

From: **Greg Tegenkamp** <gtegenkamp@nuhw.org>
Date: Fri, Sep 2, 2022 at 9:55 AM
Subject: Re: Setting the Record Straight
To: David J Frizzell <David.J.Frizzell@kp.org>

Dear David,

You can characterize bargaining however you want, but let's stick to facts.

On the morning of August 12, 2022, NUHW presented a Comprehensive Package Proposal for Settlement. After caucusing for several hours, the Employer came back and at 3:30 p.m. presented the Union a "Conditional Offer" with three conditions: accept the offer by 10 a.m. on August 14, agree to endorse the offer and have membership ratification complete no later than 5 p.m. on August 20. The proposals attached to your Conditional Offer were few:

- A minor revision to Model of Care Committee;
- A change to your "Immediate Relief" proposal, that would only be in effect for six months, changing the definition of "new" adult patient;
- An increase in the wage offer, as well as an addition of a retroactive lump sum payment;
- An increase from 17% to 18% IPC time for generalist providers, with no other changes to your previous proposal.

After presenting the Employer's Conditional Offer, your team left for the day.

Our bargaining team understood this proposal exactly as you intended it: "take it or leave it." Nonetheless, we decided to make another attempt to settle. We caucused for several hours after your team left and then again for several hours the following morning.

When we convened bargaining at 1:00 pm. on August 13, we presented you with a revised Comprehensive Proposal with substantial changes to our previous proposal:

- Agreed to your wage and retroactive lump sum proposals
- Dropped our proposal on After Hours Coverage
- Dropped our proposal on Staffing Committee
- Agreed to your Citizenship Fee Assistance proposal
- Dropped our Union Representative Proposal
- Dropped our proposal to have seniority be a primary factor in awarding job
- Revised our per diem proposal (for the fourth time)
- Revised our bi-lingual proposal significantly
- Revised our PTO proposal
- Agreed to your proposal on Professional Practice Committees
- Revised our Provider Profile Proposal to lower IPC time from 22.5% to 20% for a significant number of providers

As we presented our revised proposal, our bargaining committee members made it clear to the Employer that they could not in good faith recommend its Conditional Offer to our members, precisely because it does not go nearly far enough to address the primary issues we have raised since bargaining began over a year ago: sustainable workload and timely access for return treatment appointments. We presented our pared down comprehensive proposal hoping to spur continued dialog and said we were willing to go all night and the following day if needed.

After caucusing for several hours, the employer came back with two changes to its previous take it or leave it offer. One of these was a modification to current contract language on Article X, Posting and Filling Positions, that you even acknowledged could be seen as going backwards. The other was a slight change to your Immediate relief Proposal that was quite confusing and again seemed to have some backward moving elements (as your previous proposal would have been implemented immediately, this one would not be implemented for 90 days). Once again, your proposal was conditioned on our acceptance by 10:00 a.m. the following morning. Once again nothing had changed in your proposals regarding our major issues.

So here we are today. Our bargaining committee is ready, willing, and able to meet beginning today. We are ready to have dialog and exchange proposals at the bargaining table. Just tell us when the Employer is ready, and we will be there.

Before you do, however, we do need one point of clarification. Since we did not accept your Conditional Offer, what is your exact proposal now. Your Conditional Offer said you would be reverting to your July 22, 2022 Comprehensive Package Proposal. I have no record of receiving such a proposal. The Union presented a comprehensive proposal that morning and all I have from the employer is what Norah Eller sent at 4:56 p.m. – a TA on “Grievance Arbitrability” and a revised MOC committee proposal. Please clarify. More to the point, will we be starting where we left off on August 13 or where we left off on July 22?

I look forward to hearing from you soon.

Sincerely yours,

GREG TEGENKAMP

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On Sep 2, 2022, at 6:51 AM, David J Frizzell <David.J.Frizzell@kp.org> wrote:

Dear Greg,

In your August 27 email, you remind Kaiser Permanente of our duty to bargain in good faith, yet it was the company who repeatedly made significant enhancements to our proposals in an effort to come to an agreement and avoid the work stoppage. It is concerning that the union is engaged in a highly destructive strike, yet your "set the record straight" email does not accurately state our proposals, which the union rejected without making any counter offer immediately before striking.

Your communication fails to acknowledge the substantial movement on key issues offered in our proposal on Friday, August 12, before the strike. We improved our offer on wages, increased indirect patient care time to 18%, and improved the definition of a new appointment. All this was a good faith effort aimed at preventing a strike, but NUHW responded with minor, insignificant moves. Our last proposal to you on Saturday August 13, made even more additional movement, yet was rejected outright and you stated I would not be hearing from you. Instead, NUHW chose to go on strike.

We believe our differences are best resolved at the bargaining table. We stand ready to return to the bargaining table with the understanding that the union is on the clock to respond to our proposal with a meaningful counter. Please confirm whether the union is ready to do so.

Finally, your letter alleges that local managers are contacting bargaining unit employees with "coercive messages." We are not aware of any such messages. Please forward to us all communications that the union believes are inappropriate and we will investigate thoroughly.

Sincerely,
David Frizzell