

NUHW-IBHS STRIKE Q&A: THE BASICS

Why are we striking?

Over 2,000 NUHW-represented Kaiser Permanente workers are going on strike in solidarity with the Stationary Engineers to protest Kaiser's refusal to bargain in good faith toward fair contracts. The engineers have stuck with us multiple times. Several other unions, including the California Nurses Association, are also moving forward with one-day solidarity strikes this week for the engineers, who have been on strike since September. Our one-day strike is a solidarity action, but it's also an important demonstration of our unity and commitment to winning a good contract that increases staffing and improves access to care. It is an opportunity to stand up for our patients, who are being denied timely mental health care and often have to wait six weeks or more to be treated.

When will we strike and for how long?

We are striking for one day starting at 6 a.m. on Friday, November 19 and ending Saturday, November 20 at 6 a.m. If you work an overnight shift or are on-call on Thursday night, you may walk off the job and stop working calls at 6 AM. Similarly, you should "report to work" and start taking calls at 6 AM on Saturday.

What if the Engineers cancel their strike?

Should the engineers reach an agreement with Kaiser before Friday, we would cancel our strike. You would then be required to report to work, unless you are sick or on pre-planned time off. Stay tuned for further updates as we wait to see if the Engineers settle their contract this week. If the Engineers settle their contracts, we will cancel our solidarity strike, as will CNA and other unions.

Why is it important I participate in the strike?

The Engineers have always stood with us and it's our turn to stand with them. For all of us to change Kaiser's position at the bargaining table, we must demonstrate to Kaiser our commitment and unity. This means joining our co-workers on the picket line. Solid participation shows Kaiser, the media, and the public that we are united to achieve our goals.

Is there a strike fund to help workers on strike?

NUHW has a strike fund, but only enough to cover the direct costs of organizing and conducting the strike. Some clinics have created hardship funds and others are encouraged to do so.

OUR LEGAL RIGHTS

Can I be fired or disciplined for striking?

NO. It is illegal for employers to retaliate against employees for exercising the right to engage in concerted, protected activities under the NLRA.

Can I strike if I'm still in my probationary period?

YES. You have the same rights and protections under federal law as any other employee in the union. Probationary employees who engage in protected activities are equally protected from termination because the employer would still have to demonstrate a non-retaliatory cause.

Can I use PTO for the day of the strike?

If you have already been approved for PTO, then KP management cannot rescind it. It will be at KP management's discretion to approve any additional PTO request, otherwise all work days missed to support the strike are unpaid. Remember that sick time can only be used for legitimate medical uses and that

employers typically deny use of PTO on strike days. If you are really sick, you should call in sick as you normally do. You should plan to get a note from your doctor for the day.

Can I join the picket lines on my personal time or a leave of absence?

YES. There is no restriction on joining the picket line to support your coworkers on your day off, while on vacation or on a leave of absence, before or after work, or during an UNPAID meal period. If you are on medical leave, your participation or conduct on the picket line should not conflict with any physician's restrictions related to the reason for your leave.

What are my rights if I choose to strike in solidarity with the engineers for longer than our one-day strike?

While we have not, as a union, officially given a 10-day notice for any day but Friday, federal law, upheld by the United States Supreme Court, gives all employees the right, as a matter of conscience, to honor a strike. Employees represented by NUHW who make an individual decision to honor picket lines will be engaged in a lawful "sympathy strike" with Engineers. The right to engage in a sympathy strike – meaning the right to strike and the right to honor picket lines for the purpose of supporting the cause of workers represented by a different union – is a right protected under Section 7 of the National Labor Relations Act, 29 USC §157. *Children's Hospital of Oakland v. California Nurses Association*, 283 F.3d 1188 (9th Cir. 2002). Federal labor laws "guarantee workers and unions the right to engage in a sympathy strike, i.e., to refuse to cross the picket line of another bargaining unit that is on strike against its employer." *Standard Concrete Products, Inc. v. General Truck Drivers, Office, Food and Warehouse Union*, 353 F.3d 668 (9th Cir. 2003).

I'm an intern or post-doc, can I honor the strike?

Post-docs and interns are employees and have the same rights as other employees, including, as a matter of conscience, the right to honor a lawfully established picket line. Post-docs and interns who choose to honor the strike should make sure to inform management beforehand, in the same manner as reporting any other type of absence.

I'm concerned about retaliation. What protections do I have?

You cannot be disciplined for participating in the strike, nor is it lawful for management to attempt to coerce you by, for example, claiming that your patients will suffer if you strike. It is unlawful for management to threaten to discipline you for exercising your legal right to strike. If you feel you are being harassed or threatened, contact your NUHW representative.

PATIENTS AND SCHEDULING

How can we ensure our patients are cared for?

Going on strike to force Kaiser to adequately staff may be the best way to take care of patients in the long term. In the short term, it is management's job to figure out how to care for patients while we are on strike. The Union is required by law to give 10 days notice of a strike to allow the employer time to arrange proper care for patients. You may wish to provide a list to your manager of urgent or high-risk patients who require attention and care during the strike and/or who should not have their appointments cancelled (for example, patients with acute conditions, etc.). You may instead wish to document to your manager that all of your patients need to be assessed for safety and offered support, prior to having their appointment cancelled, and that you cannot predict who may be in crisis at the time of their scheduled appointments.

Can I discuss the strike with my patients?

At your discretion, you may inform your patients that you will not be at work and why. Do not lobby or pressure them in any way to support the strike. You may provide brief factual answers in response

to patient questions regarding the strike, the issues, or how patients can help, but be careful to avoid soliciting support.

Do I have to personally notify my manager that I won't be coming to work?

NO. NUHW's delivery of the legal 10-day notice will inform Kaiser that all NUHW members will not be reporting to work on Friday, November 19.. There is NO requirement for individual employees to inform management of their intent to participate in our strike. You are also not required to document your intent to strike on your timecard. You can simply complete your timecard with your usual working hours, and it can be amended later.

What if my manager asks me if I'm coming to work?

You are NOT obligated to respond to any questions, emails or surveys from management about whether or not you will be going out on strike. You can let your manager know that it is unlawful to question you about your intentions or discourage you from participating in a strike. Or you can simply say, "I don't know" or "I will stand with my co-workers." If a manager tries to coerce or intimidate you in any way, document it and notify your NUHW steward or organizer.

I'm being pressured by my supervisor to work on the strike day. What should I do?

You should not be pressured, made to feel guilty or retaliated against in any way for honoring any union's strike lines. Management has been aware of this strike and has known of its responsibility to plan for the strike and the possibility that other workers will honor the strike in solidarity.

Do I have to reschedule my appointments or set away messages?

Remember that this is a work stoppage and not a vacation. You are not required to rebook any patients scheduled during the week of the strike, nor are you required to set away messages on KPHC, Outlook, or voicemail. You do not have to do anything to make it easier for Kaiser during the strike, outside of what you feel is ethically necessary.

ADDITIONAL INFORMATION & TIPS FOR THE PICKET LINE

Will there be food and drink?

At each picket line location, we will be providing coffee and some carbohydrate-type food (donuts, bagels, pastries) in the morning, snacks and water throughout the day, and lunch around noon (with vegetarian options). If you have special dietary needs, you may prefer to bring your own food.

What should I wear and what should I bring?

We suggest wearing layers so you are prepared for the varying temperatures and wind you might experience during the day. And wear as much red as your wardrobe allows, along with comfortable walking shoes. Bring a hat for protection from the sun. We will have NUHW t-shirts available at the beginning of the day until we run out. We also have plenty of ponchos in the event of rain. Bring whistles, cowbells, speakers, playlists, drums, songs, or other noisemakers if you wish. You may also wish to bring a folding chair or camp chair.

What about COVID Safety?

We ask that anyone who has any symptoms or recent exposures not to show up to the strike lines.

While there are no mask mandates for outdoor masking in most of the counties where we will have picket lines, masking is still required at healthcare facilities. Since the pickets will be on the campuses of medical facilities, and in line with CDC recommendations on masking in crowded outdoor situations, we ask that everyone wear their masks on the picket line except when people are eating or drinking -- ideally eating and drinking with a bit of social distance.

We will have extra masks and hand sanitizer available and will ask that everyone use hand sanitizer before touching any food, coffee, or items on any table.

Can I post on social media?

Yes! Check our NUHW website and social media for press coverage and other strike-related information, and send any photos you take throughout the strike to strike@nuhw.org and/or tag NUHW on Instagram, Twitter, or Facebook.

Can I invite friends and family? What about pets?

The more the merrier! Feel free to invite family, friends, and community allies. People friendly pets are also welcome.

Where do I park?

At some of the locations, you may be able to park in the Kaiser parking lots. However, sometimes security may instruct you not to park in their parking lots if you are there for a strike, or the lots may be full or require payment. In this case, we encourage you to park on nearby streets and walk over.

Where are the strike line locations?

We will gather together in Oakland, San Francisco, San Jose, Sacramento, Fresno, and Santa Rosa. The strike lines will all take place at the main Medical Centers. Here are the addresses for each strike line location:

- Fresno- 7300 North Fresno St, Fresno, CA 93720
- Oakland - 3600 Broadway, Oakland, CA 94611 (corner of MacArthur & Broadway) - *the Oakland strike line will include an optional 2.8 mile march to Kaiser Headquarters at 1950 Franklin and 1 Kaiser Plaza*
- Santa Rosa - 401 Bicentennial Way, Santa Rosa, CA 95403
- Sacramento - 2025 Morse Ave, Sacramento, CA 95825
- San Francisco - 2425 Geary Blvd, San Francisco, CA 94115
- San Jose - 250 & 275 Hospital Parkway, San Jose, CA 95119 (corner of Hospital Parkway & Cottle Rd)