

The COVID-19 Vaccine Saves Lives, and We Have a Voice in How We Roll Out the Vaccine Mandate at Kaiser

Because we have a union, we have a voice in how the vaccine mandate impacts us.

On August 9, the state of Washington made it mandatory for all healthcare workers to become fully vaccinated against COVID-19. As healthcare and behavioral health workers, we agree that the COVID vaccines are safe, effective, and the best way to protect ourselves and our families from COVID-19. But as members of a union, we know that we have the right to bargain any changes to our jobs. We have sent a demand to bargain the impacts of the vaccine mandate at each of our work locations and will use the following values to guide us in those conversations.

Our Values as a Union

- Every worker deserves a safe workplace.
- As union members, we have the right to bargain this change in working conditions.
- We trust science and understand that the vaccine is an important component to getting the pandemic under control.
- We will not tolerate discrimination of any kind. Vaccine information and access must be made available in workers’ preferred languages. No worker will be made to wear a sticker or button that shows vaccination status.
- While vaccines are incredibly effective, they do not replace adequate and safe PPE and safe ventilation in our workplaces.
- Getting the vaccine must be as accessible as possible, including offering them on work time and paid time off for side effects.
- Employers must maintain safe staffing levels by doing everything in their power to staff to patient census while minimizing use of mandatory overtime: offering overtime, incentive shifts, referral and hiring bonuses, and utilizing travelers and agency workers.



“As healthcare workers we know that vaccines save lives and help prevent serious illness from COVID. That’s why I got vaccinated and encourage my friends and family to do the same. The vaccines have proven to be safe and effective. We need to do what’s right to protect our patients and stop the spread of this pandemic, so we can all get back to our lives. But we also have a partnership, which means we are bargaining over the impacts of the vaccine mandates with Kaiser to ensure we are able to retain the staffing levels we need to provide quality patient care and that the vaccine is accessible to all of our coworkers who intend to get it.” *Grace Lopez, Medical Assistant, Tacoma Specialty*



Doses to be fully vaccinated:

Vaccine	Series dose requirement
Pfizer	2 doses, 21 days apart
Moderna	2 doses, 28 days apart
Janssen/J&J	Single dose



On August 12, 2021, leaders from Coalition Unions met with Kaiser Permanente for impact bargaining regarding the COVID-19 Vaccination Mandate (implemented earlier in the month). Coalition Leaders raised thoughtful questions and concerns about the fair and equitable application of the policy, and the need for clear definitions and timelines to be in compliance. Below is a summary of the results.

COVID-19 Vaccination Mandate Policy Highlights: Updated August 2021

Coalition Concern/Clarification	Kaiser Response
Compliance Definitions, Timelines, and Consequences	
Who is impacted?	All employees – clinical/admin, working in KP facility or remote, all new hires
Status for compliance	Fully vaccinated by deadline
Deadline for compliance	<ul style="list-style-type: none">Aug. 23, 2021 to provide proof of vaccination.CA testing commences on Aug. 24, 2021 for non-vaccinatedRegions outside of California testing commences on Oct. 1, 2021 for non-vaccinatedSept. 30, 2021 deadline to be fully vaccinated or have a qualified exemption on file
Consequence for non-compliance	Employee placed on unpaid leave effective Oct. 1, 2021 until fully vaccinated. Failure to provide proof of full vaccination within 60 days results in termination. KP will allow employees to resign in lieu of termination
Employees eligible for rehire	Yes, with proof of vaccination or qualified exemption
Employee Benefits During Vaccination Process	
Paid time for vaccination	Up to 2 hours of paid time (for each initial series shot) to get vaccinated at a location of their choice during working hours – obtaining vaccination at a KP facility is preferable
Adverse reaction to vaccination	KP will provide a maximum of 8 hours paid COVID 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 (not in addition to CA-required leave) This benefit is effective Monday, August 23 rd and concludes October 1st
Workers’ Compensation Eligibility	Where a physician confirms an adverse reaction to the COVID vaccine, an employee could be entitled to workers compensation



Fair Treatment for those with religious and medical exemptions	
Religious and medical exemptions	<p>A medical exemption is a contraindication to any of the vaccine components recognized by the FDA or CDC or a medical or physical condition that prevents the individual from receiving any COVID-19 vaccine. A request for a medical exemption must be accompanied by a written certification from a licensed, treating medical provider, who is a physician (MD or DO), nurse practitioner (NP), or physician’s assistant (PA), or other licensed medical professional practicing under the license of a physician.</p> <p>A religious exemption is a sincerely held religious belief, practice, or observance that prohibits the individual from receiving any COVID-19 vaccine. To request the exemption, employees will have to disclose their religion, the basis of their religious belief that prohibit them for receiving any of the COVID-19 vaccines, and whether they have declined vaccination in the past.</p>
Masking and testing requirements for employees with medical/religious exemptions	Consistent with CA order across all regions (masking & weekly testing)
Union Rights	
Union Representation in Cases of Exemption Denials	Employees can share the denials with their union and seek representation.
Access to Information	KP will continue to provide labor with regular vaccination rate updates
Protection Coalition Bargaining Unit Work: Testing Capacity in Northern California (IFPTE Jurisdiction)	With the large demand for COVID testing during a surge, KP expanded testing in NCAL and SCAL for the health and safety of its members and patients to keep testing turnaround time well below the preferred 72 hour threshold. KP will use all resources, both NCAL and SCAL, that hold a unique EUA approval for at home saliva specimen testing for the advancement of health and safety as COVID surges.
Miscellaneous	
Education and Outreach	Engage BRGs in providing information to minority groups on efficacy and importance of receiving the COVID vaccine
Compliance with State Laws	Oregon’s vaccine mandate for all health care workers is consistent with KP’s Policy. However, because the implementation of the Governor’s mandate is tied to full FDA approval of vaccinations, KP will adjust the date of termination for employees covered by the mandate if needed to align with the mandate’s implementation date.

At this time, there are no further bargaining dates scheduled. However, the Coalition will continue to monitor the process and raise concerns and issues as they arise.

Outstanding Issues:

We will continue to bargain over outstanding issues not addressed in Kaiser’s current draft policy.

Our position	Question for Kaiser
Kaiser will immediately post vacated positions upon termination of any employee as a result of non-adherence to the vaccine mandate in order to ensure that staffing levels do not fall below what the patient census requires. Kaiser commits to make every effort to staff to agreed-upon staffing levels, staffing plans, and matrices. Every effort includes but is not limited to offering overtime, incentive shift pay, and utilizing agency and travelers to fill staffing needs. Kaiser will offer referral and hiring bonuses in order to quickly fill vacancies, and a retention bonus to existing staff who are in compliance with the vaccination policy.	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?
Members will be paid for any missed work related to COVID-19 vaccination side effects. Kaiser understands that side effects differ in severity and specificity.	Will Kaiser pay for all missed work not covered by workers’ comp due to vaccine reactions?
COVID communications will be translated into language other than English – a joint process to identify what the need is here. We need a joint education campaign around the safety and efficacy of the vaccines.	Is this part of Kaiser’s education planning?
No sticker on badges to identify who is/isn’t vaccinated. This will exacerbate tensions in the workplace related to vaccine status. KP needs a communication that it will not tolerate discrimination or bullying related to a member’s vaccine status, request for exemption, etc.	Is Kaiser using a sticker or some form of visibility to determine who is vaccinated and who is not?
Members placed on administrative leave should be able to use PTO.	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?
If a medical or religious exemption is denied, we need a clear appeals process with union representation. Exemption approvals and appeals should be handled centrally by someone qualified to evaluate the exemption request.	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?
Members who resign in lieu of termination should be paid out their PTO balance.	If a member resigns in lieu of termination related to the mandate, what is the status of their accrued leave?
Members who are terminated or resign in lieu of termination shall be eligible for rehire upon becoming fully vaccinated or upon submitting an approved exemption. They will be considered laid-off for purposes of seniority and rehire.	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?