

Union news for
**PROFESSIONAL,
TECHNICAL &
ADMINISTRATIVE
EMPLOYEES,**
LOCAL 21, IFPTE | AFL-CIO
San Francisco

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Local 21 Shares Award for Palega PSC with Contractor

Much like the behind-the-doors deliberations, voting, and selections of the *Academy of Motion Picture Arts and Sciences'* picks during Oscar season, the City's approach to approving certain personal services contracts (PSCs) can be baffling.

However, unlike many a heartbroken Academy nominee predicted to win the golden statue, City architects and engineers will share the award with a contractor to provide services to the Palega Playground and Recreation Center project (originally intended to have been fully outsourced by the Recreation and Park Department).

Local 21 members' six-month race to change the course on the contracting-out of Palega came to a penultimate climax on July 31 when Local 21 met with Steve Kawa, the Mayor's Chief of Staff, to review the many reasons why our membership should be the only contender for the Palega work.

In the end, the City agreed with Local 21 to share the award, retaining landscape services in-house (to be performed by the Department of Public Works). Rec Park also committed to reform their approach to the PSC process, with Phil Ginsburg, General Manager of Rec Park, promising a more transparent process and timely review of all future projects being considered for outsourcing.

Through an effort launched from a regular meeting of the Local 21 PSC Committee and spearheaded by the Union's CCSF Municipal Architects Chapter, Local 21 challenged Rec Park's plan for Palega as it was apparent nothing about the project's scope of work permitted approval of the PSC. If anything, the PSC form the department

submitted to the Civil Service Commission violated long-standing merit system principles. The most notable of these is, "city work shall be performed by civil service employees." The only exceptions to this arise when specialized skills are needed, it is peak workload, or an emergency. None of these conditions existed for Palega.

Rec Park asserted to the "judges," or in this case the Commission, that the second sale under the 2008 parks bond was potentially threatened, should the work on Palega be delayed. However, in conversations with the Controller and City's public finance expert, it was clear that even if the work was not done on time, it would not negatively impact the next round of bonds. Rec Park made other claims to the Commission to justify contracting out Palega, none of which followed civil service system rules. Despite a total lack of justification, the Commission voted 4-1 in April to approve the PSC.

Down, but certainly not out, Local 21 employed a multi-prong strategy to fight the PSC. The Union engaged legal experts to investigate avenues of challenging the Civil Service Commission's decision. We also raised the issue in recent negotiations with the City to address the budget crisis. During the concession talks between Local 21 and the City, the Union team brought Palega forward as an issue and highlighted that management decisions, like the one made on Palega, discouraged Local 21 members from partnering with the City to resolve budget issues. In response, the City promised that the Mayor's Chief of Staff would conduct a review of Palega.

At the July 31 meeting, Local 21 made a strong case for preserving the integrity of the merit system and having city staff perform the work. Rec Park's Phil Ginsberg was unwilling to work with the union on

SAVE THE DATE**September 21**

Learn how to reduce stress at this free class led by Kitty Costello, M.A., MFT and Richard Epstein, PhD, MFT; Noon to 1 PM at the SF Public Library at 100 Larkin St., Sycip Family Conference Room, 4th floor (no food allowed). No RSVP required. For more information about this event and other Work Life Support Services, please contact the Union office at 415.864.2100.

October 3

The next Delegate Assembly will be held at the Hotel Whitcomb in San Francisco. Registration and continental breakfast begin at 8:30am and the program starts at 9am. All delegates and members interested in attending should RSVP to mbratt@ifpte21.org.

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Palega, and instead offered to work with Local 21 on future PSCs.

On August 6, Local 21 met with Mayor's Chief of Staff, Steve Kawa, the day the Rec Park Commission was scheduled to approve the contract for outsourcing Palega, to see if a final agreement could be reached. Rec Park committed to bringing the landscape work for site improvement back in-house, and agreed with Local 21's request to meet bi-monthly to review Rec Park projects, as well as to provide at least 30 days notice of PSCs before requesting their approval. This new transparency and increased time for review increases our ability to address concerns regarding PSCs and work that should be performed by civil service employees.

With an eye to the future and the next awards season, Local 21 sees the new procedures to be followed by Rec Park serving as a model as we go forward in strengthening and improving the PSC process citywide.

Union Joins City in Lawsuit against SFUSD

In the February 2009 issue of the *San Francisco City Line*, we reported that the Superintendent of Schools at the San Francisco Unified School District was rejecting employees bumped from the City as a result of layoffs. As a result, individuals with the right to bump into District positions were barred from doing so.

The City and Local 21 both notified the District that it had no legal right to obstruct the bumping process. Furthermore, the District had never consulted with the City Attorney's office.

Recently, the District filed a lawsuit against the City, Civil Service Commission, and Department of Human Resources to seek declaratory relief and a writ of mandate ordering the State Constitution and City Charter to "prohibit the City from treating the District as a department of the City, for purposes of implementing City layoffs

and refusing to process the District's new hires."

If the District is successful in gaining such broad relief, it would set a dangerous precedent of bypassing the City's merit system, and raise other important issues that go beyond bumping rights.

Both Local 21 and SEIU 1021's leadership voted to intervene in the lawsuit, and will be joining the City in a complaint against the District's request for declaratory relief. Local 21, SEIU, and the City are filing briefs to oppose the District's petition and its efforts to separate itself from the City in select situations when convenient.

All parties are working with their attorneys to suspend the District's rejection of City employees via the bumping process until the court makes a ruling.

Know Your Rights: Weingarten (Don't Go In Alone!)

All employees have the right to union representation!

If you are called into a meeting or are being questioned about anything which may result in discipline, request a Local 21 representative or steward immediately.*

You have the right to information about the subject and scheduling of any meetings, as well as a reasonable amount of time to privately consult with your union steward, prior to any questioning. Your representative also has the right to actively advocate on your behalf.

An employer must cancel or postpone any meetings or questioning until a union representative arrives. If your employer refuses your request for union representation, you have the right to not answer their questions.

Never voluntarily give up your right to union representation! **U.S. Supreme Court, Weingarten case.*