

Local 21 Oakland Layoff/Bargaining Update: Tuesday, November 04, 2008

With the clock ticking towards the layoff of over 100 City employees, the City continues to drag its feet and mismanage the layoff process. We have been through layoffs before, and while they are never good, this one has is easily the most inept and insensitive we have seen. Delays in getting information to affected employees and to the City workforce in general, confusion on procedure, and a lack of clear direction and coordination from City management have combined to create a climate of anxiety and mistrust.



While this is fundamentally the City's responsibility, the Union will get information to members as soon as it is made available to us.

Layoff Information

Monday afternoon we met with the City's negotiator, John Holtzman. He provided us with answers to some of our questions, and gave us some but not all of the information materials we've requested several times.

Here's a brief summary of what we know so far:

- Layoff List. The City has provided us with a list of Local 21 represented employees who are affected by the layoffs. There are 32 people who will be laid off; 17 are reverting to prior (lower) classifications, and 13 are being reassigned to other positions with no change in classification or pay (some within the same department).

- Briefings. The City is holding briefings for affected employees in a series of “Support Center” briefings on Monday - Nov 3, Wednesday - Nov 5, and Monday – Nov 10. The briefings include an overview of the layoff process and opportunities to meet with employee benefits counselors and to get information from the Private Industry Council (PIC) on resources for job search, etc.
- Union Participation. The Alameda Labor Council receives funding from United Way to assist Union members who are being laid off. The City’s initial response was to attempt to prohibit the Labor Council from attending the briefings. They have since reconsidered.
- Layoff Manual. The City informed us that the “draft” Layoff Manual that was presented to us a couple of weeks ago is in fact the final manual, but this was the first we had heard that. Despite promises to do so, the Layoff Manual had not yet been posted on the City’s Intranet where it would be accessible to all employees. Its also not clear whether the entire manual is being distributed at the briefings, or just portions of it.
- Seniority Reviews. Any employee can request an appeal of the City’s seniority points calculation. Right now, priority will go to employees affected by the layoff, but once that’s done other employees can also request reviews of their status. There is a seniority appeal form that we will post to the Union’s website – it will also be posted by the City as part of the Layoff Manual. Questions from affected employees regarding seniority should be directed to Jamie Pritchett. If you think that another employee’s seniority was calculated incorrectly, you may not review that person’s file, but you should state all the relevant facts on your appeal form and the City will investigate.
- Skelly Hearings. Employees are entitled to Skelly hearings prior to being laid off. This is primarily a chance to raise issues if you think that you were laid off for retaliatory or discriminatory reasons. All of these Skelly hearings will be handled by Deb Grant.
- ELDE/TCSE. The City has said that it will dismiss ELDEs/TCSEs if they are performing duties that can be performed by laid off employees. If you know of any TCSEs/ELDEs doing such work, please notify the Union immediately with the particulars, including Department/Division, name of the employee, the work they are doing, etc. The Union has also insisted that the City immediately dismiss any TCSE or ELDE who has exceeded the maximum allowable hours.

Shutdown Days

We have not received responses to any of the proposals that we made regarding use of VTN and other ways to reduce the impact of the shutdowns. We believe that some of the information provided by the City regarding impact on retirement calculations was incorrect. The City is supposed to provide us with more information when we meet again this Friday.

- Holiday Shutdowns. Last week, a draft document was circulated that included a schedule of the days for the unpaid shutdowns. These are NOT official days and the City has said that those dates are already under review. The Union has insisted that the holiday closure must be

as authorized by the City Council – December 26 through January 2. Many members have already made nonrefundable travel arrangements based on what the Council passed.

- Monthly Shutdowns. The final schedule has not been released. It seems likely that the first shutdown day will be Wednesday, November 26 (the day before Thanksgiving). The draft schedule deferred the December and January monthly days because of the holiday week shutdown, and instead showed two days in April and two in June. We don't know if this will remain the case. Stay tuned.
- Holiday Pay. Normally, holiday pay is granted only when employees are in active status both before and after the holiday. Because of the shutdowns, that may not be the case for some holidays. The City has stated that its intent is to honor all holidays that are covered by our MOU. We're still waiting for details on how the Christmas Eve/New Years Eve holidays will be handled, but the City was clear that it expects to pay people for December 25 and January 1, even if there are shutdowns the day before or after those dates.
- Payroll Processing. The City is still trying to figure out how it will handle processing of payroll in the last week of December, since all the payroll staff will be subject to the shutdowns. We're not sure how they will do this, but we were clear that we expect people to be paid on time no matter what's going on with shutdowns. Since the holiday shutdown was first adopted in the original midcycle budget in June, the City has had plenty of time to figure this out.

Contract Bargaining

Next bargaining session is Monday, November 10. We are expecting the City to provide formal responses to our "clean-up" language proposals and to begin responding to the 29 non-economic proposals we have on the table. And we expect the City to put some proposals of its own on the table and start taking negotiations seriously. We will also provide a response to the City on the newest answers they've provided for our information requests.

Next Union Meetings

The Chapter meetings that are scheduled for this week and next will be open to all members, so you may attend whichever meeting is most convenient where we will provide additional updates and answer member questions as best we can. We are also holding a meeting for members who work out on Edgewater Drive:

Engineers:	Thursday, Nov 6, 12:00 Noon, Hearing Rm 3
Admin/Professional (A/W):	Friday, Nov 7, 12:00 Noon, Hearing Rm 3
Edgewater Drive:	Monday, Nov 10, 11:30 a.m., Ready Room
Supervisors/Managers (H/M):	Wednesday, Nov 12, 12:00 noon, Hearing Rm 3

DON'T FORGET TO VOTE!

- Rebecca Kaplan for Oakland City Council At-Large
- No on Oakland Measure OO