



# Washington Township Health Care District

2000 Mowry Avenue, Fremont, California 94538-1716 | 510.797.1111

Kimberly Hartz, Chief Executive Officer

## Board of Directors

Jacob Eapen, MD  
William F. Nicholson, MD  
Bernard Stewart, DDS  
Michael J. Wallace  
Jeannie Yee

## BOARD OF DIRECTORS MEETING

Monday, October 16, 2023 – 6:00 P.M.

Board Room of Washington Hospital, 2000 Mowry Avenue, Fremont and via Zoom

<https://zoom.us/j/96839460498?pwd=ZEM0bWRScUpzb3d5TUwxSHpSV0lWdz09>

Passcode: 725661

Board Agenda and Packet can be found at:

[October 2023 | Washington Hospital Healthcare System \(whhs.com\)](https://www.whhs.com)

## AGENDA

PRESENTED BY:

I. **CALL TO ORDER &  
PLEDGE OF ALLEGIANCE**

Bernard Stewart, DDS  
Board President

II. **ROLL CALL**

Cheryl Renaud  
District Clerk

III. **COMMUNICATIONS**

A. Oral

*This opportunity is provided for persons in the audience to make a brief statement, not to exceed three (3) minutes on issues or concerns not on the agenda and within the subject matter of jurisdiction of the Board. "Request to Speak" cards should be filled out in advance and presented to the District Clerk. For the record, please state your name.*

B. Written

IV. **CONSENT CALENDAR**

*Items listed under the Consent Calendar include reviewed reports and recommendations and are acted upon by one motion of the Board. Any Board Member or member of the public may remove an item for discussion before a motion is made.*

V. **ACTION**

*Motion Required*

A. Resolution No. 1257: International Union of Operating Engineers, Stationary Engineers, Local 39 Memorandum of Understanding

**VI. ANNOUNCEMENTS**

**VII. ADJOURN TO CLOSED SESSION**

A. Conference involving Trade Secrets pursuant to  
Health & Safety Code section 32106

- Strategic Planning

**VIII. RECONVENE TO OPEN SESSION & REPORT  
ON PERMISSIBLE ACTIONS TAKEN DURING  
CLOSED SESSION**

Bernard Stewart, DDS  
Board President

**IX. ADJOURNMENT**

Bernard Stewart, DDS  
Board President

*In compliance with the Americans with Disabilities Act, if you need assistance to participate in this meeting, please contact the District Clerk at (510) 818-6500. Notification two working days prior to the meeting will enable the District to make reasonable arrangements to ensure accessibility to this meeting.*



---

# Memorandum

**DATE:** October 12, 2023

**TO:** Kimberly Hartz  
Chief Executive Officer

**FROM:** John Zubiena  
Chief Human Resources Officer

**SUBJECT:** Local 39 Agreement

**CC:** Tina Nunez  
Vice President of Ambulatory and Administrative Services

Washington Hospital and the International Union of Operating Engineers, Stationary Engineers Local 39 have reached an Agreement on a new, 4-year contract, following negotiations. The union ratified the contract on Friday, October 6, 2023. The union consists of Stationary Engineers, Biomedical Engineers, Carpenter/Painters, and Utility Engineers. In total, the union consists of 29 employees.

A summary of the key terms of the Agreement are as follows:

- Term – 4 years, from October 1, 2023 through September 30, 2027
- Wage Increases
  - Year 1 increase of 5.5%; Year 2 increase of 5.39%; Year 3 increase of 5.39%; Year 4 increase of 5.39%
  - Stationary Engineer\* wages for each year of contract will be:
    - \$69.86 – Year 1
    - \$73.63 – Year 2
    - \$77.60 – Year 3
    - \$81.78 – Year 4
  - \*All other wage rates are based on the Stationary Engineer hourly wage rate.
  - Increase in the Senior Lead Engineer and Senior Lead Bio-Medical Engineer wage rates from the current 20% above Stationary Engineer to 23% above Stationary Engineer

- Increase in the Lead Engineer, Lead Bio-Medical Engineer, and Lead Crafts wage rates from the current 12.5% above Stationary Engineer to 13% above Stationary Engineer
- Differentials
  - Evening – Increase from \$2.50 to \$2.65
  - Night – Increase from \$3.00 to \$3.50
  - Relief Engineer (regularly scheduled and not regularly scheduled) – Increase from \$3.50 to \$5.00
- Shoe Allowance: Increase from \$150 to \$200 for annual safety shoe allowance.
- Apprenticeships and Journeyperson Training: Increase in annual contributions by \$50 per year per engineer as follows: \$805 on 1/1/24, \$855 on 1/1/25, \$905 on 1/1/26, and \$955 on 1/1/27.
- Benefits: Local 39 agrees that any newly agreed upon health and welfare benefits that are implemented for a majority of other bargaining unit employees of Washington Hospital will be accepted and incorporated into the MOU between Local 39 and Washington Hospital for October 1, 2023 through September 30, 2027. Until new health and welfare benefits are implemented for other bargaining unit employees of Washington Hospital, the existing health and welfare benefits contained in the MOU dated October 1, 2020 through September 30, 2023 will remain in full force and effect.
- Discrimination – Expand language against discrimination to bring it more closely in line with current federal and state equal opportunity laws.
- Bereavement Leave – Update to bring into compliance with new California law.
  - Add step-mother, step-father, step-daughter, and step-son to list of immediate family members for whom an employee may take bereavement leave.<sup>1</sup>

---

<sup>1</sup> Applicable California law defines “parent” to include stepparents and “child” to include stepchildren. *See* Cal. Gov. Code § 12945.2.

- Eliminate the restriction on the two additional unpaid days of Bereavement Leave being only for employees who need to attend a funeral outside of CA or outside of 400 miles radius of hospital.<sup>2</sup>

---

<sup>2</sup> New California law requires employers to provide 5 days of bereavement leave for the death of a qualifying family member. *See* Cal. Gov. Code § 12945.7. If an employer has an existing bereavement leave policy that permits employees to take less than five days of paid bereavement leave (as WHHS does), then the employer must continue to permit its employees to take paid bereavement leave for as long as the existing policy allows, and the employer must, at a minimum, add unpaid bereavement leave days until the total number of bereavement leave days is five days. There cannot be any conditions placed on the receipt of those 5 days of protected leave, such as the existing distance requirement.

**RESOLUTION NO. 1257**  
**INTERNATIONAL UNION OF OPERATING ENGINEERS, STATIONARY**  
**ENGINEERS, LOCAL 39**

Washington Township Health Care District, a local health care district, does hereby resolve as follows:

Attached hereto is a List of Amendments to the current Agreement that will be incorporated into a new Memorandum of Understanding by and between the designated representative of Washington Hospital, that being the Chief Executive Officer, and the International Union of Operating Engineers, Stationary Engineers, Local 39, a recognized majority representative under the terms of Board Resolution 331A.

The terms and conditions of the attached List of Amendments will be implemented in their entirety effective on the various dates specified with the Memorandum.

Passed and adopted by the Board of Directors of Washington Township Health Care District this 16<sup>th</sup> day of October, 2023, by the following vote:

AYES:

NOES:

ABSENT:

---

Bernard Stewart, DDS  
President of the Washington Township  
Health Care District Board of Directors

---

Jeannie Yee  
Secretary of the Washington Township  
Health Care District Board of Directors