



**Engineers & Scientists  
of California**  
Local 20 IFPTE



Home Health Occupational, Physical, and Speech Therapists Negotiations  
Union Update  
November 1, 2018

**Predictive Guidelines:** On October 25 and 30, the sub-committee on Predictive Guidelines presented their recommendations to the full Bargaining Committee. "Predictive Guidelines" is Kaiser's euphemism for productivity and scheduling practices. These are issues that impact every one of us and were a key motivation in our organizing drive last year. We are happy to report we resolved *virtually* every area of disagreement, but a couple of major differences remain, such as SOC (Starts of Care) for both commercial and OASIS.

**What have similar employee groups accomplished on this issue, like RNs?** Home Health Therapists are "Exempt" from the hours and overtime provisions of the Fair Labor Standards Act, like Local 20's Optometrists but unlike most nurses. This status is of particular significance when we look at other professional workers' standards and scheduling practices.

After reviewing the RN's Predictive Guidelines that were recently negotiated by the Nurses' Union (California Nurses Association), we found them to be far more manageable and realistic than those used in the past. RNs cannot be routinely assigned 5 revisits in one day or 2 OASIS start of cares in one day because they would be going into overtime. Furthermore, Home Health RNs are allotted 30 minutes' drive time between all patients unless they are in the same facility.

**How did the RNs achieve this?** Nurses were consistent about claiming the time that they actually worked and never "worked off the clock." Simply put, nurses stood together and acted collectively to accurately report their hours worked, even if that incurred overtime, in order to give their bargaining team the back up and power they needed to settle this important issue fairly. This type of collective action is what makes a union.

We raised these differences between Home Health Therapists and Home Health RNs Predictive Guidelines but that alone was not enough to move Kaiser. Our recent survey revealed that a majority of Therapists need to work outside their scheduled hours at least some of the time to complete the work. Now, we need your help. ***Your Bargaining Committee strongly encourages you to claim all the time you work so that we can present a true picture of work time at the table and reach a fair settlement on this issue.***

**National Bargaining Update:** Kaiser has still not returned to the bargaining table to resume talks on the (now expired) National Agreement. It appears that this impasse has impacted our local Home Health Therapist bargaining as we pursue inclusion of some benefits (e.g. Unit Based Teams) and security (e.g. no subcontracting) from that Agreement, just as other ESC Local 20 members enjoy. Despite this, Kaiser did make a verbal commitment to apply the working conditions provisions of the National Agreement to your unit when your local contract is settled.

For the past twenty years, wages and benefits have been bargained at the National Agreement level for all ESC Local 20 Bargaining Units; absent that forum, we are faced with the prospect of a more conventional, activist campaign to achieve economic justice for all ESC Local 20 members, including Home Health professionals.

Your Local 20 brothers and sisters in the Laboratory, Optometry and Genetics units, along with OPEIU and SEIU, continue the campaign to get Kaiser to return to national bargaining. The next action is a Tele-Townhall to be held on Wednesday, November 14<sup>th</sup>. Watch you email inbox for more details.

Next bargaining dates: November 20, December 7, and December 19.

We appreciate your patience and continued support.

A handwritten signature in black ink, appearing to read "Michael Aidan". The signature is fluid and cursive, with a long horizontal stroke at the end.

Michael Aidan, ESC Local 20 Chief Negotiator

Bargaining Committee:

Erelah Gafni, Oakland; Ken Rosenfeld, Santa Clara; Marianne Nicholson, Martinez; John Wickenburg, Santa Rosa; and Kathleen Doerr, Sacramento.