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**VIA FAX & Certified Mail**

Barry Freedman, Chief Executive Officer  
Einstein Healthcare Network  
5501 Old York Road  
Philadelphia, PA 19141

12 July, 2016

Dear Mr. Freedman:

Greetings. I will be serving as the chief negotiator for the collective negotiations process with Einstein Medical Center. We look forward to the opportunity to work together in the pursuit of excellence in quality healthcare and the professional development of the dedicated nursing staff. As I am sure you would agree, PASNAP has long understood that Registered Nurses are the heart, soul and lynchpin of any hospital, indeed of our entire healthcare system.

We believe that the process of negotiating a collective bargaining agreement need not be a contentious affair. While we are not so naïve to believe that there won't develop differences over substantive issues between Einstein's leadership and the nurses, if the process we establish is grounded in a true mutual understanding and respect of one another's guiding philosophies, we will overcome such differences and reach satisfactory common ground. That is our objective in these negotiations.

Now that the NLRB has certified PASNAP as the representative of the registered nurses, this is a formal request for negotiations dates. Given the delays in this process, please consider that almost any date you provide me is one that I will do my best to be available. I'd like to propose negotiations every Wednesday starting August 3<sup>rd</sup>. I am open to adding more days/dates as needed.

After extensive engagement with the majority of Einstein nurses, including contract surveys filled in by over 65% of the nurses regarding their priorities, and to comprehensively prepare for the upcoming negotiations, we want to fully understand the successful medical center that Einstein has become. Therefore, we hereby request the following information. It is quite likely that this request for information will be supplemented during the ongoing process of negotiating this initial agreement.

1. A list of all current bargaining unit employees containing the following information. For *each individual* employee please include the following information:
  - a. name;
  - b. address;
  - c. cell phone number;
  - d. email address;
  - e. unit or department (by name);

- f. current wage rate and if the employee is per diem please indicate whether the wage provided includes any kind of per diem differential;
- g. status (full-time, part-time, per diem);
- h. cost center (including a listing of updated hospital cost centers)
- i. date of hire;
- j. number of years of relevant experience credited to the employee for the purposes of determining current wage levels;
- k. number of hours for which the employee received standby/on-call pay, and the rate of pay the employee received when called into work number of hours;
- l. the number of vacation, sick leave and personal time hours used in the last fiscal year and the remaining balance currently existing in each category;
- m. the amount of tuition reimbursement paid to the employee since their date of hire;
- n. the number of continuing education hours paid to the employee in the last two (2) fiscal years;
- o. the amount of the child care subsidy paid to the employee in the last two (2) fiscal years;
- p. the specific dollar amounts contributed to the employee's 403(b) retirement plan by both the employer and the employee over the last three (3) fiscal years, and the current balance in such account(s);
- q. the amount of any recruitment bonuses awarded to the employee since their date of hire;
- r. the amount of any relocation bonuses awarded to the employee;
- s. the amount of any certification bonuses awarded to the employee (and please distinguish how many different certification bonuses each employee receives?);
- t. the amount of committee work pay awarded to the employee;
- u. if there are differences in remuneration for the categories described in sections "k" through "t" above because of which unit/department the employee works, please explain such differences and the policy reasons guiding them;
- v. all wage increases granted in the past three years, the dates on which they were granted and the reason for the increase (i.e. annual evaluation, across the board, merit, etc.)
- w. the amount of any lump sum payments made to employee in lieu of an increase in hourly rate of pay; please indicate the percentage of the lump sum payment;
- x. for each employee, the number of hours worked at the straight time hourly rate for the last three (3) fiscal years;
- y. for each employee, the number of hours worked at the overtime rate for the last three (3) fiscal years;
- z. number of hours worked in which employee qualified for a shift (night, evening, weekend, etc.) differential. Please specify the type and amount of the differential;
- aa. the number of hours employee was paid charge/relief supervisory differential (if you no longer offer this, when did such differential cease and why?);
- bb. the number of hours the employee was paid a preceptor pay differential (if you no longer offer this, what year did this differential cease and why?);
- cc. please describe whether any employee receives overtime payment in any other manner other than the statutory 40 + hours per week (for example, does any employee receive daily overtime after either 8, 10 or 12 hours in a day)

2. Copies of Plan Documents for any and all employee benefit plans that bargaining unit employees are eligible to participate in (health, defined benefit pension, 403(b), disability, severance etc.) as well as the summary plan descriptions for each;
  - a. A listing of all employees currently participating in such plans, including a breakdown of employee, employee/children, employee/spouse, and employee/family coverage and the amount the employer and employee pays per month for each level of coverage;
  - b. A copy of the plan designs, including all co-payment, deductibles, co-insurance, etc. for all health plans offered to bargaining unit employees;
  - c. A copy of Form 5500s for all plans that are required to submit such forms;
3. Copies of all current job descriptions for positions included within the bargaining unit;
4. A copy of all current work rules, policies and procedures (including any and all employee handbooks, manuals as well as any unit-based or unit-specific policies) that affect bargaining unit employees;
5. Staff turnover can impact patient care, staff morale and working conditions. In order to bargain to improve employee retention, we request the following information:
  - a. The names, unit/department, wage rates and years of relevant experience of all employees that worked in a bargaining unit-covered position who terminated their employment at Einstein any time in the last three fiscal years. Please provide the information for each year separately;
6. Quality patient care is very important to bargaining unit employees. In order to work with management to provide the highest level of patient care, we request copies and an explanation of the staffing patterns and acuity system for the medical center overall and, if applicable, for each unit/department. Please include the evaluation program or tools used to determine safe and/or adequate staffing for each unit and/or department. Additionally please provide copies of all Occurrence Reports submitted by employees in the last two fiscal years and the results of management's investigations of such reports;
7. In order to discuss how Einstein Medical Center's education affiliations impact bargaining unit employees we request copies of all educational affiliation agreements the Hospital has with outside educational institutions or agencies;
8. Please describe any existing nursing councils/committees, and include the following information:
  - a. A copy of the Shared Governance Bylaws;
  - b. A list of all current council members and participants, their job titles and departments;

- c. Minutes of all meetings of any and all committees/councils with participation by bargaining unit employees held in the last 3 years;
- d. A description of all nursing protocols, practices and educational changes made in the last two (2) fiscal years as a result of the committee's recommendations;
- e. A description of the Medical Center's Clinical Ladder program; and
- f. A report on the status of Einstein Medical Center's Magnet application and plans for achieving Magnet recognition.

Please provide copies of the above requested information as soon as possible as we are excited to begin negotiations. We also respectfully request that the information be provided in an electronic format.

**Finally, as PASNAP is now certified as the representative of the Registered Nurses, we make the following ongoing, continuous demand:**

We hereby request to negotiate over *any and all* operational decisions of the employer, and the effects of such decisions, that would result in any changes to employees' terms and conditions of employment.

As I am sure you know, from this point going forward, any change to employees' terms and conditions of employment made without providing to PASNAP notice and the opportunity to bargain is considered a unilateral change in violation of Section 8(a)(5) of the National Labor Relations Act. So, for example, below is a (brief) list of the kinds of putative decisions/changes which we will insist not be made without providing notice and an opportunity to bargain over the decision and the effects of such decision:

- Job bidding and promotional opportunities, including positions outside the bargaining unit to the extent that such positions potentially impact the bargaining unit;
- Changes in employees' hours, shifts;
- Any and all discipline of employees;
- Any decision to impose discipline without affording employees the rights guaranteed by *Weingarten* and its progeny, which we hereby demand;
- Any decision to layoff or downsize employees, even for a single shift;
- Any decision to alter in any way the plan design of the health plan;
- Any decision to alter in any way the details of the defined benefit pension plan or the 403(b) plan;
- Any decision to reassign employees, including temporary reassignment, that may happen on a shift by shift, day by day basis;
- Any decision to introduce changes to the manner in which bargaining unit work is performed;
- Any decision to subcontract bargaining unit work, including the use of temporary agencies for short, medium and long term assignments; and,
- Any decision to award, on a daily basis, extra shift and overtime opportunities to employees which could lead to employees earning more (or less) money in their bi-weekly paychecks.

We feel it is necessary to share our intentions on these important matters given that Einstein leadership has already initiated two appeals to the NLRB-conducted election. There exists the very real possibility that by continuing to refuse to negotiate with an NLRB-certified union, Einstein is voluntarily taking on the risk of substantial economic penalties.

We are sincerely hopeful that our relationship moves in the opposite direction, to one based on mutual understanding and respect, playing itself out at the negotiations table in a timely manner.

I thank you in advance for your cooperation in this matter. If you should have any questions regarding this letter, please do not hesitate to contact me.

Sincerely,

Jane F. McAlevey, PhD  
Chief Negotiator

CC: Registered Nurse Bargaining Unit, AEMC