



# NUHW NEWS AND VIEWS

Kaiser Permanente – Optical Chapter

DECEMBER 2017

## DID YOU KNOW? IMPROVEMENTS IN BENEFITS

Thanks to the new contract we negotiated last year, effective January 1, 2018, all Optical members will see improvements to our benefits. Our dental coverage will increase to \$1,500 (P. 36, Section 4 in our contract). Optical members will also see their employer-provided life insurance increase from \$5,000 to \$50,000, with an additional \$5,000 coverage for death and dismemberment.

## 2017 YEAR IN REVIEW

At the November Optical Stewards Council meeting, we reflected on the chapter's successes and challenges since we ratified our contract last year. While the challenges are many — including the need to organize more members to build our union and get involved in politics, so that we can make life better at work and at home — we have much to celebrate as a chapter and as a union.

Our new contract secured significant wage increases and improvements to benefits. We now have six steward meetings a year, instead of the one meeting that Kaiser management tried to push on us. We have recruited more stewards in the branches and won some important grievances, as we have shared in this newsletter. Our members have endured and stepped up to bad managers and stuck together as a team in their branches. Most important, we have gained confidence that when we stand up for each other in this way, we can win respect and improve our lives.

## FRESNO NUHW MEMBERS WEAR UNION T-SHIRTS IN SOLIDARITY

“Don’t you need to cover that union t-shirt up with a lab coat?” The answer is no.

Despite opposition from management, NUHW members in Fresno stood together and proudly wore their union t-shirts.

On October 19, a group of NUHW t-shirt-wearing members in Fresno greeted three managers who came to their branch for a customer service training. A manager asked if staff was allowed to wear union shirts without their lab coats over them, and pressed, “Isn’t this Kaiser policy?”



Our longtime steward Elvia Plata informed the manager that there is no Kaiser policy that prevents staff from wearing their union t-shirts. None of the managers was able to produce a policy document or an argument as to why NUHW staff could not wear them.

The idea to collectively wear their t-shirts came the day before the training, when members wore the shirts as part of their regular “NUHW Red Day” and thought, “Wouldn’t it be cool if we wore the t-shirts the next day when managers came to the branch?” After a thoughtful discussion, the majority of members in Fresno agreed that they would wear their shirt for two days in a row to demonstrate unity and strength when managers from Richmond came to deliver the training.

“I wanted to remind the managers that we can make things happen together as a union,” said Plata. “When you know your rights, you don’t have to feel intimidated. You don’t have to suffer empty threats from management if they claim you can’t do something because it is against Kaiser policy, when often no such policy exists.”

Another member added, “We’re only as strong as our weakest link. And discussion and democratic decision-making is key.”

When we know our rights and act collectively, we don’t need to fear negative ramifications.

## OUR GRIEVANCE VICTORIES

*Below are snapshots of three grievances that we recently won.*

### “Lead” designation cannot be removed without just cause and progressive discipline

Although our contract allows the union to have “input” only into who is hired as a Lead Optician — something we know needs to change — we recently won a grievance that originated at the Lincoln branch against management’s decision to remove the Lead without just cause or progressive discipline.

No manager can demote any of our members from a Lead position before first going through the corrective action process (Article XXII, pp. 46-49 in our contract) to address any problems management might have with work performance. Management argued they have the right to do whatever they want when it comes to hiring or demoting Leads. However, Kaiser’s Labor Relations sided with our argument on this grievance.

The employer needs to go through each step of the corrective action process (following progressive discipline) and must have just cause to impose corrective action. Just cause means that the employer must have evidence that an employee actually violated a clear rule or policy, and that such a violation was fairly investigated.

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## OUR GRIEVANCE VICTORIES

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### Arbitration victory results in member getting her job back

A member who was terminated over a year ago recently returned to work at the Richmond Optical Lab as a result of an arbitrator's decision. Labor arbitration is the final step of our grievance process where a neutral third-party arbitrator — similar to a judge — hears the union's grievance. In any discipline case, the employer has the burden to prove it had just cause to issue discipline. Similar to a court proceeding, both the employer and the union present evidence, call witnesses, and make their cases. The arbitrator then makes a determination based on the evidence presented, similar past cases, and rules of law.

In this instance, the arbitrator found the member did commit a violation of Kaiser policy, but that management did not follow its own policy to determine the appropriate level of discipline for the alleged infraction, nor did it follow the proper steps of the corrective action process outlined in our contract. As a result, the arbitrator found in our favor and ordered that the member be reinstated.

### Steward compels management to reverse corrective action.

Management issued a Level 4, "Last Chance Agreement," in June to a member for attendance-related issues. The union believed the level of corrective action was unwarranted because the employee had improved her attendance and because the employer lumped her attendance issue in with a separate, more serious, issue (one she already had been disciplined for) to justify skipping a step in the corrective action process. Management also did not follow its own attendance guidelines by failing to review ongoing attendance issues with the member on a monthly basis. Through the grievance process, the union was able to reduce the discipline to Level 3.

"You cannot skip steps in the corrective action process for performance-based issues, like attendance. And it is the manager's responsibility to meet monthly to address attendance issues," said steward Demeka Hudson, who represented the member on this grievance.

Even if there is a legitimate performance issue, management is responsible to follow the process agreed to in our contract, and when they don't, it is our responsibility to hold them accountable.

## REACHING HIGHER IN THE NEW YEAR

Four Optical stewards joined more than 350 NUHW shop stewards and activists throughout California at the annual NUHW Leadership Conference in Anaheim October 21 and 22.

Stewards reviewed our progress from the past year and set goals for the coming year. We attended plenary sessions and workshops in English and Spanish on subjects ranging from steward trainings and political organizing to immigrant rights. And we shared strategies and learned from each other so that we can continue to build power and improve our working conditions when we return to our facilities.

NUHW also sponsored the first 2018 governor candidate forum at our conference, featuring the top four Democratic candidates on stage together for the first time — Lieutenant Governor Gavin Newsom, State Treasurer John Chiang, former Los Angeles Mayor Antonio Villaraigosa, and former State Superintendent of Public Instruction Delaine Eastin. The Democratic contenders outlined their positions on healthcare, immigration, workers' rights, and affordable housing. After the forum, our stewards voted to endorse Gavin Newsom in the 2018 California governor's race.



Stewards voted to endorse Gavin Newsom for governor.



The four leading Democratic contenders debated at the NUHW-sponsored candidate forum in Anaheim.

Specifically for the Optical chapter, we discussed the following goals.

First, we are committed to improve communication with members, starting from this newsletter to one-on-one conversations, email, and texting. We will also be holding more local union meetings at your shop and service areas. Our goal is to share with members about how together we're building a strong, member-run union and are working to improve working conditions. We know the key to winning more control on the job is bringing people together and showing up for each other in concrete ways.

Our second goal is to improve our participation in politics and increase our contribution to NUHW's Committee on Political Action (COPE). Because we know that the government heavily funds and regulates the healthcare industry — whatever we win at the bargaining table could potentially be undermined by government action — we are committed to getting more members engaged in our union's political work. By being regular contributors to COPE, we can help elect pro-worker and pro-patient leaders who could help us win strong contracts and higher standards. We also interview and endorse candidates who would support our fight.

When we show up for each other and fight together, we win. And when we negotiate our contract in 2019, we are going to win back the defined benefit pension for everyone hired after 2015; we're going to make major improvements to our healthcare; and we're going to get language in our contract that improves staffing at the branches and in the lab—making sure that management must hire more full-time, 40-hour positions.

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