



IFPTE LOCAL 21

SOUTH BAY NEWS

December 2011

STAFF

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Water District Agreements Ratified

After several weeks of hard work by the negotiating teams for both the Engineers Society and Professional Management Association, and some vital support from the Labor Community and community activists, we were able reach agreement with the District. The contracts that were recommended to the ES and PMA membership, respectively, were strongly supported by each membership and ratification was achieved.

ES ratified the contract with **77 percent** of the votes, while **PMA** overwhelmingly ratified its contract with **96 percent** of the membership supporting the new contract. The Tentative Agreement was approved by the Board at its December 27 meeting.

This was a very tough round of negotiations, but through the negotiating teams and the support of the membership, we bargaining the best contract we could and will spend the next three years partnering with the District to create a working environment that will mend the damage done through the last three months.

A few recent comments from members:

*"Thank you all for fighting for what we all knew is **right and just**. I look forward to reviewing it all and voting tomorrow. It will be a **proud day for Local 21 and all District employees and retirees**."*

"Thanks for the hard and challenging job done for all members. After attending today's morning (Board) meeting, I was confident that we would succeed. Again thanks to all major players who did not give till last! Special thanks to Cindy (Chavez) for turning (the) table at the right time. Great job — very well done!"

*"Wow! Unbelievable, I thought this would never happen. **Thank you!**"*

The Agreements followed weeks of Board of Directors meetings December 5, 13 and 20 where members attended in solidarity, some even speaking with Leaders, Retirees and Labor Activists. Tuesday, December 20, we had another great turnout at the Board of Directors meeting. Attending were current employees, retirees, labor leaders, and community activists packed into the Board room and filling the overflow area to be heard and show support. The Labor Council also sent the Board a letter – **read it on Page 7.**

THANK YOU TO ALL MEMBERS WHO ATTENDED BOARD MEETINGS WITH YOUR NEGOTIATORS!!

December 20 was our last chance to make a case with the Board. After public comment on items not appearing on the agenda, **the Board was set to go into closed session to get a briefing on negotiations and possibly give direction to staff — prior to hearing from the community and employees.** But a majority of the Board, led by Director Joe Judge, stood with the labor community and others to hear from our members and retirees about the very important issues surrounding healthcare and binding arbitration.

South Bay Labor Council Executive Director Cindy Chavez quickly got up and asked the Board to hear our voices prior to going into closed session. **We think Cindy’s quick thinking and Director Judge and other Directors’ decision to hear our concerns was vital.**

Speakers at the Board’s three December meetings included Jon Kessler of State Assemblyman Paul Fong’s office, Neil Struthers of the Santa Clara and San Benito counties Building and Construction Trades Council, Bob Brownstein of Working Partnerships, Steve Preminger of the Santa Clara County Democratic Party, Ben Field and Cindy Chavez of the South Bay Labor Council, Nancy J. Ostrowski and Michael Seville from Local 21, ES’s **Pat Showalter, Tracy Ligon, Terri Anderson, Mark Merritt, Metra Valle, Bob Siegfried, Luis Ortiz, Afshin Rouhani, Thomas Mohr,** and PMA’s **David Hook, Art Taylor, Jason Christie and Martin Gamez.** Ingrid Bella and Leslie Zozaya of EA also spoke on Local 21’s behalf. Other groups speaking for Local 21 were Local 21’s AEA, ES, PMA, SCCEAA and TAEA; United Food and Commercial Workers; California Faculty Association; International Association of Machinists and Aerospace Workers Local 1101; Democratic Activists for Women Now; Plumbers and Steamfitters Local 393; Federation of Retired Union Members; Communications Workers of America Local 9423; and the Silicon Valley Latino Democratic Forum.

With the help of ES and PMA Leaders, Local 21 Staff coordinated 15 weekly Bargaining Bulletins — see the final one on Page 10.



*Above Left: PMA Negotiator **Martin Gamez** speaks to the Board of Directors about MOU bargaining December 5, as a full room of employees looks on.*

*Above Right: ES Negotiator **Metra Valle** speaks to the Board about negotiations at its December 20 meeting.*



ES and PMA Members attend two separate ratification votes Wednesday, December 21.

*Far Left: PMA Negotiator **Martin Gamez** speaks with members about the Tentative Agreement. Left: ES Members fill their meeting.*

San Jose Members Rally for Fairness In Face of Unlawful Ballot Measure

On Tuesday, December 6, hundreds of San Jose workers, including Local 21's AEA, AMSP and CAMP members, protested a proposed ballot measure by Mayor Chuck Reed and a Council that would lead to litigation and put at risk hundreds of millions of dollars that San Jose can't afford.

San Jose workers urged the City Council to continue negotiating with employee unions over pension reform, instead of moving forward with the unlawful ballot measure for June. Even the San Jose Mercury News' Editorial Board [stated negotiations should continue](#). However, after three hours of spirited debate, the Council voted 6-5 to place the measure on the June ballot.

The rally came on the heels of a union-organized December 2 press conference announcing \$55 million in pension savings for 2012-13, and other cost reductions that would create a no-cuts budget for next fiscal year. Assemblyman Paul Fong, and County Supervisors Dave Cortese and George Shirakawa were at the press conference. The Union proposals have been validated by the City's own actuary and now by the independent Retirement Board actuary.

In light of the December 6 Council action, Local 21 is reviewing our next steps regarding the June ballot measure, and conferring with legal counsel.



*Above: South Bay Labor Council Executive Director Cindy Chavez speaks to a crowd of San Jose workers before the December 6 City Council meeting. Local 21 members look on from the background, holding Local 21 and "Tell the Truth, Negotiate Now" banners.
Bottom: AEA President **John Mukhar** addresses the crowd.*

Local 21 South Bay Holiday Luncheon

More than 200 members attended the South Bay Holiday Luncheon December 8. Members reconnected with current and past co-workers, enjoyed great Chinese food and rich cake, and won various raffle prizes. Thanks to SCCEAA Members **Nora Chung**, **Khoa Vo**, **Paul Pascoal** and AEA President **John Mukhar** for organizing and setting up the luncheon.



Above: Chapter leaders sign in members to the Holiday Luncheon.
 Right: Members wait for lunch and the raffling off of gift cards.



Chapter Board Elections

Five of Local 21's South Bay Chapters elected or will be electing new officers. Nominations either have or will be opening up soon. **Please consider participating on your chapters' board and contact your Chapter President.** Congratulations to:

AEA – Sergeant at Arms – **Roger Storz** re-elected; Secretary/Treasurer – **Chris Daley** re-elected

ES – President – **Metra Valle**; Vice President – **Luis Ortiz**; Secretary/Treasurer – **Tracy Hemmeter**

PMA – President – **Jim Crowley**; Vice President – **Art Taylor**; Secretary – **Shree Dharasker**, Treasurer – **Carol Fredrickson**; Member at Large – **Jason Christie**

SCCEAA – First Vice President – **Paul Pascoal** re-elected; Secretary – **Bill Grimes**

City of San Jose Update

Local 21 Staff and Chapter Leaders are monitoring the court judgment in December that allows the State to strip local governments of Redevelopment Agencies and their funds. We'll keep our members updated on the impacts.

Though the City Council has voted to place a pension reform measure on the June ballot, they have directed staff to continue meeting with Bargaining Units. The City has told us there is no new further direction to make new moves in bargaining; any new moves would have to come from the Union. We are reviewing our strategy going forward.

City of San Jose Chapter Updates

Association of Engineers and Architects (AEA)

Staff and AEA Leaders continue monthly meetings with directors from various departments.

At a recent membership meeting, Roger Storz and Chris Daley were re-elected to their positions on the AEA Board – Sergeant at Arms and Secretary/Treasurer, respectively.

Association of Maintenance Supervisory Personnel (AMSP)

AMSP members joined us for the first time at the annual Local 21 South Bay Holiday Luncheon.

City Association of Management Personnel (CAMP)

CAMP Leaders are organizing Chapter Board Elections.

Santa Clara Valley Water District Update

The Water District Board of Directors held several meetings in December as staff and Unions continued contract negotiations. Leaders and members from ES and PMA, as well as other Local 21 South Bay Chapters, packed these meetings and implored the Board to settle with Bargaining Units instead of continuing to take as much as they can away from employees.

In late December, both groups reached Tentative Agreements. **See the update on Page 1 for more information.**

Santa Clara Valley Water District Chapter Updates

Engineers Society (ES)

ES began bargaining September 6 and finished December 20 with a Tentative Agreement with the District. The next day, more than three-fourths of members voted to accept the agreement.

Professional Management Association (PMA)

PMA began bargaining September 8 and finished December 20 with a Tentative Agreement with the District. The next day, 96 percent of members voted to accept the agreement.

Coincidentally, we received word the same day that we reached a TA with the District that we succeeded in a five-day discipline arbitration against the District. This dealt with a five-day suspension in which we contended that the discipline was not justified – and the Arbitrator completely agreed with our position.

“The grievance is granted. All evidence of the five-day suspension shall be removed from the Grievant’s work record. The Grievant is to be made whole for any loss of wages and benefits resulting from the five-day suspension. The arbitrator retains jurisdiction over implementation of the award.”

The Arbitrator saw the record and heard testimony from several individuals in making her decision. The hearings were held over the summer, so the decision is long-awaited and we are proud of the work our attorney did on this case.

Santa Clara County Update

The County continues to monitor the State budget for possible impacts on County funding for services.

Santa Clara County Chapter Update

Engineers & Architects Association (SCCEAA)

Leaders are reviewing a possible Working-Out-of-Class issue with Management.

Santa Clara Valley Transit Authority Update

Santa Clara Valley Transit Authority Chapter Update

Transportation Authority Engineers & Architects (TAEA)

At monthly membership meetings, TAEA Leaders and Members continue to discuss RFPs from management and the use of contracting out. Leaders, members, and Local 21 Staff continue to monitor the outside contracts.

South Bay Council

The December Council meeting was canceled due to the holidays. At its January session, Leaders will discuss the Holiday Luncheon, and meet with Brian O'Neill, a candidate for San Jose City Council, District 10.

South Bay Labor Council

Local 21 Staff attend the Labor Council's monthly COPE meetings, and work with SBLC Leaders on Santa Clara Valley Water District negotiations strategy. COPE (Committee on Political Education) is working on early endorsements for several 2012 races, including San Jose City Council and Santa Clara County Board of Supervisors. Local 21 Staff and Leaders are attending endorsement interviews and votes.



SOUTH BAY
AFL-CIO
LABOR
COUNCIL

EXECUTIVE BOARD

Cindy Chavez, EXECUTIVE DIRECTOR
IAM and AW Local Lodge 93

Ron Lind, PRESIDENT
UFCW Local 3

Kristy Sermersheim, 1ST VICE PRESIDENT
SEIU Local 521

Bill Brill, 2ND VICE PRESIDENT
BEW Local 1245

Stephanie Olvera, RECORDING SECT
CWA Local 9423

Sam Salu, SERGEANT-AT-ARMS
IAM and AW Lodge 93

Enrique Fernandez, TREASURER
UNITE / HERE! Local 19

Shailliana Brunlan
ATU Local 265

Yolanda Cruz
ATSCME Local 101

Larry Dougherty
Teamsters Local 350

James Hamer
Iobarners Local 270

Tom Linebarger
Painters and Tapers Local 913

Melinda Markowitz
CNA/NNOC

Bill Meyer
Plumbers and Steamfitters
Local 393

Jeremy Roy
IAFF Local 1171

Roland Smith
CSEA Chapter 187

Neil Struthers
Building and Construction Trades Council

Mark Van Den Heuvel
Sheetmetal Workers Local 104

Sal Ventura
BEW Local 332

David Yancey
AFT Local 6157

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December 19, 2011

Santa Clara Valley Water District
Board of Directors
5750 Almaden Expressway
San Jose, CA 95118

Dear Santa Clara Valley Water District Board of Directors,

We are writing to voice our strong opposition to the imposition of contract conditions on the Engineers Society and the Professional Managers Association. Imposition is one of the most anti-union measures an employer can take, and it is completely unjustified in this case.

The negotiations timeline created by the District to force the Engineers Society and the Professional Managers Association into settlement prior to the expiration of the contract is not appropriate. The process of negotiations takes time, particularly when such heavy concessions are being demanded by the employer. The process of good faith negotiations requires information to be requested, provided, digested, discussed, and acted upon. There has not been sufficient time to allow all issues to be vetted and discussed. Additionally, the District's timeline does not take into account the difficulty and stress put upon all of its employees dealing with time-compressed negotiations around the holidays. Prematurely terminating negotiations and declaring impasse is illustrative of bad faith bargaining, not of any failure of the bargaining process.

Furthermore, the ES and PMA units have offered language which would resolve the only outstanding issue which remains. On December 16, both units offered a settlement package in which all outstanding issues were resolved pending the District accepting this most basic language: "By this Agreement, the parties reserve all rights and remedies as to the composition, description, breadth and nature of the vested retiree healthcare benefit and this Agreement shall not be construed as a waiver by either party of any rights, definition, nature, extent or description of or concerning the retiree health care benefits which both parties otherwise agree are vested for employees." If the District believes it is on solid legal ground, the inclusion of this language should be acceptable.

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The only other issue is to retain binding arbitration. In light of the extraordinary willingness of the District's employees to accept the District's proposals on so many issues during these negotiations, retaining binding arbitration would be a step towards restoring trust and constructive labor/management relationships.

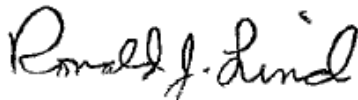
It has been apparent for some time that the District has been intent on reaching impasse and imposing unilateral terms and conditions. There are serious issues still before the parties which have not been thoroughly dealt with. Most notably is the issue regarding vested retiree healthcare benefits. Both the ES and PMA units have requested legal opinions from the District regarding its position on the matter. The District has refused to comply. How can the parties have an intelligent and informed discussion on the matter without full disclosure of the underlying facts supporting each party's position? There continue to be open questions regarding our negotiations that need to be resolved. There cannot be a lawful impasse under these circumstances.

We urge you not to take precipitous and unwise action, but instead to resume negotiations. Imposition will cause lasting damage to the Water District. You can and should avoid that damage through the process of good faith bargaining.

Sincerely,

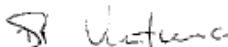


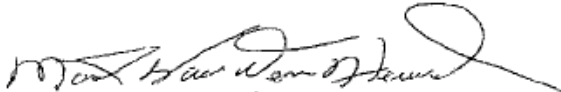
Cindy Chavez, Executive Officer
South Bay Labor Council



Ron Lind
President, South Bay Labor Council
President, United Food and Commercial Workers Local 5

Sal Ventura, Assistant Business Manager
International Brotherhood of Electrical Workers (IBEW) Local 332





Mark Van Den Heuvel, Business Representative
Sheet Metal Workers Local 104

Signed electronically
Bill Brill, Business Manager/Financial Secretary
International Brotherhood of Electrical Workers (IBEW) Local 1245

Signed electronically
Jim Homer, Business Manager
Laborers Local 270

Signed electronically
Neil Struthers, Executive Officer
Santa Clara County Building and Construction Trades Council

Signed electronically
Jeremy Ray, Boardmember
International Association of Firefighters (IAFF) Local 1171

Signed electronically
Tom Linebarger, Boardmember
Painters and Tapers Local 913

Signed electronically
David Yancey, President
American Federation of Teachers (AFT) Local 6157

Signed electronically
Enrique Fernandez, Business Manager
UNITE/HERE! Local 19

Bargaining Bulletin

Engineers Society

Professional Management Association

The Professionals Behind Your Water

SPECIAL EDITION SPECIAL EDITION

Inside this issue:

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PMA, ES Chapters of Local 21 OVERWHELMINGLY RATIFY 3-Year Deal

After several weeks of hard work by the negotiating teams for both the ES and PMA and some vital support from the Labor Community and community activists, we were able reach agreement with the District. The contract's that were recommended to the ES and PMA membership, respectively, were strongly supported by each membership and ratification was achieved.

ES ratified the contract with 77 percent of the votes cast in favor of ratification, while PMA overwhelmingly ratified its contract with 96 percent of the membership supporting the new contract. The Tentative Agreement will be heard for approval by the Board of Directors December 27.

This was a very tough round of negotiations, but through the negotiating teams and the support of the membership, we got the best contract we could and will spend the next three years work-

ing with the District to create a working environment that will mend the damage done through the last three months.

A few recent comments from members:

"Thank you all for fighting for what we all knew is right and just. I look forward to reviewing it all and voting tomorrow. It will be a proud day for Local 21 and all District employees and retirees."

"Thanks for the hard and challenging job done for all members. After attending today's morning (Board) meeting, I was confident that we would succeed. Again thanks to all major players who did not give till last! Special thanks to Cindy (Chavez) for turning (the) table at the right time. Great job — very well done!"

"Wow! Unbelievable, I thought this would never happen. Thank you!"

ES and PMA Members attend two separate ratification votes Wednesday, December 21.

Left: ES President Luis Ortiz answers members' questions.

Below: ES Members fill their meeting.

Right: PMA Negotiator Martin Gamez speaks with members about the Tentative Agreement.



Local 21 and Labor Community Speak Out at Board Meeting

On Tuesday, December 20, we had another great turn out at the Board of Directors meeting. Attending were current employees, retirees, labor leaders, and community activists packed into the Board room and filling the overflow area to be heard and show support.

After public comment on items not appearing on the agenda, the Board was set to go into closed session to get a briefing on negotiations and possibly give direction to staff — prior to hearing from the community and employees. But a majority of the Board, led by Director Joe Judge, stood with the labor community and others to hear from our members and retirees about the very important issues surrounding health care and binding arbitration. South Bay Labor Council Executive Director Cindy Chavez quickly got up and asked the Board to hear our voices prior to going into closed session. We think Cindy's quick thinking and Director Judge and other Directors' decision to hear our concerns was vital.

Speakers included Jon Kessler of State Assemblyman Paul Fong's office, Neil Struthers

of the Santa Clara and San Benito counties Building and Construction Trades Council, Bob Brownstein of Working Partnerships, Steve Preminger of the Santa Clara County Democratic Party, Ben Field and Cindy Chavez of the South Bay Labor Council, Susanne Wilson, Nancy J. Ostrowski and Michael Seville from Local 21, ES's Pat Showalter, Tracy Ligon, Terri Anderson, Mark Merritt, Metra Valle, Bob Siegfried, Luis Ortiz, Afshin Rouhani, Thomas Mohr, and PMA's David Hook, Jason Christie and Martin Gamez. Ingrid Bella and Leslie Zozaya of EA also spoke on Local 21's behalf.

The following is an excerpt from Cindy's comments:

"Let me say that part of the reason that I decided to speak today was out of a broader concern that I just want to make sure I put on the table, and that is the following — in some ways, I know you believe that you've already made huge compromises with your employees, but I would like to argue that you started so far to the right that what feels like the middle to you isn't the middle to the people that you represent. And I also believe that part of

the reason this happened, and I understand this, is that times are tough, but I believe that you, whether you intended to do it or not, took advantage of a tough time in our history and people feeling unhappy with public sector workers to do more than you should have."

In remarks after closed session and then again at the impasse meeting later in the day, it was clear that the Board had heard our concerns and given its negotiators instructions which led to our contracts being settled. Thank you to all the Directors who supported their employees!

One important development that came after closed session was that Director Tony Estremera commented that he was considering asking the District to seek a declarative judgment on the vested rights issue, prior to requiring retirees' to pay the 15 percent premium that current employees will begin paying under the new contract. This would clear up any legal issues, prior to implementing the premiums on retirees and could save the District costly legal fees in the future.



Top: ES and PMA Members, labor activists and community members fill the SCVWD Board of Directors meeting Tuesday, December 20.

Above: Local 21's Mike Seville relays to the Board the immense movement ES and PMA have made at the bargaining table.

Top Right: PMA Leader David Hook speaks to the Board.

Right: ES President-elect Metra Valle tells the Board how close the two sides are to an agreement.

THANK YOU TO BOARD OF DIRECTORS

As many of you witnessed, the last two Board of Directors' meetings have been packed with current employees and retirees expressing concern and disagreement with the District's position regarding vested retiree healthcare, and binding arbitration for PMA. We want to thank the Board for hearing our concerns and giving direction to its negotiators to settle our contracts.

Impasse Meeting With District December 20 Successful

After the Board meeting concluded Tuesday, December 20, our work was not finished. We met with the District at 3:30 p.m. that day at an impasse meeting. At the beginning, the District was again moving its positions on vested retiree healthcare being applied to retirees and that PMA would not have binding arbitration. Our Bargaining Team was accompanied by Local 21 attorney Christopher Platten. After some discussion with the District negotiators, Human Resource Director Kay Norris stated that the District was open to including the non-waiver lan-

guage we had sought on vested retiree healthcare. Platten and District attorney Brian Hopper worked out mutually agreeable language, which was added to the final Tentative Agreement. After that consensus, the District agreed to drop the elimination of binding arbitration.

Our team worked hard and got the language added and deleted that we needed!

Negotiators recommended to members ratification of the Tentative Agreement.

PMA Arbitration Victory, Member Awarded Back-Pay and Record Expunged

We got another round of good news on Tuesday, December 20, when Local 21 prevailed in an arbitration.

This dealt with a five-day suspension in which we contended that the discipline was not justified – and the Arbitrator completely agreed with our position.



"The grievance is granted. All evidence of the five-day suspension shall be removed from the Grievant's work record. The Grievant is to be made whole for any loss of wages and benefits resulting from the five-day suspension. The arbitrator retains jurisdiction over implementation of the award." The Arbitrator, Catherine Harris, saw the record and heard testimony from several individuals in making her decision. The hearings were held over the summer, so the decision is long-awaited and we are proud of the work our attorney did on this case.

HAPPY HOLIDAYS FROM LOCAL 21

We want to wish everyone
a Happy Holiday and safe New Year.
We will see everyone soon!!!

