



Kaiser IBHS Contract Campaign Update

March 13, 2020

We are amidst a growing pandemic that is affecting every area of our lives. Healthcare workers are in a particularly challenging situation, charged with meeting an increased demand for healthcare services (including mental health services) while at the same time facing a greater risk of exposure to COVID-19. With our history of patient advocacy, we recognize the importance of addressing the needs of patients. However, as a union consisting of healthcare workers, we also have a responsibility to ensure healthcare institutions like Kaiser Permanente protect the health and safety of NUHW members.

Protecting the Health and Safety of NUHW Members

KP's initial planning around COVID-19 focused on the in-patient and primary care settings. We quickly reminded them that they need to put protocols in place in every setting where they have employees. Whether working as an in-patient dietitian, a medical social worker in a dialysis unit, an addiction medicine counselor, a home health social worker, a health educator or a therapist in psychiatry, every employee needs to be adequately trained in basic safety precautions and the proper use of personal protective equipment (PPE). So far, we have received assurances from Kaiser that all Home Health personnel have received or will receive more extensive training in the use of PPE.

Today, we formally requested that Kaiser and every healthcare provider that employs NUHW members work with us and local officials to dramatically increase the production of COVID-19 test kits and expand their availability. Not only is it critical that healthcare workers are healthy enough to do their jobs, it's absolutely essential that they do not unintentionally put their patients at risk either because they didn't know that they have been infected or because they could not afford to stay home sick. That is why we are requesting that as soon as it is practical, Kaiser and other employers commit to testing caregivers for COVID-19 upon request.

We are also pursuing these additional measures:

- We have asked KP executives to make sure all departments in out-patient settings have protocols in place to screen patients before giving them in-person appointments.
- To reduce exposure for our members, we are temporarily allowing a more robust use of telephone appointments in Psychiatry and Addiction Medicine. However, we have made it clear that all telephone appointments in the clinics need to be the same duration as in-person appointments and telephone appointments for new patients should be offered only to those who have been screened and who have symptoms, who are known to have been exposed to COVID-19 or who specifically request a phone appointment. As always, we have insisted that the use of telephone appointments, particularly for intakes, is based on the clinical judgment of the provider.
- We have also requested that Kaiser expand the use of telephone and video consults in the hospital and ER.

National Leadership Meetings with Labor

Kaiser Permanente has been more proactive than other healthcare employers in putting together a comprehensive plan to address the impacts of the Covid-19 outbreak. Being in a rapid response mode, they did not initially seek input from labor in developing their plan. However, they have instituted leadership meetings with labor that are now occurring on a bi-weekly basis. While mostly information sharing, these meetings have also provided a forum for labor to raise issues, express concerns and ask hard questions. The Kaiser executives in these meetings really do have the best intentions, but they constantly have to be reminded that it's better to get upfront involvement from the people doing the work and that plans made at the top are often ignored or bungled by management at the local level.

In other words, we cannot rely on good intentions. We encourage all members to use their local forums, such as staff meetings or LPPC meetings, to raise issues and concerns with management and engage in problem solving whenever feasible. If issues aren't addressed at the local level, let your steward and/or NUHW staff organizer know, and they can raise the concern at a service area level. Depending on the scope of an issue, we may also raise it at a regional or national level.

School and Daycare Closures

Kaiser managers are receiving guidance on dealing with requests for time off due to school or daycare closures that includes the following:

- Considering accommodations such as adjusting working hours, swapping shifts or working from home.
- Authorizing the use of 40 hours of PTO, which would be considered "protected time" under California law.
- In addition to the 40 hours, employees may be able to use a portion of their sick leave as "Kin care" under California law, if their child is ill, in quarantine or has been potentially exposed to COVID-19.

We will continue pushing for Kaiser to take measures that do not punish workers for having to care for their children.

Kaiser Permanente Policy on Exposure to COVID-19.

In February, KP implemented a nation-wide policy addressing paid time off issues related to the COVID-19 pandemic. This policy states that any employee placed in quarantine, regardless of the source of exposure, would receive paid administrative time for the 14 day incubation period. An employee who subsequently contacts the disease would then have to use PTO and/or ESL for the period of illness, supplemented by State disability if the exposure was outside of work and supplemented by Worker's compensation if the exposure was at work. On March 11, KP revised this policy and now is only going to pay for the quarantine period if the employee was exposed at work. NUHW challenged this change and representatives from other labor unions supported our position. As a result, KP executives said they would reconsider. They also noted that the issue may soon be moot, as the CDC and public health agencies are no longer recommending isolation as a strategy to curtail the spread of the disease.

Attendance Guidelines in General.

In the National Leadership meetings, NUHW and other unions have been pushing Kaiser to relax their attendance guidelines during the COVID-19 crisis. So far Kaiser's response has been non-committal. However, keep in mind that the contracts for each of our bargaining units have provisions related to time off as well as clear corrective action/discipline language that require management to follow numerous steps before they can discipline NUHW members for attendance issues. In one of our facilities, earlier this week, management told employees that if they were out of PTO, they could not take any time off work unless their absence was covered by the federal Family and Medical Leave Act and if they did, they would be disciplined. When we brought this issue to the attention of the national leadership team, KP responded that this was "an error" and has addressed it with the local managers.

As the COVID-19 landscape is rapidly changing, we will continue to be engaged with Kaiser to ensure all NUHW members are protected. We will keep you updated on future developments.

In Unity,

Sal Rosselli
President, National Union of Healthcare Workers