



IFPTE LOCAL 21

SOUTH BAY NEWS

October 2011

STAFF

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SJ Unions Fight Back Against “Useless” Label by Senior City Administrator

A Coalition of San Jose city workers gathered Monday, October 24, to call for the immediate dismissal of San Jose Director of Retirement Services Russell Crosby for his remarks contained in an e-mail to City Councilmember Sam Liccardo where he calls **City workers “totally useless.”**

In the same e-mail, Crosby advocates for getting rid of older workers and retaining younger ones. **Read Crosby’s email on Page 6.**

“This e-mail validates what we know to be true; that city leadership does not value, appreciate or respect city workers and that they are out to destroy and demoralize our workforce and Mr. Crosby is lying when he says that every manager in the city bemoans our workers’ productivity, quite the contrary, we respect them,” said **Cay Denise MacKenzie**, President of the City Association of Management Personnel.

Leaders from Local 21’s AEA, AMSP and CAMP attended the news conference, along with leaders from AFSCME, OE3, ABMEI, POA and IAFF Local 230.

The e-mail surfaced as **10 of 11 City Unions** have moved pension reform **proposals offering nearly \$500 million in cost savings over the next five years.**

Crosby’s role is to advise the City Council and Retirement Boards on managing the City’s two retirement systems. He has acted as a key advisor to the City Manager, Mayor and City Council on retirement issues.

The e-mail sent from Crosby to Councilmember Liccardo was provided by the City of San Jose to an employee bargaining group following an information request for documents. No documents detailing Councilmember Liccardo’s response, if any, were provided.

The Unions are calling for Crosby’s termination because his remarks show that he can not be trusted to make objective decisions when it comes to the City Employees’ Retirement System. How can we trust Crosby to provide our pension plans with honest, sound advice after discovering the anti-employee political agenda he’s pushing?

Click on the links below to see media coverage of the October 24 press conference:

[San Jose Mercury News](#)

[ABC KGO](#)

[CBS](#)



CAMP Secretary and Bargaining Team member Phyllis Dawkins-Thames asks “Am I one of the ‘useless?’” in response to an e-mail from City Retirement Services Director Russell Crosby to City Councilmember Sam Liccardo. In it, Crosby said 10 percent of the City workforce was “totally useless” and another 10 percent are “marginally employed.”

Local 21 South Bay Holiday Luncheon

SAVE THE DATE!!! The 6th Annual Local 21 South Bay Holiday Luncheon is scheduled for **December 8** at lunchtime at Dynasty Chinese Cuisine in San Jose. Similar to last year’s event, members are invited to the gathering – there will be raffle prizes and cake in addition to lunch. Nearly 300 members attended last year, so come out and meet your colleagues from jurisdictions all over the South Bay!! RSVP’s have started, so **see the holiday flier on Page 7** to see who is taking RSVP’s for your chapter.

Chapter Board Elections

As mentioned in last month’s South Bay News, five of Local 21’s South Bay Chapters will be electing new officers this fall. Nominations either have or will be opening up soon. **Please consider participating on your chapters’ board and contact your Chapter President.** Up for election are:

AEA – President, Sergeant at Arms, Secretary/Treasurer

CAMP – Vice President, Treasurer, two Board members

ES – President, Vice President, Secretary/Treasurer

PMA – President, Vice President, Secretary/Treasurer, Member at Large

SCCEAA – First Vice President, Secretary

City of San Jose Update

Throughout October, our Coalition met twice a week with the City for negotiations in an effort to meet the October 31 deadline for pension reform.

At its October 4 meeting, the San Jose City Council voted unanimously to hold a study session October 17 to review Local 21 and other Bargaining Unit’s pension reform proposals. At a Rules Committee meeting October 12, **Mayor**

Reed changed direction and made the meeting a Special Meeting, which allows him to limit speakers and allows the Council to go into closed session and take action on anything. On October 13, the Local 21, POA and Firefighters sent a letter to the Council questioning the reversal in direction of a unanimous Council vote.

The Special Meeting continued as Reed planned – giving City Staff 45 minutes to present an update on pension reform negotiations, and then limiting the Police and Fire actuary to five minutes and our actuary to five minutes to explain our pension proposals. After the presentations, Council asked questions of staff. Whenever we wanted to clarify or correct information, we weren't allowed to come to the microphone, so we held up "Please Ask Us to Clarify ..." signs. It worked – several Councilmembers called on us to further explain certain issues. Attending were Bargaining Team members from each Unit as well as attorneys and actuaries for both police and fire and Local 21.

After the Special Meeting, Local 21 Staff invited AFSCME Leaders to dinner with our team, attorney and actuary. AFSCME leaders said they were intrigued by our proposal and were able to get some questions answered from our actuary and attorney. AFSCME leads its own coalition with OE3, ABMEI and IBEW. After some good discussions, that coalition decided to pass our proposal – with a few tweaks – to the City, **providing a strong and united front to the City.** We continue to work with the other federated Bargaining Units.

At the October 25 City Council meeting, union members came out in force to urge the Council to continue negotiating with Unions for pension reform. **The Unions are making progress. Our proposals are LEGAL and a good-faith compromise.**

*******TO ALL SAN JOSE EMPLOYEES – Matt Loesch** is running for a second term on the San Jose Federated Retirement Board. Matt has served as Board Chairman since 2010, and has worked tirelessly on the employees' behalf to ensure that funding and pension and retiree healthcare is secure. Matt was at the forefront of Board decisions to update investment strategies — since the market bottomed out in 2009, the fund has achieved double-digit returns each of the last two years. Ballots are being sent out NOW, so remember to Vote and please **Vote for Matt Loesch.** He is **endorsed by leaders from all Unions in the Federated Retirement System** – ABMEI, AEA, ALP, AMSP, CAMP, CEO, IBEW, MEF and OE3. Matt is a member of AEA.

City of San Jose Chapter Updates

Association of Engineers and Architects (AEA)

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

Leaders continue to meet with City Staff over signing and sealing procedures. Senior Engineers from Public Works met at the Local 21 office October 20 to discuss the changes.

AEA Leaders are monitoring reinstatement lists for potential hiring. In September, President **John Mukhar** pushed back on the City for failing to consult the rehire list when filling a vacancy. The City tried to fill the position from outside, but John reminded them of the qualified people on the reinstatement list, and the City acquiesced and hired one. Since then, a few more former members have been rehired.

Association of Maintenance and Supervisory Personnel (AMSP)

AMSP will hold a board meeting November 4, and has scheduled a **membership meeting for November 9 at lunch. Please mark your calendars!!**

City Association of Management Personnel (CAMP)

CAMP held a membership meeting October 11 to discuss the San Jose Coalition's September 28 pension reform proposal, and another one October 26 to discuss recent City and negotiations happenings.

Santa Clara Valley Water District Update

Both Local 21 Chapters are involved in intense contract negotiations. MOU's expire December 31, and the groups have been negotiating at separate tables. The District has continued its hostile posture at the table. Local 21, ES and PMA are asking for transparency by having all proposals posted on the District's website. The District has denied the request, and it appears the Board of Directors won't change the stance. District negotiators said they might consider posting proposals in the future, but via internal District intranet.

Local 21 Staff, in conjunction with ES and PMA Leaders, are compiling a Bargaining Bulletin each week. **See the most recent on Page 8.**

Both Chapters met in a joint session October 13, where the District's CFO presented budget information, basically trying to justify why a large portion of the District's budget is in reserves. The District's Lead Negotiator became irritated at one point and snarled at Local 21 Lead Negotiator Nancy J. Ostrowski, "**No, you're offensive.**"

Local 21 Staff and ES and PMA Leaders continue to ask the District for a target of cuts they need, but the District refuses to do so, trying instead of dilute ES and PMA contracts as much as possible.

Santa Clara Valley Water District Chapter Updates

Professional Management Association (PMA)

Local 21 and PMA received word in late October that we won a crucial piece of arbitration against the District dealing with an involuntary transfer and failure to pay new wage. **A member will be getting back-pay retroactive to July 1, 2009.** This is on the heels of another arbitration win we had with ES recently.

PMA began bargaining September 8 and will meet each Thursday through November. Your Bargaining Team is President **Art Taylor**, Treasurer **Louisa Mendoza**, **Jim Crowley**, **Behzad Ahmadi**, and **Martin Gamez** and Local 21's Nancy J. Ostrowski. The team meets weekly, and Local 21 Staff continue working with Leaders to develop proposals and counter-proposals.

Engineers Society (ES)

ES began bargaining September 6 and will meet each Tuesday through November. Your Bargaining Team is President **Luis Ortiz**, Vice President **Metra Valle**, Board members **Ms. Garcia**, **Tracy Ligon**, and **Afshin Rhouhani**, and Local 21's Nancy J. Ostrowski. The team meets almost weekly, and Local 21 Staff is working with Leaders to develop proposals and counter-proposals.

Santa Clara County Update

Local 21 continues to host monthly County Employees Labor Alliance meetings. CELA's October meeting was canceled and November's meeting was rescheduled to December 2 because of conflicts with the Thanksgiving holiday.

Santa Clara County Chapter Update

Engineers & Architects Association (SCCEAA)

SCCEAA Leaders and Local 21 Staff spent much time in September and October seeking clarifications from the County on the ramifications of the County's error in delaying the implementation of the members' deferred 2-percent pay increase from two years ago. At the same time, we were chasing down more information on the countywide benefits changes, especially the elimination of four holidays in exchange for 32 additional hours of vacation for 2011-12.

Despite its earlier attempts to open SCCEAA's MOU a year early, the County decided it did not need additional concessions from the Bargaining Unit. Thank you to **President Khoa Vo** and **First Vice President Paul Pascoal** for their efforts through these issues.

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 work. Leaders, members and Local 21 Staff continue to monitor the outside contracts.

South Bay Council

At its October meeting, the South Bay Council discussed the upcoming holiday luncheon, and Chapter representatives reviewed issues and challenges for their Bargaining Units.

South Bay Labor Council

Local 21 Staff attend the Labor Council's COPE meetings, and work with SBLC Leaders on Santa Clara Valley Water District negotiations strategy.

Henninger, Ragan

From: Liccardo, Sam
Sent: Friday, January 14, 2011 8:28 PM
To: 'Sam Liccardo'
Subject: FW: The battle ahead

From: Crosby, Russell
Sent: Friday, January 14, 2011 10:05 AM
To: Liccardo, Sam
Subject: The battle ahead

Hi Sam – I often think that you, Pete Constant, and the Mayor are the only politicians around who actually "get it". Here's an editorial from this week's Economist that I think is very relevant to our situation. When the author refers to productivity, think of some of San Jose examples: cops directing traffic at construction sites, cops and firemen doing administrative jobs in headquarters, an organization with no real productivity indicators and that does not demand productivity improvements on an annual basis, ownership of private sector businesses (hotels, golf courses as two prime examples) that result in heavy financial losses, or best of all, the 10% of the workforce that is totally useless and actually serves as a brake on forward motion by the rest of the workforce, and the other 10% that are only marginally employed. Every manager in the City bemoans his inability to get rid of marginal performers so that with every reduction in force, the newer, more productive workers are sent packing, while long-serving marginal performers are retained. Like the Economist, I would submit that benefit and salary reductions are less important than the productivity improvements needed. Its not that the City pays too much. Its that it pays too much for low level jobs that could usually be done by private sector contractors and not enough for senior managerial and professional positions that could actually make a contribution to efficiency and service delivery. All organizations (except government) have high paid employees and low paid ones. You just don't want very many of the high paid ones and you don't ever want anyone ever doing anything that could be done at lower cost. Anyway – here you go...

Best regards,
Russell Crosby
Director of Retirement Services
(408) 794-1050

The battle ahead

The struggle with public-sector unions should be about productivity and parity, not just spending cuts

The public sector unions

Jan 6th 2011 | from PRINT EDITION

Thursday,
December 8, 2011

Lunchtime
11:30 a.m. to 1:30 p.m.

Dynasty Chinese Cuisine
1001 Story Road, San Jose,
2nd Floor



Local 21 South Bay 6th Annual Holiday Luncheon

Celebrate the Holiday season
with fellow Local 21 members
from our 8 South Bay Chapters.

Lunch is free for members

Raffles!!

*****Menu*****

Regular and **vegetarian** items —
including egg rolls, braised egg plant, curry,
honey walnut prawns, broccoli beef, vegetable
chow mein, dim sum

Contact: Michelle Hatfield

408-291-2200, mhatfield@ifpte21.org

RSVP to your Chapter Leaders by
DECEMBER 1

(note vegetarian food choice)

NO WALK-INS

AEA, John Mukhar,
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CAMP, Cay Denise MacKenzie,
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ES, Luis Ortiz,
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PMA, Art Taylor,
ataylor@valleywater.org

SCCEAA, Khoa Vo,
khoa.vo@rda.sccgov.org

TAEA, Marc Delong,
marc.delong@vta.org



Bargaining Bulletin

Engineers Society

Professional Management Association

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Local 21 Bargaining Teams

- ES – Luis Ortiz, Metra Valle, Afshin Rouhani, M. Garcia, Tracy Ligon, Nancy J. Ostrowski, Michael Seville
- PMA – Art Taylor, Louisa Mendoza, Jim Crowley, Martin Gamez, Behzad Ahmadi, Nancy J. Ostrowski, Michael Seville



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The Professionals Behind Your Water

PMA Requests Time Off to Prepare, TA's Two Articles with District

PMA

The Professional Management Association had it's most productive negotiation session with the Santa Clara Valley Water District on Thursday, October 27, in which two articles were agreed on and we got close on several others. This is progress and momentum that we need to move the table forward as we head into the major push of bargaining.

We opened the day at the table by making a request of the District to allow our bargaining team members some time off of their regular work schedules to prepare for bargaining. **We heard that another bargaining unit requested and was granted a similar opportunity and believe it would be constructive time for our team**

See PMA, continued on Page 3

Union Attempts to Bargain, District Won't Move

ES

The Engineer Society met with the District for six hours on Tuesday, October 25, and attempted to reach agreement on several proposals that we have made. Unfortunately, the District is moving very little, if at all.

The Union has made five noneconomic proposals, including changes to the Grievance Procedure, Workforce Preservation and Contracting Out protections, changes to the Classification Process, changes to the Employee Performance/Evaluation Procedures and the Discipline Process. All of these changes are aimed at protecting our members, but no reasonable reading of the proposals would allow for a claim of radical change at the District.

The only proposal which seeks significant change is the Workforce Preservation and

See ES, continued on Page 3

UNION PREVAILS IN CLASSIFICATION GRIEVANCE

We got word on Wednesday, October 26, that **our Union has won a long standing PMA classification issue with the District** regarding an improper classification of one of our members.

The Arbitrator sustained the main Union grievance, and **awarded full back-pay dating to July 2009**, in the amount of the difference between the improper

classification pay range and the proper range. This will result in a substantial amount of money.

This is the **second classification arbitration that Local 21 has won**. The first case dealt with an Engineers Society member.

In last weeks Bargaining Bulletin, we incorrectly stated in "District Attempts to Avoid Decision by Dealing Direct"

that the Arbitrator had rendered a decision in that particular arbitration. In fact, the arbitrator released the decision this week, as discussed above. The District did take the position that a final arbitration decision would be moot because of the fact that it had already moved the employee into a proper

See ARBITRATION,
continued on Page 2

**ES Negotiating
Dates**

September 6, 1 to 4 p.m. Opening Day
September 13, 1 to 4 p.m.
September 20, 1 to 4 p.m.
September 27, 12 to 3 p.m.
October 4, 1 to 4 p.m.
October 13, 1 to 4 p.m. (ES and PMA)
October 18, 12 to 5 p.m.
October 25, 10 a.m. to 3 p.m.
November 1, 12 to 5 p.m.
November 7, 10 a.m. to 4 p.m.
November 8, 1 to 5 p.m.
November 15, 12 to 5 p.m.

**PMA Negotiating
Dates**

September 6, 1 to 4 p.m. Opening Day
September 15, 1 to 4 p.m.
September 22, 1 to 4 p.m.
September 29, 1 to 4 p.m.
October 6, 1 to 4 p.m.
October 13, 1 to 4 p.m. (ES and PMA)
October 20, 10 a.m. to 4 p.m.
October 27, 1 to 4 p.m.
November 3, 1 to 4 p.m.
November 10, 10 a.m. to 4 p.m.
November 17, 10 a.m. to 4 p.m.

ES, PMA Members Give Back to Their Community

Several ES and PMA members improve their communities beyond their work at the Water District. They volunteer as youth sports coaches, help clean up creeks and trails, and participate in community events.

Each year, PMA President **Art Taylor** volunteers at Kirkwood Mountain Resort's summer trash clean-up day, as well as Mountain Bike trail maintenance at Soquel Demonstration Forest in the Santa Cruz Mountains. Art also spent 10 years coaching basketball, baseball, soccer and wrestling in Almaden, YMCA and Dartmouth Middle School.

"Watching kids develop, mature and gain self-esteem on the mat when it is just you, one-on-one with an opponent, in front of a crowd of your family, friends and school mates is very rewarding," said Art, Equipment Management Unit Manager.

ES member **Christy Chung** volunteers two or three times a month at the community Stanford Health Library in Palo Alto. As a library reference associate, she helps people find information on health conditions and surgeries.

"I wanted to do some kind of regular volunteering," said Christy, an Associate Engineer. She's been volunteering at the Library for about eight years.

ES Vice President **Metra Valle** has been volunteering at the "Santa Visits Alviso" event each December for the past few years handing out toothbrushes while delivering the message about water con-



servation by turning off the faucet while brushing. The activity offers information on community resources, give-a-ways for children, photos with Santa, and much more. Numerous other ES and PMA members take part by either volunteering or donating to this great cause.

"I volunteer at this event because I enjoy being able to instill water conservation principals to a young generation of children in a fun and festive environment," said Metra, an Assistant Engineer.

PMA Treasurer **Louisa Mendoza** volunteers at her son's school, Forest Hill Elementary, and is part of the PTA membership that is searching for a way to cost-share crossing guards. The Business Resources Unit Manager also participates at her church with food packing for those in need.

ARBITRATION,
continued from Page 1

classification.

**DISTRICT STILL NOT
WILLING TO WORK
ON ARBITRATIONS**

Last week, we told you about several of the problems that we are having with ongoing arbitrations within the PMA unit. We have two outstanding arbitrations (we prevailed in one this week) in which the District is

engaged in activity which has hindered the progress of these most important hearings, some of which deal with employees losing their jobs and livelihoods.

One of the cases, the Arbitrator has waited months for a final brief from the District and last week, she asked for the brief to be filed. This week, we heard again from the Arbitrator as she wrote once again requesting the District to perform this most routine but important task. On Tuesday, October 25, the Arbitrator wrote:

Mr. Hopper:

This office still has not received your closing brief. Will you please send it to us, or request that the record be closed and the case taken under submission.

Thank you for your prompt response.

We continue to believe it is important and necessary for the District to adhere to arbitrators requests and to take the arbitral process seriously.

PMA, continued from Page 1

as well. As all of you know, our team has been working hard on these negotiations, spending nights after work preparing our proposals and counter-proposals to the District. After being hit with major concessions and significant changes to articles in the contract, we feel that having an extended period of time to prepare would be immensely beneficial to moving the bargaining process along.

The District originally was not very receptive to the notion, stating that the reason that the other unit go the time off was because they had agreed to ground rules. However, at the end of the bargaining session, we had a constructive conversation about what we hoped to accomplish with the time off and whether we could focus on several specific articles that we would address and cover with our time. We are in the process of determining how best to use our time and will discuss this further with the District.

ES, continued from Page 1

Contracting Out proposals. However, the Union has contracting out language in almost every single jurisdiction where we represent employees, and in not one of those jurisdictions is the employer prevented from contracting out for legitimate reasons. The purpose of this proposal is to ensure that work that the District could and should perform is handled by the dedicated employees of the District. Too often, **across the state and country, large-scale contracting out and privatization efforts end up costing more with less quality work.** Local 21 is a leading organization on the effort to ensure public agencies have the ability and desire to produce high-quality work.

Unfortunately, the District has made very little movement on the proposals, except for the Grievance Procedure proposal where the District did accept one part of our proposal, a change which will likely benefit it as well. Otherwise, the District has held on its original proposals for the most part.

Tuesday saw counter proposals going back and forth on the Grievance Procedure language and the Discipline Process with the Union making far more movement than the District. One major sticking point is that the District wants to have an unlimited amount of time to conduct disciplinary investiga-

TENTATIVE AGREEMENT REACHED ON TWO ARTICLES

We were able to reach a Tentative Agreement on two articles. A TA is an agreement between the two parties regarding a particular Article or Section of the Contract. When both sides agree, we each sign the Article or Section and consider that subject complete. It is a 'tentative' agreement because our Bargaining Team must have the contract ratified by our membership and the District must have the Board approve the contract before a final MOU is reached.

The first Article that we agreed to deal with the Collaborative Effort Section of the Contract. Our Union feels strongly in fostering and engaging in collaborative relationships with our employers. The District had originally proposed the elimination of the entire Section, stating that most of the committees did not meet and those that did were not productive. We countered by agreeing with the District to eliminate most of the language and committees but pushed to keep several of the committees in the contract. The District countered again

with an acceptable proposal which keeps the Labor Management Committee, the Safety Committee, and the Diversity and Inclusion Council in our Contract. **The Labor Management Committee is defined in a way that issues which would have been heard in one of the eliminated committees can be brought there.**

The second Article that we agreed to deal with reimbursements. **We were able to keep the same amount of money provided for in our current Contract for tuition reimbursement,** but did have to move on the timeline for money distribution. Under the new agreement, distribution will happen after completion of a course with a passing grade. Also, we were able to keep reimbursement for one professional license. Furthermore, if a second license is required by the District or by law, the District will cover it if it's needed in the course of work. We were able to hold on to the rest of the Article, with no reduction in payment amounts, though there are some new requirements on the Professional Reimbursement Section and new rules regarding the Safety Shoe/Glasses and Travel Section.

tions. Under the current contract, the District has 45 days to complete an investigation. In an attempt to show willingness to move, the Union agreed to increase this amount of time **by nearly triple!** That was not enough for the District, as it held on the proposal to have an unlimited amount of time.

Another proposal where the Union has moved much more than District is the Classification Article of the Contract. The Union proposal was very similar to the proposal the District made, in which nearly all of the Article is eliminated from the Contract. This is because much of the language deals with studies that already happened, or processes that have not been used. However, we stand strong on the rights that our Union must work collaboratively with the District on identifying new classifications which may benefit the District, or changing existing classifications. The District does not want any input from the Union on the matter, a common theme for the entire round of bargaining.

Another proposal that the Union has made, in which many of the District's own proposals were taken into account, deals with the Employee Performance/Evaluation Procedure. The Union recognizes that Performance Evaluation is not grievable – this is because **the evaluation should not be part of the discipline process as it should be a constructive and joint venture between the manager and the employee to improve work production.** However, if an evaluation leads to the denial of a step increase, we are asking for the ability to grieve the denial of the step increase.

**Thursday,
December 8, 2011**

**Lunchtime
11:30 a.m. to 1:30 p.m.**

**Dynasty Chinese Cuisine
1001 Story Road, San Jose,
2nd Floor**

Local 21 South Bay 6th Annual Holiday Luncheon



Celebrate the Holiday season
with fellow Local 21 members
from our 8 South Bay Chapters.

Lunch is free for members

Raffles!!

*****Menu*****

Regular and vegetarian items —
including egg rolls, braised egg plant, curry,
honey walnut prawns, broccoli beef, vegetable
chow mein, dim sum

Contact: Michelle Hatfield
408-291-2200, mhatfield@ifpte21.org

RSVP to your Chapter Leaders by
DECEMBER 1
(note vegetarian food choice)

NO WALK-INS

AEA, John Mukhar,
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