

Frequently Asked Questions re Reductions in Force 6.24.2019

Update on extended hours in primary care.

- The hours will be 7am-7pm Monday through Friday, and 8am-12pm on Saturday.
- We do not yet know if every clinic will have these hours.
- We do not yet know what the impact on the pharmacy, imaging, and lab will be.
- We do not yet know the impact on Westminster, which already has extended hours.

Message Management RN Role and Location. One of the roles we discussed was the RN message management position. While we do not have a detailed job description at this point, we shared the facilities in which the positions would be housed.

- Message Management RNs will have a primary support connected to a specific team as a primary responsibility. They will also support Message Management for their Service Area.
- Work location Message Management centralized in the following locations:
 - *Southern Colorado* - Colorado Springs Administrative Building
 - *Northern Colorado* - Fort Collins Administrative Building
 - *North* - Rock Creek
 - *South*
 - Temporarily housed – Arapahoe (Waterpark as back up)
 - Long term location – Lone Tree (pending construction completion)
 - ***Should have construction timeline/details within the next 2-3 weeks*
 - *Central* – Lakewood

What is the timeline for the implementation of the changes in Primary Care?

- The company has moved each of the timelines back by approximately one month.
- Example: training for new roles was to start the week of August 11th. This will move back approximately one month. Phase 1 implementation was to implement 9/3/2019 and will be moved back to approximately 9/30/2019. Phase 2 was to implement 9/30 and will now move to approximately 10/28.

Will there be an enhanced severance offered to employees in this round of reductions in force?

- No. The company has indicated that ***they will not offer an enhanced severance*** in this round of reductions.

- *The union continues to advocate for the company to offer the enhanced severance, and we will let you know if we are successful.* Specifically, it is difficult to reconcile and seems deeply unfair that we would agree to this for so many staff members affected by reductions in the past but not for the current round of cuts.
- ***Therefore, it is the union's advice that each and every employee remain employed and not take the contractual severance.*** As it is the union's position that the company must keep Local 7 members employed for the full year of Employment and Income Security. See below.

Why is there no enhanced severance offering for this round of reductions?

- The company's response was that for those who do not secure permanent roles they will keep people in transitional roles for the full year from the time the employee is removed from their current jobs.
- The company also references that full healthcare benefits are provided to any regular employee regardless of FTE, and they feel this does not meet their financial priorities.
- **Our recommendation is that no UFCW Local 7 members take a contractual severance.**
- Anyone who takes the contractual severance weakens the opportunity for the Union to negotiate an improved severance.

How can the company offer the enhanced severance to some groups and not others?

- We have advocated for the enhanced severance to be offered to all groups affected by job eliminations affected by the transformation office's work.
- Our prior agreements for the enhanced severance were on a non-precedent setting basis, so even though it was offered previously there is no basis for us to insist on it being offered beyond what we have already agreed to.
- If you have further questions about this, it is best to lodge your question with *Ask Leadership*.

What is the contractual severance amount?

- The union contract states that staff in affected departments may leave KP employment and receive a severance, equaling one week of pay and healthcare benefits for every year of service, to a maximum of 26 weeks and a minimum of 4 weeks.
- Severance is generally considered as an alternate to displacement (bumping) and/or requiring employees to bid out to achieve the prescribed reductions.
- For those close to retirement, the severance period may apply to bridge to retirement. We will discuss the specifics of this with management.

How many staff members will be affected by classification?

- We will share clinic-specific information when it becomes available.
- APPs – 42 FTE; these numbers may decrease based on extended hours.
- RNs – TBD.

How do you know if you are an affected employee?

- The company sent out notification letters to affected employees on Monday June 10th.
- Notification will go to every RN and APP in primary care.

Are positions being held so that those who are displaced have a better chance of securing a position?

- If you see positions posted and are interested in those positions apply for those positions.
- Company representatives have indicated that they will hold positions, though there are very few of them.
- The company is scrutinizing budgeted FTE in all areas, and the company has agreed to hold approved positions when they become available, with some exceptions. We do not know what positions will ultimately be approved, but we have a partial list available on the website. The only exceptions we are aware of at this time are some of the RN roles in KASC, because the company needed to hire up staff to increase the number surgeries performed in house rather than an outside entity, and a special process for pharmacists in charge, because we sought to lessen the impact of the deep cuts in the pharmacy.

Will there be roles available for P-NPs and A-NPs?

- Local 7 will continue to advocate for all of the APPs, including A-NPs and P-NPs. We will let you know when we have more information.
- According to the company, 1 of the 4 APP's at Westminster and 1 of the 3 APP's at Arapahoe will be Peds Nurse Practitioner or Physician Assistant positions. They will work a mid-shift so there is always overlap with a Family Nurse Practitioner ensuring we can provide care to all ages.
- The rest of the convenience care clinics have 2 or less APPs, so the company states it cannot support a specialized Adult or Peds APP in these locations.

Does the company intend to honor its commitment to not lay Local 7 members off?

- We have reviewed the no-layoff language with company representatives, and they have acknowledged and expressed their intent to follow this language.

- Furthermore, we have the employment and income security agreement, which puts some additional obligations on KP. The agreement can be found here: <https://www.lmpartnership.org/employment-income-security-agreement>.
- It is the union's position that the company has foregone its chances of invoking the extraordinary circumstances language in the Employment and Income Security Agreement. Principally, the company has reported to Local 7 significant progress on its financial goals, booking many of its scheduled goals on savings and revenue. The company never invoked extraordinary circumstances with SEIU Local 105 despite the fact that they were fully empowered to do so, as SEIU Local 105 does not have the "no layoff" language that Local 7 bargained in 2018. The company did not invoke such language with 105 staff even when the financials were significantly more challenged. For these and other reasons it will be Local 7's position that the employer must abide by the requirement that affected staff remain employed for a full year from the time the employee is removed from her job.
- Company representatives have indicated to us that they intend to keep staff employed for the full year in accordance with the EISA.

What rights do you have if you are an affected employee under the contract and other labor agreements?

- Employees in affected departments **may** volunteer by seniority to leave the department and bid on open positions;
- Employees in seniority order **may** choose to take severance as outlined in the contract to achieve the prescribed reductions;
- If no senior employees wish to take the above options, the least senior affected employees in the department may select from open positions in the region to be placed in those positions; these employees have super-seniority for one year;
- If no senior employees wish to take above options, the least senior employee in the affected department may bump the least senior employee in the facility; if no less senior employees in the building exist the employee may bump the least senior employee in the region. The employee CANNOT simply bump a less senior employee of their choosing.
- We are working with the company to map out the specific process for affected employees.
- We will probably not have more specific information for a little while.

If you bid on an open position and have received notice do you have super-seniority?

- Yes. Your super-seniority starts at the time you receive notice and will proceed for a year from the time you are eliminated from your job.

What can employees do to make their voices heard?

- You are the union.
- **Safety.** If a worker or patient safety issue is at play be sure to report the issue through the SafetyConnect system. We also encourage you to take general note of the issue for yourself on a pad of paper, **including** the general circumstances and the time you logged the issue, and **excluding** any PHI. Do not access information or share information that is considered protected under HIPAA.
- **Engage in Workplace Actions.** Members of Local 7 will be around providing buttons to our members. Be sure to wear UFCW Local 7 provided buttons and union badge buddies. More information will be forthcoming.

What's the difference between reductions and layoffs?

- Reductions in force and department reorganizations may result in employees no longer keeping their current jobs. They will still be employed but might be asked to work elsewhere.
- Layoffs result in the loss of employment. In 2018 negotiations, the Unions were successful in securing language that ensures our members will not be laid off through the end of 2019. You can see the signed agreement here: <http://ufcw7.org/files/2018/12/Side-Letter-re-No-Layoffs-No-Benefit-Changes-NEO.pdf>

Do reductions happen by seniority?

- Reductions in force generally affect the least senior employees in the affected departments. See above.
- Reductions are not determined based on the 'performance' of employees.

What's the timeline for all of these changes?

- The timelines vary a bit depending on the departments.
- The company states it intent to implement its first round of changes in primary care on September 3, 2019. The company will implement the rest of the changes to the primary care departments on September 30, 2019.
- The company is generally required to provide 60-day notice to the union, and then the company is required to provide an additional 60-day notice to affected employees. The Union and the company may not agree on the timelines at this point.
- More specific information will be provided to you once we know.

How does super-seniority work?

- Super-seniority refers to the preferential bidding rights of employees that are affected by reductions in force including reorganizations.

- Super-senior bidders are considered more senior than those who do not have super-seniority.
- Employees maintain super-seniority from the time receive notice of the current role's change/elimination and for a period of one year following the employee's removal from the current position (generally totaling 14 months).

Can we guarantee that employees will maintain their FTE if an employee is being moved?

- The employer has stated that they wish to move all staff to 1.0 FTEs in Primary Care, notwithstanding the fact that physicians will be permitted to maintain part-time schedules. It appears the company is more intent on placating the med group (a for-profit entity) than partnering with the unions.
- We have advocated for staff to maintain their current FTE when they transition into a new role, but the company by and large will not accommodate part time FTEs. We will have another meeting with them about it.
- The company has also indicated their intent to move all health plan staff eventually to 1.0 FTEs.

What should I do if I think the reductions create a contract violation or patient or worker safety issue?

- If you believe the changes will result in a **patient or worker safety issue** or will result in the degradation of the quality of care, you will want to report that issue through SafetyConnect and to your management group. You may also provide the Union with details on this as well, so long as you do not provide protected health information.
- If you believe the reduction creates a contract violation, like shifting work from Local 7 members to those not covered by Local 7, you will want to report that issue to Nate Bernstein, nbernstein@ufcw7.com.

Are there updated seniority lists available?

- We have seniority lists on our website. Updated lists will be posted next week some time.
- You can find the current lists at the following website: <http://ufcw7.org/members/healthcare/>

What happens if the seniority list looks incorrect?

- Go to My HR and search for **Seniority Date Discrepancy Claim – 4100**.
- Fill out the form and have it submitted according to the instructions.

For those going through the placement and bumping procedure will vacations be honored?

- Local 7 has advocated for all vacations to be honored, and the contract requires good faith efforts by the company to allow vacations to be honored.
- The company states they will make every effort to honor approved vacations.

Do we know what the open, biddable positions are yet for those who will be displaced?

- Additional positions may be held and made available for those affected by the reductions.
- Please visit our website in the future to see if such a list is available: <http://ufcw7.org/members/healthcare/>

Do we know what the transition status positions will be yet?

- We do not know what the transition status positions will be.
- There have been rumors that those in transition status may be placed into float positions. This is possible, but we do not have definitive confirmation at this time.
- Further, we will not know what open positions will be available for some time.

Will there be more job eliminations that have yet to be announced?

- We do not know if there will be additional job eliminations.
- We will keep you posted on information that we have when we get it.

What is the timeline for more information to become available?

- The union and the company continue to meet and talk through issues.
- We have meetings scheduled with management through the summer.
- We will work throughout the coming weeks to address questions in all other areas as well.
- We don't believe we will have the comprehensive information our members seek for several weeks.

What happens if an employee does not have a permanent position to go into through the Employment and Income Security Agreement?

- The employer is still obligated to keep you employed even if they don't have a position for you to go into.

What will happen if the company intends to eliminate positions and the intended reduction results in a person's current FTE amount being affected? Example: company wishes to reduce a department by 1.6 FTE and the two least senior people are 1.0 FTEs.

- We are aware of this issue and are working with the company to work to resolve these types of scenarios. We do not have an agreement in place at this time.

How will short-hour and on-calls be affected by the changes?

- We do not know what the impact will be at this time to short-hours and on-calls. It will likely be a case-specific, department-specific determination.
- However, short-hours and on-calls are, according to the labor contract, considered lowest senior and would theoretically be eliminated first.

What is considered a comparable position when an employee is placed?

- There are several factors that are considered to determine whether a placement is considered comparable under EISA. Those factors are as follows:
 - Comparable number of hours of previously scheduled weekly hours
 - Comparable classification, if possible
 - Placement at a facility within a reasonable geographic area of the previous facility or an employee's residence
 - Comparable rate of pay (Same)
 - Comparable shift (Day, Evening, or Night. Specific shift hours may vary.)
- We will continue to work toward resolution with management on particular cases.

APP-Specific Issue. How many appointment slots will there be for the APPs in convenience care?

- There will be 19 appointment slots, and some in cases multiple slots could be occupied by one patient depending on acuity and type of visit.