

**KALEIDA HEALTH  
1199/SEIU UNITED HEALTHCARE WORKERS EAST  
COMMUNICATIONS WORKERS OF AMERICA**

**2025 CONTRACT NEGOTIATIONS**

**Union Proposal:  
Date Presented: March 4, 2025**

**Article 76  
Staffing and Productivity Committees**

Section 1.

- A. Quality and safe patient care and a healthy work environment for all employees are the mutual goals of the Employer and the Union. To that end, the parties agree to work together to achieve the goals of this Article by forming a System Staffing and Productivity Committee (“SSPC”) and subcommittees of the SSPC at each of the Employer’s sites.
- B. Membership on the System Staffing and Productivity Committee shall include the Employer’s Chief Operating Officer, the Chief Nursing Executive of Kaleida Health and the Chief Nursing Officer of each of the Employer’s sites. A representative of the Employer’s Finance, Corporate Human Resource Departments and Director of Operations shall also sit on the SSPC. The Union shall have an equal number of representatives.
- C. Membership on the site subcommittees shall consist of the Chief Nursing Officer or designee at such site, three (3) nursing department managers, three (3) non-nursing department managers and the site Human Resource Department representative. The Union shall have an equal number of representatives.

Section 2. The staffing plans for nursing and non-nursing units/departments cost centers will be developed with consideration given to the applicable criteria below:

- a.) census;
- b.) volume inclusive of admissions, discharges, transfers, add-ons and scheduling backlogs;
- c.) patient acuity inclusive of patient needs for the specific unit/department/cost center;
- d.) patient conditions, inclusive of age, communication skills, functional ability, cultural diversities and linguistic diversities;
- e.) patient safety, inclusive of coordination of care, ability to provide continuity of care, patient education and proper discharge education;
- f.) workload/productivity indices;

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- g.) competency and expertise of the staff;
- h.) case mix indices;
- i.) facility characteristics (geography of department/unit, square footage, etc.);
- j.) standard approach to record keeping and information;
- k.) staff mix;
- l.) available support systems;
- m.) patient satisfaction;
- n.) patient care delivery models;
- o.) internal and external benchmarks/standards;
- p.) available financial resources;
- q.) regulatory requirements and mandates;
- r.) quality metrics;
- s.) diagnostic related groupings.

Section 3. Staffing grids or fixed staffing schedules will be initially developed within six (6) months of the effective date of this Agreement and shall be reviewed at least on an every six (6) month basis by the SSPC. The SSPC shall also receive, on an ongoing basis, reports from the site subcommittees regarding the effectiveness of the grids for each of the Employer's hospital sites on a unit/department/cost center basis and shall make changes in the staffing grids as appropriate. Such review of the effectiveness of the staffing grids shall use, among other criteria, the following:

- a.) patient satisfaction;
- b.) employee satisfaction;
- c.) quality metrics;
- d.) productivity metrics; and
- e.) fiscal and budget measures.

Section 4. The SSPC site sub-committee shall consist of up to six (6) union representatives from all the bargaining units covered under this master Agreement and an equal number of Employer representatives. The committee will meet on a monthly or on an as needed basis. Additional representatives may be invited as the agenda dictates. The SSPC site sub-committee will:

- a.) identify staffing issues;
- b.) assess current staffing needs;
- c.) develop criteria for the determination of current and projected staffing needs which can be identified;
- d.) review staffing grievances and staffing committee forms;
- e.) review restricted duty assignments; and

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- f.) recruitment and retention strategies.

Section 5. The SSPC shall meet, on a System level, once every calendar quarter and the Employer's Chief Nursing Executive shall be responsible for preparing the agenda for such meetings and shall distribute such agenda, in a written format, at least one (1) week prior to each meeting. Union representatives may submit agenda items to the Employer's Chief Nursing Executive for review and inclusion on the agenda. The SSPC will:

- a.) address staffing concerns that cannot be resolved at the site committee;
- b.) monitor the work of any site staffing committee;
- c.) make recommendations concerning the utilization of consultants; and
- d.) make proposals regarding the issues or criteria which arise under a.) and b.) above.

On a yearly basis, the Chief Financial Officer will meet with the SSPC to review the sections of the following years Kaleida Health budget, especially, those budget issues that will impact staffing and members covered by this Agreement.

Section 6. In order to improve both patient and employee satisfaction the following staffing related factors will also be reviewed and initiatives developed by the Site Staffing Committee:

- a.) the number of work related illness and injury, disability or leaves of absence;
  - b.) the number of sick calls, tardiness;
  - c.) turnover and vacancy rates;
  - d.) use of per diem employees;
  - e.) use of part-time employees;
  - f.) use of agency staff;
  - g.) hours of work, workloads and shift assignments, on call utilization;
  - h.) staffing levels and its impact on patient care;
  - i.) amount of overtime utilized to cover staffing shortages and its impact on patient care;
  - j.) number of floats and flexible employees vs. regular personnel; and
  - k.) excessive shift rotation, floating and flexing
- l.) meals and breaks**

Each unit/department/cost center will post the shift to shift staffing ratios, grids or fixed staffing schedules in a mutually agreed to location.

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Section 7. Any employee questioning the staffing levels on his/her unit/department/cost center, shall initially verbally consult the employee's supervisor or department manager to attempt to address the issue in question. If the employee believes his/her concern is still unresolved, he/she may indicate such concern on a staffing committee form and forward a copy of same to the employee's manager/supervisor, the Chair of the site subcommittee and the Union representatives on such subcommittee. The respective manager or other appropriate management representative will provide the employee a written response with seventy-two (72) hours or as soon as practical to any unresolved staffing concern. If the Union Representative for the subcommittee desires to have a review of such forms undertaken by the subcommittee, they should prepare a summary of the same and present such summary at the next subcommittee meeting.

Section 8. If over a four (4) month period a shortfall in budgeted staffing exists and results in hours paid over budget for a job title, and the shortfall is not a result of vacancies or unusual circumstances, the Employer shall, as soon as practical, increase the number of positions (FTE) in that title by an appropriate amount to offset said hours.

Section 9. Any disagreements between the parties regarding the interpretation or implementation of the Article shall be subject to the grievance and arbitration procedure. However, it is agreed that should a grievance proceed to arbitration the arbitrator's ruling shall be limited to the limitations of interpretation and implementation only and the arbitrator cannot be empowered to mandate the Employer to increase or modify staffing levels. A disagreement between the parties regarding staffing plan development, criteria to monitor staffing plans and solutions to any identified issues of deviation from plans that cannot be resolved mutually by the parties shall be subject to mediation before a mutually agreed upon mediator.

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