

**From:** CN=Timothy D Wemple/OU=CA/O=KAIPERM  
**Sent:** Monday, March 16, 2015 12:40 PM  
**To:** CN=Connie Wilson/OU=CA/O=KAIPERM@KAIPERM  
**Subject:** Re: NUHW's acceptance of KP's last, best, and final offer as amended regarding NUHW's Optical bargaining unit

---

ok...thanks

Tim

Timothy D Wemple  
The Permanente Medical Group  
Kaiser Permanente San Jose Medical Center

(C) 408 599 8695  
(F) 408-972-6273  
(e-mail) timothy.d.wemple@kp.org

Executive Assistant: Karen Pansoy  
(P) 408-972-6133

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From: Connie Wilson/CA/KAIPERM  
To: Timothy D Wemple/CA/KAIPERM@kaiperm  
Date: 03/16/2015 12:12 PM  
Subject: Re: NUHW's acceptance of KP's last, best, and final offer as amended regarding NUHW's Optical bargaining unit

We'll talk more when I'm back but this has complicated things. TPMG won't get financially penalized on this one.

Sent from my iPhone

KP000738

**GC Exhibit # 38**

NCE  
CTRL-EM-150528-01236715

Exhibit 18

On Mar 16, 2015, at 11:27 AM, Timothy D Wemple <Timothy.D.Wemple@nsmtg.kp.org> wrote:

I hope we "the medical group" don't take the hit economically for the disconnect on the labor relations side....not sure the dollar value....and maybe it is worth it.....I'm still thinking through the tradeoffs on all sides....plus not quite sure how you say to optical yes retro and NUHW no retro....complicated....thanks for keeping me in the loop.

Tim

Timothy D Wemple  
The Permanente Medical Group  
Kaiser Permanente San Jose Medical Center

(C) 408 599 8695  
(F) 408-972-6273  
(e-mail) timothy.d.wemple@kp.org

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Connie Wilson---03/16/2015 09:57:13 AM---From: Connie Wilson/CA/KAIPERM To: Gay Westfall/CA/KAIPERM@kaiperm

From: Connie Wilson/CA/KAIPERM  
To: Gay Westfall/CA/KAIPERM@kaiperm  
Cc: Gregory A. Adams/CA/KAIPERM@kaiperm, Dennis L Dabney/CA/KAIPERM@kaiperm, Christopher N Comma/CA/KAIPERM@kaiperm  
Date: 03/16/2015 09:57 AM  
Subject: Re: NUHW's acceptance of KP's last, best, and final offer as amended regarding NUHW's Optical bargaining unit

I am also recalling we last offered, in error, retro increases for '12,'13 and '14. We told Sal and Ralph they could just accept that offer and we agreed not to retract the retros from our offer. I suspect that's why they are accepting

CTRL-EM-150528-01236715

KP000739

that last full contract proposal. It's the best deal they are going to get and they know it.

Sent from my iPhone

On Mar 16, 2015, at 9:10 AM, Connie Wilson <Connie.Wilson@nsmtf.kp.org> wrote:  
We didn't discuss Optical at our behind the scenes discussions and instead said we would talk about Optical after we reached agreement on IBHS. I assumed management presented proposals to Optical when they last met at the regular bargaining table. Is that accurate. Otherwise, can we ask Ralph to provide us with copies of they reviewed with the optical workers to make certain we are aligned? Alternatively, we can give them a copy of what we understand to be our current LBF. We do want these workers to have raises.  
I am feeling the need to let Diane and Steve know we have reached a deal.

Sent from my iPhone

On Mar 16, 2015, at 8:20 AM, Gay Westfall <Gay.Westfall@nsmtf.kp.org> wrote:  
See Christopher's email and the email from Ralph. If Optical is done, I don't think we have the amendments Ralph references.

---

Gay Westfall  
SVP Human Resources  
Kaiser Permanente, Northern California Region  
1950 Franklin Street, 15th Floor  
Oakland, CA 94612  
Phone: (510) 987-2990 (TL 8-427)

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----- Forwarded by Gay Westfall/CA/KAIPERM on 03/16/2015 08:18 AM -----

From: Christopher N Comma/CA/KAIPERM  
To: Dennis L Dabney/CA/KAIPERM@kaiperm, Gay Westfall/CA/KAIPERM@kaiperm, Henry Diaz/CA/KAIPERM@kaiperm  
Date: 03/16/2015 08:16 AM  
Subject: Fwd: NUHW's acceptance of KP's last, best, and final offer as amended regarding NUHW's Optical bargaining unit

Good Morning:

KP000740

CTRL-EM-150528-01236715

Did we reach a deal with them or was this an email sent to me by mistake? I haven't responded.

Sent from my iPhone

Begin forwarded message:

From: "Ralph Cornejo" <opuspopuli@comcast.net>  
Date: March 14, 2015 at 3:15:06 PM PDT  
To: "Christopher N Comma" <Christopher.N.Comma@nsmtg.kp.org>  
Subject: Fwd: NUHW's acceptance of KP's last, best, and final offer as amended regarding NUHW's Optical bargaining unit

Christopher,  
Fred sent this for me originally today. Ralph

Begin forwarded message:

From: Fred Seavey <fseavey@nuhw.org>  
Date: March 14, 2015 at 2:26:31 PM PDT  
To: christopher.n.comma@kp.org  
Cc: Ralph Cornejo <rcomejo@nuhw.org>, Sal Rosselli <srosselli@nuhw.org>, Greg Tegenkamp <gegenkamp@nuhw.org>  
Subject: NUHW's acceptance of KP's last, best, and final offer as amended regarding NUHW's Optical bargaining unit

Sent on behalf of Ralph Cornejo

Dear Christopher,

The attached letter and this e-mail are formal notification to Kaiser Permanente and you that NUHW accepts Kaiser Permanente's last, best, and final offer made to NUHW on 12/18/12 regarding the Optical Bargaining Unit and as subsequently amended by Kaiser Permanente on 1/29/14 and 2/17/15.

Ralph

--  
Fred Seavey  
Research Director  
National Union of Healthcare Workers  
5801 Christie Ave. Ste 525  
Emeryville, CA 94608  
fseavey@nuhw.org | 415-706-3202 (See attached file:  
NUHW-LetterToChristopherCommaReOpticalUnit3-14-15.pdf)  
<NUHW-LetterToChristopherCommaReOpticalUnit3-14-15.pdf>

KP000741

CTRL-EM-150528-01236715

From: CN=Connie Wilson/OU=CA/O=KAIPERM  
Sent: Monday, March 16, 2015 10:07 AM  
To: CN=Timothy D Wemple/OU=CA/O=KAIPERM@kaiperm  
Subject: Re: CONFIDENTIAL- NUHW Optical

*Sgt  
on  
last  
page*

This will be very interesting. SEIU-UHW will be mad we gave retros. NUHW will use the fact that we gave retros to Optical to try and get them for the other 4 units they represent. The error of including retros rests squarely with KFHP. Never dull.

*Contacted w/  
SEIU around  
NUHW contract.*

Sent from my iPhone

On Mar 16, 2015, at 9:57 AM, Timothy D Wemple <Timothy.D.Wemple@nsmtp.kp.org> wrote:

Ok

*she knew  
of SEIU  
details*

*Why does  
she care  
had SEIU  
opposed retros  
for NUHW*

Sent from my iPhone

On Mar 16, 2015, at 9:52 AM, Connie Wilson <Connie.Wilson@nsmtp.kp.org> wrote:

*9:57 - Ex 41 - didn't  
and didn't*

Sent from my iPhone

Begin forwarded message:

From: "Connie Wilson" <Connie.Wilson@nsmtp.kp.org>  
Date: March 16, 2015 at 9:52:14 AM PDT  
To: "Steve R French" <Steve.R.French@nsmtp.kp.org>  
Cc: "Diane Ochoa" <Diane.Ochoa@nsmtp.kp.org>, "Jerry Bajada" <Jerry.Bajada@nsmtp.kp.org>, "Maryjo Williams" <Maryjo.Williams@nsmtp.kp.org>  
Subject: Re: CONFIDENTIAL- NUHW Optical

*who this  
crew is*

On second thought, I suspect they are taking the retro increases that were accidentally included in our last offer. Sorry for the confusion. Many moving parts here at the moment. I'm away and don't have any documents with me so trying to get the cobwebs out.

*what  
re fresh  
men?*

I'd rather not communicate further until I get the details.

Sent from my iPhone

On Mar 16, 2015, at 9:45 AM, Steve R French <Steve.R.French@nsmtp.kp.org> wrote:

CTRL-EM-150528-01236664\_0001

KP001124

GC Exhibit # 43

good news.. therefore the lump sum is needed and will be a good thing..

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Connie Wilson---03/16/2015 09:39:06 AM---From: Connie Wilson/CA/KAIPERM To: Steve R French/PO/KAIPERM@kaiperm

From: Connie Wilson/CA/KAIPERM  
To: Steve R French/PO/KAIPERM@kaiperm  
Cc: Diane Ochoa/CA/KAIPERM@kaiperm, Jerry Bajada/CA/KAIPERM@kaiperm, Maryjo Williams/CA/KAIPERM@kaiperm  
Date: 03/16/2015 09:39 AM  
Subject: Re: CONFIDENTIAL- NUHW Optical

Definitely no retro.

Sent from my iPhone

On Mar 16, 2015, at 9:33 AM, Steve R French <Steve.R.French@nsmtp.kp.org> wrote:

Thanks Connie.. I'm also very eager to know the details, especially around retro. When we spoke last, you said you would connect with us on this point, ideally before it's inked.

We can get the incentive design finalized soon. Both Joe and I are at a vision meeting this week (NY). We'll make ourselves available however we can.

I'll be available via my cell 510.610.1195 starting 1:30 pmish+ pac time today.

Steve

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KP001125

Connie Wilson---03/16/2015 09:22:51 AM---It looks like the optical workers are ready to accept a contract proposal. We are attempting to clar

From: Connie Wilson/CA/KAIPERM  
To: Diane Ochoa/CA/KAIPERM@kaiperm, Steve R French/PO/KAIPERM@kaiperm  
Cc: Jerry Bajada/CA/KAIPERM@kaiperm, Maryjo Williams/CA/KAIPERM@kaiperm  
Date: 03/16/2015 09:22 AM  
Subject: CONFIDENTIAL- NUHW Optical

It looks like the optical workers are ready to accept a contract proposal. We are attempting to clarify the details now. I will let you know when I have more information. Please keep it very confidential for the time being but I wanted you to know what is going on.

This came as a bit of a surprise to Greg and me as we weren't discussing Optical with NUHW and had said we would not do so until after we reached agreement regarding IBHS. Apparently NUHW leaders have been talking with IBHS and Optical workers and Optical workers said they are ready to settle. Sal spoke with Greg yesterday and today Ralph sent a confirming letter to this effect.

Things are moving very rapidly now which is good news. This means the optical sales incentive plan will remain outside of the CBA so it will be important for you to finalize the design.

Thanks for your incredible patience over the past four years.

Sent from my iPhone

Source  
of info  
SEIU?  
Who from  
SEIU  
she talked  
to

CTRL-EM-150528-01236664\_0003

KP001126

**From:** CN=Steve R French/OU=PO/O=KAIPERM  
**Sent:** Monday, March 16, 2015 10:22 AM  
**To:** CN=Connie Wilson/OU=CA/O=KAIPERM@KAIPERM  
**Cc:** CN=Diane Ochoa/OU=CA/O=KAIPERM@KAIPERM; CN=Jerry Bajada/OU=CA/O=KAIPERM@KAIPERM; CN=Maryjo Williams/OU=CA/O=KAIPERM@KAIPERM  
**Subject:** Re: CONFIDENTIAL- NUHW Optical

---

Ok Connie.. this potentially will be a very costly mistake and I really don't know how it occurred after a long and thoughtful bargaining.. to have a retro, pay increase, (lump sum also?) and non-bargained incentive in our market will be very challenging.. I'll stay tuned.

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**Date:** 03/16/2015 09:52 AM  
**Subject:** Re: CONFIDENTIAL- NUHW Optical

On second thought, I suspect they are taking the retro increases that were accidentally included in our last offer. Sorry for the confusion. Many moving parts here at the moment. I'm away and don't have any documents with me so trying to get the cobwebs out.

I'd rather not communicate further until I get the details.

Sent from my iPhone

On Mar 16, 2015, at 9:45 AM, Steve R French <Steve.R.French@nsmtp.kp.org> wrote:

good news.. therefore the lump sum is needed and will be a good thing..

KP001127

CTRL-EM-150528-01236668\_0001  
**GC Exhibit # 44**



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Cc: Diane Ochoa/CA/KAIPERM@kaiperm, Jerry Bajada/CA/KAIPERM@kaiperm, Maryjo Williams/CA/KAIPERM@kaiperm  
Date: 03/16/2015 09:39 AM  
Subject: Re: CONFIDENTIAL- NUHW Optical

Definitely no retro.

Sent from my iPhone

On Mar 16, 2015, at 9:33 AM, Steve R French <Steve.R.French@nsmtp.kp.org> wrote:  
Thanks Connie.. I'm also very eager to know the details, especially around retro. When we spoke last, you said you would connect with us on this point, ideally before it's inked.

We can get the incentive design finalized soon. Both Joe and I are at a vision meeting this week (NY). We'll make ourselves available however we can.

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Steve

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To: Diane Ochoa/CA/KAIPERM@kaiperm, Steve R French/PO/KAIPERM@kaiperm

CTRL-EM-150528-01236668\_0002

KP001128

Cc: Jerry Bajada/CA/KAIPERM@kaiperm, Maryjo Williams/CA/KAIPERM@kaiperm  
Date: 03/16/2015 09:22 AM  
Subject: CONFIDENTIAL- NUHW Optical

It looks like the optical workers are ready to accept a contract proposal. We are attempting to clarify the details now. I will let you know when I have more information. Please keep it very confidential for the time being but I wanted you to know what is going on.

This came as a bit of a surprise to Greg and me as we weren't discussing Optical with NUHW and had said we would not do so until after we reached agreement regarding IBHS. Apparently NUHW leaders have been talking with IBHS and Optical workers and Optical workers said they are ready to settle. Sal spoke with Greg yesterday and today Ralph sent a confirming letter to this effect.

Things are moving very rapidly now which is good news. This means the optical sales incentive plan will remain outside of the CBA so it will be important for you to finalize the design.

Thanks for your incredible patience over the past four years.

Sent from my iPhone

CTRL-EM-150528-01236668\_0003

KP001129

**From:** CN=Timothy D Wemple/OU=CA/O=KAIPERM  
**Sent:** Monday, March 16, 2015 10:23 AM  
**To:** CN=Connie Wilson/OU=CA/O=KAIPERM@kaiperm  
**Subject:** Re: CONFIDENTIAL- NUHW Optical

---

Yes. Seems like Christopher thought he could get it off the table....lesson learned in that process about making sure dots are connected in a matrixed organization. Definitely not dull

Sent from my iPhone

On Mar 16, 2015, at 10:07 AM, Connie Wilson <Connie.Wilson@nsmtp.kp.org> wrote:

This will be very interesting. SEIU-UHW will be mad we gave retros. NUHW will use the fact that we gave retros to Optical to try and get them for the other 4 units they represent. The error of including retros rests squarely with KFHP. Never dull.

Sent from my iPhone

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Ok

Sent from my iPhone

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Sent from my iPhone

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On second thought, I suspect they are taking the retro increases that were accidentally included in our last offer. Sorry for the confusion. Many moving

CTRL-EM-150528-01236669\_0001

KP001130

GC Exhibit # 45

parts here at the moment. I'm away and don't have any documents with me so trying to get the cobwebs out.

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Sent from my iPhone

On Mar 16, 2015, at 9:45 AM, Steve R French <Steve.R.French@nsmtp.kp.org> wrote:

good news.. therefore the lump sum is needed and will be a good thing..

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Date: 03/16/2015 09:39 AM  
Subject: Re: CONFIDENTIAL- NUHW Optical

Definitely no retro.

Sent from my iPhone

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KP001131

Steve

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Thanks for your incredible patience over the past four years.

Sent from my iPhone

CTRL-EM-150528-01236669\_0003

KP001132

**From:** CN=Connie Wilson/OU=CA/O=KAIPERM  
**Sent:** Monday, March 16, 2015 10:27 AM  
**To:** CN=Timothy D Wemple/OU=CA/O=KAIPERM@kaiperm  
**Subject:** Re: CONFIDENTIAL- NUHW Optical

You got it. Christopher says Dennis told him he had to leave the retro language in the offer or it would be considered regressive bargaining. Dennis says that's not what he said or meant. Gay has been upset that Dennis hasn't been involved enough and isn't providing clear direction. The concern is that Christopher would be blamed for this.

Spasat?  
why?

Sent from my iPhone

On Mar 16, 2015, at 10:22 AM, Timothy D Wemple <Timothy.D.Wemple@nsmtp.kp.org> wrote:

Yes. Seems like Christopher thought he could get it off the table....lesson learned in that process about making sure dots are connected in a matrixed organization. Definitely not dull

Sent from my iPhone

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Ok

Sent from my iPhone

On Mar 16, 2015, at 9:52 AM, Connie Wilson <Connie.Wilson@nsmtp.kp.org> wrote:

Sent from my iPhone

**GC Exhibit #**

46

CTRL-EM-150528-01236670\_0001

KP001133

**GC Exhibit #**

Begin forwarded message:

From: "Connie Wilson" <Connie.Wilson@nsmtp.kp.org>  
Date: March 16, 2015 at 9:52:14 AM PDT  
To: "Steve R French" <Steve.R.French@nsmtp.kp.org>  
Cc: "Diane Ochoa" <Diane.Ochoa@nsmtp.kp.org>, "Jerry Bajada" <Jerry.Bajada@nsmtp.kp.org>, "Maryjo Williams" <Maryjo.Williams@nsmtp.kp.org>  
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Date: 03/16/2015 09:39 AM  
Subject: Re: CONFIDENTIAL- NUHW Optical

Definitely no retro.

Sent from my iPhone

67:5: CTRL-EM-150528-01236670\_0002

KP001134

On Mar 16, 2015, at 9:33 AM, Steve R French <Steve.R.French@nsmtp.kp.org> wrote:

Thanks Connie.. I'm also very eager to know the details, especially around retro. When we spoke last, you said you would connect with us on this point, ideally before it's inked.

We can get the incentive design finalized soon. Both Joe and I are at a vision meeting this week (NY). We'll make ourselves available however we can.

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CTRL-EM-150528-01236670\_0003

KP001135



you to finalize the design.

Thanks for your incredible patience over the past four years.

Sent from my iPhone

CTRL-EM-150528-01236670\_0004

KP001136

**From:** CN=Connie Wilson/OU=CA/O=KAIPERM  
**Sent:** Monday, March 16, 2015 10:29 AM  
**To:** CN=Steve R French/OU=PO/O=KAIPERM@kaiperm  
**Cc:** CN=Diane Ochoa/OU=CA/O=KAIPERM@kaiperm; CN=Jerry Bajada/OU=CA/O=KAIPERM@kaiperm; CN=Maryjo Williams/OU=CA/O=KAIPERM@kaiperm  
**Subject:** Re: CONFIDENTIAL- NUHW Optical

As you know, the misunderstanding regarding the retro was among KFHP people. It's best we stay out of it for the moment.

*Washing  
her hands*

Sent from my iPhone

On Mar 16, 2015, at 10:21 AM, Steve R French <Steve.R.French@nsmtp.kp.org> wrote:

Ok Connie.. this potentially will be a very costly mistake and I really don't know how it occurred after a long and thoughtful bargaining.. to have a retro, pay increase, (hump sum also?) and non-bargained incentive in our market will be very challenging.. I'll stay tuned.

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Connie Wilson--03/16/2015 09:52:14 AM--From: Connie Wilson/CA/KAIPERM To: Steve R French/PO/KAIPERM@kaiperm

From: Connie Wilson/CA/KAIPERM  
To: Steve R French/PO/KAIPERM@kaiperm  
Cc: Diane Ochoa/CA/KAIPERM@kaiperm, Jerry Bajada/CA/KAIPERM@kaiperm, Maryjo Williams/CA/KAIPERM@kaiperm  
Date: 03/16/2015 09:52 AM  
Subject: Re: CONFIDENTIAL- NUHW Optical

On second thought, I suspect they are taking the retro increases that were accidentally included in our last offer. Sorry for the confusion. Many moving parts here at the moment. I'm away and don't have any documents with me so

CTRL-EM-150528-01236671\_0001

KP001137

**GC Exhibit # 47**

trying to get the cobwebs out.

I'd rather not communicate further until I get the details.

Sent from my iPhone

On Mar 16, 2015, at 9:45 AM, Steve R French <Steve.R.French@nsmtp.kp.org> wrote:

good news.. therefore the lump sum is needed and will be a good thing..

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Connie Wilson---03/16/2015 09:39:06 AM---From: Connie Wilson/CA/KAIPERM To: Steve R French/PO/KAIPERM@kaiperm

From: Connie Wilson/CA/KAIPERM  
To: Steve R French/PO/KAIPERM@kaiperm  
Cc: Diane Ochoa/CA/KAIPERM@kaiperm, Jerry Bajada/CA/KAIPERM@kaiperm, Maryjo Williams/CA/KAIPERM@kaiperm  
Date: 03/16/2015 09:39 AM  
Subject: Re: CONFIDENTIAL- NUHW Optical

Definitely no retro.

Sent from my iPhone

On Mar 16, 2015, at 9:33 AM, Steve R French <Steve.R.French@nsmtp.kp.org> wrote:

Thanks Connie.. I'm also very eager to know the details, especially around retro. When we spoke last, you said you would connect with us on this point, ideally before it's inked..

We can get the incentive design finalized soon. Both Joe and I are at a vision meeting this week (NY). We'll make ourselves available however we can.

I'll be available via my cell 510.610.1195 starting 1:30 pmish+ pac time today.

CTRL-EM-150528-01236671\_0002

KP001138

Steve

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Connie Wilson---03/16/2015 09:22:51 AM---It looks like the optical workers are ready to accept a contract proposal. We are attempting to clar

From: Connie Wilson/CA/KAIPERM  
To: Diane Ochoa/CA/KAIPERM@kaiperm, Steve R French/PO/KAIPERM@kaiperm  
Cc: Jerry Bajada/CA/KAIPERM@kaiperm, Maryjo Williams/CA/KAIPERM@kaiperm  
Date: 03/16/2015 09:22 AM  
Subject: CONFIDENTIAL- NUHW Optical

It looks like the optical workers are ready to accept a contract proposal. We are attempting to clarify the details now. I will let you know when I have more information. Please keep it very confidential for the time being but I wanted you to know what is going on.

This came as a bit of a surprise to Greg and me as we weren't discussing Optical with NUHW and had said we would not do so until after we reached agreement regarding IBHS. Apparently NUHW leaders have been talking with IBHS and Optical workers and Optical workers said they are ready to settle. Sal spoke with Greg yesterday and today Ralph sent a confirming letter to this effect.

Things are moving very rapidly now which is good news. This means the optical sales incentive plan will remain outside of the CBA so it will be important for you to finalize the design.

Thanks for your incredible patience over the past four years.

Sent from my iPhone

CTRL-EM-150528-01236671\_0003

KP001139

From: CN=Jerry Bajada/OU=CA/O=KAIPERM  
Sent: Monday, March 16, 2015 11:29 AM  
To: CN=Connie Wilson/OU=CA/O=KAIPERM@KAIPERM  
Cc: CN=Timothy D Wemple/OU=CA/O=KAIPERM@KAIPERM  
Subject: Re: NUHW -Optical

Health Plan's  
mistake

Has Health Plan acknowledged they have made a mistake sending the version with the retros? I can explain the general process but things get a bit complicated when there has not been a contract for 4 years. Tim if you want to set up a meeting for us to talk? Thanks Jerry B

Gerard Bajada  
Vice President of Financial Services  
(510) 987-2787; 8-427-2787  
Assistant: Ruth Goong (510) 987-4026; 8-427-4026  
\*\*\*\*\*

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From: Connie Wilson/CA/KAIPERM  
To: Jerry Bajada/CA/KAIPERM@kaiperm  
Cc: Timothy D Wemple/CA/KAIPERM@kaiperm  
Date: 03/16/2015 10:39 AM  
Subject: NUHW -Optical

As you can see, there's some confusion right now about what NUHW-Optical thinks they are accepting. If retros are included, the mistake squarely rests with KFHP. I will stay on top of it to make sure you know what's going on and that TPMG doesn't pay for their mistake.

At some point, Tim and I would like to talk with you about what cost TPMG incurs from bargaining commitments. That seems to have shifted over the years (they used to reimburse TPMG for 100% of bargaining commitments) and it will be important for Tim to have clarity on this.

CONFIDENTIAL

CTRL-EM-150528-01236686\_0001

KP001147

GC Exhibit # 49

Thanks.

Sent from my iPhone

CONFIDENTIAL

KP001148

CTRL-EM-150528-01236686\_0002

**From:** CN=Connie Wilson/OU=CA/O=KAIPERM  
**Sent:** Monday, March 16, 2015 12:07 PM  
**To:** CN=Timothy D Wemple/OU=CA/O=KAIPERM@kaiperm  
**Cc:** CN=Jerry Bajada/OU=CA/O=KAIPERM@kaiperm  
**Subject:** Re: NUHW -Optical

Let's wait to talk until we see how this contract gets finalized. No real rush at the moment. And yes, they know they made a mistake. We (Steve, Diane and I) brought this to KFHP's attention several weeks ago.

*who knew*

Sent from my iPhone

On Mar 16, 2015, at 12:00 PM, Timothy D Wemple <Timothy.D.Wemple@nsmtp.kp.org> wrote:

Hi

I will set up a meeting for the three of us to talk.

Thanks

Tim

Sent from my iPhone

On Mar 16, 2015, at 11:29 AM, Jerry Bajada <Jerry.Bajada@nsmtp.kp.org> wrote:

Has Health Plan acknowledged they have made a mistake sending the version with the retros? I can explain the general process but things get a bit complicated when there has not been a contract for 4 years. Tim if you want to set up a meeting for us to talk? Thanks Jerry B

Gerard Bajada  
Vice President of Financial Services  
(510) 987-2787; 8-427-2787  
Assistant: Ruth Goong (510) 987-4026; 8-427-4026  
\*\*\*\*\*

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CONFIDENTIAL

CTRL-EM-150528-01236690\_0001

KP001151

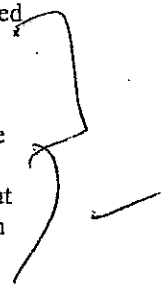
**GC Exhibit #**

*50*

**From:** CN=Walter Yonn/OU=CA/O=KAIPERM  
**Sent:** Thursday, March 19, 2015 12:55 PM  
**To:** CN=Christopher N Comma/OU=CA/O=KAIPERM@KAIPERM  
**Cc:** CN=Sue D Thergesen/OU=CA/O=KAIPERM@KAIPERM  
**Subject:** Re: Need your assistance  
**Attach:** EmbeddedImage0001.gif

---

This may help in framing the question. Its not so much that retro was proposed - the proposal is retroactive if effective dates of increases are retrospective. This is of course always the case unless one of the parties proposes otherwise...such as "effective upon ratification". The original pay proposals when bargaining began in early 2011?? were of course prospective until the parties bargained past expiration. All other NUHW tables adjusted their proposals I believe to make the raises prospective. We did not adjust out LBF in 2012 per legal advice at that time. I suspect we could have done so in the several years following.



Will take a look when it comes over.

---

Walter Yonn  
Director,  
National Labor Relations - Operations  
One Kaiser Plaza, 17th Floor Bayside  
Oakland CA 94612  
510-271-6011  
Walter.Yonn@kp.org

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From: Christopher N Comma/CA/KAIPERM  
To: Sue D Thergesen/CA/KAIPERM@Kaiperm  
Cc: Walter Yonn/CA/KAIPERM@KAIPERM  
Date: 03/19/2015 12:47 PM  
Subject: Need your assistance

**GC Exhibit #**

52

CTRL-EM-150528-00601041



Good Afternoon Sue:

Walter and I are working on developing a chronology for Dennis regarding Optical Bargaining. In particular, we need your help to share: . .

When did we first propose wages and retroactivity under Article XII?

When did we provide our LBF to NUHW Optical?

When was it rejected?

When did we provide our last comprehensive proposal to NUHW in 2014? Was it 3/21/2014?

Can we get this by 4:00pm?

Walter: Once I get this, I will flip this to you to make any changes or additions before we flip it to Dennis today.

Thank you in advance

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**From:** CN=Connie Wilson/OU=CA/O=KAIPERM  
**Sent:** Monday, March 16, 2015 10:30 AM  
**To:** CN=Gay Westfall/OU=CA/O=KAIPERM@kaiperm  
**Cc:** CN=Henry Diaz/OU=CA/O=KAIPERM@kaiperm; CN=Gregory A Adams/OU=CA/O=KAIPERM@kaiperm; CN=Dennis L Dabney/OU=CA/O=KAIPERM@kaiperm; CN=Christopher N Comma/OU=CA/O=KAIPERM@kaiperm; CN=Robert Spagat/OU=PO/O=KAIPERM@kaiperm  
**Subject:** Re: NUHW's acceptance of KP's last, best, and final offer as amended regarding NUHW's Optical bargaining unit

---

Agree we should talk. I'm available tomorrow morning any time. Today is problematic.

Sent from my iPhone

On Mar 16, 2015, at 10:18 AM, Gay Westfall <Gay.Westfall@nsmtp.kp.org> wrote:

Thanks, Henry.

Sent from my iPad

On Mar 16, 2015, at 10:15 AM, "Henry Diaz" <Henry.Diaz@nsmtp.kp.org> wrote:

But I understand directly from Dennis that Ralph declined to accept the agreement at that time.

All the more reason for us to talk about exactly where we stand.

Sent from my iPhone  
Henry Diaz  
Kaiser Permanente  
National Labor Relations  
510-271-4619

On Mar 16, 2015, at 10:13 AM, Connie Wilson <Connie.Wilson@nsmtp.kp.org> wrote:

We did and in fact Dennis, Greg and I told them they could just accept our offer with the retros included. They made a wise choice.

Sent from my iPhone

On Mar 16, 2015, at 10:10 AM, Gay Westfall <Gay.Westfall@nsmtp.kp.org> wrote:

**GC Exhibit # 53**

Confidential Attorney Client Privilege

Ok. We pulled the retro letter, right? So this may be an attempt to force the retro.

Sent from my iPad

On Mar 16, 2015, at 9:10 AM, "Connie Wilson" <Connie.Wilson@nsmtp.kp.org> wrote:

We didn't discuss Optical at our behind the scenes discussions and instead said we would talk about Optical after we reached agreement on IBHS. I assumed management presented proposals to Optical when they last met at the regular bargaining table. Is that accurate. Otherwise, can we ask Ralph to provide us with copies of they reviewed with the optical workers to make certain we are aligned? Alternatively, we can give them a copy of what we understand to be our current LBF. We do want these workers to have raises.

I am feeling the need to let Diane and Steve know we have reached a deal.

Sent from my iPhone

On Mar 16, 2015, at 8:20 AM, Gay Westfall <Gay.Westfall@nsmtp.kp.org> wrote:

See Christopher's email and the email from Ralph. If Optical is done, I don't think we have the amendments Ralph references.

---

Gay Westfall  
SVP Human Resources  
Kaiser Permanente, Northern California Region  
1950 Franklin Street, 15th Floor  
Oakland, CA 94612  
Phone: (510) 987-2990 (TL 8-427)

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----- Forwarded by Gay Westfall/CA/KAIPERM on 03/16/2015 08:18 AM -----

From: Christopher N Comma/CA/KAIPERM  
To: Dennis L Dabney/CA/KAIPERM@kaiperm, Gay Westfall/CA/KAIPERM@kaiperm, Henry Diaz/CA/KAIPERM@kaiperm  
Date: 03/16/2015 08:16 AM  
Subject: Fwd: NUHW's acceptance of KP's last, best, and final offer as amended

CTRL-EM-150528-00600126

**From:** CN=Christopher N Comma/OU=CA/O=KAIPERM  
**Sent:** Monday, March 16, 2015 11:21 AM  
**To:** CN=Gregory A Adams/OU=CA/O=KAIPERM@Kaiperm; CN=Dennis L Dabney/OU=CA/O=KAIPERM@KAIPERM; CN=Connie Wilson/OU=CA/O=KAIPERM@KAIPERM; CN=Gay Westfall/OU=CA/O=KAIPERM@Kaiperm  
**Cc:** CN=Robert Spagat/OU=PO/O=KAIPERM@KAIPERM; CN=Henry Diaz/OU=CA/O=KAIPERM@KAIPERM  
**Subject:** Fw: CORRECTION Fw: OPT Bargaining Docs from 2/18/2015 -- electronic copies (Protected by Attorney Client Privilege)  
**Attach:** OPT Comprehensive Proposal 02172015 v2.pdf; OPT Comprehensive Proposal 02172015 v2.doc; ATTH2ZOX.doc; ATT522KL.doc; ATTPKZKT.doc; ATT2EON9.doc; EmbeddedImage0001.gif; EmbeddedImage0002.gif; EmbeddedImage0003.gif

---

Good Morning Greg, Dennis, Connie and Gay:

I placed a call to Ralph this morning to get clarification as to what exactly he is agreeing to. David Frizzell was with me as a witness. Ralph shared that he was accepting our comprehensive proposal including two of our proposals which he did respond to on 2/17/2015.

As a recap, we last met with the Optical unit for bargaining on 2/17/2015. During this session, we rejected several of their proposals which include:

Reduction in Force (EISA),  
Hours of Employment, Wages (however we did not remove retroactivity off of the table),  
Relief in Higher Classification,  
Longevity Differentials,  
Paid Leaves,  
A 'Me Too' with CNA on Insurance Benefits for active and post retiree medical benefits,  
A 'Me Too' with CNA pension, Union staff representatives and shop stewards (Re: The number of union stewards, Completion of Agreement (Zipper Clause), Pending grievances under the status quo agreement, Optical Incentive Plan We reached tentative agreements on Tuition Reimbursement and Corrective Action. Contract Specialist/Administrators  
Multiple Union Shop Stewards for a grievance for the purpose of training

Also, we provided two proposals which they never responded to but now are accepted by the NUHW

Appendix B- Adding the term "branch" to the heading Medical Office and deleted

*show again  
1/3 about  
that  
call*

**GC Exhibit # 54**

the location if Hayward and included the location San Leandro  
Side Letter- Optical Incentive Plan where the parties agree to meet and confer  
within 60 days of agreement to discuss

Of note are a couple of items that we should have a position on regarding what  
we proposed:

Although we contemplated removing retroactivity regarding the wages several  
times, we never did. Thus, if they accept the comprehensive proposal, they  
will do so with retroactivity still included. The proposal however, states: "As  
part of its last best and final offer, the employer offers a 3.0% ATB effective  
as of the 1st pay period after October 2012. The increase will be paid  
retroactive to that date. This increase is in place of and in lieu of any and  
all increases from any source whatsoever, including, without limitation, any  
provision of any agreement whether applicable or not."

Does this mean that we will pay a 3% retro each year going back to 2012  
for 2 1/2 years versus 3 years?

We did not accept their proposal to extend the duration of the contract to  
2018. Thus, duration in the comprehensive proposals that we have consistently  
put forward has been September 30, 2015.

Effects of the comprehensive:

Retroactive payments are included in the comprehensive proposal;  
NUHW accepts the KPSA model of benefits which we unilaterally implemented on  
1/1/15;  
NUHW accepts that New Hires are in the Defined Contribution Plan as of 1/1/15  
(EDC-.5% Employer Contribution);  
Increase years of service for service definition increases from 1800 hrs to  
2000 hrs (Effects KPEPP) for those hired prior to 1/1/15;  
We will have to begin bargaining again at the expiration of this CBA on 9/30/15;  
NUHW accepts that there are no more PSP bonus;  
NUHW accepts that there are no more contract specialists;  
NUHW accepts the waiver of pursuing any grievances under the status quo

The Upshot

If NUHW accepts this proposal, they may be angling for the following:

Accepting what they can now and seeking to renegotiate wages from 2015-2018 in  
exchange for duration of contract language;  
Use whatever is provided to the Coalition Unions in terms of ATBs as a base of

what they will ask for (they have been most concerned about the parity with the SEIU represented receptionists who are approximately paid 1.2% lower than Optical Dispensers).

Since they just received the PSP as part of the status quo, they would be willing to wait until the Optical Incentive Plan was actually negotiated.

Please let me know our position on the above areas as we will have to prepare and send him a comprehensive tentative agreement for ratification by his members.

Feel free to contact me if you have any additional questions.

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----- Forwarded by Christopher N Comma/CA/KAIPERM on 03/16/2015 10:15 AM -----

From: Sue D Thergesen/CA/KAIPERM  
To: David J Frizzell/CA/KAIPERM@KAIPERM, David Isaac/CA/KAIPERM@KAIPERM, Toni Scannell/CA/KAIPERM@KAIPERM  
Cc: Christopher N Comma/CA/KAIPERM@KAIPERM  
Date: 02/18/2015 10:17 AM  
Subject: CORRECTION Fw: OPT Bargaining Docs from 2/18/2015 -- electronic copies

One of the docs I originally sent was an old version -- corrected set of documents is below. To avoid problems with version control please discard my prior note. Thanks!

EMPLOYER DOCUMENTS

UNION DOCUMENT

CTRL-EM-150528-00617101

From: CN=Gregory A Adams/OU=CA/O=KAIPERM  
Sent: Wednesday, April 1, 2015 5:32 PM  
To: CN=Gerri H Ginsburg/OU=CA/O=KAIPERM@kaiperm  
Subject: Fwd: NUHW letter to members

---

Sent from my iPad

Begin forwarded message:

From: "Steve R French" <Steve.R.French@nsmtp.kp.org>  
Date: April 1, 2015 at 4:25:24 PM PDT  
To: "Connie Wilson" <Connie.Wilson@nsmtp.kp.org>  
Cc: "Maryjo Williams" <Maryjo.Williams@nsmtp.kp.org>, "Gregory A Adams" <Gregory.A.Adams@nsmtp.kp.org>, "Diane Ochoa" <Diane.Ochoa@nsmtp.kp.org>  
Subject: Fw: NUHW letter to members

Connie -

Here's a copy from one of our branch managers of NUHW's letter.

Steve

Hello Joe and Jeff,

Here is the letter that NUHW sent out to their members. I am not sure if we have a rebuttal to this but I can tell you that even the employee's that are not pro NUHW are upset.

Since December of 2012, Kaiser's offer to the Optical bargaining unit has consistently included retroactive wage increases. Kaiser's last, best, and final offer of February 17, 2015, also included retroactive wage increases. On March 14, the Optical bargaining committee accepted that offer and formally notified Kaiser to that effect. In a vote held afterward, our members overwhelmingly endorsed the bargaining committee's decision: 256 ballots in favor, 12 against, and 1 voided ballot.

Now Kaiser wants to change that offer. WE SAY TOO LATE!

On March 27, Kaiser management, in the person of Dennis Dabney (Human Resources), sent NUHW a letter saying that it would not recognize the final offer it had negotiated with our Optical bargaining committee and wanted to continue bargaining, saying "we are very close." Mr. Dabney, who has never attended an Optical bargaining session, decided to illegally change the offer that had been on the table for two years, even after much of it had already been implemented on January 1, 2015.

CTRL-EM-150528-00205472

KP000003

GC Exhibit # 55

Mr. Dabney, who is also the senior vice president of the Office of the Labor Management Partnership, is most interested in protecting the interests of Kaiser's partner, SEIU, and is willing to undertake this illegal move to prove it. NUHW has filed an Unfair Labor Practice charge and we expect that Kaiser's unethical, anti-union action will be overturned by the National Labor Relations Board. We expect that the NLRB will award back pay with interest as it did for our members in Southern California.

NUHW and Kaiser have been in sidebar — off-the-record discussions — in regard to the IBHS bargaining unit, not Optical. We began these discussions with the approval of the bargaining committees and stewards of IBHS, Psych-Social, Optical, and the Health Care Professionals. Two NUHW bargaining committee members, one each from Northern and Southern California, accompanied NUHW representatives to these sidebar discussions. These were not bargaining sessions; they were a method of exploring how we could find a path toward settlement for IBHS. If we were able to do this we would then go back to the official bargaining tables and attempt to reach an agreement for all of the bargaining units.

On March 14, the Optical unit decided to accept Kaiser's offer. Two weeks later, when it became clear that the IBHS sidebar discussions were not making substantive headway, Mr. Dabney, as a means of punishment, announced that he was changing the proposal for Optical — in the middle of our Optical members' endorsement vote. Dabney claims that Kaiser's proposal was submitted "in error" — a ludicrous claim considering that the offer, which included retroactive wage increases, had remained consistent and unchanged since December of 2012.

It is our hope that, instead of going through the legal process, Kaiser will come to its senses and give Optical workers the contract that they accepted March 14.

Please do not hesitate to contact one of us with any questions you may have.

The Optical Bargaining Committee:

Gloria Villasenor  
Sonia Askew  
Sonia Minor  
Daniel Torres  
Elvia Plata  
Toni Gianti  
Otto Pimentel  
Michael Nelson

Sam Page, NUHW Organizer, (707) 601-1886, [spage@nuhw.org](mailto:spage@nuhw.org)  
Greg Tegenkamp, NUHW Organizer (415) 640-0648, [gtegenkamp@nuhw.org](mailto:gtegenkamp@nuhw.org)  
Ralph, NUHW Chief Spokesperson for Kaiser Optical, [rcornejo@nuhw.org](mailto:rcornejo@nuhw.org)

Jay Piazza  
Kaiser Permanente  
Sr. Branch Manager  
Oakland-Richmond Optical Services  
Oakland (510) 752-6197  
Fax (510) 752-1966  
Richmond (510) 307-1931

CTRL-EM-150528-00205472

KP000004



**From:** CN=Sue D Thergesen/OU=CA/O=KAIPERM  
**Sent:** Thursday, February 5, 2015 2:14 PM  
**To:** CN=Christopher N Comma/OU=CA/O=KAIPERM@KAIPERM  
**Subject:** Re: NUHW (IBHS and Optical)

---

Another question -- what about duration ... are we sticking with 10/1/2012 through 9/30/2015 or do you want to modify that?

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**From:** Christopher N Comma/CA/KAIPERM  
**To:** Sue D Thergesen/CA/KAIPERM@kaiperm  
**Date:** 02/05/2015 01:30 PM  
**Subject:** Re: NUHW (IBHS and Optical)

Yes ma'am.

Sent from my iPad

On Feb 5, 2015, at 1:23 PM, Sue D Thergesen <Sue.D.Thergesen@nsmtp.kp.org> wrote:

Hi, Christopher ... re Optical -- in addition to rejecting their wage proposal do you want me to modify our proposal to take retro off the table?

<0.166.jpg>

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Christopher N Comma---02/04/2015 04:49:54 PM---Good Afternoon Sue: A) Optical

**From:** Christopher N Comma/CA/KAIPERM  
**To:** Sue D Thergesen/CA/KAIPERM@kaiperm  
**Date:** 02/04/2015 04:49 PM  
**Subject:** NUHW (IBHS and Optical)

CTRL-EM-150528-00591921

KP000007

**GC Exhibit # 29**

Good Afternoon Sue:

A) Optical

Can you start preparing a comprehensive proposal which rejects Optical's counter proposal regarding benefits, wage proposals, Optical Incentive Program, EISA, Contract Administrator, Tuition Reimbursement and term of the contract but proposes the corrective action counter which we agreed to at IBHS. We will also propose a side letter agreement with the language Bob sent us and reference that employees will be eligible to participate in the Tuition Reimbursement Program.

B) IBHS

Can you also preparing a comprehensive counter proposal which rejects IBHS' counter proposals regarding benefits, length of the contract, their schedule management, professional practice committee and EISA type language? We should leave a placeholder for wages as this work is underway.

Thank you in advance.

Sent from my iPad

CTRL-EM-150528-00591921

KP000008

**From:** CN=Steve R French/OU=PO/O=KAIPERM  
**Sent:** Friday, February 13, 2015 5:53 PM  
**To:** CN=Jerry Bajada/OU=CA/O=KAIPERM@KAIPERM; CN=Connie Wilson/OU=CA/O=KAIPERM@KAIPERM  
**Cc:** CN=Maryjo Williams/OU=CA/O=KAIPERM@KAIPERM; CN=Diane Ochoa/OU=CA/O=KAIPERM@KAIPERM; CN=Joe Yuson/OU=CA/O=KAIPERM@KAIPERM; CN=Christopher N Comma/OU=CA/O=KAIPERM@KAIPERM  
**Subject:** rationale for NUHW optical ATB  
**Attach:** CBA optical rationale for ATB 2-13-2015.docx

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Jerry and Connie -

Here's our summary (Joe, Diane, and I) on why we believe it's time to get a contract and include ATBs plus a non-bargained incentive plan. We have strong momentum now, especially after a very successful strike week and CNA's ratification. We hope to receive a clear summary from LR on why the retirement plan we've already implemented is fair and a good one, as part of the overall bargaining strategy.

We resume optical bargaining on Tues 2/17, where we will respond to NUHW's counter offer that we received in late December. We have a 4:30 pm debrief with you both on 2/17.

I'm copying Christopher, since we've outlined a high-level summary of these points with him on a call this week.

I'm happy to clarify any questions on the attached summary.

thanks,  
Steve

NOTICE TO RECIPIENT: If you are not the intended recipient of this e-mail, you are prohibited from sharing, copying, or otherwise using or disclosing its contents. If you have received this e-mail in error, please notify the sender immediately by reply e-mail and permanently delete this e-mail and any attachments without reading, forwarding or saving them. Thank you.

Confidential

**GC Exhibit # 33**

KP000063

NCC  
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G. White +

## Rationale for getting closure on NHUW optical contract and ATB increases

### Summary

We believe the time is right to close with NHUW and offer a fair/equitable financial package to our workers, who help contribute \$20M+ annually in net income to KP. We believe we should offer the following:

- 1) no changes to active medical, retirement medical, and pension benefits already implemented
- 2) ATB of 2.5%/2.5%/2.5% for contract years 2015-2017
- 3) A ratification bonus of \$2K per NHUW employee to partially compensate Optical Workers for not receiving wage increases for 3+ years, but still be far less than paying a full retrospective payment.
- 4) non-bargained Optical Workers incentive program base on optical-specific line of sight metrics to be paid twice annually and will help us get higher-level performance through a meaningful incentive program

### Rationale

1. Our approx. 366 NUHW optical workers have not received a base pay increase since 9/25/2011. To our knowledge, no other union has been frozen on wages for that long. After 3+ years, not offering a wage increase appears punitive and does not represent the spirit of KP or its leadership, which is to foster positive relationships with our workers. They remain KP's workers, not employees of NUHW.
2. Receiving no wage increase for 3+ years and having no contract have contributed to low morale, as shown through a couple years low People Pulse response rates and scores, flattening of sales and revenue/sale in many locations, and other outcomes such as low flu shot compliance rates as NUHW union reps have actively worked against these and other organizational priorities.
3. The average wage for an optical dispenser is \$26.56/hour (\$55k/annually). A 2.5% annual wage increase represents a \$0.66/hr increase (\$5.31 a day/or \$1,327/year). As a sales person, an optical dispenser can generate the amount of this wage increase by selling a bottle of cleaner to one KP patient per day, or 15-20X the incremental daily wage by selling an additive Anti-reflective glare (AR) coating to one KP patient.
4. Our optical business annually generates \$105M+ in revenue and \$20M+ in operating income a year for KP. Optical is the only experience many members have in KP. Optical/optometry alone can provide the \$12K visit. Our opticians/lab workers are a crucial part of this equation.
5. With high coalition raises over time, wages for our SEIU/L29 receptionists are very close or actually above our optical dispensers. (see Table 1 below).
6. **Market Data limitations:** KP pays our opticians very well in relation to outside optical workers. We have very low turnover. KP has very good benefits. Many want to work here. Just as the case is with non-optical workers. While both KP market wage surveys done in 2011 and in late 2014 show that our workers are above market on wages, with reportedly 22.4% paid over market in the most recent study, these data do not accurately represent the payment landscape for the following reasons:
  - the most recent study does not consider unionized workers. VSP is a competitor and has a union shop (teamsters) in Sac. They were contacted and did not divulge their data. Certain providers of optical services are unionized (eg, some Costco opticals, not all) but most are non-union (eg, lenscrafters, private ODs/optical stores/walmart, etc). Years ago, KP decided to allow a very high percent of labor categories be represented, and union representation almost always means higher wages across the board compared non-union positions.
  - many outside non-union opticians have sales commissions that are directly related to sales performance, and likely more robust than our incentives, which are based on certain org goals unrelated to our opticians' work. The market study did not evaluate wage plus commission pay.
  - The training/experience of opticians in outside optical providers is variable, ranging from non-optical sales clerks/"consultants" to certified opticians. We employ highly-skilled opticians, with a high percentage of them holding American Board of Opticianry (ABO) credentials. Our optical staff perform a wide range of duties, from simple to complex repairs to complex measurements related to an individual's prescription in the frame/lens selection

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Confidential

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# Rationale for getting closure on NHUW optical contract and ATB increases

- process. All of our opticians are trained in these functions. Not all outside opticians can perform these functions. In addition, our opticians serve an important quality role as they perform their duties within an integrated healthcare system.
- Our contact lens fitters have an additional certification (National Contact Lens Examination - NCLE) that creates a higher standard for them in their role. Outside of KP, Optometrists (ODs) normally do contact lens (CL) fits. ODs are paid well above our CL fitters, and therefore KP saves wage expense by having opticians leverage Contact Lens Fitters to perform CL fits.

Table 1

## Pay Rates Comparison between Optical and Cashier/Receptionist

Data Effective as of 1/24/15

JobTitle	JobCode	# of EE's	Avg Hourly Rate	% Pay Difference from ff jobs				Annual FTE Salary
				Cashier Receptionist	Cashier G4	Sr Cashier Receptionist		
Optical Dispenser Apprentice	063350	4	\$23.16	-11.2%	-14.3%	-16.2%		\$48,170.56
Optical Dispenser	033312	199	\$26.56	1.8%	-1.7%	-3.9%		\$55,247.25
Lead Optical Dispenser	033323	27	\$29.30	12.3%	8.4%	6.1%		\$60,952.72
Contact Lens Fitter	033352	24	\$32.76	25.6%	21.2%	18.6%		\$68,142.87
Grand Total		254	\$27.38	5.0%	1.3%	-0.9%		

JobTitle	JobCode	# of EE's	Avg Hourly Rate	Annual FTE Avg Salary	Rate of Most Populated Step		Rate of Most Populated Step		# of EE's in Most Populated Step	% of EE's in Most Populated Step
					Step	Step	Step	Step		
Cashier Receptionist	051502	2,012	\$26.09	\$54,258	Step 6, 01B1		\$26.51	1.153	57.3%	
Cashier Receptionist G4	050326	83	\$27.03	\$56,217	Step 6, 04B1		\$27.31	47	56.6%	
Sr Cashier Receptionist	051503	39	\$27.63	\$57,465	Step 6, 01B1		\$27.84	24	61.5%	
Grand Total		2,134	\$26.15	\$54,392.63				1,224	57.4%	

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Confidential

KP0000065

CTRL-EM-150528-00593986

**From:** CN=Dennis L Dabney/OU=CA/O=KAIPERM  
**Sent:** Monday, February 16, 2015 8:51 PM  
**To:** CN=Christopher N Comma/OU=CA/O=KAIPERM@kaiperm  
**Cc:** CN=Henry Diaz/OU=CA/O=KAIPERM@kaiperm; CN=Gay Westfall/OU=CA/O=KAIPERM@kaiperm; CN=Robert Spagat/OU=PO/O=KAIPERM@kaiperm  
**Subject:** Re: Summary of the plan with Optical (confidential)

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I am not sure if I am fine with your approach. Did you discuss with Spagat whether we need to remove retro from table ? What does that do? What are their December proposals and what has taken us so long to reject? I thought we were just going to see if Ralph had proposals to make.

Sent from my iPhone

> On Feb 16, 2015, at 2:58 PM, "Christopher N Comma"  
<Christopher.N.Comma@nsmtp.kp.org> wrote:  
>  
> Good Day:  
>  
> My plan tomorrow with mediator will be pretty straight forward:  
>  
> 1) Share and remind the mediator that we have already implemented our  
benefits,  
> 2) And share we are prepared to reject their counters which they gave us on  
12/14 and we discussed in 1/6 (I am also taking retro off of the table, which  
was offered as a previous proposal in 2013)  
>  
> If he raises ATBs, I will share:  
>  
> 1) There is a 1.1% turnover rate for the bargaining unit;  
> 2) Our contact lens fitters and the optical dispensers are paid 24-45% over  
market  
>  
> Areas we can move on:  
>  
> 1) We can adopt the corrective action process we agreed to for IBHS  
> 2) We can counter with an Optical Incentive Plan which would be a side letter  
only with a sunset clause (it basically says the parties will meet and confer  
within 60 days of ratification to discuss)  
>  
> Other than this, it should be a pretty short day if Ralph doesn't provide  
indication that he is willing to accept the benefits that we implemented. If he  
doesn't move, then the next meeting provides us with options to bring this to a

**GC Exhibit # 40**

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close.

>

> Are you fine with this approach?

>

> Sent from my iPad

**From:** CN=Christopher N Comma/OU=CA/O=KAIPERM  
**Sent:** Tuesday, February 17, 2015 8:32 AM  
**To:** CN=Sue D Thergesen/OU=CA/O=KAIPERM@kaiperm  
**Subject:** Fwd: Summary of the plan with Optical (confidential)

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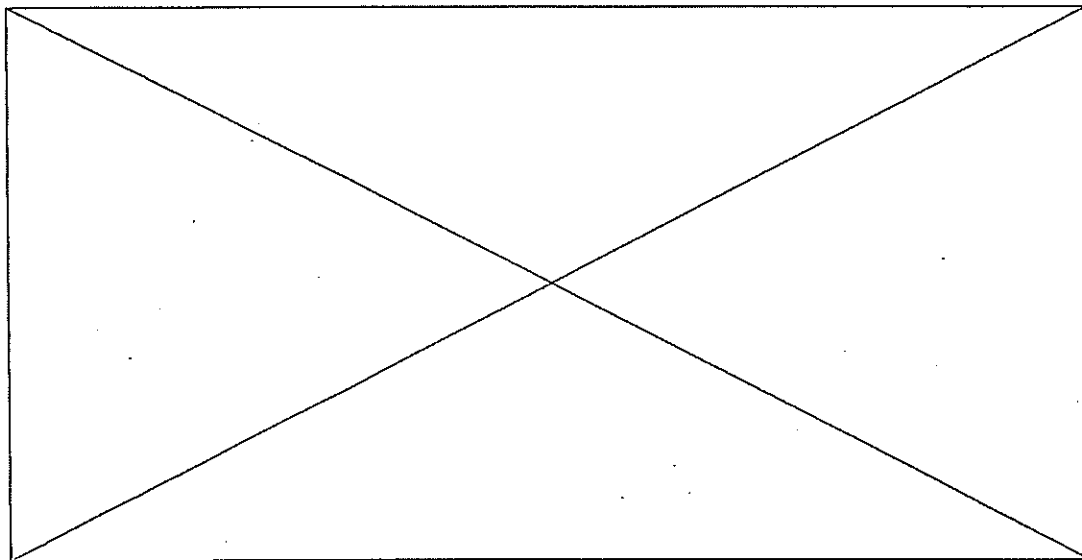
Good Morning Sue:

There is now some concern about removing retro from our previous proposals so we will have to leave our proposal as it was. Can we make the change in time?

Sent from my iPhone

Begin forwarded message:

From: "Christopher N Comma" <Christopher.N.Comma@nsmtp.kp.org>  
Date: February 17, 2015 at 8:29:27 AM PST  
To: "Dennis L Dabney" <Dennis.L.Dabney@nsmtp.kp.org>  
Cc: "Henry Diaz" <Henry.Diaz@nsmtp.kp.org>, "Gay Westfall" <Gay.Westfall@nsmtp.kp.org>, "Robert Spagat" <Robert.Spagat@nsmtp.kp.org>  
Subject: Re: Summary of the plan with Optical (confidential)



>> On Feb 16, 2015, at 2:58 PM, "Christopher N Comma"  
<Christopher.N.Comma@nsmtp.kp.org> wrote:  
>>