

# KAISER STRIKE FAQ

## Why are we striking?

We're striking because Kaiser still thinks it can get away with underfunding and understaffing its behavioral health services. Kaiser's contract proposals would still leave us with making much less than our non-behavioral health counterparts without pensions or enough time to get our work done. That would only result in more turnover and more disruptions for patients, but we have the power to make Kaiser treat us fairly and respect our professions and the needs of our patients.

## When will we strike and for how long?

We issued a 10-day notice to Kaiser that indicates we will begin our open-ended strike at 6 a.m., Monday, October 21 and includes the locations where we will be picketing. The strike will continue until we reach an acceptable contract with Kaiser. Any NUHW members working overnight or on call Sunday, October 20 would work their scheduled shifts but then stop working immediately at 6 a.m. Monday morning. We will be picketing from 6 a.m. to 2 p.m. Monday through Friday during the first week of the strike. After that, picketing will be picketing from 8 a.m. to 2 p.m. on weekdays. There will be no weekend picket lines.

## Why is it important I participate in the strike and show up to the picket lines?

Our goal in striking is to fundamentally change our relationship with Kaiser management so that Kaiser treats behavioral health care on equal footing with its other services. To accomplish this goal, we must demonstrate the depth of our commitment, not only by honoring the strike, but by participating on the picket line. Strong participation shows Kaiser and the general public that we are united and determined to achieve our goals.

## Will other unions join us?

We will notify other Kaiser unions of our impending action and ask for their official support. Individual employees, regardless of their union's official position, still have the right to honor our strike. We will leaflet our non-NUHW co-workers at the medical centers to let them know what they can do to support us and to inform them of their legal rights.

## IMPORTANT REMINDER

Be proud about striking! We're standing up for our patients, our community, and each other. Kaiser management is responsible for placing us in the position of having to fight to protect our patients, our values, and our co-workers.

If you have any other questions that are not covered by these frequently asked questions, please ask a steward, bargaining committee member, or your NUHW organizer.

### **Will there be 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. A group of our coworkers have created a **hardship fund** to help alleviate some of the financial sacrifices of going on strike. We will update the resource webpage with the rules and the form that you can use to apply for hardship funds.

### **Are there other resources to help?**

Yes, we have a resource webpage that includes information about finding temporary outside agency work during the strike and starting a private practice.

### **Do we have the right to strike and picket?**

Yes. Strikes and pickets are considered concerted, protected activities. The First Amendment of the U.S. Constitution and California law both protect our right to peacefully picket. In addition, Section 7 of the National Labor Relationships Act states, "Employees shall have the right to . . . engage in . . . concerted activities for the purpose of collective bargaining or other mutual aid or protection."

### **Can I be fired or disciplined for striking? Can we be locked out?**

No. It's illegal for employers to retaliate against employees for exercising their right to engage in concerted, protected activities under federal law. We would be engaging in an unfair labor practice strike and it's illegal for the employer to retaliate, permanently replace, or lock us out.

### **Can Kaiser suspend our medical insurance if the strike lasts longer than a month?**

Kaiser did not suspend health benefits while our colleagues in Northern California and Hawai'i were on an open-ended strike, and we do not expect that they would threaten the health benefits of NUHW members in Southern California. This tactic is rarely used because it has generally resulted in outrage against the employer that weakened the employer's bargaining position. When Dignity Health threatened to take away health benefits from striking workers at Sequoias last month (AFSCME, Local 829), community and political leaders were so upset at Dignity that it contributed to workers winning a good contract there.

### **What will happen to my voluntary benefits if we go out on strike?**

For voluntary benefits, like pet insurance, that you pay for through payroll deduction, you should receive a bill from Kaiser's vendor. In Northern California, no one had issues maintaining these benefits.

### **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 our union. Probationary employees who engage in protected activities are actually more protected from termination because the employer would have to demonstrate a non-retaliatory cause.

**If I strike and then cross the picket line, can I change my mind and go back on strike?**

No. Once you go back to work, you no longer have the legal protection to go back on strike.

**If I log onto Kaiser computer to check email is this considered working?**

Yes. It would be considered working. Do not do it.

**Is there anything I should wear on the picket line?**

Everyone is encouraged to wear red, and there will be red NUHW shirts available for anyone who doesn't have one.

**What if I have pre-approved ETO during or pre-approved disability/medical leave the strike?**

Management cannot revoke pre-approved time off. You can still take your ETO, and you still have the right to join colleagues on the picket line even while you're on ETO. If you are on disability or some other type of medical leave, you should just make sure that you are not doing anything that violates any restrictions you may have while you are on the picket line.

**How can we ensure our patients are cared for?**

A successful strike will help patients in the long-term because it will force Kaiser to provide more time for patient care and administrative duties and address pay and benefit disparities that result in increased turnover and insufficient staffing. During a strike, it's Kaiser's job to figure out how to care for patients. We are required by law to give 10-days notice of a strike to allow Kaiser time to arrange proper care for patients. We will also send everyone a longer list of recommended actions you can take to help make sure your patients get the care they need during a strike. You may wish to provide a list to your manager of urgent or high-risk patients who require attention and care during the strike (for example, patients with acute conditions, etc.). We have a template available that you can use to inform management of these high-risk patients who will need extra care in your absence. If you do not wish to take on the liability of identifying particular patients over others, given that patient needs can change between visits, 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 canceled, and that you cannot predict who may be in crisis at the time of their scheduled appointments.

**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. There is NO requirement for individual employees to inform management of their intent to participate in a strike.

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

You do NOT have to answer or disclose any information. You can let your manager know that it is unlawful to question you about your intentions or to try to discourage you from participating in a strike. Or you can simply say that "I will stand with my co-workers." If a manager tries to coerce, threaten or intimidate you in any way, please document it and notify your steward or NUHW organizer.

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

This is a work stoppage, not a vacation. You are not required to rebook any patients scheduled during 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.

**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. You can inform them that there will be more information on the website [KaiserDontDeny.org](http://KaiserDontDeny.org), which is operated by your union.

**What's next?**

We are getting very close to issuing a ten-day strike notice. If that happens, we will have another town hall meeting to review strike logistics and answer any questions you may have.