

August 27, 2021

Via Email

Mr. Steven Ward  
Executive Director  
Coalition of Kaiser Permanente Unions  
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Portland, OR 97232

Email: [steven.ward@unioncoalition.org](mailto:steven.ward@unioncoalition.org)

Re: KP-COVID Vaccination Policy

Dear Steven:

This letter will serve as a response and follow-up to your email regarding additional questions from our original meeting with the Coalition of Kaiser Permanente Unions on Thursday August 12, 2021 where we discussed the impacts and effects of the KP-COVID Vaccination Policy. We have taken serious consideration of the concerns you and other labor leaders mentioned during our August 12<sup>th</sup> meeting.

Further, in response to the specific questions posed by the Coalition, please find our detailed answers listed below:

1) If a member is on the 60-day unpaid leave while attempting to comply with the mandate, are they able to utilize accrued PTO during that time?

**Response: No.**

2) We would like to be able to expedite resolution to disputes around the religious and medical exemptions. Is it possible to set up an expedited process to resolve such disputes? Also, who is making the decision regarding the religious and medical exemptions? We want to be sure the decision makers have the appropriate expertise.

**Response: KP is working diligently to address any and all requests for exemptions. Moreover, the goal is to resolve all exemptions in short order.**

**Centralized teams led by HR have these qualifications and it is no different than when we receive other requests for medical and religious exemptions. This is a standard practice.**

3) If a member resigns in lieu of termination related to the mandate, what is the status of their accrued leave?

**Response: The status of the employee's accrued leave would be the same as if they resigned under any other circumstance.**

4) If a member resigns or is terminated and then complies with the mandate and seeks to be rehired, is that considered a break in service? What happens to their seniority?

**Response: The employee will be eligible for re-hire and break in service would occur consistent with their respective CBA. The same with seniority consistent with the language of their respective CBA**

5) Is Kaiser using a sticker or some form of visibility to determine who is vaccinated and who is not? We have concerns that. This could exacerbate work place tensions and possibly lead to discrimination or bullying?

Response: Vaccinated employees will be provided a sticker, similar to the sticker provided for flu shot that says "KP 2021". The sticker is necessary to ensure that safety protocols are adhered to in the workplace.

KP complies with all privacy laws. Vaccine status information is maintained in a confidential employee record maintained within KP's Employee Health or HR systems.

KP policies prohibit all forms of retaliation or discrimination against anyone who in good faith asserts their rights under EEO laws. This message will be reinforced in manager and employee communications.

6) How does Kaiser plan to maintain adequate staffing during this period? With a shortage of healthcare workers already in many classifications, combined with the pandemic impact on both workers and patients, is there a plan to ensure positions vacated due to the mandate are quickly filled to ensure quality patient care?

Response: KP will insure it has appropriate staffing levels to continue to serve its members and patients.

7) In WA the first 3 days immediately following are considered a waiting period. You only receive benefits for those days if you are still off work on the 14th day after your injury. So, if KP only gives 8 hours of paid for adverse reaction, and workers comp doesn't pay unless someone else is out 14 days, people with an adverse reaction longer than one day will lose wages. We want KP to either make them whole or allow them to use accrued time. And in our CBA, people have to use 16 hours of PTO before they can access EIB. We'd want them to be able to access EIB right away.

Response: Kaiser Permanente will provide employees with up to 8 hours of paid COVID-19 Adverse Reaction Leave (for each initial series shot) if an employee has an adverse reaction, is unable to work, and provides confirmation of the adverse reaction from a physician. If an employee is still unable to work due to adverse reaction after utilizing the 8 hours they may access their accruals to use PTO until they become eligible to use their extended illness bank (EIB) as laid out in the CBA. The wait period may not be waived to use EIB for this circumstance earlier than is established by the agreement.

It must be noted that Kaiser Permanente did not waive any wait periods for ESL or EIB earlier in the pandemic response.

8) I am getting reports that NCAL managers are telling folks they have 48 hours to provide proof of test or vaccination or they will be terminated. We understand this is a mandate - but I think we all agree that the goal is to get folks vaccinated rather than having to terminate them or have them resign. 48 hours seems like a tight window? Is this actually the policy?

Response: This process is directed only at healthcare workers who are refusing to test pursuant to the California health order.

Additionally, I am informing you that KP has made the decision to only test unvaccinated employees if there is a state or local mandate that requires such testing. As such, KP won't be testing employees in the MOCs starting October 1 (unless the state or health agency in their areas impose such a requirement). Lastly, KP will require all unvaccinated workers to be fitted for and wear an N95 respirator while on any KP worksite, including acute care and non-acute worksites, in all markets and work sites (unless emergency use guidelines indicate a supply shortage at any time).

We appreciate the opportunity to address your concerns about implementation of the policy and like to thank you for your partnership as we collectively lead the organization forward in safety.

Sincerely,



Steve Shields  
Senior Vice President



Jim Pruitt  
Vice President