

Memorandum

Date: February 19, 2022

From: Michigan Nurses Association/University of Michigan Professional Nurses Council (Attn: Renee Curtis, Julia Smith-Heck, Michael Nicholson)

To: Michelle Sullivan, Director of Labor Relations, Michigan Medicine

Re: Incentives for MNA/UMPNC Bargaining Unit Members

Michelle:

On January 31, 2022, the Michigan Nurses Association/University of Michigan Professional Nurses Council (together, the "Association") requested certain information (the "Information Request") from Michigan Medicine ("MM") relevant to various bargaining proposals made by MM regarding incentives in various MM units for overtime and over-appointment pay. MM initially responded to the Information Request on February 8, 2022. Certain information was subsequently provided, including as late as the afternoon of February 17, 2022. Certain other information sought in the Information Request was refused – 17 days after it was requested – because MM management is "not in agreement that this information is relevant to the MNA's role as bargaining representative."

MM nurses report to the Association – on a daily basis – that they face constant and serious understaffing levels in their units. Understaffing means that MM nurses face challenges everyday in meeting their professional obligations to their patients. Understaffing presents grave moral concerns for nurses as professionals. And at the same time Michigan Medicine understaffs nurses, nurses must strive to contractually meet their obligations under Article 3 of the current Michigan Medicine-Association collective bargaining agreement, as well as under Michigan's nurse licensing laws. Daily understaffing at Michigan Medicine means that nurses must daily be fearful of making errors that would endanger their patients and thus their licensure, their careers, and the incomes with which they support their families. Most insultingly, despite all the sacrifices and heroism of Michigan Medicine nurses over the past two-plus years of the Covid-19 epidemic, the fact that Michigan Medicine continues to understaff nurses shows an utter lack of respect for the Association's members, who daily put their lives on the line for their patients and their employer.

MM refusal to provide the requested information relevant to understaffing and its effects is an obvious violation of MM's duty to bargain in good faith under Michigan law. With respect to that violation, the Association and its members reserves all their rights.

Be assured that the Association and its members will not give up their fight to ensure that Michigan Medicine and its patients are served by hospital and clinical facilities that are fully and adequately staffed by nurses.

Now on the table is MM's proposal for Enhanced and Standard overtime and over-appointment incentives for nurses in a limited number of units that MM has unilaterally determined are understaffed (to the exclusion of others), even after management mandates overtime.

The Association and its members believe and propose that all MM bargaining unit RNs – which includes all APRNs – should receive overtime and over-appointment incentives. We continue to seek bargaining in good faith over the terms of such incentives. The Association also remains ready to consider any management incentive proposals, including proposals such as those that management has now placed on the table. But management must fulfill its legal obligation to bargain in good faith over its proposals by, *inter alia*, providing the information sought by the Association, all of which is relevant to the understaffing that incentives are designed to address. That MM management has failed to do.

Given management's unlawful and bad faith bargaining conduct, the Association again asks – as it did in its February 10, 2022 memorandum to MM management – that management refrain from unilateral cutbacks with respect to incentives, whether Critical, Standard, Enhanced or otherwise, (a) while responses to the Association's information requests remain undelivered, and (b) during the period following the provision by management of all such requested information until good faith bargaining to either agreement or impasse occurs. As MM management knows, good faith bargaining to impasse may not be declared in the face of unremedied unfair labor practices such as those by MM management outlined in this Memorandum.

Among other things, as a matter of its bargaining position, the Association asks that (at a minimum) incentives be provided for all RNs (including APRNs). The Association stands ready to meet with MM management on these issues.

Finally, we note that Michigan Medicine management's February 14, 2022 proposals for Enhanced and Standard for a limited number of units provide a starting date for those incentive agreements of February 19, 2022. Without waiving (a) the Association's demand that MM comply with the Association's above-referenced information requests and that it also bargain in good faith on the subject of incentives for nurses, (b) the Association's claim that any unilateral cutbacks in incentives in the face of MM management's failure to bargain in good faith is unlawful and must be fully remedied, and (c) the Association's request for continued bargaining on the subject of incentives for all MM nurses, the Association will not object to MM management putting the incentives

specified in those two proposals into effect. (The foregoing also applies to the two APRN incentive proposals sent to the Association on February 11, 2022.)

With respect to the foregoing items (a), (b) and (c), the Association and the MM nurses it represents reserve all rights.

The Association takes the positions set forth in this Memorandum for two reasons:

- To prevent MM management dividing and conquering our membership, all of whom are deserving of incentives and face serious understaffing on their units; and
- To allow at least those nurses on the limited number of units that MM is offering incentives some respite from the daily challenges they face as professional nurses.