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2013

California Nurses Association / National Nurses United, AFL-CIO

Sympathy Strike Manual

University of California RNs
One-Day Strike

Wednesday, Nov. 20, 2013

For more information, contact your CNA nurse rep/PPC or your CNA labor rep, email CNA at ucdivision@calnurses.org, or CNA Hotline at 877-678-3357 | www.calnurses.org

Please Read the Entire Manual

GENERAL INFORMATION

Wednesday, November 20, 2013

It will be a one-day (24-hour) sympathy strike. CNA has given a 10-day advance notice of the strike even though this is not required by the law.

Strike Time: The strike will affect all shifts scheduled to start anytime that day. For most nurses, that will mean days and evening shifts on November 20, as well as night shifts that start the evening of November 20. Night shift nurses who start their shift on Tuesday night, November 19, will be expected to complete those shifts, and will join the strike when they get off Wednesday morning.

Picketing: We will be picketing from 7 am (6:45 am for UCD) until 11 pm.

Picket shifts: 7 am–1 pm, 12 Noon–6 pm, 5 pm–11 pm (Shifts TBD for free-standing Student Health Centers)

WHAT DO YOU DO?

There is NO need to give individual notice or call in your intent to strike. CNA has provided a 10-day notice of the strike to the University, which covers all RNs.

Show up on the picket line. Report to the designated picket captain, sign in and pick up a picket sign.

If you are asked by your nurse manager whether you are going to strike, you may say:

“Yes,” or “I’d rather not discuss it,” or “I haven’t decided.”

It is illegal for your manager to harass or threaten you. But be prepared for the pressures that may be placed upon you by management. If you feel that you are being harassed or threatened, document the incident and report it to your CNA nurse representative or labor representative.

NURSES WORKING NIGHT SHIFT BEFORE THE STRIKE: It is UC’s responsibility to provide someone to report off to. Strike hours and picketing are as noted above. RNs working the night shift before the strike starts should report off to a supervisor or designee at the end of their shift and come out to the picket line.

RNs WHOSE DAY SHIFT STARTS EARLY should report to directly to the picket line and join their colleagues who are or will be picketing.

UC has time to prepare for the strike. We have given UC a 10-day advance notice of the strike so that management can make arrangements for the care of the patients.

For more information, contact your CNA nurse rep/PPC or your CNA labor rep, or email CNA at ucdivision@calnurses.org.
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YOUR RIGHT TO SYMPATHY STRIKE

It is unlawful for UC managers to interrogate you about participation in the upcoming sympathy strike, or to attempt to coerce you into crossing the picket line. UC may make a limited inquiry to employees about whether they intend to cross the picket line and work during the strike, but such an inquiry must be solely for purposes of planning for the strike, must include the assurance that you are free to make your own decision and that no reprisals will be taken against you if you exercise your right to engage in a sympathy strike.

You cannot be disciplined for participating in the sympathy strike under the no-fault attendance policy, or on other grounds, nor is it lawful for management to attempt to coerce you by, for example, claiming that your patients will suffer if you strike. It is unlawful for management to threaten discipline you for exercising your right to strike. CNA gave more than 10 days advance notice of the sympathy strike in order to provide plenty of time for UC to reschedule elective procedures, divert or transfer patients, prepare managers and other non-union personnel to care for patients who cannot be rescheduled, and to take other measures to prepare for the one-day strike.

It is illegal for your manager to attempt to coerce you or to harass or threaten you in any way. If you feel that you are being harassed or threatened, document the incident with a CNA sympathy strike incident form and contact your CNA nurses representative or labor representative.

Be prepared for possible questions from management about the strike. However, if you feel the pressure placed on you by management was harassing, or if you are threatened with discipline, write down the date and time of the occurrence and the name(s) of the manager involved and contact your CNA nurses representative or labor representative to report the incident.

Even if you tell your manager that you are going to work on the day of the strike, you still have the right to change your mind and go on strike. You may wish to inform them that you have changed your mind, however you are not required to do so – you have the constitutional right to engage in concerted activity with your co-workers and that right is legally protected. CNA's 10-day advance notice of the strike covers all CNA-represented nurses and you do not have to give personal notice to your manager.

FREQUENTLY ASKED QUESTIONS

Q: Do UC RNs represented by CNA have the right to strike?

A: YES. UC strikes are legal. In the recent PERB decision concerning UC bargaining, PERB said “we reject UC’s argument that any strike constitutes a per se violation of HEERA...We hold that HEERA does not prohibit strikes by employees of higher education employers.” (PERB February 2010 ruling, pages 30-31; “HEERA” is California’s Higher Education Employee Relations Act.)

Health care strikes are also legal. PERB also stated that “the legality of strikes at private sector health care institutions has been recognized since at least 1974...requiring union to give 10 days notice prior to strike at any health care institution...Whether a strike at a (UC) health care institution poses an imminent threat to public health or safety is to be determined on a case-by-case basis.” (page 30)

Q: Can UC RNs legally sympathy strike at this time?

A: YES. Since our contract expired on June 30, we are not constrained by the no-strike provision in our contract. Even though we are not yet at impasse, we now have the right to support other unions with a sympathy strike.

The courts in other cases have also recognized the right to engage in sympathy strikes, stating that “an integral part of any strike is persuading other employees to withhold their services and join in making the strike more effective.” (NLRB v. Southern Cal. Edison 646 F.2d 1352 (The 9th Cir. 1981))

In one of our own cases, the court explained that, “Sympathy strikes are a means by which workers can demonstrate their solidarity with their brothers and sisters who are engaged in a primary strike. Respect for another union’s picket line leads to a stronger labor movement.” (Childrens Hospital v. California Nurses Assn, 283 F.3d 1188 (2002))

Q: Is the one-day strike legal?

A. YES.

Q: If an RN is on vacation for the strike date, what happens?

A: If you have a pre-approved vacation it is illegal for management to cancel your vacation.

Q: Can I schedule a vacation day or use a sick day on the strike day?

A: No.

Q: What happens if I am on medical leave on the strike day?

A: Your leave continues.

Q: Should newly hired and/or new graduate RNs go on strike with the rest of the UC RNs?

A: Yes. All RNs including new hires and new grads are covered by the contract and protected by California labor law and should honor the picket line.

Q: I'm working the night before the strike. What should I do when the strike begins? What if my shift starts before the strike time?

A: If your shift starts the night before, report to work, and complete your shift. It is UC's responsibility to provide someone to report off to. We have given UC sufficient notice to make arrangements for a strike. If no one replaces you, report off to your supervisor or her/his designee. RNs whose day shift starts early on the strike day should report to directly to the picket line and join their colleagues who are picketing.

UC has time to prepare for the strike. We have given UC a 10-day advance notice of the strike so that management can make arrangements for the care of the patients.

Q: I am concerned about our patients' safety. How do I know UC will adequately take care of the patients?

A: We have given a 10-day notice to UC so that they can divert patients, stop admitting patients, cancel elective procedures and otherwise make arrangements for the care of the patients.

We will also have a CNA Patient Protection Task Force from RNs on the picket line. At the discretion of the Task Force, picketing RNs will enter the facility to stabilize patients in an emergency after the strike begins.

PICKETING

The Strike

On the day of the strike, each RN's responsibility is to honor and support the picket line. You do not work or take call for any reason. CNA will give UC clear notice that RNs are ready and available to return to work immediately following the strike.

Picketing: The Backbone of Our Strike

The picket line is the single most visible strike activity. Picketing creates an atmosphere of solidarity and strength, and communicates that to UC and the public. Unlike most picket lines, we are not trying to stop the public (patients and family members) from entering the facility and using the services.

Our Right to Picket

The U.S. Supreme Court has held that peaceful picketing which is designed to inform and persuade the public is within the area of free speech guaranteed by the First Amendment of the Constitution. The First Amendment of the U.S. Constitution and California State Law also protect the right of peaceful picketing to publicize a dispute.

Food, Children, and Pets

People are encouraged to bring their own snacks or drinks — all garbage should be removed by the bearer. If you bring it, take it home. If the strike is during rainy weather, dress in bad weather attire.

Children should be encouraged to picket with their parents to help them understand their parent's position. Other family and friends are also welcome and add to the morale and spirit of a picket line. You can bring friendly animals, but if you do so, make sure that you clean up appropriately.

UNITED WE STAND, DIVIDED WE FALL

It is up to all of us – CNA represented RNs – to make this a cohesive and successful action. A commitment for adhering to a picketing schedule and participating in the strike-day activities is integral to success.

Understandably, some RNs may be ill or scheduled to work elsewhere or unable to picket for other reasons. However, one picket duty shift should not be a problem for most RNs.

Our strike is our unity. A united nursing front can withstand all adversity from without. Never is the saying “united we stand – divided we fall” as meaningful as during a strike.

Rumor Control

Be aware that management tries to divide and conquer by rumors and insinuations. Stay in touch with your CNA nurse leaders or strike captains as well as other members. If you learn that there are rumors circulating about the strike (like how ineffective a strike will be or that a strike will do nothing more than hurt the patients and the community, or...) contact your Nurse Representative or Strike Captain immediately.

Rumors need to be countered by the RNs circulating leaflets to the public, using media and talking about the actual reasons for our strike at any possible occasion.

FREQUENT WAYS MANAGEMENT HAS ATTEMPTED TO UNDERMINE RNs’ UNITY AND POWER IN THE PAST

1. Falsely claiming the sympathy strike is illegal. We have the right to sympathy strike. UC will attempt to undermine that right because they see the strength and size of the potential sympathy strike.
2. Telling nurses they are “lucky” to have a job in this economy. UC is successful because of the care that nurses provide everyday. It is UC that is lucky to have such a caring, committed and dedicated group of RNs that work for them.
3. Attempting to try and make the nurses feel guilty for standing up for their co-workers, community and their patients. UC Executives are proposing take-away proposals despite reporting \$524.4 million in profits in operating income from the five medical centers in the fiscal year ending last June 2012, according to its audited financial reports.
4. Your Manager making a personal appeal to you to cross the picket line. This sympathy strike is not personal in relation to your Manager. It is to support your co-workers in their fight against illegal intimidation and harassment during their first strike in May and an UC’s proposal for two-tier pension and retiree health and other take-aways from frontline workers. Defending our co-workers and our communities against this agenda has nothing to do with your individual relationship with your manager.

PATIENT PROTECTION TASK FORCE

What happens to the patients during the strike?

- a. **Ten Day Notice** Before actually striking, CNA has given the hospital 10-days’ advance, written notice. Several days before the strike, UC should start diverting patients, stop admitting patients, cancel elective procedures and otherwise make arrangements for the care of the patients.

We will also have a CNA Patient Protection Task Force from RNs on the picket line.

- b. A **CNA Patient Protection Task Force** will be formed prior to the strike. At the discretion of the Patient Protection Task Force, RNs may be sent in to the facility to stabilize patients in an emergency during the 1-day strike. The task force will make a professional assessment of each situation where assistance is requested and will, if it deems necessary, assign a RN to care for the patient.

GUIDELINES FOR PICKETERS

- 1. RNs WORKING THE SHIFT BEFORE THE STRIKE:** It is UC's responsibility to provide someone to report off to. UC administration will have time to make arrangements for the strike. We have given a 10-Day Notice of Strike so that UC can make arrangements for the care of the patients.
- 2. CNA-REPRESENTED RN:** There is no need to give notice or call in your intent to strike. Show up on the picket line.
- 3. Let your Picket Captain know when you arrive and when you leave** (see explanation of "Picket Captain" duties on next page). Please sign in when you arrive and sign out when you leave.
- 4. Wear scrubs and comfortable shoes.** Look like a RN! If rain is possible, bring plenty of rain gear. For evening and night shift, make sure you bring warm clothes, hats and gloves.
- 5. Concentrate around hospital entrances,** but do not block traffic or prevent people from entering or leaving. Do not block the street. Stay on public property.
- 6. Be professional.** If anyone approaches you in an antagonistic way, notify your picket captain or the CNA staff representative. If approached by administration, do not discuss issues-- refer them to your RN Negotiator.
- 7. If approached by news media for pictures,** permit this if you do not object personally. However, do not consent to be interviewed. Refer all questions and interviews to the Picket Captain, or a designated press person.
- 8. Please refer all media reporters to designated spokespeople.**
- 9. Do your part to keep up morale.** We will have a successful strike if each RN takes responsibility on the picket line for talking to the public, maintaining the picket line, and encouraging public support of our cause.
- 10. Encourage the public to use the facility.** Let them know that they should not feel bad about crossing our picket line.

PICKET CAPTAIN DUTIES

- 1. All picket lines must be up at the strike start time.** This means that Picket Captains for the first shift need to be on site to set up 45-60 minutes early. **PICKET SIGNS MUST REMAIN FLAT ON THE GROUND UNTIL THE STRIKE START TIME.** Other picketers scheduled should arrive for the first shift 30 minutes early.
- Picket Captains will wear name tags designating them as Picket Captains.
- Picket Captains will make sure everyone (including community supporters) signs in.
- Picket Captains will assign picketers to locations and make sure that they know the "Do's and Don'ts." They will make sure that some of the picketers are assigned to each of the entrances and exits of the parking lots and loading areas.
- Picket Captains will be given supplies of patient care leaflets to give to the public for use by RNs on the picket line.
- Picket Captains will keep a list of trucks, construction workers and others who honor the picket line.
- Picket Captains will encourage RNs to keep the site tidy, and are responsible for making sure the site is cleaned up completely after the picket line is closed down.

MEDIA

The need for effective public relations is heightened during a strike. CNA will take the offensive and not be put into a defensive posture by UC's public relations campaign. We can expect a full-scale UC media campaign. Be prepared that UC will try to characterize your struggle as solely about money or solely about CNA and not about support for your coworkers which is the point of the sympathy strike.

Getting the RNs' message to the public can be done in several ways. CNA's Communications Department will assist with media strategies.

The CNA Negotiating Team and CNA Staff will address these areas:

- News releases
- On-site news conferences
- Leafleting
- News conferences
- Bulletins

SUPPLIES FOR SYMPATHY STRIKE TABLES

- Card Table
- Pens for Signing in
- Colored Marking Pens
- Water and Paper Cups
- Picket signs
- Sunscreen
- Staple Gun and Staples
- Garbage Bags
- Battery Coleman Light (for night)
- Duct Tape, Masking Tape or Packing Tape
- One or Two Folding Chairs
- Camera(s)

SUPPLIES FOR INDIVIDUALS

- Employee ID Badge
- Water, Coffee, Soda, Snacks
- Gloves (the wood on the picket signs is sometimes rough)
- Camera(s)
- Sunscreen and Hat
- Flashlight (for nights)

If you have any of the above items you can loan to the picket line, let your rep know.

We will supply leaflets to pass to the public at the picket line.

Be sure that all supplies are marked with names so that they can be returned.

DRESS CODE

The need for effective public relations is heightened during a strike. Wear uniforms, scrubs, stethoscopes, etc. -- i.e., **look like a RN!** If it is raining, it is better to look dry and if it is cold, it is better to look warm. Be sure to bring jackets, hats, gloves and warm clothes for the night shift.

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