

Testimony of  
Alan Lee, President, Robert Wood Johnson University Hospital  
For Committee on Health, Education, Labor and Pensions  
of the  
United States Senate

Field hearing entitled:  
“Overworked and Undervalued: Is the Severe Hospital Staffing Crisis Endangering  
the Well-Being of Patients and Nurses?”

October 27, 2023

Chairman Sanders, Ranking Member Cassidy and Members of the Committee, my name is Alan Lee. I am the President of Robert Wood Johnson University Hospital (RWJUH) in New Brunswick, N.J. I welcome this opportunity to provide testimony to the Senate Committee on Health, Education, Labor and Pensions and thank you for your careful consideration of the information I am sharing herein.

I respectfully submit this written testimony in lieu of appearing before the Committee. The cadence of our negotiations has increased and we believe a contract is attainable in the near future. We cannot risk anything taken out of context in this hearing that might hinder our ability to reach an agreement to bring our nurses back inside so that they can resume their noble profession and support themselves and their families. Ending this strike is paramount.

As the Committee is fully aware, the nurses at RWJUH, represented by the United Steel Workers Local 4-200 (USW 4-200), have been on strike since August 4, 2023. As the leader of this organization, I state to you emphatically and with a clear conscience that we did everything possible to avert this labor action. Furthermore, we have done everything possible to bring our nurses back inside since that day. We have negotiated in good faith and transparently, and have offered more in settlement proposals than any other organization of similar scope has in our market. We have respected the nurses’ right to protest during this labor action despite relentless and abhorrent behavior impacting our sickest patients through noise and intimidation. Sadly, they went too far and assaulted a replacement nurse and began to intentionally block physicians reporting to the hospital to perform lifesaving interventions. Despite this behavior, which the union ultimately acknowledged was egregious and signed a consent order to cease and desist, we have kept our focus on settling our contract and delivering excellent patient care.

Upon completion of this testimony, I respectfully submit that the esteemed Committee will have a clearer picture of two important points. First, that the hospital is committed to providing our nurses with fair and equitable compensation and ensuring safe staffing levels that meet criteria based on patients’ acuity and the volume of the patients we treat. Second, RWJUH has fulfilled our obligation to care for our communities at all levels – which is no small feat given the complexity of our academic medical center – during this labor action. This is a sacred obligation, one for which we have paid an unfortunately high price to achieve during the strike.

Ensuring delivery of the highest quality, always-safe patient care and working towards a resolution that brings our dedicated nursing staff back to the bedside remain my top priorities and the focus of my attention. These cannot be characterized as mutually exclusive. They are equally important. Closing the hospital was simply not an option.

### **Background on Robert Wood Johnson University Hospital**

RWJBarnabas Health is the largest, most comprehensive academic health care system in New Jersey, with a service area covering eight counties with five million people. It is a not-for-profit, safety-net organization and the largest charity care provider in New Jersey. RWJUH, an RWJBarnabas Health facility, is New Jersey's largest academic medical center through its deep partnership with Rutgers University. I am proud of our contributions to health care in New Jersey. RWJUH is ranked in the top five of New Jersey hospitals by both *US News & World Report* and *Newsweek*.

RWJUH has 640 licensed beds, is home to a nationally ranked children's hospital and, in partnership with Rutgers Cancer Institute of New Jersey, is the flagship location of New Jersey's only National Cancer Institute (NCI)-designated comprehensive cancer center. RWJUH is one of only seven hospitals in the world to achieve the prestigious Magnet Designation from American Nurses Credentialing Center six consecutive times. Two of the other hospitals to achieve this status are also in the State of New Jersey. RWJUH is one of three state-designated Level I Trauma Centers; an Advanced Comprehensive Stroke Program, as designated by The Joint Commission; a regional transfer center for cardiovascular care, stroke, neuroscience, trauma, pediatrics, and oncology; and performs kidney, pancreas and heart transplantations. RWJUH treated more than 90,000 patients in its adult and pediatric emergency departments last year.

Due to its role as a quaternary care facility, RWJUH employs health care professionals at the highest echelons of their specializations. Most clinical care providers and ancillary clinical team members have the highest levels of certifications and extensive experience, as is appropriate for addressing the sickest patients and the most complex conditions.

Like every hospital in New Jersey and the country, we are working hard to overcome a nationwide nursing shortage. Despite those challenges and the intense competition for employment, RWJUH continues to make positive strides in nurse recruitment, hiring and retention. We have added over 200 registered nurse positions since May 2022 to bolster our always-safe nurse staffing guidelines and have achieved a vacancy rate that is nearly half the national average. To retain and attract nurses with top certifications, commitment to nursing education and essential experience, RWJUH pays the highest wages in the state and is committed to protecting that status.

New Jersey is a pro-labor state and RWJBarnabas Health and RWJUH have and always will be union-friendly organizations. I respect our employees' right to organize and peaceably protest. Throughout the current labor action, RWJUH has continued to negotiate transparently and in good faith towards reaching a fair and equitable agreement on a contract with our valued nurses. It is not due to the hospital's offers or efforts that the nurses continue to strike.

## **Good Faith and Transparent Negotiations with United Steel Workers 4-200**

See attached addendums:

- I. Summary of negotiation sessions with USW-4-200
- II. Infographic of the RWJUH always-safe nurse staffing guidelines;  
Chart of the RWJUH nurse vacancy rate comparison to national nurse vacancy rate

Negotiations between RWJUH and USW 4-200, the union representing our esteemed nurses, began in April 2023, far ahead of the contract expiration date of June 30, 2023. We have held several face-to-face negotiation sessions and met multiple times through a federal mediator in hopes of reaching a resolution. Since October 6, 2023, we have met six (6) times with varying degrees of progress. Our most recent session was Sunday, October 22. All contract settlement offers by RWJUH have extended wage increases that ensure RWJUH nurses are the highest paid in the State of New Jersey compared to their peers and committed to staffing guidelines that meet or exceed current proposed legislation in New Jersey and those that have passed in states like California with mandated nurse ratios.

Let me be clear: RWJUH did not want this strike. In fact, we did everything we could to avert it. We twice accepted USW 4-200's demands and offered to go to binding arbitration or submit to a board of inquiry, but the union refused. We requested numerous times for union leadership to continue negotiating rather than strike. We informed them in July that striking workers stood to lose not only pay but also employee benefits, which require a minimum number of hours worked each month to be eligible. And we repeatedly pleaded with the union to consider the impact of a strike – especially a prolonged strike – for nurses and their families. Make no mistake, the decision to strike was the union's and the union's alone.

According to publicly available data, RWJUH nurses are the most highly paid in New Jersey and our nurse vacancy rate is nearly half the national average. As an academic medical center providing the highest acuity care, our existing staffing guidelines are established from evidence-based practice with peers nationally to address the sickest patients and volumes that are among the highest in the state. As essential members of the care team, RWJUH is committed to providing nurses with a safe and supportive work environment and a healthy lifestyle.

The negotiation team put forth by USW 4-200 to represent our nurses has often bargained outside of industry standard protocol and have presented as sometimes disorganized, unprofessional and chaotic in their approach. For example, on July 17, they signed a memorandum of agreement (MOA) with the hospital that included the union's own staffing proposal and a compensation settlement that would have ensured RWJUH nurses are paid on average 14% higher than any other nurses in New Jersey. That agreement implied a commitment by the union leadership to endorse and recommend the settlement to their membership for ratification. Instead, they extended little support for the MOA and delivered an overwhelming no-vote by the members that is extraordinarily unusual once an agreement is signed. Inexplicably, from that point forward, the union has presented no reasonable, articulate or administrable path to a settlement. This behavior, and lack of educating their members on settlement offers, is atypical of bargaining negotiations and has been non-productive.

This lack of professionalism in negotiating is tragically detrimental to our nurses who have lost wages and benefits during this strike. At one point, the union publicly claimed it was unaware that members would lose eligibility for health benefits even though an update posted by the union to USW 4-200's website in July specifically informed its members of the pending deadline.

### **The High Cost of Delivering Care Throughout This Prolonged Labor Action**

The union's decision to walk off the job and prolong this strike has also had significant economic consequences for the hospital that we will have to carefully manage for years to come. To date, RWJUH has paid more than \$103 million for strike-related expenses, including replacement nurses with the highest levels of certification and experience in acute care and specialized clinical areas. Caring for our patients is our number one priority. We make no apologies for doing everything necessary to ensure the hospital remains fully operational and our patients continue to receive the highest quality, always-safe care. What would we have told our patient from Princeton, who waited on a heart transplantation list for more than two years, if we had not been able to accept his donor heart and transplant it into him on August 4 – the first day of the strike? Closing the hospital was never an option and will never be an option. We strongly challenge the assertion that engaging highly-skilled, compassionate and reputable agency nurses to help us at this time is anything but honorable and necessary. We owe these nurses a debt of gratitude.

That said, the compounded tragedy of this situation is that these funds absolutely could have been better utilized to further invest in patient care, staff wages, and improvements throughout the hospital. We implored the union to continue to bargain with us while our nurses stayed at the bedside, earned wages and were covered on our health and wellness programs. They elected to strike.

### **Closing**

RWJUH stands firm in its commitment to fair and respectful wages, safe staffing standards based on patient acuity and volume, and accountability towards meeting staffing guidelines for our nurses. Accountability is not equivalent to punitive financial penalties that might actually undermine our organization's ability to deliver care to our patients and meet our community benefit mission. We will not agree to fines that have no administrative rigor and no stake by the union. This blank check request by USW 4-200 undermines their credibility as champions of patient safety and denigrates the noble nursing profession they represent.

I want to thank the Committee for affording me this opportunity to provide testimony. I hope that it aids you in important national dialog regarding the escalating costs of health care, the disparity in reimbursement to providers who front the cost of this care and the burden it places on our essential healthcare workers who want to help vulnerable people and also sustain their families. We look to our leaders to help us to identify and address the root causes of attracting fresh talent into health care, preventing burnout for those already in our noble industry and enabling an equitable and healthier public across the United States.

I am proud to share the tremendous work we do at Robert Wood Johnson University Hospital and the comprehensive care we provide. RWJUH is steadfast in its commitment to always-safe, highest quality patient care. I have the utmost respect for our dedicated nursing colleagues. Their invaluable contributions to our patients, our community and our hospital are greatly appreciated. It is my sincere hope that we can reach a fair and equitable resolution with USW 4-200 so we can welcome our nurses back as soon as possible.

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