



# pipeline

*Professional Advancement through Collective Bargaining*

## SF Board of Supervisors Orders Phase-Out of Fledgling Privatization Effort

For the last three years, Local 21 has been on a major quest to ensure that the San Francisco Public Utilities Commission (SFPUC) competently manages its multi-year Capital Improvement Program (CIP). From the looks of it, we'll be involved for many more years to come. The SFPUC is San Francisco's water and power agency. It provides water to two million users as well as wastewater services to San Francisco, and generates some 30% of San Francisco's energy needs through hydropower from Hetch Hetchy. The need for a massive, multi-billion dollar CIP resulted directly from the City's neglect and deferred maintenance for many years.

**SFPUC Takes Matters into its Own Hands.** The SFPUC moved to kick off its Capital Improvement Program in December 1998 with a request for proposals (RFP) for a private consultant to provide "Program Management" services. The RFP was a disaster in the making. The proposed contract was for 12 years, and instructed the consultant to provide not only program management, but also financing, engineering design, and construction management. It was essentially a plan to privatize San Francisco's water-related infrastructure. It symbolized a total abdication of major responsibilities by the SFPUC.

We argued against the contract at SFPUC Commission meetings, talked to members of the Board of Supervisors and to Mayor's staff, provided the story to the *Chronicle* and the *Examiner*, and pursued litigation.

The Commission delayed action on the RFP, which allowed representatives from the SFPUC's Utilities Engineering Bureau, the SF Department of Public Works, and our union to meet and discuss ideas for improving it. Six drafts later, the contract

was down to four years, and financing, engineering design and construction management were eliminated. A responsibility for training City staff was added. Significant progress had been made, but we still had major concerns about what we feared would be lack of City management of the consultant and consequently of privatization and loss of public control over public assets.

**Budget Analyst Against Contract.** It turned out that the Board of Supervisors' Budget Analyst shared many of our concerns. Before the Board of Supervisors considered the proposed contract with the joint venture led by the Bechtel Corporation - coined the "San Francisco Water Alliance" - they requested a review by the Budget Analyst. The Budget Analyst blasted the contract, saying - among other things - that it contained no performance measures and that he could not recommend it. The Budget

Analyst advised the Board to direct the SFPUC to amend the contract to make it annually renewable. With the newly-added performance measures (authored by Bechtel) and the annual renewal clause, the Board approved the contract in August 2000.

**Fast Forward to 2001.** Our office has been contacted numerous times by SFPUC employees concerned about the performance of the Bechtel Water Alliance. (Among the Local 21-represented employees at the SFPUC are engineers, technicians, project managers, IT professionals, administrative staff, accountants, auditors, construction inspectors and others.) The collected information paints a grim picture. Several assessments of the contract performance - two audits from the Controller's Office, a new report from

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## HOLIDAY FUNDS DONATED TO WORKERS IN NEED

In light of the hardships suffered by many of our brothers and sisters since the events of September 11, our Executive Committee has decided to forgo our annual holiday party this year and instead donate funds to the charitable activities of our local labor councils (see box). While the party will be missed, the Officers felt our dues money would go a long way toward helping people who have lost their jobs.

Many chapters are planning celebration events - potlucks, gatherings, etc. Contact your chapter president if you are willing to help.

*The AFL-CIO Community Services Program is the outreach and worker assistance arm of the labor movement. Each labor council participates in the program, which is partly funded by the United Way. Activities are year-round, but stepped up during the holiday season to ensure that workers in need are not forgotten. Activities include food and toy drives, direct financial assistance to striking and laid-off employees, and coordination with local union charitable and community organizing activities. This year, special emphasis is being placed on hardest hit workers in the airline, hospitality and related industries.*



# AB 616 Becomes Law - Improved Retirement on the Horizon

The California State Legislature passed overwhelmingly and the Governor signed AB 616 in October. This makes possible improved retirement benefits for the “miscellaneous” (non-public safety) category of employees in PERS-participating agencies. The improvements are not automatic, but must be negotiated.

The bill provides three options for possible adoption by any PERS agency. The options are 2.5% at age 55, 2.7% at age 55 or 3% at age 60. The benefit formulas are not optional to the retiring employee. Only through negotiations may one of the amendments be selected. If the employer adopts one of the improvements, it will become the benefit formula for all miscellaneous employees regardless of bargaining unit or union representation within that agency.

Complicating negotiations is the fact that the benefit formulae are not compatible. The 3% at 60 plan would

result in 2.5% at 55, not 2.7% at 55. Thus advantages and disadvantages to either choice, depending on the retiring employee’s age and number of years of service. As of this writing, several Local 21-represented agencies have requested or are in the process of requesting costing data from PERS as a precursor to pending negotiations. And while we’ve been looking forward to favorable responses from PERS for various agencies (Oakland is reportedly approaching “superfunded” status), recent investment losses could change the equations.

In the meanwhile, reliable sources report that PERS is pressing for “clean up” legislation for January that would result in two changes: 1) ensuring that employees with service credits from more than one agency get full credit for the terms of the plan upon retirement (AB 616 doesn’t do this - you’d only get the formula in place at the time of your service at your prior place of

employment, and then credit for the improved plan based on years of service with the agency from which you retire); and 2) eliminate the 2.7% at 55 option. The concern here is that once an agency buys the 2.7% at 55 plan, and then attempts to “improve” the plan later to 3% at 60, employees in their early fifties would be hurt by this, thus exposing the local agency to liabilities based on reduction in pension benefits to some.

As local governments experience rapid decline in revenues and face previously unexpected shortfalls, encouraging retirement through enhanced plans is an excellent way to reduce costs without placing great hardship on active employees (lay-offs, wage reductions, hours reduction and the like). We look forward to successful talks with our employers affected by AB 616 in the months ahead. ■



## COURT STAFF VICTORIOUS IN FIGHT FOR FAIR RAISE

Staff attorneys, mediators and investigators represented by our Union took to the streets in August to protest the Superior Court’s plan to give them a 1/2% wage increase when other Court employees had received as much as 10%. The day after the spirited demonstration, the Court accepted the state mediator’s recommendation to provide a fair and equal wage increase full with retroactivity to the group of 70 professionals. Thanks to the numerous members from other chapters, union officers and Service Employees Local 790 for their support on the picket line.



## Privatization Effort...

*continued from page 1*

the Budget Analyst, an independent peer review by engineering consultants ordered by the Supervisors, and an investigative report by the *San Francisco Bay Guardian* – all raised numerous concerns. The Board of Supervisors, deliberating whether to renew Bechtel's Water Alliance contract, appears agitated by the lack of progress that has been made in protecting the Bay Area's water supply.

**Joint Committee Established.** The SFPUC should be managing both the CIP and its own organizational growth to deliver it. We proposed to SFPUC senior management that a "Joint Union-City Committee" take on a comprehensive analysis of infrastructure plans to meet the challenges of the future. The committee would also ascertain which functions would properly be performed in house, what assistance will be needed from other City forces (e.g. the SF Public Works Department) and which functions, if any, need to be outsourced. Such an assessment had not been undertaken by the SFPUC, which had been a major contributing factor resulting in the current Bechtel contract.

The Joint Union-City Committee was negotiated as part of the phase-down and phase-out of the contract. Instead of killing the contract immediately, the Supervisors supported a resolution for a five-month transition to end in March. (See "Bye-bye Bechtel" reprint of *San Francisco Bay Guardian* 11/7/01 story in box.) The SFPUC retained the services of the Strategica Group to facilitate the union/city process. Strategica has worked on similar projects in Los Angeles and Richmond.

**Conclusion.** A responsible course for rebuilding San Francisco's water-related infrastructure has been set, but it never could have been done without the critical role played by our union, the Budget Analyst, and an intelligent and responsible Board of Supervisors. The Supervisors recognized the critical role played by our union when they requested the SFPUC General Manager to join with our union in regular 30 day report-backs on the Bechtel phase-out and on the progress of the CIP. ■

*Reprinted from San Francisco Bay Guardian, 11/7/01*

## Bye-bye Bechtel

*Supes OK deal to end water privatization contract*

**By Savannah Blackwell**

The San Francisco Board of Supervisors approved a plan Nov. 5 that could end Bechtel Infrastructure Corp.'s contract with the Public Utilities Commission – a contract that critics said was a step toward privatizing the city's water system.

The plan, based on a compromise between PUC management and the union representing PUC workers, cuts off funding for the Bechtel contract after six months. The vote was 10-1, with Sup. Matt Gonzalez opposing the deal. Gonzalez argued that the contract should be terminated immediately.

The contract, approved last summer by a Board of Supervisors dominated by allies of Mayor Willie Brown, was supposed to last four years and cost \$45 million. It called for Bechtel and several other private companies, working under the name San Francisco Water Alliance, to manage a huge project: the overhaul of much of the city's aging water infrastructure system, which stretches some 150 miles and provides drinking water to San Francisco as well as more than a million additional customers in the Bay Area.

International Federation of Professional and Technical Engineers, Local 21, protested the contract on the basis that it amounted to the privatization of city services. The union successfully lobbied the supervisors to reduce Bechtel's role slightly before the contract was signed.

That contract has proved to be a failure. Out of nearly \$8 million the city has paid to the alliance, nearly \$5 million went for work that was unnecessary, that duplicated work already performed by city staffers, or that wasn't specialized enough to require the use of a highly paid outside consultant. In addition, the company attempted to charge the city for tens of thousands of dollars' worth of personal expenses, including travel – and in some instances got away with it (see "Bechtel's

\$45 Million Screw Job," 9/12/01).

Bechtel officials have stuck to their claim that the contract is working and that it will ultimately save the city some 10 percent of the capital cost of the project. (The PUC is planning to put together a multibillion-dollar spending plan and may push for a bond issue as early as next November.)

But city budget analyst Harvey Rose just released a report that found that Bechtel's claims were "highly speculative." In addition, a peer review found in September that the partnership with Bechtel was not working. That report said the city needed to control the contractor better in order to save any money (see "Report Knocks Bechtel," 10/03/01).

The compromise worked out between Local 21 and the PUC allows Bechtel to keep its management contract with the PUC until the third week in March, when the PUC's newly appointed general manager, Pat Martel, is due to come forward with a new plan for handling the reconstruction project. Martel argued that the PUC was short of qualified engineers and needed several months to hire more employees to replace the private consultants.

Although nearly \$7 million was earmarked for Bechtel for the rest of the 2001-02 budget, the board released only \$3 million.

At the board's Oct. 31 Finance Committee meeting, several supervisors said they want Bechtel out. "It's clear you haven't been managed effectively," Sup. Aaron Peskin told John Kluesener, Bechtel's top manager on the contract. "It's also clear you haven't been bringing in your expertise and imparting it in a useful way to the staff."

Gonzalez said he was worried that the PUC would come back to the board in mid March and say that because the bond vote is coming up in several months, the city has to keep Bechtel on the job. "At this point we've arrived at the conclusion that any savings [due to Bechtel's help on the project] is speculative," Gonzalez said. "I don't want to be stuck here six months from now with the same consultant." ■



# CONTRACT UPDATES AROUND THE BAY

## Santa Clara County Engineers & Architects Chapter Settles Salary Grievance

In October 2000 members of our Santa Clara County Engineers and Architects Association overwhelmingly approved a three year Agreement which gave 96% of the bargaining unit a 10.5% increase in the first year. Despite high satisfaction with the settlement, a union grievance was filed protesting the manner in which the raises were calculated.

Instead of compounding the raise by multiplying the cost-of-living adjustment to the salary tables and then multiplying the realignments (market equity adjustments) to the salary tables, the two different raises were simply added and applied to the salary tables. Though traditionally the raises have always been calculated without compounding, in this case the County negotiators had represented during bargaining that traditionally the raises were compounded.

The union grievance asked that the salary tables be recalculated using the method that compounded the two raises. Last month a compromise agreement was reached. In exchange for not proceeding to arbitration on this issue, each employee in the affected classes will receive the difference in salary calculated from October 2000 through the end of September 2003.

This makes for a nice holiday bonus of between \$400 and \$600 per member.

## Richmond Chapter Signs New Three-Year Pact

After contentious and marathon bargaining in the previous round, the successor agreement was achieved with limited fanfare. Credit goes to bargaining committees, past and present (special recognition to Chair and immediate past president Doug Dietz), as well as to what appears to be improved personnel and labor relations practices on the employer side. The three-year contract includes wage increases totaling 14%, an immediate

reopener for negotiations on PERS pension (see related article on page 2), and improvements in acting assignment pay.



## San Leandro Negotiations Off to a Rough Start

Our San Leandro Chapter is facing very difficult negotiations this year. The City is proposing to implement a compensation survey fraught with deficiencies, refused to bargain over comparable agencies, and deliberately ignored cities in San Mateo and Santa Clara Counties. Job descriptions were not collected or analyzed, leading to inaccurate benchmark comparisons. Not surprisingly, the survey shows all executive positions underpaid while most of our positions as overpaid.

Even more onerous, the City is seeking to freeze medical and dental premium payments and have employees pay the cost of all future premium increases. Medical inflation for the current plans is running between 11% and 25%. Shifting the burden of healthcare premium increases to employees could offset future salary raises.

While 85% of the bargaining unit are now union members, a high priority of the membership this year is negotiating a "Fair Share" fee provision that makes the payment of fees by non-members for representation purposes a condition of employment. Over a month has elapsed and the City has yet to counter our proposal. A new provision in state law allows for an election to be conducted by the state if agreement cannot be reached on this subject. San Leandro union members are now circulating a petition for such an election.

## San Francisco IT Tech Committee Off and Running

In the last contract round in San Francisco, the City agreed to form a committee to explore the possibility of realigning the multiple technical series within the



Information Technology job family. This would include operators, technicians and administrators.

After a slow start the City presented us with a conceptual proposal that would merge the three series into one, with the possibility of expanding beyond the present five step wage progression into one broad-based salary range. This would allow employees to move through the series based on skills acquisition necessary to support emerging technologies.

The concept was drafted by the City's centralized IT organization, the Department of Telecommunications and Information Services, in concert with our representatives. Next steps are reducing the concept to a working proposal, and to involve other interested City departments and the Department of Human Resources that is responsible for the City's classification plan. Contact IT chapter president Pedro Martinez at 554-0871 or Union representative Carol Isen at 864-2100 for further information.

## Grievance Procedure, Training Top List at Golden Gate Bridge

**A**t the Bridge District, we negotiated the first ever contract for the Allied Administrative Unit. It is a diverse group of employees from Auditor/Controller, Engineering, Graphics, Human Resources, Information Systems, Marketing, and Planning Departments. Among other employment protections, employees now have a "just cause" provision and have arguably the best grievance procedure, paralleling that of the Engineers whom we also represent. Also, the District agreed to evaluate annually the training needs of each and every unit employee and to establish a joint committee to address our concerns in a timely manner. Both of these matters were top priorities for our members since they felt they had no voice in the District's decision-making process and saw a need to be treated with respect and as professionals. Finally, unlike other bargaining units, we negotiated a new process to evaluate compensation for represented employees looking at both internal relationships and market wage data.

"Now that we have our first contract," said Chapter Vice President Valerie Mitchell, "we continue to work hard to bring the concerns of our members to the District. With the help of the union, I trust that our voices will be heard."

Congratulations and thanks to all members who assisted in negotiations, with special thanks to Valerie Mitchell.

## Alameda County Engineers Secure Significant Increases

**I**n Alameda County, the Engineers in July ratified their new contract scheduled to expire in September of 2004. The agreement calls for a 24% wage increase with most of it coming in the first two years of the contract. This increase could not have been accomplished without the coordinated efforts of the chapter members and the bargaining team outside of the bargaining table. In fact, about 30 members appeared before a Board of Supervisors meeting to protest deteriorating wages and working conditions at the Public Works Agency.

"Although the negotiating environment was more hostile than before," said outgoing President Donna Rolle and negotiating team member, "credit for this round and successful outcome can be attributed to the union and the other negotiating team members. Chapter members are to be commended for their patience and involvement."

Thanks go to negotiating team members Carla Schultheis, Donna Rolle, Larry Johmann, Jeff Tang, Jaime Rios and Ramses Manalo.

## PACE Wages Finally Hit Mark

**I**n a near unanimous vote (107 to 1), the Professional Association of County Employees (PACE) in October ratified their new contract that calls for a total compensation package as high as 34% to almost seventy percent of our membership. The contract contains something for every classification. For months, negotiating team members remained steadfast to the core issues that included alternate work schedule, wages, equity adjustments, and working conditions and were adamant that we would not settle until agreements were reached on those issues. At the end, both parties agreed on all those and other issues that included improved vacation accrual rates, increased management benefits, and a new survey methodology in future contract negotiations.

Special thanks to chapter officers and negotiating team members Barbara Benn, Barbara Bradley, Patti Maloney, Jessie McIntosh, Judy Levy, Traci Henderson, Jaime Leon, Rosemarie Thorne, Sheila Danehy-Oakes, Delia Duran-Zertuche, Brenda Scott, Shress Moten, Amon Porter, Nancy McCormick, and Brittany Walker. ■



# Privatization Threat: Richmond Treatment Plant

As we go to press the Richmond City Council is poised to vote on the fate of the municipally owned Richmond sewage treatment plant. Through a process described by its advocates as “managed competition,” four bidders, including plant employees, submitted bids to maintain and operate the plant for the next twenty years. Other bidders included two private companies (USFilter and Earth Tech) and East Bay Municipal Utility District. The Council is now scheduled to select one of the four bidders, possibly as soon as its regular meeting on December 18<sup>th</sup>.

**Background.** In 1998 Richmond voters approved a bond measure to repair and improve sanitary sewers and the treatment plant. The Council appointed a citizens’ advisory committee to determine the best uses of the funds. The committee, after extensive deliberations, recommended to the Council that it consider all available options before arriving at a course of action. The Public Works Agency, with the blessings of the City Council, then hired wastewater privatization guru Paul Eisenhart, formerly of Malcolm Pirnie, to establish a process for consideration of all options.

Many months later, after extensive haggling over who could compete, and under what conditions, the Council issued an RFP for maintenance and operation of the plant for twenty years. Options to maintain and operate the lab and the pump stations were also included.

**City Staff Underbid by Private Sector.** One of the private bidders, USFilter, significantly underbid the rest of the competition. It bid \$39.3 million, as compared to Earth Tech’s \$49.1 million, EBMUD’s \$60.4 million, and Richmond staff’s \$64.0 million. The evaluation committee, which included Eisenhart and other City officials, has recommended that the contract be awarded to USFilter.

All competitors claimed that it would provide the necessary repairs to the plant (the plant is in serious disrepair, with the imminent possibility of water permit violations during the rainy season). The staff has questioned the integrity of the USFilter bid, claiming it would under spend on capital improvements, leading to almost certain contract amendments (or litigation) for work not included in the contract.

### Other Public Sector Alternative.

EBMUD is the only bidder that would abandon the plant for treatment purposes, and instead build a pipeline from the existing plant, which would serve as a holding

point, to its facility at Point Isabel, located approximately 5 miles from the Richmond plant site. The sewage would then enter the EBMUD system and would be pumped to its underutilized, state-of-the-art facility in Oakland at the foot of the Bay Bridge for treatment and ultimate discharge.

One of the nagging concerns is the disposition of the sludge generated by the plant. West County Sanitation District presently processes sludge generated by the Richmond facility, but the District is exploring the sale of the land where the sludge is dewatered. All the bidders were asked to submit plans to handle the sludge. Three of the four bidders proposed the use of an anaerobic digester.

**City Staff Proposes Energy Self-Sufficiency.** Related to this was a central feature of the Richmond staff’s proposal, which was the construction of a self-contained pyrolysis unit. It would dewater the sludge, turning it into ash, which could be recycled for construction uses. The unit would also generate sufficient power to allow the plant to become self-sufficient for its power needs.

Complicating all of this is a bitterly contested mayoral and City Council election, in which four Council members competed for Mayor. In addition, the Council has two new members who have not participated in the debate until now. With a divided Council and uncertainties on all sides, the prospect of privatization looms large. If you would like to participate in our efforts to save the plant, contact Union staffer Carol Isen at 415-864-2100. ■

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## OAKLAND COUNCIL PLANS FOR UPCOMING NEGOTIATIONS

After several years of intensive organizing we now include four City of Oakland chapters in our union: attorneys, engineers & architects, professional & administrative, and supervisors & managers. The chapters have formed the Oakland Council to help coordinate chapter activities with the City. Oakland Vice-President and Executive Committee member Marlene Du Four serves as the chair of the Oakland Council.

Earlier this fall the Oakland Council held its first-ever day-long retreat to discuss its role, goals and plans. The retreat, facilitated by Randy Dunagan of the Institute for Labor and Mental Health, covered an array of topics from bargaining (all five contracts expire next year), politics and legislative activities, civil service employment, communication and organization, staff assignments and related matters.

Leaders from all chapters participated, including: Denise Hawkins-Heard, Dan Rossi, Joe Castro, Rae Mary, Tom Manley, Mahlon Harmon, Joyce Carlson, Marlene Du Four, Johnathan Chin, Carol Williams, Jeff Krohn, Shelley Darensburg, Shirley Stanforth and Allen Law. ■



## Delegate Assembly Focus on Union-Employer Committees

Our Local 21 Delegate Assembly was held at our San Francisco offices on December 1st, with delegates present from Accountants & Auditors (SF), Alameda County Engineers, At-Large (SF), Chemists & Lab. Professionals (SF), Contra Costa Water District, Field Operations (SF), Fire Safety Inspectors (SF), Golden Gate Bridge District, City of Hayward, Health Educators (SF), IT Professionals (SF), Municipal Planners (SF), City of Oakland, Professional Engineers (SF), Purchasers (SF), Rehabilitation Professionals (SF), Richmond Mgmt Employees Assoc., San Leandro City Employees Assoc., Superior Court (SF), and Technical Engineers (SF). The Delegate Assembly is the governing body of the union, comprised of representatives from all chapters, and typically meets twice a year.



The highlight of the meeting was a panel discussion and presentation by visitors from the City of Los Angeles, Environmental Monitoring Division at the Hyperion sewage treatment facility.

The panel reported on the workings of their joint union-city committee that has been credited with keeping the lab and wastewater plant in city hands after then Mayor Riordan had proposed privatizing it several years ago. Panelists included lab manager Ing-Yih Cheng, lab technician Lori Ware, and senior chemist Soun Chanjamsri. Using a power point presentation they outlined methods of pinpointing accountability issues, job and task definitions leading to a real assessment of city capabilities and needs.

A lasting legacy of the committee's work had been not only the end of the privatization initiative but in-sourcing of work that had previously been contracted out.

The approach as laid out by Hyperion's union-city committee could serve as a model for our efforts at San Francisco's Public Utilities Commission, which recently was directed by the Board of Supervisors to phase out Bechtel as program manager of the Department's capital program in favor of a joint committee that would serve in a similar capacity as outlined by the panelists (see related story, page 1). Gregg Montefiore of the Strategica Group was an integral part of the effort in Los Angeles, and has now been retained by the SFPUC to develop a union-city committee as part of the management and oversight of the capital program. Montefiore also participated in the panel discussion.

The City of Los Angeles professional staff is represented by the Engineers and Architects Association, the largest union of



Participants from the City of Los Angeles Hyperion Sewage Treatment Plant joint union-city committee: (left to right) Ing-Yih Cheng, Lori Ware, Gregg Montefiore and Soun Chanjamsri

Los Angeles city employees. We've worked closely with them in years past on wages and conditions, professional issues and related legislative matters. ■

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# pipeline

*Professional and Technical Engineers  
Local 21, AFL-CIO*

*Professional Advancement Through Collective Bargaining*

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## *In Memoriam Jane Q. Li*



We are saddened to report that Jane Q. Li, a member of our San Francisco Professional Engineers chapter, was tragically killed in an auto accident on November 7th. Ms. Li, a member of Local 21 since 1997, was employed by the SF Public Utilities Commission, most recently as a project manager. She began her career with the City & Co. of San Francisco at the Department of Public Works as a mechanical engineer. After receiving her P.E. license in 1999, Ms. Li joined the SF PUC. She is remembered by her co-workers for her enthusiasm, dedication and genuine humanity.