

FEB - 5 2009

January 20, 2009

The following is a letter of understanding between Kaiser Permanente Health Plan and OFNHP regarding the scheduling of Certified Nurse Midwives.

This LOU covers a six month pilot and will expire at the end of the 6 month period beginning from the signature date of both parties.

Both parties agree to revisit the LOU at that time.

Agreements for the pilot are as outlined below:

PAY PERIOD:

- The CNM staff will work coded hours within a 2-week pay period template.
- One 2-week template may differ from the next in arrangement of shifts. Past agreements honoring a regular clinic-day will apply.
- Flexibility in the length and definition of a clinic "shift" is permissible to accommodate meeting "coded hours". Clinic shifts in multiples less than 4 hours are counted in the total as actual hours worked (e.g., a 4-hour AM clinic plus an additional 2 hours worked in the PM will be paid as 6 hours)

SCHEDULING TEMPLATE:

- Schedule changes will be done in partnership with CNM and management. Management retains the ultimate accountability to assure that adequate staff is available to meet the members needs.
- All requests for time off will go through PCM first. If PCM not available then they will go to Regional Lead CNM and to the replacement PCM for confirmation of time off approval or denial.

MECHANISM FOR FILLING ADVANCE NOTICE VACANCIES AT ALL SITES:

- The Regional Lead CNM will work with the local PCM to reasonably and temporarily change the L&D schedule, with 8 weeks advance notice, to fill unfilled L&D shifts. The burden of these temporary changes will be spread evenly among the staff. The regional lead CNM is accountable to keep track of these schedule changes.
- This process shall entail:
 - Continue with recommended 10 week advanced notice for PTO Request for time off (submitted by Friday in the week preceding PCM review).
 - PCM approves/denies within one work-week (Friday AM deadline). Detail notifies staff of open shifts in email sent out Friday PM.
 - Coded CNM staff will bid by seniority Friday evening through Wednesday PM. It is the accountability of the coded CNM to watch for the notification. There will be no ability to bump or grieve shifts granted out of seniority.
 - Shifts not taken by coded staff, that remain open by Wednesday PM, are offered to on-call staff Wednesday-Sunday.
 - Remaining vacancies are filled by the Regional Lead CNM (in concert with affected PCMs) by shifting CNMs from clinic to L&D. Final sign off of the schedule is accountability of management. The Regional Lead CNM is accountable to keep a record of these transfers to assure fair distribution among the staff.

INTERMEDIATE CHANGE NOTICE (LESS THAN 10 WEEKS ONCE SCHEDULE IS POSTED):

- Trading L&D shifts for equal-replacement hours will be permitted as long as clinic access is not affected. Trade is defined as "agreed upon exchange of equal length shifts that are accepted by all participating parties." Trades can not affect the ability to meet or cause staff to exceed coded hours. If CNM is unable to find a replacement, he/she will not be

able to have the time off. Detail staff, PCM and Regional Lead CNM to be notified immediately of trades. Notification of trades must be e-mailed and request for time off to follow up within 7 days. If request for time off not received within 7 days schedule will be released. Changes will be communicated by detail, through email, to all clinicians and staff who need to know-including but not limited to CNM, PCM, Regional Lead CNM and lead MD. Rules of seniority will not apply to these traded shifts as they are not seen as work available to all staff.

SHORT-NOTICE REQUESTS FOR PTO:

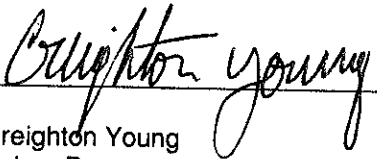
- PTO will be considered after notification in writing to the Regional CNM and local PCM. The CNM requesting PTO is responsible for finding replacement staff for L&D shifts. Trades will be made within call groups. The rules of seniority apply with the following exception;
 - *The CNM requesting PTO will call all staff on the "work wanted" list which will be maintained by the Regional Lead CNM, beginning with the most senior CNM.*
 - *CNMs on the "work-wanted" list shall provide/maintain a working cell phone number at her/his own expense.*
 - *Notification is defined as contact OR a message left on the designated cell phone.*
 - *The first CNM to accept the work is given the shift.*
 - *There will be no ability to bump or grieve shifts granted out of seniority.*
- Outpatient clinics shall not be cancelled unless three (3) or fewer patients have been scheduled and detail staff is notified to place "hold" on the clinic affected.

SICK CALL:

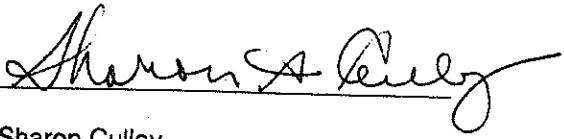
Health Plan management and OFNHP agree to continue to work on a procedure for short notice ill call during this six month pilot.

This letter of understanding is non-precedence setting.

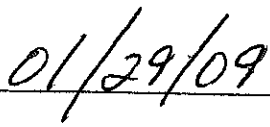
Signed:



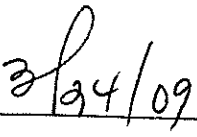
Creighton Young
Kaiser Permanente Health Plan



Sharon Culley
OFNHP



Date



Date