

June 5, 2019

The Honorable Susan Sadlowski-Garza
121 North LaSalle Street, Suite 200
Chicago, IL 60602

Dear Alderman Susan Sadlowski-Garza,

On behalf of the more than 200 hospital and nearly 50 health system members of the Illinois Health and Hospital Association – including 41 hospitals in the City of Chicago – we urge you and your colleagues on the Committee on Workforce Development to exclude hospitals from the proposed “Fair Workweek” ordinance because of the negative impacts that the ordinance would have on their patients and employees.

Hospitals are the cornerstones of healthcare for the millions of people residing in Chicago – providing high-quality, life-saving care to nearly 370,000 inpatients and 7.4 million outpatients every year. Hospitals are also vital to the city’s economy, directly employing more than 57,000 people, leading to more than 132,000 direct and indirect jobs and generating an annual economic impact of \$29 billion.

Hospitals are not like retail or fast food outlets, or any other industry. Providing a full range of healthcare services is incredibly complex, requiring enormous flexibility and coordination of staff, resources, procedures, and activities to ensure the timely and efficient delivery of services and treatment to patients. That’s why work scheduling ordinances in major cities across the country (New York City, Philadelphia, Seattle, San Francisco and Washington, DC) and the state of Oregon specifically exclude hospitals, and why the current draft of the “Fair Workweek” ordinance specifically exempts Cook County Health.

When you see the blue “H”, that sign signifies your local hospital is always there whenever you need it, 24 hours a day, 365 days a year, under all circumstances. Your hospital is ready, on a moment’s notice, without any warning or planning, to handle any emergency – chemical spills, fires, car wrecks, active shooters, violence, natural disasters.

But imposing this ordinance on hospitals would jeopardize patients’ access to timely healthcare when they need it. Minutes really can make the difference in saving lives in hospitals, and hospital employees often must be available on short notice. To avoid violating the ordinance, the only options for hospitals would be to go short-staffed and risk the health and safety of patients – a choice hospitals would never make – or go on emergency bypass and force sick or injured patients to be transported to another hospital,

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wasting precious time that they may not have. Unfortunately, responding to unplanned spikes in demand for life saving healthcare occurs more often than any of us would like. To effectively respond to these emergencies, hospitals need flexibility rather than additional regulations that restrict their ability to rapidly treat patients in life and death situations.

Under this ordinance, in order to be fully and appropriately staffed to meet unexpected, unplanned emergencies and ensure that patients receive timely, quality care, hospitals would be forced to pay a penalty for every employee who is called in on short notice. At a City Council Committee hearing on this issue held in April, the President of Advocate Illinois Masonic Medical Center testified that the ordinance's "predictability pay" provisions could impact her hospital by more than \$3 million annually – increasing healthcare costs for patients. Complying with this proposed ordinance will divert scarce healthcare dollars from quality patient care.

Imposing this ordinance on hospitals and their employees, while exempting hundreds of other employers and tens of thousands of employees, is irrational and fundamentally flawed. The following employers and employees are exempt from the proposed ordinance:

- Any employee who works in a major league sports stadium. The proposed ordinance exempts all persons who work as food service workers, ticket takers, ushers, custodians, etc. at the major league stadiums for any event, e.g., sporting events, concerts, and shows. There is no rational reason that these workers should be exempted, while hospital workers are not.
- Government employers. Publicly owned hospitals and health systems, like the Cook County Health System and the University of Illinois Hospital and Health Sciences System, are exempt from the ordinance. If these publicly owned hospitals are exempt because the City Council recognizes that hospitals need flexibility in staffing in order to deal with emergency healthcare situations, then all hospitals should be exempt. Otherwise, as one of the largest employers in the City, exempting state and local government undermines the rationale and alleged need for this ordinance.
- Restaurants that have less than 30 locations and less than 250 employees at any one location are exempt. So, a chain of 29 restaurants with 249 employees at each location (over 7,000 employees) would be exempt. However, Advocate Illinois Masonic Hospital (2,100 employees), Mount Sinai Hospital (1,700 employees) and almost every other hospital, all of whom have less than 7,000 employees, would be subject to this mandate.
- Any employee covered by a collective bargaining agreement who works in construction, public utilities, telecommunications, or for a warehouse that competes with the postal service, such as UPS. Yet, hospitals, that must respond to emergency situations in order to save lives, are subject to this rigid mandate while those delivering the mail are not.

If these employers and employees are exempt, then hospitals that save lives on a moment's notice should be exempt as well.

Hospital employees would face negative and unintended consequences from this ordinance. Many employees choose healthcare as a career path, in large part because of the flexibility it offers – including the ability to add and drop shifts as suits their family, life balance and education needs – as well as the opportunity to work in a stable, professional environment. Moreover, hospitals work closely with their employees to make sure they have flexibility in their schedules and can work the shifts they want as circumstances allow. But this ordinance would have the opposite effect, mandating rigid schedules and eliminating flexibility.

Chicago's hospitals are absolutely committed to supporting their employees, providing them good employment opportunities with good benefits. Hospitals are also uniquely positioned to take people from local neighborhoods, start them in entry-level or part-time positions, and help train and advance them to higher-level, higher-paying jobs.

Every hour, every day, hospitals across Chicago have unique demands to meet the needs of their patients and must have the flexibility to align and deploy their employees to provide timely, quality healthcare to patients. This proposed ordinance would unnecessarily jeopardize hospitals' ability to meet those needs. We urge you to exclude hospitals from the "Fair Workweek" ordinance.

Sincerely,

A.J. Wilhelmi
President & CEO

Enclosure:

Protect Hospital Patients from the Work Week Scheduling Mandate: Violence, Trauma and Disease Are Not Predictable