



# Governor Inslee Commits to Support Us and Our Rights as Workers to Speak up About Our Safety and Our Working Conditions

As caregivers who are putting our health on the line daily to care for our patients during pandemic, we will not be silenced when it comes to speaking up about our working conditions and our safety. We spoke with our Governor during our union's tele town hall last week, where he committed his support to the staff at Memorial. As he noted, all of his children were born at our hospital, and he wants to ensure that staff have the necessary protections we need.

Further, our state and federal government recognize that our rights under the NLRA cannot be suspended. Our employer cannot limit union activity nor tell us we can no longer speak about working conditions. Our employer cannot make unilateral changes to our working conditions.



"Never has it been more important for us to be union-represented. While Memorial can reach out to us for voluntary low census or furlough, schedule changes are by mutual agreement. Using our holiday or vacation for low census is our choice. And we can immediately access standby unemployment benefits if we do take a temporary reduction. However, Memorial must follow the provisions of our contract if the hospital moves to mandated reductions. All the more reason for us to return to the bargaining table

and discuss what is happening. If the employer refuses to meet at the bargaining table while implementing changes that violate our CBA or unilaterally changes our policies and practices, we have no choice but to file Unfair Labor Practice charges. Now is the time for the hospital to be speaking with us as a union. Ignoring the fact that we are union hospital is not only flagrant disrespect, it is unlawful." **Heather Sparks, RN, ED**

## THE LAW IS ON OUR SIDE

*A policy or rule that is instituted without consultation with the union is called a "unilateral change." Such changes violate Section 8(a)(5) of the National Labor Relations Act.*

*If our hospital receives any aid under the CARES Act, as a unionized employer Memorial must agree not to "abrogate" existing collective bargaining agreements for the term of the loan and 2 years following loan repayment.*

*Washington State has issued an executive order that if our hours are reduced or we are furloughed, our health benefits remain in place.*

## Frontline caregivers standing up for economic protections in our hospitals as we also stand together for PPE nationally

Frontline healthcare workers are under pressure every day as we care for patients during pandemic. Lack of PPE nationwide, greater economic stress on our families, changes on the ground every day that affect our schedules and work assignments are just some big elements of our new reality.

We have taken action at our hospital and we will be delivering a letter to our CEO signed by hundreds of caregivers, calling on her to ensure that we have the necessary economic support as we are quarantined or made sick by COVID-19. In addition, hundreds of thousands of healthcare workers showed their solidarity in a National Day of Action calling on the federal government to support us on the frontline. States and hospitals should not be competing for needed supplies. Together we are a voice for our patients, ourselves and our families.

### Healthcare workers need support now for the risks we are taking during the pandemic

To: Carrie Post, CEO, Virginia Mason Memorial Hospital

We have always been proud to serve our community as members of Memorial's frontline staff. Now more than ever, our community is looking to us for support and care and some of the most vulnerable and at-risk patients are in our care. We are putting our safety on the line every day during this pandemic.

As healthcare workers, we are providing necessary services to our community. We are making the commitment to employees to recognize the sacrifice and risk we are taking. We are asking the leadership of Virginia Mason Memorial to show the same commitment to workers that employees like myself, Carrie Post, are making. We are asking the leadership of Virginia Mason Memorial to show the same commitment to workers that employees like myself, Carrie Post, are making.

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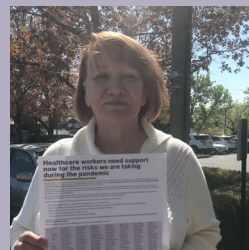
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"EVS has not been provided proper gear to protect ourselves when we clean rooms. And now we are having our hours cut. We are the frontline of infection control. Reducing our

staff now only jeopardizes our patients and our frontline staff. I have worked here 13 years. Many of us in EVS have dedicated our lives to this hospital. We come to work every day despite the lack of safety gear for us. Memorial must discuss reducing our staff at the bargaining table. Memorial needs to show regard our humanity too."

**Adela Cuevas, EVS**



"We know our hospital is in the same boat as other healthcare facilities around the state and country and that economic hardship is all around. However, we still have the right to

discuss the risks we are taking every day and our greater need for economic security. Memorial must make the commitment to come back the bargaining table and work together on the changes happening in our hospital."

**Karla O'Roarke, RN, 5E**

# Our rights and benefits under State and Federal Law

## 1. Do I have to use my accrued time off before I can receive government benefits?

- While the state encourages employees to access their “employer-paid time off,” or accrued time off as a “first and best option,” you are not required to do so.

## 2. If I'm receiving, or hoping to receive, state or federal benefits, can my accrued time off to supplement this amount to make me whole?

- PFMLA, Federal Paid FMLA, Paid Sick Leave, Workers Compensation L&I: It is possible to access accrued benefits or receive employer paid administrative leave to fill in the gaps to make yourself whole in regards to pay. As a union, we are pushing employers to provide paid administrative leave to make people whole and in the alternative, allow access to accrued leave and unfortunately some have not yet agreed to do so.
- Unemployment: If you are laid off or have a reduction in hours and are receiving unemployment benefits, any payments received from your employer during the period of unemployment must be reported, and your unemployment benefits will be reduced by the amount you receive in the form of paid time off, so this is not a good option for making yourself whole.

## 3. If my work has been eliminated due to departments shutting down partially or fully, e.g. no elective surgeries, can I apply for unemployment?

- You can apply for unemployment, and the compensation you receive will depend on how many hours you're able to work.
- The CARES Act, further detailed below, expands unemployment to address this and other issues. See number nine for further information on options.

## 4. What are the new federal laws expanding benefits for people affected by COVID-19?

- Families First Coronavirus Response Act (FFCRA): This law only applies to public employers and private employers who have less than 500 employees. The FFCRA provides covered employers the option to “exempt” healthcare providers including all employees of hospitals and nursing homes) from its provisions, but employers of healthcare providers can still provide the benefits set out in the FFCRA to their healthcare provider employees if they want to.
  - BENEFITS: (1) eligible employees may receive up to 80 hours of paid sick leave at their full rate of pay if they have been diagnosed with COVID-19 or are experiencing symptoms and seeking a diagnosis; (2) eligible employees may receive up to 80 hours of paid sick leave at two-thirds their normal rate of pay if unable to work due to a bona fide need to provide care for someone who is subject to quarantine or for a child whose school or child care is closed for reasons related to COVID-19; and (3) eligible employees who have been employed at least 30 days can receive up to 10 additional weeks of paid family and medical leave at two-thirds their normal rate of pay in order to care for a child whose school or childcare is closed for reasons related to COVID-19.
- Coronavirus Aid, Relief and Economic Security Act (CARES): Congress significantly expanded availability of unemployment benefits in several ways:
  - Under CARES, many more people are eligible for unemployment benefits, including anyone who is unable to work for reasons related to COVID-19, including individuals who do not meet all of the standard eligibility requirements, such as the work-search requirements - if someone is temporarily laid off during the COVID-19 crisis, they can now qualify for unemployment even without searching for other work while waiting to get called back in by their employer.
  - The Federal government is funding an additional \$600 per week in addition to unemployment benefits someone might be entitled to, for the duration of time someone receives unemployment
  - While unemployment benefits are normally available for up to 26 weeks, this law expands that, so unemployment may now be available up to 39 weeks (approximately 9 months), through December 31, 2020.

## 5. If I reject offered work, what are my options for being paid?

- Your next steps are going to depend on why you rejected offered work. If it's due to an inability to work right now because you or a loved one are sick, PFMLA may be your best option if paid administrative leave is not available.
- If it's because you do not feel safe or able to do the work you're being asked to do, and your employer is not offering virtual or telework options, unemployment or PUA may be an option.

## 6. I have to remain at home with my child(ren). What resources are available?

- If you work for a public employer or private employer with under 500 employees, and they agree not to exempt you from the FFCRA benefits as a healthcare provider, you should qualify for to the Paid Sick Leave and Paid Family and Medical Leave provisions of that law if your child(ren)'s school or child care is closed for reasons related to COVID-19.
- Expanded unemployment benefits through the PUA may be available as well.
- King County residents: we can support our fellow union workers through enrolling in a union childcare setting. If you are in Seattle, you can apply at this link: <https://forms.office.com/Pages/ResponsePage.aspx?id=RR7meOtrCUCPmTWdi1T0G-5JKRlvS5tDpx0pzSO8yw9UMEQySzMzNFQ0WFNESDAwVDfLN1BWT1ZITy4u>
- If you're outside of Seattle, call Child Care Resources at 1-800-446-1114
- The DSHS site has links to Child care Aware, Families, Friends and Neighbor program, and a map of WA with child care available for health care workers district-by-district.<https://www.dshs.wa.gov/alert/covid-19-information>

## 7. I'm concerned about doing any direct patient care right now because I or a loved one are immunocompromised and my employer is not allowing/providing virtual work. Should I seek state/federal benefits?

- If paid administrative leave is not available, you can seek unemployment under the PUA.
- If you cannot work, as you or a dependent has become ill as a result of being immunocompromised and working, you may qualify for PFMLA or PUA.

## 8. Can I receive PFMLA and Unemployment Insurance at the same time?

- No, PFMLA is meant for those who cannot return to work now due to a serious health condition. Unemployment implies that you are capable of working and will be returning to your work or seeking new work opportunities.

## 9. What is the difference between regular unemployment and the SharedWork agreement?

- Employers can apply for ESD's SharedWork program as a method of reducing job loss, when they need to cut back on staffing. Employees whose hours are reduced, but are still working 50-90% of their normal work hours, may qualify to receive prorated unemployment benefits through the SharedWork program if their employer has applied for it
- When an employee is temporarily laid off, with the expectation of returning to work, they can receive “standby” unemployment - the employee can request Standby, or the employer can request Standby for the employee on the form they receive from ESD
- If an employer is reducing operations and therefore reducing employees' hours, the employer can request “Partial” unemployment for the employees, as long as the employees are working at least 16 hours per week.

## 10. I tried to apply for “Stand by” Unemployment and received an immediate rejection. What do I do now?

- ESD (for unemployment) notes that they are working on updating their computer system & if workers receive an automatic denial, it may be in error & it will be reviewed.
- For those who have been experiencing Low census and/or department closures without offered work opportunity, Unemployment is making work search requirements optional & standby status can be selected for up to 12 weeks. ESD (for unemployment) notes that they are working on updating their computer system & if workers receive an automatic denial, it may be in error & it will be reviewed.
- For those who have been experiencing Low census and/or department closures without offered work opportunity, Unemployment is making work search requirements optional & standby status can be selected for up to 12 weeks.

## 11. How long can I receive unemployment for?

- Due to federal legislation, benefits will be expanded to a total of 39 weeks - approximately nine months.
- Of note, if you were not eligible for unemployment prior to the recent federal legislation, Washington's Employment Security Department (ESD) is requesting you wait to apply until the system is set-up to accept the application. That should be by mid-April.

## 12. When does my unemployment begin?

- Washington has waived the one week waiting period, so benefits should begin as of the date you apply, except that under the PUA, benefits are available retroactively back to January 27, 2020
- The unemployment office is handling an unprecedented number of unemployment claims, and will issue checks on approved claims as quickly as possible, but it may take longer than usual. If you need assistance in the interim, please see additional available resources here: [coronavirus.wa.gov](https://coronavirus.wa.gov)

## 13. What other resources and relief are being provided to Washingtonians?

- The state of Washington has provided additional relief including temporary moratorium on evictions, assistance with utilities, and free school lunches for children.

## 14. What rights do I have as an immunocompromised, or COVID-19 high-risk person at work?

- Per Governor Inslee's April 13th proclamation:
- Your employer must utilize all available options for alternative work assignments, e.g. telework and alternative work locations, and appropriate social distancing measures.
- Additionally, employers must allow workers to use accrued leave or unemployment if alternative work is not available and they are not able to work traditionally.
- If paid time off is exhausted, the employer must continue to provide the health insurance benefits that may have been tied to employment until the employee returns to work.
- Employers also cannot take “adverse employment action” against employees who are immunocompromised through eliminating employment through permanent replacement.
- High risk is defined through the CDC's determination that persons over 65 years of age and people of any age who have “certain chronic underlying health conditions” are more likely to develop a severe illness or die from COVID-19.

## 15. If I contract COVID-19, or am exposed to it, how do I prove it happened at work? What are my rights in filing for Workers Compensation?

- Governor Inslee's April 10th memorandum regarding Workers' Compensation during COVID-19 states that unless there is evidence that no on-the-job exposure occurred, healthcare workers who contract COVID-19 at work, or are quarantined due to potential exposure, are eligible for Workers' Compensation.
- Additionally, for employers who do not have self-insured workers' compensation, the cost of COVID-19 related claims will not be used to calculate an employers' future workers' compensation premiums.

# Our rights and benefits under State and Federal Law

1199NW Member Scenario	PFMLA	L&I	UI	Federal Paid Sick Leave and FMLA	CARES
Low Census			✓		✓
Department Closed No other work available			✓		✓
Department Closed Rejected offered work			Depends why rejected		Depends why rejected
Per Diem Not receiving typical hours			✓		Probably
Immunocompromised	Possibly. If you're able to work use UI		✓		✓
Dependent is immunocompromised	Possibly				✓
Quarantined		✓	✓	✓	✓
Sick with COVID-19	✓	✓		✓	✓
Child Care absences			Depends on if you can work e.g. remotely	✓	If Primary Caregiver and cannot work remotely



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