

Know Your Rights

Recently, RNPA has received concerns from nurses about disciplinary actions taken by management. There are mechanisms in place to help protect you and your job during a disciplinary action. In 1975, the U. S. Supreme Court ruled that an employee is entitled to have a Union Representative present during **any interview**, which may result in discipline. The Weingarten rule provides that an employee has the right to be represented by the union at any investigatory meeting when the employee has a reasonable belief that the meeting could lead to discipline. However, **these rights are not automatic.**

1. You must request representation.
2. You must have a reasonable belief that discipline will result from the meeting.
3. You are entitled to know the subject of the meeting before it begins.
4. You have the right to consult with the union representative prior to the meeting.



Do not refuse to attend a meeting if a Union Representative is requested and denied.

RNPA suggests that you attend the meeting and again reiterate your right to have a Union Representative present. If this fails, RNPA advises that you clearly state that you reserve your right to answer the questions at a later date. Record all questions asked, who was present and document that a Union Representative was denied.

Refer to www.RNPA.net under [Resources](#), [Legal Rights](#). If you have any questions, call RNPA at 292-6061.

Did You Know...?

At a recent meeting with RNPA members, we were surprised to learn that many nurses were unaware of the existence of the Pre-Designation Treating Physician form as related to Workers' Compensation.

If you do not have one of these forms on file with the Personnel Department, RNPA encourages you to do so now. After completing of the form and returning it to the Personnel Department, the nurse has the right to see his/her own primary care physician should he/she have a work related injury. Otherwise, the nurse will be sent to U. S. Health Works for evaluation and treatment by a physician unknown to him/her and retained by the County.

You may request this form from the RNPA office. We will be happy to fax it to you. *Make sure to keep a copy for yourself and provide a copy to your Manager.*

Act Today. Protect yourself and receive the medical attention you deserve.



Promotion In the Clinical Nurse Series



RNPA frequently receives calls from our members regarding the promotion process from Clinical Nurse II (CNII) to Clinical Nurse III (CNIII). This process is outlined in the Department of Nursing Standard NP-18.

Nurses who have been at the CNII level for at least six months are eligible to request to promote to CNIII. The nurse must meet the minimum qualifications outlined in the CN III job description, Nursing Standard JD-14. Nurses functioning at the CNIII level are expected to perform the nursing process under general supervision when providing care to their patients. They are also expected to have the skills and knowledge to assume the charge role.

If you are currently a CNII meeting the minimum CNIII qualifications and desire to promote, one of the following additional requirements must be met:

***Committee Participation**-This committee may be hospital, division, or unit based.

***Conducting an Approved Special Project**-This project must benefit the unit or the patient population on your unit and have the approval of your Nurse Manager.

***Writing A Clinical Practice Procedure**-This encompasses nursing practice pertaining to the patient population on your unit.

***Writing Standard Plan of Care**-This standardized plan would pertain to the patient population on your unit.

***Creation of a Teaching Plan For Nursing Staff or Patients**-This could include functioning as a clinical preceptor.

***Certification Beyond that Required for an Area**-Examples would include CCRN for the critical care nurse through the American Association of Critical Care Nurses or RN-C through the American Nurses Association.

If you currently do not meet the additional requirements listed above, RNPA encourages you to submit a Committee or Project Approval Request form to your Nurse Manager. Be prepared with a plan outlining how you will accomplish your proposal. It is incumbent upon the manager to work with you to find a satisfactory project that will allow you to meet the requirements to promote. Your discussion should include an approximate date as to when you can formally request to promote.

As a CNII desiring to promote, it is your

responsibility to submit a Request for Promotion from CNII to CNIII form to your Nurse Manager. Make sure to keep a copy for yourself. A completed job application should be submitted at the same time.

Upon receipt, your Nurse Manager/ANM must complete both a CNII and CNIII Performance Appraisal Rating form so that the promotion, if recommended, can be effective no later than the beginning of the next pay period after 60 days from the date of your request.

Promotion is recommended if the evaluation is standard or above in all summary categories of your current CNII level, and all but one of the CNIII level. All additional rating factors must be satisfactory as well.

If promotion is denied, the reasons for denial must be clearly stated in the Area for Development and expected behaviors required for promotion clearly communicated, with target dates for achievement indicated in Goals for the Next Rating Period.

Once a nurse has promoted to the CNIII level, it is the expectation of management that your performance will be maintained at that level.

Pension Debate

Public employee pension plan continues to be debated in Sacramento. The proposed plan is Assembly Constitutional Amendment (ACA) 23 which would amend the State Constitution replacing current defined benefit pension plans, such as CalPERS, to a new plan that combines a mandatory defined benefit plan with lower pension benefits and a voluntary defined contribution (DC) retirement savings account (similar to a 401(k)). The plan freezes existing CalPERS plans and automatically enrolls all new employees hired on or after July 1, 2007 into this new retirement plan. Some of the highlights of ACA 23 are:

- Retirement benefit formulas that are significantly lower than most current CalPERS plans.

- Higher normal retirement age - 65 for miscellaneous employees; 55 for safety employees. (The definition of safety employee would also be narrowed.)

- Calculations based on a 3-year highest salary average versus the 1-year average (single highest year) many employers now use.

- The potential for higher employee contributions, as employees would pay half the normal cost of retirement benefits, instead of the current fixed rates.

- No employer-paid health insurance benefits for retirees until they reach normal retirement age. Those retiring early would pay the full cost of their health premiums with no employer contribution.

Employers may, but are not required, to

match defined contribution up to four percent.

CalPERS Board of Administration opposes this legislation. They believe that this proposal could impact the retirement security of future members and impair their ability to invest assets appropriately.

CalPERS will continue to work with the legislators and employers to meet inflating costs and volatile economy.

We will keep you updated on this issue.

