

Wisconsin judge temporarily blocks employees from leaving their hospital jobs

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27 January 2022

On Monday, a county judge in Wisconsin lifted a previous order that blocked seven employees at ThedaCare Regional Medical Center in Neenah from leaving their jobs to go to work for another health care provider in the area.

In response to a request from ThedaCare, Outagamie County Circuit Court Judge Mark McGinnis had imposed the injunction on the workers last Friday, barring them from starting new positions at Ascension Northeast Wisconsin in nearby Appleton, Wisconsin.

One day earlier, ThedaCare filed a lawsuit to prevent Ascension from adding the workers—four technicians and three nurses who were part of an eleven-member interventional radiology and cardiovascular team—to its staff. The workers had accepted the offers—which included better pay—in December and were planning to start on Monday.

The conflict in the Fox River Valley over hospital workers is the result of decades of chronic understaffing, which has been exacerbated by the coronavirus pandemic. With staff shortages in every area and existing hospital employees strained to the limits while caring for COVID-19 patients, the ability of hospitals to maintain essential services, including standard life-saving emergency procedures, has been severely and tragically undermined.

The ThedaCare lawsuit said that it was seeking the injunction to “protect the community” and that the 11-member team provides “vital care for critically ill patients.” The suit also said that Ascension “should have known that this action would decimate ThedaCare’s ability to provide critical care” to trauma and stroke victims in the Fox River Valley, a three-county area in Wisconsin from Oshkosh to Green Bay.

Lynn Detterman, a senior vice president for ThedaCare, issued a statement on Monday which said,

“We know this situation has put the team members who decided to leave ThedaCare in the middle of a difficult situation. Our goal was always to create a short-term orderly transition, not to force team members to continue working at ThedaCare.”

In fact, that is exactly what the health care corporation was trying to do. The initial action by the court essentially reduced these workers to the status of slaves who have no rights to escape from the clutches of their corporate masters.

The ThedaCare lawsuit states that the loss of the specialist workers—who perform procedures to stop bleeding in targeted areas during a traumatic injury or restore blood flow to the brain in the case of a stroke—would mean the hospital would lose its Level II trauma center status, the second-highest category a hospital can achieve. To maintain this lucrative status, the hospital must be able to perform interventional radiology 24-hours per day and, without the seven employees, this would become impossible to sustain.

For its part, Ascension issued a statement before the Monday hearing at which the injunction was lifted that said ThedaCare “had an opportunity but declined to make competitive counter offers to retain its former employees.” Ascension representatives also said that the employment of the workers at ThedaCare was “at-will,” and they were not contractually obligated to stay there for any fixed time period.

David Muth, a lawyer representing Ascension, filed a motion in county court on Monday that said ThedaCare was blaming others for its own mistakes and that it had attempted to turn its “poor management” into “a disruptive personal emergency for everyone—anyone—but itself.”

Initially, Judge McGinnis granted ThedaCare’s request for a temporary restraining order and instructed

the two sides to work out an agreement between them to settle the matter. In the end, however, the judge sided with Ascension and lifted the injunction on Monday afternoon.

The crisis over critical emergency staff is also a manifestation of the battle for health care market share between competing groups of private hospital chains. In this instance, the St. Louis-based Ascension is one of the largest health care systems in the US with 151 hospitals, 165,000 employees and annual revenues of approximately \$23 billion. It has facilities in Wisconsin, Illinois, Michigan, Indiana, Kansas, New York, Maryland, Oklahoma, Alabama, Texas and Florida.

According to a report in the *New York Times* in May 2020, Ascension received \$211 million in federal pandemic relief funds and the corporation operates a venture capital fund with \$15.5 billion in cash. The total compensation of the current CEO of Ascension, Joseph R. Impicciche, is not published. However, the previous president and CEO, Anthony Tersigni, was paid approximately \$18 million in 2014.

By contrast, ThedaCare is a health care system that covers 14 northeast counties in Wisconsin. It has seven hospitals and 35 physician clinics and community health programs, and operates long-term care and assisted living facilities. ThedaCare has 7,000 employees and annual revenues of approximately \$1 billion.

According to a report in the *Appleton Post Crescent*, Ascension made the employees an offer that included a benefits package that ThedaCare would not match. One of the hospital workers said that they received an offer from Ascension that was attractive “not just in pay but also a better work/life balance,” which caused others on his team to apply.

The crisis of hospital staffing and the unprecedented legal conflict in the Fox River Valley over emergency specialists is rooted in for-profit health care and the response of the entire capitalist system to the coronavirus pandemic. The pandemic is being used by the health care giants and other corporations to further cut costs and establish new precedents for the exploitation of workers, including dangerously high workloads and mandatory overtime, and the elimination of health and safety protections.



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