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United for Quality Care

Fact Sheet/Backgrounder on Labor Dispute at Spectrum Healthcare

Spectrum Healthcare is a local nursing home corporation, based in Vernon. The three partners in the business, Howard Dickstein (CEO), his son Brian (COO) and Sean Murphy (CFO), operate six nursing homes located in Hartford, Vernon, Ansonia, Derby, Winsted and Torrington.

District 1199 represents workers at five of the six homes. Contracts covering four facilities: Park Place Health Center (Hartford), Birmingham Health Center (Derby), Hilltop Health Center (Ansonia) and Laurel Hill Healthcare (Winsted) expired on March 15, 2009, as did a majority of 1199's nursing home contracts.

Over the past 15 months since the contracts expired, 1199 has negotiated agreements with 36 other nursing homes on the same basic pattern: no wage increase in 2009, a 2.5% wage increase sometime in 2010 and no permanent give-backs on benefits or working conditions. Most contracts end on the same date: March 15, 2011.

About 375 nurses, certified nursing assistants, dietary, laundry, housekeeping and other support staff began an Unfair Labor Practice strike on April 15, 2010 and have been picketing daily since then from 6 a.m. to 12 midnight.

There have not been any other strikes – short or long – by 1199 members at Connecticut nursing homes, despite difficult negotiations in a tough economic climate.

Spectrum is an outlier:

- After the contracts expired, over the last year Spectrum suspended and/or fired about 50 nursing home members, who had no recourse to third-party arbitration or other means to resolve grievances. This is the basis of most of the Unfair Labor Practice charges that the NLRB is investigating and a fundamental cause of the strike. Spectrum has so far not agreed to any process for resolving these disputes.
- Spectrum is the only nursing home operator to categorically refuse the general pattern set in our bargaining with all of the other nursing home operators – including both national and local chains, individual facilities and non-profits (St. Mary Home and the Jewish Home in New Haven).
- Long before the union sent a strike notice, Spectrum ran ads for and threatened to hire permanent replacements – an unusually aggressive stance from the beginning that became a major impediment in finding a settlement.

- Since the strike, Spectrum has continued to assert that the replacement workers are permanent and to refuse any discussion of a back-to-work agreement, making it impossible to settle on any terms because our members would not be able to return to their jobs.
- At negotiations and during the first hearing on unemployment benefits, Spectrum reasserted that workers had been **permanently replaced** and, if they wish to come back to work, they will be placed on a recall list rather than being restored to their previous positions. This was the basis for DOL's decision that Spectrum workers are entitled to unemployment compensation – usually strikers **do not qualify** for benefits. The attorney for the DOL's Office of Program Policy concluded that:

“...the employer's decision to hire permanent replacement workers severed the employment relationship, and thus the claimants are **eligible** for benefits effective April 11, 2010, pursuant to Conn. Gen. Stat. §31-236(a)(3)(C). Claims for benefits filed by affected employees are **approved**.”

Care for the residents of Spectrum homes has suffered during the strike:

- Both family members and residents themselves have repeatedly come to the picket line to share their concerns and complaints about both the quality of care and dignity and respect for residents.
- Complaints include: late meals; poor quality meals; wrong diet given to residents; late medications; wrong medications given, infrequent and inadequate hygiene (ie., no showers, male residents not shaved for many days), wrong diet given; residents not toileted/changed frequently so left wet or dirty for hours; improper lifts that left bruises, and so on.
- In the first two weeks alone (April 15-29), DPH found 39 violations of the public health code at Park Place (report attached). Many of the findings correspond closely with the kinds of verbal complaints family members and residents have made.
- Some of the issues have been compiled by us into a booklet (attached) and on a website, www.spectrumfamilyvoice.com, that also provides families with the numbers of DPH and the Long-Term Care Ombudsman and an opportunity to ask questions or share their own stories.

Another key issue is Spectrum's abysmal health and safety record for workers. In March, OSHA released a list of employers with the highest rates of workplace illness and injury, including almost 500 in Connecticut. Five of Spectrum's six properties (83%) were on that list, including all four of the homes now on strike. Spectrum's facilities have been on that list for at least the last four years. OSHA cites only those workplaces where illness and injury rates are more than twice the national average for comparable worksites.

Despite repeated requests for documents about health and safety which OSHA requires employers to give to workers, Spectrum missed every new deadline. The only way we ultimately got the records was by having an OSHA inspector march into Park Place this week and demand they be turned over. Many of the records concern information about hazards that could affect residents as well as workers – for example, training and protocols on blood-borne pathogens.