

Consensus Recommendations for Working Conditions

All working conditions are subject to collective bargaining. There are times when reaching consensus among a unit's staff and manager is helpful to the collective bargaining process. The following guidelines apply to reaching consensus on a unit regarding working conditions:

1. Any issues regarding terms and conditions of employment are mandatory bargaining issues.
2. Bargaining must occur between official representatives of the two (2) parties to an existing labor agreement; in this case, the two (2) parties are PRN and El Camino Hospital.
3. Any attempt by the employer to deal directly with the employees of a recognized bargaining unit is considered "direct dealing" and is a violation of the Labor Management Relations Act.
4. Both parties of a collective bargaining relationship have a duty to bargain in good faith.
5. If any member of a recognized bargaining unit is subjected to harassment, intimidation and/or coercion, that constitutes a violation of the Labor Management Relations Act.
6. The only way to ensure the bargaining rights of the RNs and the union and still allow discussions to occur between a unit's RNs and management is to have the RNs and management discuss **approved** working conditions and attempt reach consensus. If consensus is reached, then recommendations may be made to the representatives for bargaining.
7. Only working conditions approved by PRN may be discussed with the RNs.
8. The recommendation must have the full support of both the unit's RNs and management involved. Without full support, any dissatisfied individual RN could (would) invoke the duty to bargain by the union. By reaching consensus, the RNs support the recommendation.
9. Despite consensus among the unit's RNs and management, PRN and ECH representatives have an obligation to determine if the recommendation is consistent with the CBA. Therefore, the unit RNs and management may not make decisions only recommendations. Bargaining in good faith must occur.
10. PRN believes consensus can be reached on most issues considered. Consensus is a process where all parties to a discussion agree to support the recommendation. At times this requires compromise on the part of individuals.

11. To obtain the support of some, the whole must develop a recommendation which addresses all the affected individuals' needs and concerns. Frequently a sunset date (a specific end date and/or renewal date) will allow dissenters to support a trial solution plan. It takes finesse to reach consensus, but it can be done and it can be done well.

12. Consensus does not mean decision by majority rule. Any one RN can invoke the duty to bargain. Therefore, majority rule does not and will not work. If consensus cannot be reached, PRN and ECH will bargain regarding the issue.