Testimony from Alice Johnson, Executive Director, The Illinois Nurses Association
Given on Tuesday, November 15, 2016
To the Illinois House of Representatives Committee on Human Services

The Illinois Nurses Association represents registered nurses in the title of Registered Nurse I and Registered Nurse II employed at the Illinois Department of Veterans Affairs four Veterans Homes located in Anna, LaSalle, Manteno and Quincy. There are approximately 202 RN's at the four homes, performing nursing care such as medication administration, monitoring vital signs, examining patients using nursing assessment skills and monitoring physical conditions and reactions to various treatments, among other duties. They provide professional long-term skilled care and services to the residents of the Homes.

On September 21st, 2016, Lisa Tisdale, sent a notice to the INA stating that the Department is considering subcontracting the work currently performed by the RN I's and RNII's. In addition, she stated that the notice was a courtesy and that the Department does not have an obligation to bargain with the INA.

We believe that subcontracting nursing services in Veteran's Affairs will have disastrous consequences for our Veterans and could potentially millions of dollars in damages to the State of Illinois among other costs.

Another state has already attempted privatization of nursing aides in Veterans Homes and the results have been tragic. Michigan privatized state nursing aides (which are a less skilled title than a Registered Nurse) at a home for Veterans in Grand Rapids in 2013. After the aides were replaced by a lower-priced contractor in an attempt to save money, the Home was deemed not sufficient in an audit conducted by the State Auditor General. The audit revealed numerous problems with the contractor. For 81% of 122 days reviewed, the contractor did not meet the staff requirements by an average of 5.8 staff, ranging from .5 to 22 staff per day. One member of the Home who did not receive the ordered one-on-one care fell, resulting in injury requiring medical care at a local hospital. In response to the fourth complaint, the contractor filed a breach of contract against the State. The audit also revealed that required room checks were not done, despite documentation showing it was done. In addition, 90% of abuse and neglect complaints were not forwarded to the nursing director as required.

In May of 2016, after the audit, the state attorney general then investigated abuse at the home. In June, Veterans testified about the care they were receiving at the home, including one veteran
whose leg was broken by an aide who did not know how to operate a hydraulic chair and didn't understand the Veteran when he told him to stop hurting him.

The original projected costs saving have been eaten up as the contractor has raised wages, trying to recruit and retain staff. The contractor's cost also increased numerous times and the state had to allow the nursing home to hire other contractors to supplement the original contractor. The state then had to add an ombudsman to investigate complaints at a cost of 200,000 to 500,000 per year.

Finally, in October of 2016, Gov. Snyder signed legislation requiring the state agencies that monitor the home to give quarterly reports on staffing levels, patient complaints and other information. In addition, if the State moves again hell-bent on privatization at the Illinois Department of Veterans Affairs, this matter will be grieved and challenged. It will be grieved pursuant to the Collective Bargaining Agreement and challenged with a Charge before the Illinois Labor Relations Board.

The INA has already won an arbitration award based on the State's failure to comply with the contract with respect to a prior outsourcing. Here are some of the broad details to explain that award. The Arbitrator issued his award on May 4, 2016. The arbitrator had no problem in concluding that the state had not complied with the contractual requirements before making its decision to outsource certain bargaining unit positions. The arbitrator ordered the state to comply with the prerequisites of the CBA before such subcontracting or outsourcing decision was made. The arbitrator retained jurisdiction with respect of potential further remedy with regard to that particular decision to subcontract at issue in that arbitration. In order to be perfectly candid with the legislature, the state has filed a suit to vacate the award. We are confident the state cannot meet the extremely high burden placed upon a losing party to overturn a labor arbitration award. This is one of the highest burdens that exists in the law.

If this matter were to come before a second arbitrator, given that the state has already been adjudged guilty by a prior Arbitrator of failing to comply with the contract, in this second case, INA will seek and the arbitrator could award damages. The backpay to the displaced RN's in such a case could amount to millions of dollars in liability. We do not want more financial risk for an already finically strapped state, but we will stand up for our members, and our veterans.