

September 6, 2013

Rich Trumka, President
AFL-CIO
815 16th Street., N.W.
Washington, DC 20006

Dear President Trumka:

More than two-and-half years ago, we wrote to you regarding the AFL-CIO's role in the Coalition of Kaiser Permanente Unions (CKPU). We never received a reply from you.

In our letter (see attached), we informed you of Kaiser Permanente's demand to sharply cut the health and retirement benefits for thousands of workers despite the company's record profits, which now total \$10.2 billion since 2009. Specifically, we described Kaiser's demand to eliminate the defined-benefit pension plan, eliminate the retiree health benefits, and increase health insurance costs for nearly 5,000 caregivers represented by the National Union of Healthcare Workers-California Nurses Association (NUHW-CNA) and nearly 2,000 caregivers represented by UNITE-HERE Local 5. As you know, all of these unions are affiliates of the AFL-CIO.

We further informed you of Kaiser's multiple and serious violations of federal labor law. In fact, Kaiser's violations were so severe that a federal judge was forced to issue a 10(j) injunction against the company after it unlawfully withheld \$2 million in pay and benefits from 2,300 Kaiser employees in California. Additionally, Kaiser threatened to arrest Dolores Huerta, the co-founder of the United Farm Workers, when she tried to visit off-duty workers in public cafeterias at Kaiser hospitals in California.

At the time, we wrote that we recognized the AFL-CIO's investment of substantial resources in its relationship with Kaiser, but that violations of workers' rights should never be tolerated.

While we were dismayed that you never responded to our letter, we are now alarmed to learn that the AFL-CIO will be featuring Kaiser Permanente and its trademarked "Instant Recess" during the AFL-CIO's upcoming convention in Los Angeles, in effect holding Kaiser up as a model employer.

Since our letter of January of 2011, Kaiser's behavior has not only failed to improve, but it has worsened. In fact, four AFL-CIO affiliates (the California Nurses Association, NUHW, Operating Engineers Local 39, and UNITE-HERE) have been forced to conduct multiple strikes against Kaiser due to the HMO's bad-faith bargaining and unlawful insistence on draconian cuts to caregivers' benefits. In 2011 and 2012, unions conducted strikes of more than 20,000 workers, the largest in Kaiser's history. In June of 2013, the California Department of Managed Health Care levied a \$4 million fine against Kaiser for committing multiple violations of state law that have placed thousands of mental health patients in jeopardy. The fine, which is the second largest in the state agency's history, reflects the seriousness of Kaiser's patient-care violations.

Given this track record, we find it hard to understand why the AFL-CIO would welcome into its midst and embrace an employer like Kaiser, which is seeking to destroy much of what the House of Labor purports to believe in.

Multiple affiliates of the AFL-CIO are currently in the middle of an epic struggle at Kaiser to defend standards that workers have fought decades to establish. We again request that you and the rest of the AFL-CIO stand with us and not with this multi-billion dollar HMO.

In Solidarity,

Laneta Fitzthugh, RN
President, AFN Chapter

Clement Papazian, LCSW
President, Integrated Behavioral Health Services Chapter

David Mallon, LCSW
President, Psych Social Chapter

Turusew Gedebu-Wilson, MS, RD
President, Healthcare Professionals Chapter

Sonia Askew
President, Optical Chapter

cc: AFL-CIO Executive Council

January 13, 2011

Rich Trumka, President
AFL-CIO
815 16th St., N.W.
Washington, D.C. 20006

Dear President Trumka,

We're writing to request your help with an urgent matter related to the AFL-CIO's role in the Coalition of Kaiser Permanente Unions. We are elected leaders of 4,000 Kaiser workers in California who've experienced multiple violations of our labor rights by Kaiser Permanente officials during recent months. Since April of 2010, Kaiser executives have illegally withheld an estimated \$2 million in pay and benefits from us and our co-workers after we exercised our right to vote for the union of our choice. Meanwhile, NLRB records describe how Kaiser managers have subjected caregivers to illegal surveillance, interrogations, threats and discipline because of their support for NUHW. Here are additional details:

- On December 13, an Administrative Law Judge issued [a 23-page ruling that cites Kaiser](#) for the "massive damage done" to workers' rights and orders Kaiser executives to "cease and desist" from violating federal labor laws.
- On December 16, a federal judge issued a [10\(j\) injunction against Kaiser executives](#) for illegally withholding an estimated \$2 million in pay and benefits from 2,300 Kaiser employees who voted to join NUHW in January of 2010.
- Since March of 2010, Kaiser has signed [multiple out-of-court settlements with the NLRB](#) for illegally surveilling, interrogating and threatening workers who simply tried to exercise their right to freely choose their union. Kaiser took these actions as workers prepared to participate in the largest union election in the past 70 years.
- Currently, two government agencies are investigating Kaiser for allowing [death threats against employees](#) who sought to leave Kaiser's favored union.
- Last summer, Kaiser officials threatened to arrest Dolores Huerta, the 80-year-old co-founder of the United Farm Workers, when she tried to visit off-duty workers in public cafeterias at Kaiser hospitals. We've attached [video footage from her visit to one facility](#), as well as [a second video in which Dolores describes her first-hand experiences](#) inside the Kaiser facilities.

Together, we've been employed by Kaiser for decades. Most of us worked at Kaiser during the late 1980s and early 1990s when management's demand for two-tiered wages and benefits precipitated strikes by thousands of Kaiser workers across California, Oregon and Colorado. Today, we're living through that same aggressive, anti-union animus.

We recognize that the AFL-CIO has invested substantial resources to build its relationship with Kaiser. However, violations of workers' rights should never be tolerated. And if Kaiser is allowed to get away with violating one set of workers' rights, who is to say it will not soon turn these same tactics against other workers. Moreover, unless Kaiser's illegal actions are addressed by the labor movement, they will only undermine Kaiser's capacity to serve as a positive role model and counterpoint to the anti-union behavior that's so dominant among U.S. companies.

We'd like to meet with you, either in person or by phone, to discuss various opportunities for addressing Kaiser's behavior. NUHW's interim President Sal Rosselli will contact you to discuss scheduling a meeting with us.

In Solidarity,

Laneta Fitzthugh, RN
Interim President, AFN Chapter

Molly Miller, Marriage & Family Therapist
President, Psych Social Chapter

Barbara Lavery Escobar, MHA
President, Healthcare Professionals Chapter

Sonia Askew
Interim President, Optical Chapter

Paul Shaw, LCSW
Interim Officer, Integrated Behavioral Health Services Chapter

David Mallon, LCSW
Vice President, Psych Social Chapter

Turusew Gedebu-Wilson, MS, RD
Vice President, Healthcare Professionals Chapter

cc: John August, CKPU
Rose Ann DeMoro, CNA
Leo Gerard, USW
Vincent Giblin, IUOE
Michael Goodwin, OPEIU
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Gerald McEntee, AFSCME
D. Taylor, UNITE HERE
Randi Weingarten, AFT