



Washington State Nurses Association v. St. Joseph Medical Center – Lawsuit Settlement

FREQUENTLY ASKED QUESTIONS

1. Who will receive payments from the Settlement Fund?

Settlement payments will be made to Registered Nurses who worked for St. Joseph Medical Center (“SJMC”) and were represented by the Washington State Nurses Association (“WSNA”) during the time period May 12, 2012 and November 29, 2016 (“Registered Nurses”).

2. When will nurses get paid?

SJMC is required to establish a Settlement Fund of \$5 million dollars by February 1, 2017. SJMC will issue settlement payments to Registered Nurses over the second calendar quarter of 2017 (between April and June 2017).

3. How much back pay will each RN receive?

The Settlement Fund will be allocated among Registered Nurses based on pro rata (e.g., proportionate) percentages of the Settlement Fund, taking into account each person’s individual damages as a portion of the overall damages. Individual damages will vary based on factors such as the number of hours the Registered Nurse worked during his or her shifts between May 12, 2012 and November 29, 2016, the unit the Registered Nurse worked in during that time period, and the number of missed breaks that the employee already received compensation for (e.g., because they were recorded as missed and therefore already paid). More information will be provided as it is available.

4. Do attorneys’ fees and costs come out of the Settlement Fund?

No. Under the Settlement Agreement, SJMC has agreed to pay WSNA for attorneys’ fees and costs it expended in bringing and fighting this important case. The payment of attorneys’ fees and costs is in addition to the \$5 million Settlement Fund for back pay for nurses.

5. Do I have to do anything to receive payment from the Settlement Fund?

Settlement payments are contingent upon the Registered Nurse signing a release of claims against SJMC for missed rest and meal breaks during the time period May 12, 2012 and November 29, 2016.

You should update SJMC and WSNA with any changes to your name, address or phone number.

6. What if I do not want to sign a release of claims?

You do not have to sign a release of claims; however, if you do not sign the release of claims against SJMC for missed rest and meal breaks during the time period May 12, 2012 and November 29, 2016, you will not be entitled to payment out of the Settlement Fund.

If you want to seek recovery from SJMC for missed rest and meal breaks instead of accepting payment from the Settlement Fund, you can bring a separate lawsuit on that claim. However, there are time frames (called statutes of limitations) that apply and you would not be able to recover any money for violations that occurred before the beginning of the limitations period. For this reason, if you are potentially interested in bringing a separate lawsuit, we recommend that you promptly seek legal advice from a different lawyer.

7. What changes has SJMC agreed to make at the Hospital?

SJMC has agreed to implement a Block Break Relief System on all shifts in all units and departments in which nurses represented by WSNA work. The Block Break Relief System must include the following:

- SJMC will provide block rest periods on all units and departments by April 1, 2018.
- SJMC will ensure that at least 80% of the time nurses receive block rest periods.
- SJMC will pay for 100% of recorded missed block rest periods in all units beginning June 1, 2017.
- SJMC will hire and maintain 26 new FTEs to work as break relief nurses, in addition to existing break relief nurses, which SJMC must also maintain.
- By April 1, 2017, SJMC will give nurses working 12.5 hour shifts the opportunity to choose to either individually waive their second meal period in writing or receive two thirty-minute unpaid meal periods in a 12.5 hour shift.

SJMC also agreed to provide education to managers and nurses about rest and meal breaks and to work collaboratively with WSNA to prepare this training and facilitate its implementation. The Hospital also agreed to make recording missed breaks easier by implementing electronic recording of missed breaks in Kronos no later than October 2021. Starting immediately, nurses must be free from retaliation or discipline for recording missed rest periods and missed meal periods. SJMC will promptly investigate any allegation of retaliation and take appropriate action.

8. What are the block rest periods that SJMC must provide or pay for if missed?

Block rest periods are rest periods consisting of at least 15 continuous minutes of rest period time during which a nurse has no work responsibilities. No work responsibilities means that the nurse has transferred all job responsibilities, including patient care of all of his or her patients, to another Registered Nurse.

9. What is a break relief nurse?

A break relief nurse is a Registered Nurse assigned to providing relief for rest periods and meal periods and who has no patient assignments other than to provide patient care for the patients of a nurse so that nurse can take a rest period or meal period.

10. When will the break relief nurses be hired?

Recruiting efforts for the new FTEs will begin January 1, 2017. SJMC must operationalize the use of the break relief nurses by April 1, 2018.

11. What units will the break relief nurses work in?

Break relief nurses will work in the following units and departments: Inpatient and Outpatient Oncology, the Emergency Department (including Emergency Services and the Emergency Department Observation Unit/Med-Surg Observation Unit), Med/Surg (including Med-Surg 4th South/Orthopedics, Med-Surg 7th, Med-Surg 8BC-9th Floor), Critical Care (including 5th Floor Cardiac ICU, 6th Floor Neuro-Trauma ICU, and the Progressive Care Unit), Psychiatric Acute, NICU, Family Birthing Unit/Family Birth Center), Inpatient Rehab and the Acute Renal Ancillary Unit/Acute Renal Dialysis Unit.

SJMC will meet and confer with WSNA in October 2017 about whether other units or departments or shifts require the use of break relief nurses.

12. How will my decision regarding the second meal period affect my pay and my breaks?

A 12-hour nurse who does not waive his or her right to a second meal break will get two unpaid 30-minute meal breaks per shift, one in the first half of the shift, one in the second half of the shift. Both 30-minute meal breaks must be relieved by a break relief nurse, be continuous and not be interrupted. The nurse's shift will remain 12.5 hours, but s/he will be paid for 11.5 hours of work. If either meal break is interrupted, shortened or missed altogether, it will be recorded and paid as a missed meal break.

A 12-hour nurse who does waive his or her right to a 2nd meal break will get one unpaid 30-minute meal break per shift, beginning no later than at the end of the 5th hour of work. This 30-minute meal break must be relieved by a break nurse, be continuous and not be interrupted. The nurse's shift will remain 12.5 hours, and s/he will still be paid for 12 hours of work. S/he will not be entitled to a second 30-minute meal break. S/he will work out the rest of the shift with only rest breaks. If the first meal break is interrupted, shortened or missed altogether, it will be recorded and paid as a missed meal break.

13. I still work at SJMC. If I don't sign the release of claims, do I still get the benefits of the prospective changes SJMC agreed to make at the Hospital?

Yes. You do not have to sign a release of claims in order to get the benefits of block rest periods, break relief nurses or the second meal period on a 12.5 hour shift.

14. How long is the Settlement Agreement in effect?

The Settlement Agreement is in effect through November 1, 2024.