

NH HOSPITAL FACT FINDER'S REPORT



SEA/NH HOSPITAL Sub-Unit Bargaining Team

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Bargaining Summary:

The SEA/NH HOSPITAL sub-unit bargaining team and the State bargaining team met repeatedly starting in November 2020 in an attempt to reach a sub-unit agreement. The parties went into bargaining impasse and participated in mediation on May 14, 2021 for (1) day using the assistance of mediator Mark Grossman. The State would not agree to the remaining SEA/NH HOSPITAL sub-unit team proposal and would not offer any compromises. Without an agreement, the parties proceeded forward into the fact finding process as required by NH RSA 273-A:12.

The SEA/NH HOSPITAL sub-unit team and the State bargaining team met with fact finder Mary Ellen Shea on Wednesday September 1, 2021. The SEA/NH HOSPITAL sub-unit team made a very extensive presentation to the fact finder in support of the union proposal to the State.

On October 15, 2021, the fact finder released her report to the parties outlining what recommendations she had for a possible settlement. The fact finding report is very positive for NH Hospital with the Fact Finder supporting the SEA team's proposal.

Per NH bargaining law, the SEA/NH HOSPITAL sub-unit team and the State bargaining team met for negotiations on Thursday October 28, 2021 to review the fact finder's recommendations. At the meeting, the State team rejected the fact finder's recommendation. The SEA/NH HOSPITAL sub-unit team asked the State team to reconsider the fact finder's report but the State team declined. As a

result, the parties are still at impasse and must now follow the next steps outlined in NH RSA 273-A:12

Requirements of RSA-273-A:12

NH Labor Law requires the following steps to be followed if the union and/or the State reject a fact finder's report.

CHAPTER 273-A PUBLIC EMPLOYEE LABOR RELATIONS

273-A:12 Resolution of Disputes. –

II. If either negotiating team rejects the neutral party's recommendations, his findings and recommendations shall be submitted to the full membership of the employee organization and to the board of the public employer, which shall vote to accept or reject so much of his recommendations as is otherwise permitted by law.

SEA/NH HOSPITAL Sub-Unit Team comments and recommendations on the vote to accept or reject the Fact Finder's recommendations:

The SEA bargaining unit for NH Hospital consists of employees from different classifications and backgrounds. All members of the unit have the right to submit suggestions for contract changes at the start of each new bargaining cycle. During this current cycle of sub-unit bargaining, the team proposed creating a higher weekend shift differential for NH Hospital nurses. The team also proposed to make the current temporary wage enhancements for Mental Health workers part of the contract and permanent.

The State refused to agree to create a new weekend nursing differential for the NH Hospital. The State claimed that weekend institutional differentials are part of the SEA master contract at article 19.12.5, which applies to all institutions. The State team did not want to treat nurses in one institution differently than others. Because of this, the State also claimed that it could not afford to raise differentials for all institutional nurses. The SEA sub unit team withdrew the proposal when it was clear that the parties could not move further on this proposal

The State also refused the Mental Health Worker's wage enhancement. The sub-unit team continued into impasse over the Mental Health worker pay and were successful in getting a positive recommendation from fact finding. As stated above, if the parties cannot get to an agreement, then the bargain unit members must vote on the recommendations. The outcome of this vote will be decided by a simple majority of voting members.

The SEA/NH Hospital sub-unit bargaining team believes that the fact finder's report is fair and addresses the extremely low wages for Mental Health Workers at the NH

Hospital. The SEA/NH Hospital sub-unit team **supports** this fact finder's report and recommends that SEA/NH Hospital Chapter 4 members vote to **accept** this report.

Fact Finder's Report Summary

Proposal Legend:

Language proposed to be stricken from the agreement is crossed out. New language proposed to be added to the agreement is ***bolded and italicized***.

SEA Proposals

1. Article 38.15 Wage Enhancement

SEA Item 1: Wage Enhancement

38.15. The 20% temporary wage enhancements put into effect for full and part-time Mental Health Workers shall be made permanent and shall be incorporated into a salary schedule, which will be included in Appendix A of this agreement

Factfinder's Analysis of SEA Wage Enhancement Proposal

The SEA proposal to continue the 20% wage enhancement is persuasive. The evidence and argument establish that the decision to increase wages pursuant to RSA 99:8 was determined to be necessary and supported by the employer. In her letter to the Governor, HHS Commissioner Shibinette explained the Hospital was negatively impacted by its inability to recruit and retain mental health workers. According to the Commissioner, average wages for mental health workers in other states were significantly higher, and 69% of the part-time Mental Health Worker positions were vacant. In her request to the Governor for the 20% wage enhancement, the Commissioner also attested:

Funds to support this enhancement are available in fiscal year 2021 and are anticipated to be available in SFY 2022-2023.

...NHH has continued to have extreme difficulty recruiting Mental Health Workers -See Table 1....

...The vacancies have created increased stress for the current Mental Health Workers who must regularly work mandatory overtime - in addition to the regular hours. This is expensive, and more troubling, it negatively affects the

quality of care provided by staff who already work in a stressful, demanding and dangerous environment.... Despite intensive efforts to recruit new Mental Health Workers, NHH has been unable to fill the vacant positions....

...Due to the lack of other facilities with [this] specialty, the wage comparison is with the national average and surrounding states and entry-level positions out of high school. The national wage estimate for mental health workers at psychiatric hospitals is \$54,560 a year, which is 45.8% higher than the mean wage of all mental health workers at NHH. A newly hired mental health worker with no experience starts at labor grade 7, step 1, making \$12.87 an hour. If that employee stays in the position and is given step increases each year, then [after] 4 years they will be making the same amount (\$15.00) as a starting frontline fast food worker in Concord, NH according to Ziprecruiter.com....

Should Governor and Council determine to deny this request, New Hampshire Hospital will be unable to adequately recruit and retain staff...

The SEA and the employer agree that Mental Health Workers at NHH are significantly underpaid. The inability to recruit and retain Mental Health Workers jeopardizes the hospital's ability to provide the essential services and care required of the State. Funding to support the wage enhancement is projected to be available for the duration of this collective bargaining agreement. The State's arguments opposing the proposal notwithstanding, the evidence establishes the employer concluded there was a compelling need for the wage enhancement and determined that funding would be available through the term of this agreement. The State's argument that it should retain authority to end the wage enhancement is not defensible.

Factfinders' Recommendation:

The SEA wage enhancement proposal is recommended.

Links to the complete SEA/NH HOSPITAL Fact Finder's Brief and the final Fact Finder's report:

If you want to read the complete SEA/NH HOSPITAL sub-unit team presentation to the Fact Finder or the full Fact Finder's report, you can find them online at:

September 1, 2021 SEA/NH HOSPITAL Fact Finder Brief:

October 15, 2021 Fact Finder's Report for NH Hospital: