

2021 Alliance National Bargaining – Tentative Agreement

Subcommittee: Problem and Dispute Resolution

Alliance Kaiser Permanente Dispute Resolution Process 11102021

Replace Sections 1L2 and 2C with new Section 3D as follows:

Dispute Resolution Process

The goal of dispute resolution is to resolve problems at the level at which the problem arises. It is the intent of the parties that after sharing information and fully discussing and exchanging ideas and fully considering all views about issues of interest and concern to the parties, decisions should be reached that are satisfactory to all.

However, understanding that there may be times when disputes arise concerning the interpretation or application of this National Agreement, the parties have agreed to the following process.

Each step has a 60-day timeline. All timelines in the process can be extended with mutual agreement. Disputes should be resolved at the lowest possible level using an Interest Based approach.

Step 1: A dispute covered by the National Agreement must be submitted by the filing party within 60 days after the moving party becomes aware of the potential violation of the National Agreement.

Step 2: The dispute is received by a labor and management pair who will review/triage the dispute and determine who the appropriate stakeholders would be to help resolve the dispute. The criteria used to triage the dispute will include but not be limited to the following:

- Is the dispute economic or non-economic?
- Is the dispute a national issue or market issue?
- Does the dispute impact a single market or multiple markets?
- Is the result of the dispute precedent setting or non-precedent setting?
- Who are the appropriate parties needed to resolve the dispute (e.g., Benefits, Total Compensation, etc.)?
- Has the dispute been fully explored at the market level?

If it is determined the dispute should be resolved in the market, the dispute will be sent to the market and they will have 60 days to resolve, giving regular updates to the triage team. If it is determined the dispute should be resolved nationally, Step 3 starts.

Step 3: A Labor and Management pair will have 60 days to complete a fact-finding and either resolve the dispute or escalate to step 4. The fact-finding is to gather information and

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supporting documentation from the submitting party/parties to use to resolve the dispute. The fact finding must be completed at this step.

Step 4: If there is no resolution at step 3, the dispute will be escalated to the Tri-chairs or their designees. The Tri-chairs or designees have 60 days to resolve the issue or escalate to step 5, a national panel.

Step 5: Dispute is put on the National Panel calendar for hearing.

Exhibit 3D

Guidelines for Dispute Resolution Process:

Dispute Filers:

- Will use the appropriate approved form bringing the dispute
- Submission of dispute within 60 days or dispute will be barred
- Submission of all relevant documents before the completion of the fact finding 60-day timeline
- Actively collaborate with Fact Finders in framing the dispute, collecting all relevant documents, and identifying witnesses

Fact Finders:

- Fact Finders must provide an accurate report with all relevant facts to be considered to the Tri-Chairs (facts and documents not provided or submitted late will not be considered in resolving the dispute, except to respond to issues that arise in the hearing)
- In collaboration with the dispute filers and responders, Fact Finders should identify all witnesses and attach all documents that bear on the dispute in their report.
- Fact Finders may take an active role in asking questions to develop a more comprehensive record
- Fact Finders should attempt to mediate the issue
- Fact Finders should try to agree on facts. If they cannot, each side can state its understanding of the facts separately; however, this should be avoided whenever possible

Panelists:

- Panelists must receive all documents at least 10 days prior to a panel
- Witnesses must be identified at least 10 days prior to a panel
- Panelists may take an active role in asking questions to develop a more comprehensive record and possibly settle the dispute
- The panel will seek to expedite the presentation of information from relevant parties

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- Panelists should be active in trying to settle disputes prior to decision
- Panelists may share preliminary findings in order to encourage settlement before issuance of a binding decision
- The parties may consider establishing panels to hear all disputes within a time frame (e.g., one year) to facilitate settlement and promote consistency of decisions.

Advocates:

- A meeting shall occur between the advocates at least 10 days prior to a panel to: (1) exchange documents; (2) identify witnesses; (3) stipulate to facts and exhibits in an effort to limit the need for testimony; and (4) attempt a potential settlement of the subject dispute
- The advocates will cooperate and seek to resolve the dispute in the spirit of partnership

Third Party Neutral:

- Third Party Neutral may take an active role in asking questions to develop a more comprehensive record in an effort to resolve the dispute
- Shall seek to settle the dispute in discussions with the parties' advocates and with the panels.
- Shall provide a concise written determination within 30 days following the completion of the panel dispute if no settlement can be achieved
- The Third Party Neutral may request more documents and information than has been provided through the Fact-Finding process
- There will be no transcripts or briefs unless agreed upon by the parties or requested by the Third Party Neutral.

The parties will schedule quarterly panels annually

Agreed:



Hal Ruddick
Executive Director
Alliance of Health Care
Unions

11/10/21

Date



Steve Shields
Senior Vice President
National Labor Relations, Kaiser
Permanente

11/10/2021

Date