

Local 21 @ the Port of Oakland



An organization of Professional, Technical, and Administrative Employees

August/2016

Oakland Police Department Oversight Measure Goes to Voters:

Local 21 Gets Anti-Labor Language Taken Out

This week the Oakland City Council voted overwhelmingly to place a measure on the November ballot to establish a Police Oversight Commission to ensure meaningful oversight of the Department and adherence to fair policing standards. With the federal Negotiated Settlement Agreement at the Oakland Police Department expected to end in the next few years, continuing oversight is essential.

Local 21 worked with other Unions to remove a clause in the measure ending the key labor right to binding arbitration. When the problematic clause came to light, there was alarm by City Unions Local 21, SEIU 1021, IAFF 55, IBEW 1245 and OPOA.

Local 21 jumped into action, initiating a letter to the City Council that was signed by the City's Unions – SEIU 1021, OPOA, Firefighters Local 55 and IBEW 1245 demanding that this clause be deleted from the measure. Local 21 leaders and other Unions met with City elected leaders to press our case. The Mayor and several City Council members understood that this was a direct threat to hard-won Union rights. We also sat down with the Coalition for Police Accountability who wrote the ballot measure and reached agreement that the language eliminating binding arbitration be deleted.

But the fight wasn't over. The City Council held a hearing on the measure recently. In her testimony to City Council members, **Oakland Vice President Renee Sykes** stated, "In preparation for the day [when federal oversight of the Oakland Police

Department is lifted], it is important that there is a strong citizen oversight in place so the department remains in compliance. However, we are opposed to any language that modifies or eliminates the right to binding arbitration." We made it clear that we were not opposing the entire ballot measure, just the small section to limit our rights.

Josie Camacho, Secretary-Treasurer and Terry Sandoval, Political Director of the Alameda County Labor Council, SEIU 1021, the Firefighters Union, OPOA and Marty Frates representing Teamsters, Local 70 all spoke out in support at the hearing. UFCW, the grocery workers Union also expressed support for our position.

A big take away from the experience is the need to brief and educate elected leaders about the importance of labor rights like binding arbitration.

Binding arbitration is the final step in appealing discipline of members by the city. Both sides agree on an impartial arbitrator and present their cases. The arbitrator's decision is final. Many Unions have binding arbitration in their contracts as a way to

resolve difficult issues in a fair and evenhanded way. Because some public employees are legally prohibited from striking, it makes binding arbitration all the more important.



L to R: Chapter President Ron Brown and Unit L Vice President Carletta Starks joining Local 21's TJ Anthony Fund.



"The proposed elimination of binding arbitration in the City of Oakland is an eye-opener," said **Unit L Vice President Carletta Starks**. "We cannot take our rights for granted and need to stay on top of political issues that could affect us at the Port. I am a voluntary member of the TJ Anthony Fund, our Union's Political Action Committee, which helps ensure our elected officials know we are watching them and will hold them accountable for the votes they cast."

THIS MONTH'S ISSUE:

p.2 Know our MOU: Seniority, Rumor Control, Leadership Info and Mtg. Schedule

p.3 Weingarten Rights, Union Plus and Common Classes, the Class Study and Selective Certs

p.4 Family and Medical Leave Act and how to get a copy of the L21 FMLA Booklet

p.5 Elections 2016: How the IFPTE Local 21 Endorsement Process Works

p.6 Elections 2016: Endorsement Schedule for November Election

p.7 Alameda Labor Council Labor Day Picnic on September 5th

IFPTELocal21.org



Know Our MOU: Article F Seniority

Our Memorandum of Understanding establishes two different seniority dates: classification seniority and Port date of seniority.

- F.1.1 Classification Seniority starts to accrue from the date of entry into a position within a given classification, but pauses if you have an unpaid leave of absence in excess of thirty consecutive days.
- F.1.2 Port Date of Seniority includes time accrued from the date of hire with the Port, again, less any unpaid leaves of absence in excess of thirty consecutive days.

For employees at the Port, seniority comes into play if there were ever a layoff. Since many of our classifications at the Port are a class of one or only a few members, most things, such as vacation scheduling are worked out amongst themselves and there are few complaints.

So, if seniority comes into play so infrequent at the Port, why do we have it in our Memorandum of Understanding?

Most Union workplaces have a seniority system and the system is the counter to the arbitrary, subjective and/or rewards systems of the past. Back in the day, if you wanted a public sector job, it usually came with strings attached. Many workers had to kick back a part of their paycheck to elected officials' campaigns and if you fell out of favor, or worse yet, your candidate/political patron lost an election, workers were out of a job. Another method for doling out jobs used to be nepotism, favoritism or worse, especially before laws surrounding sexual harassment protected workers. The Civil Service Rules are an attempt to stop these practices and to create a more objective, transparent system for workers to apply for jobs and career advancement and for our Union, seniority is the most objective way to avoid favoritism.

Winston Churchill once said of democracy that it was the worst form of government... except for all those other forms. The same can be said of seniority... some may think it is not always the best system, but it is far better than the subjective systems of the past.

Rumor Control: New Tardy Policy



I heard a rumor that there is going to be a new policy regarding excessive tardies coming soon at the Port. Has our Union heard anything or been informed of this policy change yet?

Our Union checked in with Chris Bouchard and his answer:

"None from HR's standpoint. Thanks for checking."

As many members know, any change in terms and conditions of employment (a new attendance policy would be a term and condition of employment) must be negotiated with our Union prior to implementation.

Our Union doesn't always have the right to STOP a new policy that we don't like, but we definitely have the power and ability to negotiate over the impact of any changes. What does "impact bargaining" really look like? In the case of a new tardiness policy, it could include negotiating the number of times a member is tardy before action is taken, when and how tardies expire, a grace period at the start of the day and when returning from breaks, wiping the slate clean for all current employees before the new policy goes into effect, training on the new policy and FMLA rules to ensure that members are not getting "dinged" for tardies that are protected under law and more. The right to impact bargaining is important and helps protect our membership.

Have you heard a rumor that you would like to check out? If so, contact a Union leader at the email addresses to the right.

Port of Oakland Leadership

(Port Leadership emails end with @portoakland.com)

Ron Brown, President rbrown@
Alicia Platt, VP Unit I aplatt@
Mary Richardson, VP Unit J mrichardson@
Brandon Mark, VP Unit K bmark@
Carletta Starks, VP Unit L cstarks@
Kyle Mobley, Sergeant-at-Arms kmobley@
Rebecca Gibson, Secretary rgibson@

Karmen Lee Ortloff, Local 21 Lead Rep
kortloff@ifpte21.org **510.451.4982**



Port of Oakland Meeting Schedule

Airport Meeting

Noon on the 4th Tuesday, July 26 and Aug. 23
9532 Earhart Rd., North Airport, L107-104 (Main)

Port Main Office Meeting

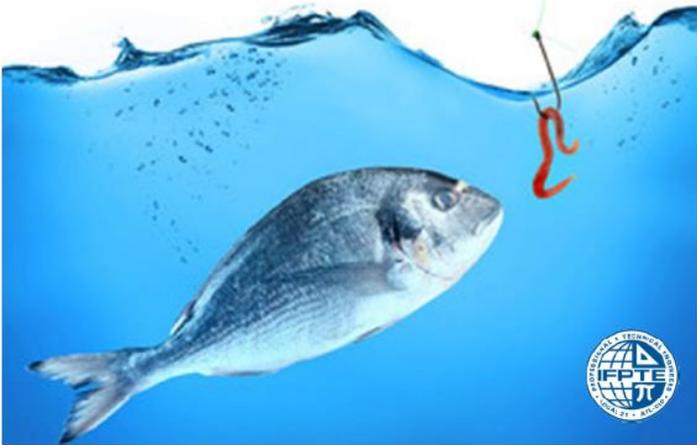
Noon on the 4th Wednesday, July 27 and Aug. 24
530 Water Street, Exhibit Room, 1st Floor

Feel like your boss is on a fishing expedition?

At any time during an investigatory interview, you can stop the meeting and ask for a Union Representative. Know your rights because you must ask for them!

Weingarten Rights:

"I am concerned this discussion could lead to disciplinary action against me or affect my working conditions. I request my Union Representative be present at this meeting. Without my Union Representative, I choose not to answer any questions."



Local 21 Members Save Money with Union Plus



Being an IFPTE Local 21 member doesn't only provide advantages at work & bargaining table; you can save on products & services. For more info, download a free QR reader app on your smart phone to scan the image below to go directly to the webpage or visit the Union Plus page via Local 21 at: <http://www.ifpte21.org/content/union-plus-discounts>.

- Motor Club Savings
- Car Buying Services & Rentals
- Legal Services
- Goodyear Tires & Services Discounts
- Scholarships
- Bookstore Discounts
- Home Mortgages & Assistance Hotline
- Credit Counseling
- Energy Rebates
- Tax Preparation
- Retirement Planning
- Vacation Tours
- Eldercare Services
- AT&T Wireless Discounts
- Clothing
- Checks
- Computers
- Pet Services
- Flowers
- Entertainment
- Much, much more!



Common Classes, the Class Study and Selective Certification

In a follow up to last month's story and membership meeting discussions about the proposed class study between the Port and City of Oakland, our Union followed up with HR to find out what common classes currently exist. There are currently 14 common classes, none of which are Local 21 positions. The common classes at the Port are: Account Clerk, Senior Account Clerk, Office Specialist I and II, Administrative Specialist, Carpenter, Gardener I, II and III, Painter, Plumber, Semiskilled Laborer, Port Electrician and Custodian.

There are no further updates to report about the proposed class study, but we have received written confirmation from the Port that economics are not within the scope of the class study. Chris Bouchard stated "with regards to economic parity, it is not the Port or City's intention to change the pay scales for its respective employees, as the study is intended to focus on the commonality between Port/City classifications." Once the methodology of the class study is determined, the Port will meet with all Unions for feedback and to meet and discuss the matter. More on this class study as we receive information.

In the meantime, however, the Port has sought to update their hiring policy in an attempt to bring it more in line with current practices under the Civil Service Rules. Our Chapter President Ron Brown appointed three members to sit on a policy review committee: Barbara Bally, Stephen Gordon and Lila Zinn. During the discussion of the changes, an important issue was noted: the HR Director shall have the exclusive right under the new policy to Selectively Certify an employee. (Selective Certification is where employees, because of their unique and valuable skill set, are exempt from any layoffs.) In the City of Oakland, our Union has language in our MOU that states the City must meet and confer over Selective Certifications. It is the Port's position that absent this language in the Port MOU, that this right does not exist. Our Union, however, believes that Selective Certification affects the terms and conditions of employment and therefore, is a mandatory subject of bargaining. Furthermore, in both the City and Port, if Selective Certifications are not bargained, we believe it is an Unfair Labor Practice (ULP), subject to a charge with the Public Employees Relations Board (PERB). We are working with the Port to resolve this matter but may need to take this issue to the Civil Service Board for them to weigh in on the matter because if the HR Director could Selectively Certify all new hires, in the event of a layoff, new hires would be retained over more senior employees in cases where the Union does not believe unique qualifications exist to warrant the protection. Stay tuned to future newsletters to learn how this unfolds.

Basics of the Family and Medical Leave Act

FMLA is a federal law that allows for guaranteed time off to serious or chronic medical conditions for yourself, your spouse, your child or your parent. Siblings and grandparents became eligible for FMLA coverage last year under California law.

FMLA:

- Guarantees time off for serious medical conditions
- Time off cannot be used against you for discipline, to reduce benefits, to change your work assignment, etc. (Many members do not realize that even if you have sick time available, you may still be disciplined for using sick time if the employer feels it is excessive... our Union helps when these situations arise, but this is why FMLA is important to know about.)
- The Employer must continue their contributions to your health insurance premiums while on leave

What are the Eligibility Rules for FMLA?

- An employer must have at least 50 employees
- The employee must have worked for the employer for at least 12 months
- The employee must have worked at least 1250 hours in the last 12 months

You must meet all three of the above criteria to be eligible.

Does FMLA Have Any Shortcomings?

FMLA does NOT guarantee paid time off.

What about State Disability Insurance (SDI)?

Workers can subsidize/integrate SDI with sick and vacation time, comp time, floating holidays, etc. to equal your full paycheck as long as possible. Keep in mind there is a 1 week wait period.

What Does FMLA Entitle Me To?

FMLA guarantees up to 12 weeks of leave per year (i.e. up to 60 work days for a full time employee), but you must fill out certification forms, available online via the Port intranet.

There are three types of FMLA leaves of absences:

- **Continuous block** of time, such as a 4 week rehab period from foot surgery.
- **Intermittent leave**, such leave is for unpredictable or chronic issues, such as asthma related issues.
- **Reduced schedule**, which needs to be negotiated and worked out with your employer (our Union can assist) to help you get every other Friday afternoon off for treatment of a chronic problem, for example. In these cases, our Union can help assist you to determine if a permanent Americans with Disabilities Act (ADA) accommodation would be more appropriate.

Does FMLA Cover me if I am Late to Work?

Not necessarily. FMLA is not a “get out of jail free” card, where workers can show up or leave whenever they want and just count the absences towards their FMLA entitlement. In fact, whenever possible, employees want to give as much notice to our employers as possible when needing to use FMLA because in many of our workplaces, it is our co-workers that are left short-handed and pick up extra work as a result of the absence.

What are the Steps to Get FMLA?

- Request an FMLA packet from HR or download it from the intranet.
- Get your doctor’s office to fill out the form and return it to HR. If you see your doctor regularly for a condition, you may be able to simply fax the form and avoid an office visit (call ahead and see if this is possible).

Once your certification is complete, you are covered. If you have intermittent leave, each time you use the leave, simply state that you need to take FMLA time off... you do not have to be any more specific than that (even if your supervisor asks for specifics) and you do not need to bring in a medical note each time you use FMLA time.



FMLA @ the Port Booklet

If you missed our FMLA info session at our July membership meetings, the booklet created for the Port of Oakland is available on the Port Chapter’s webpage at <http://www.ifpte21.org/chapters/port-oakland>. This booklet has important information about where to get FMLA forms at the Port, frequently asked questions and more, including where to go if you still have questions about FMLA.

Elections 2016: How the IFPTE Local 21 Endorsement Process Works



With the November election less than 4 months away, it's time for Local 21 to get busy with endorsements. A majority of the City Council seats are up for grabs. Five incumbents, Dan Kalb, Lynette Gibson McElhenny, Noel Gallo, Larry Reid, and Rebecca Kaplan are up for reelection and some may face challengers.

These races are important to the Port because the City Council appoints the Port Commissioners.

As this is written the City Council is poised to put several measures on the November ballot including:

- Infrastructure bond for affordable housing, slow displacement and fix streets and sidewalks. The bond will fund the jobs of a number of Local 21 members.
- Tenant protections and rent control to protect renters from rent gouging and unfair evictions.
- Police Commission oversight to increase accountability in the Department.

Plus, the Alameda County Board of Supervisors has placed a large housing bond on the ballot for low, moderate and middle income residents.

The City of Oakland Chapters, in conjunction with the Port of Oakland Chapter, work together to consider both candidates and ballot measures. This includes briefing and interviewing candidates (sometimes in conjunction with other city unions). All of this culminates in a City of Oakland/Port meeting where members vote on the final recommendations to our Union's Executive Committee. All City of Oakland/Port members are encouraged to attend and vote so that the endorsements truly reflect the priorities of City of Oakland/Port members. The Oakland Political Action Committee may make a recommendation to the membership on endorsements but it is ultimately the decision of the members.

You can read the Oakland process for endorsements online or scan the QR code with a smart phone to go directly to the web page: <http://www.ifpte21.org/content/policies>.

In considering candidates and ballot measures, we evaluate them based on criteria including their support for policies that are friendly to working families, their accessibility to Local 21 and their leadership on issues of importance to us. The criteria, in no particular order, is as follows:

1. Respect for the value of public service and for maintaining or expanding public control of public services and infrastructure.
2. Support for merit-based civil service employment that promotes and guarantees hiring and promotion based on qualifications and competitive examination.

3. The relative qualifications of the candidate for the office sought.
4. Accessibility of the candidate to union leadership on matters of concern to the membership.
5. Actual record, if any, of employee relations and bargaining with the union as well as other issues important to the union and organized labor generally.
6. Support for, or promotion of, maintenance and improvement of public goods and services.
7. Support for, or advancement of, government openness and accountability.
8. Initiatives or referenda that promote the interests of working people and their unions.

In cases where Oakland endorsements overlap with other jurisdictions, as in an Assembly race, all of the chapters in that region have the opportunity to weigh in.

Local 21's endorsement is sought after because we follow it up with campaign contributions and volunteering to reach voters. The funds for campaign contributions to candidates comes from voluntary donations by members to our TJ Anthony Fund. Everyone is asked to pitch in at least \$5 per check, more if you can, less if you can't. You can sign up online by clicking here: <http://www.ifpte21.org/content/donate-tj-anthony-fund>

The Oakland PAC will meet in a few weeks to begin organizing for November endorsements. Please watch your email box for updates and information. If you have any questions, please contact Tom Manley, Local 21 Vice President for Political and Legislative Action (tmanley@ifpte21.org) or Rachel Richman, Political and Policy Director (rrichman@ifpte21.org).

With so much at stake this year, the one thing we can't afford to do is to sit on our hands and do nothing.

Scan the QR Code to Go Directly to the Policy

Download a free app on your smart phone to read the QR codes below and be directly connected to the webpages.



Oakland Endorsement Process



Principals for Legislative and Political Action



Donate to the TJ Anthony Fund

Elections 2016: Endorsement Schedule for November Election



The election is right around the corner! This fall incumbent Council members Dan Kalb, Lynette Gibson McElhaney, Noel Gallo, Larry Reid and Rebecca Kaplan are up for re-election.

City Council members appoint Port Commissioners so we want the Port to be part of our endorsement process.

Additionally, there are four important Oakland ballot measures to consider and one countywide measure:

- Tax on the distribution of sugar sweetened beverages
- Comprehensive rent and eviction controls
- Establishment of a Police Commission to oversee fair and equitable policing
- Bond measure for affordable housing and street and sidewalk repairs
- Countywide affordable housing bond

Please plan to attend these important candidate interviews and ballot measure discussions so that we can make endorsement recommendations to the Executive Committee. Endorsement recommendations require 55% support of those voting.

You can read our criteria and procedures for endorsements here: <http://www.ifpte21.org/content/policies>.



Please RSVP to Kristan Karinen at kkarinen@ifpte21.org and note which meeting (s) you will be attending.

August 1: Oakland PAC meeting

1 pm @ IFPTE Local 21 Oakland Office

436 14th Street (cross street Broadway), Suite 1520

- Review of candidates and measures
- Candidate questions for our interviews and the Labor Council (will be circulated for comment before and after the meeting)
- Logistics for endorsements
- Discussion of early/late endorsements
- Assignments

August 10: Joint SEIU 1021/IFPTE Local 21 candidate interviews
5:30 pm @ SEIU 1021 Oakland Office

100 Oak St. (cross street 2nd St.) 2 bl. Lake Merritt BART

- May include ballot measures
- The Unions will caucus separately after the interviews
- All members invited to attend per Oakland endorsement procedure

August 11: Candidate Interviews with Alameda Labor Council

5:30 @ Alameda Labor Council Offices

7750 Pardee Lane, Suite 110 Oakland

Interviews of City Council candidates (they will use some or all of our questions)

August 18: Oakland PAC Meeting

noon @ pm @ IFPTE Local 21 Oakland Office

436 14th Street (cross street Broadway), Suite 1520

Meeting to discuss candidates, ballot measures and make recommendations to the membership

August 22: Oakland PAC Meeting

noon @ pm @ IFPTE Local 21 Oakland Office

436 14th Street (cross street Broadway), Suite 1520

Utilize part of the Oakland Council meeting to discuss candidates, ballot measures and make recommendations to the Executive Committee, if needed

August 23: Endorsement Meeting

Time and Location TBA

Membership meeting to discuss candidates, ballot measures and make recommendations to the Executive Committee

August 31: Membership Endorsement Meeting

Noon @ TBA

Membership meeting, if needed

ENJOY
LABOR DAY

Union-Made Labor Day Cookout Shopping List

Ball Park hot dogs • Rold Gold pretzels
Heinz ketchup • A&W root beer • Sara Lee buns
Breyers ice cream • Budweiser beer • Michelob beer

For more union-made products:
TEXT MADE TO 235246
go.aflcio.org/laborday



Family Picnic

Join the Alameda Labor Council for free food and fun for families!
Bring a blanket, set up your lawn chairs and other picnic items as you
enjoy the music.

Monday, September 5th
Alameda Point, 2700 Saratoga Street
11:30 am – 4:30 pm

Stop by and meet real life Rosie the Riveters, like Betty Soskin (pictured below), a 95 year old Park Ranger and history interpreter at the World War II Home Front National Historic Park in Richmond. She and other surviving "Rosies" will share their pioneering stories. Soskin was a clerk for the Boilermakers Union A-36 and while the shipyard was a segregated working environment, she says her efforts to share her story reminds us "what gets remembered is determined by who is in the room doing the remembering."



Directions: 880 North to Broadway to Webster Street Tube
Make a Right on Atlantic
Make a Right on Main
Make a Left on Navy (Guard Shack)