEO, Pamela Vukovich, made over \$1.18 million in 2007. The union has argued that compensation like that — and the \$45 million profit Legacy made last year — would be better spent hiring more nurses, which would improve patient safety.

Whitworth disputed those details also in an e-mail to employees, saying Vukovich's compensation topped seven figures only because she got a five-year retention bonus last year and cashed out some deferred compensation benefits. Her regular salary is \$434,000, Whitworth wrote.

On April 22, union leafletters greeted Vukovich and several hundred health care industry professionals outside the Multnomah Athletic Club — site of a "Hospital CEO Roundtable"

organized by the non-profit Oregon Health Forum. Vukovich was one of the five hospital CEO panelists. Leafletters said Vukovich reacted with distaste, on the way in, when she was handed a flier. This one publicized fire safety problems at Legacy Emanuel.

Inside, an audience member asked what the CEOs thought about unions getting active at the State Capitol trying to pass "top-down dictates on hospital staffing levels." AFT has lobbied in Salem, thus far unsuccessfully, for laws setting minimum nurse-to-patient ratios.

"You were probably greeted by United Nurses of Legacy on the way in," Vukovich replied. "They're from the East Coast."

"That's ridiculous," Painter-Johnson told the Labor Press after the event. "What's she's attempting to do is frame us as the evil other."

For the most part, nurses themselves aren't taking part in the leafletting: Helen Lee, United Nurses of Legacy organizing director said nurses are fearful of publicly supporting the union, because some have been disciplined for doing so.

Linda Boly, an RN at Legacy Emanuel, said she's received a verbal warning and two written warnings for infractions such as talking about the union and handing pro-union fliers to co-workers who were on the clock. She also had her schedule changed, and was disciplined for refusing to work past the scheduled end of her shift.

Boly described a management crackdown under way at Emanuel. New rules restrict employee use of break room bulletin boards and company e-mail, and ban talking about the union except when both parties are off the clock and out of patient care areas.

Several groups of Legacy workers are unionized, said McDaniel, the Legacy spokesperson. But with the nurses, Legacy believes direct communication is the best model, she said.

While McDaniel said Legacy supports employees' legal right to choose whether or not they want a union, she also said some union tactics are inappropriate and have caused concern among nurses, such as trying to distribute fliers to employees while they're at work, and trying to call employees on the phone while they're at home.

Unintentionally, her point drives home how tilted the playing field is during union campaigns: Managers have access to workers all day long, while union organizers have almost no access and get criticized for trying to communicate with workers.

Last fall, the union-backed workers' rights group Portland Jobs With Justice recruited several prominent pro-union community members to serve on a panel of its Workers Rights Board. Those included Democratic Oregon State Representative

Tina Kotek, black business leader Joyce Taylor, Portland State University professor Barbara Dudley, and Alcena Boozer, rector of St. Philip the Deacon Episcopal Church. Members of the group met with Sonja Steves, Legacy's senior vice president of human resources, marketing and communications and asked her to agree to campaign ground rules, including that neither side would badmouth the other. No deal.

If Legacy doesn't commit to neutral ground rules, union supporters say management will have substantial advantages in opposing unionization. But it looks like AFT is getting ready to take its chances. Painter-Johnson said United Nurses of Legacy expects to file for a government-run union election very soon.

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