



# Judge Orders HCA Arbitration

**November 17, 2009** — In a follow-up to a temporary restraining order issued at Federal Court in San Jose on Friday, Nov. 13, the judge ordered that both Hospital Corporation of America (HCA) and Local 121RN take the matter to arbitration as quickly as possible.



Some of our Bargaining Team members at the Nov. 17 meeting at Local 121RN (left to right): Maxine Davidson, RCH; Mary Jo Romero, RCH; Rebecca Long, Los Robles; Lorraine Myrick, RCH, and Sha La Nae, RCH.

The new order is regarding HCA's failure to bargain over its new policy requiring employees to obtain a flu shot or wear a surgical mask. The parties were also ordered to bargain over any stigmatizing procedures associated with the new vaccination policy.

Our Union has suggested dates to HCA attorneys for the first week of December 2009. Local 121RN represents nurses at HCA-owned Riverside Community Hospital, Los Robles Hospital and Medical Center and West Hills Hospital

and Medical Center.

During the hearing Nov. 13, HCA attorneys said that because of the SEIU lawsuits filed in Nevada, RNs will only be required to wear a mask when they are within six feet of a patient, and that they have changed disciplinary aspects regarding the mask requirements.

SEIU 121RN believes that the Union has a right to bargain over inoculation or wearing a mask, just as we do over any new policy that affects "terms of employment." In fact, the Union strongly supports negotiating an inoculation policy as part of an influenza control policy that complies with Center for Disease Control guidelines for a comprehensive infection control policy.

SEIU 121RN would like to implement a stronger infection control policy that includes a non-punitive absentee policy, proper fit testing for N95 respirators, and follow-up for RNs exposed to H1N1.

What is your experience? Have you been fit-tested for an N95 respirator mask? Are N95 respirator masks available at your hospital? Do you have a patient care story to share regarding flu, wearing a mask or wearing an inoculation "identifier?"

Share your thoughts on our blog by visiting our website!

[www.seiu121RN.org](http://www.seiu121RN.org)

Then click on "HCA" in the yellow bar at the top of the page.