



# Engineers & Scientists of California

Local 20 IFPTE



## Bargaining Update

### What is the status of Coalition Bargaining?

The Coalition of Kaiser Permanente Unions made a very reasonable and equitable proposal for all Coalition members across all regions, that would:

- Restore a true worker-management partnership.
- Ensure safe staffing and compassionate use of technology.
- Build the workforce of the future to deal with major projected shortages of licensed and accredited staff in the coming years.
- Protect middle-class jobs with wages and benefits that can support families by ensuring they keep pace with increased costs of living, keeping our healthcare affordable, and maintaining our ability to retire with security and dignity for both current and future Kaiser workers.

### Can Kaiser afford this?

The corporation recently released its second quarter profits for 2019 – totaling \$2 billion – which combined with its first quarter figure, makes the first six months of 2019 more profitable than any previous 12-month period in Kaiser Permanente's history.

### What is the latest bargaining update?

Despite our reasonable proposals, Kaiser has been acting unlawfully during the negotiations process both with local unions that make up the Coalition and with the Coalition itself. There are no more bargaining dates scheduled for the National table and many local tables, and some Unions are preparing to strike, if necessary, to get Kaiser to come to the table and stop committing unfair labor practices. This is a very serious decision, and it is important that ESC Local 20 members have all the facts about striking when making this decision.

## Strikes: Frequently Asked Questions:

### What is a strike?

A strike is when workers unite and withhold our labor to protest against unfair treatment by our employer. By taking collective action, workers take a powerful stand for fair treatment and real respect. A strike is usually a last resort after an employer has refused efforts to resolve issues and treat workers fairly.

### Why are Coalition union members considering going on strike?

To reach a fair contract, Coalition union members across the country are preparing to take further action in response to Kaiser's Unfair Labor Practices (ULPs), up to and including a strike. The local unions that make up the Coalition want Kaiser to come to the bargaining table, without unlawful conditions and providing all of the information needed to negotiate fairly. Many of these unions have expired contracts or their contracts will expire soon, and Kaiser is not at the bargaining table with them, bargaining in good faith despite making billions of dollars in record breaking profits.

### **How can ESC Local 20 members go on strike when our contracts are still in effect?**

Our contracts allow us to support another union's strike in sympathy. Our right to call for a sympathy strike is legally protected by the National Labor Relations Act (NLRA). We know Kaiser realizes this because they have proposed adding no sympathy strike language to two of our units' contracts; they wouldn't do that unless they knew we could take sympathy strike action.

### **Why would ESC Local 20 members sympathy strike?**

Other unions are preparing to strike to protest Kaiser's unfair labor practices which create an unlevel playing field and ultimately interfere with the ability to maintain their members' standard of living, retirement and job security. We all want to protect our patients from understaffing, impersonal automated care, and to make sure Kaiser executives invest in the next generation of healthcare workers, and many of us are willing to take serious action to achieve these goals.

We know that if we let Kaiser executives treat our Coalition union brothers and sisters in this manner, they will do it to us next. That is why we would strike in sympathy with another union at Kaiser. This is another example of the Coalition working together to support each other; Coalition Unions across the country are all planning to sympathy strike with the Coalition Unions that will have expired contracts as of October 1.

### **Who decides if there will be a strike?**

ESC Local 20's union democracy works as follows under these circumstances: First, the elected officers who sit on the Optometry and Medical Professionals Unit Boards will request that the Union's Executive Board authorize a strike vote. If the elected officers on the ESC Executive Board provides authorization for a strike vote, each ESC Local 20 member in our KP bargaining units (Lab, Optometry, Genetic Counselors, and Home Health Therapy) will have the opportunity to vote.

Your vote will be whether or not to authorize our bargaining team to call a sympathy strike with another Coalition union in Northern California, most likely UHW. UHW's strike is presently planned for early October. Each ESC Local 20 bargaining unit will vote separately and will only sympathy strike if more than 50% of the voters in the bargaining unit approve this action.

### **Can Kaiser legally fire or discipline me for going on strike?**

No. Our sympathy strike would be protected union activity under the NLRA, making it illegal for Kaiser even to threaten an employee with discipline. Please report any abuse or threats of discipline by management immediately to your steward or union representative. Make sure you record the time, date and location of the threat. Should Kaiser break the law, you would have the power of 80,000 union members and a strong legal team to fight to uphold your rights.

### **Can we be permanently replaced?**

Kaiser cannot permanently replace employees during a lawful sympathy strike. When we give notice to Kaiser that we are going out on strike, we also tell them when we are coming back.

### **What is a ULP (Unfair Labor Practice) Strike? Why does that matter?**

Unfair Labor Practice charges are filed with the National Labor Relations Board (NLRB) when a labor law is violated. Currently, the Coalition and individual unions have filed ULP charges against Kaiser for various violations of labor law during this bargaining process. These unfair labor practices, which have been going on for some time, include the following: unlawfully conditioning bargaining with the Coalition on us accepting a new "Partnership" Agreement, and at local tables, consistently failing to provide the information that our negotiators need to see to bargain effectively, and more.

Under the National Labor Relations Act, Unfair Labor Practice strikes have distinct legal protections. Those who strike in sympathy with another union's ULP strike are extended the same protections. When workers strike under these circumstances, they are legally protected from harassment, intimidation, retaliation, discipline, and terminations for exercising their right to strike. Employees who are participating in an Unfair Labor Practice strike cannot be permanently replaced.

### **How long would our strike be? When would it start?**

Since we would be sympathy striking in solidarity with another union, our strike is dependent on their decisions. UHW has asked their members to authorize a strike of up to one week, which could not begin before the expiration of their contract on September 30. We would expect all ESC Local 20 members to honor the full length of UHW's strike if we were to sympathy strike alongside them.

### **Will I get paid if I go on strike?**

No. Everyone should be saving for a strike. Our union does not have a strike fund for individuals but will support all the activities required to make the strike successful.

### **Can I use vacation or sick days to be paid during a strike?**

No. Sick days and vacation days cannot be used during a strike. A strike is about making a sacrifice now for something better in the long run by withholding our paid labor, which includes paid vacation and sick days.

### **What am I expected to do during a strike?**

All ESC Local 20 union members are expected not to cross the picket line or go to work during a strike and to show up to the picket line every day-- bring your family and make sure everyone participates in all strike actions. Winning this fight demands the full participation of all of us to show Kaiser management that we are united, determined to be treated fairly, and will not back down.

### **How do we know this will work? Could some unions get what they want and others not?**

Strikes have been a proven and effective tactic throughout history. There is no way to know exactly what will happen in the event of a strike. But we do know what will happen if we do not take action: Kaiser will continue to engage in bad faith bargaining at the National and local levels, creating an unequal playing field and helping them achieve the lowest raises in a decade, two-tier benefits and wages, more money from our pockets for healthcare all while Kaiser executives stack up billions in profits and receive multi-million dollar raises.

### **Do I need to tell my supervisor I will not be reporting to work on the strike day?**

No. In accordance with labor law, Kaiser will be given notification of any strike action ten days in advance. Your supervisor may ask you if you are going on strike. We recommend that you answer "YES."

### **What happens to our work and our patients during a strike?**

We are required to give a ten-day notice to Kaiser and the federal government before our sympathy strike. It is then Kaiser's responsibility to reschedule procedures, hire temporary replacements, and make a plan to provide care and cover workload.

Many of ESC Local 20 classifications are regulated by state laws that make it very difficult to replace us.

### **Am I required to train my manager or scabs on how to do my job before a strike?**

If training is a normal part of your job duties, yes. However, if your workload or safety issues prevent you from doing so, you should inform your supervisor.

### **What happens to our medical benefits during a strike?**

Employee medical, dental, and optical benefits are paid a month in advance. While there is a possibility that Kaiser could rescind coverage for the time period we may be on strike, it seems unlikely that Kaiser executives would go to the trouble of carving out one week of an already-paid-for month for 80,000 striking employees who have already returned to work.

Additionally, taking away the healthcare of more than 80,000 employees who are simply exercising their legal right to strike would look very bad for their "Thrive" image.

### **What happens if I am on a pre-approved paid leave during the strike like vacation or PTO?**

#### **What about sick, maternity, or disability leave?**

Serious actions like striking are strongest when everyone participates. Collectively sacrificing our pay by withholding our labor sends a clear and powerful message to Kaiser executives that we are united for respect and fairness. Strikers do not get paid during a strike and are expected to walk the picket line instead of going to work.

We would ask that all members on scheduled vacation or PTO notify their managers that they do not want to use their paid vacation or PTO time during the strike, in solidarity with our union brothers and sisters. However, we would not expect members to be on the picket line during a pre-scheduled vacation that could not be postponed or cancelled.

### **What happens to my vacation and sick day accrual during the strike?**

Like any other type of unpaid leave, you would not accrue vacation time or sick leave during the strike, since vacation and sick day accrual is based on hours worked.

### **What about on-calls, probation, or part-time employees? Or non-US citizens? Are they legally permitted to strike?**

Yes. Probationary and on-call employees have the same rights as everyone else to strike. Regardless of immigration status, all Kaiser employees have the right to participate in a lawful sympathy strike.