

AFSCME Local 444 Negotiations Update, May 29, 2017

Message from the President

In February of this year, the Unions of East Bay Mud began negotiating the terms of a new contract. AFSCME Local 444 elected a 7-member negotiating team which started preparing for these talks in November of last year. Surveys were developed and hand delivered by our shop stewards to each of the members in their respective work units. This not only saved us the cost of mailing 600+ surveys with return envelopes and postage but also generated the largest number of responses I have seen in my 14 years as an Officer of this Union. The seven of us spent several days reviewing hundreds of surveys to determine what was most important to our members. That commitment and attention to detail resulted in 35 contract proposals written and submitted on your behalf. These among others include language to increase the stand by premium, compensatory time accruals, the supplemental benefit and payments for higher licenses and certifications. We have signed tentative agreements to increase the number of spouse's relatives covered under Special Leave, increase the Safety Shoe Allowance, ensure the Union is notified when changes are made to Job Descriptions and address conflicts with Managers participating in Board of Adjustment hearings. We are actively pursuing increases to the Jobsite Reporting pay, the Overtime Meal Allowance and getting closer to an agreement to pay our Wastewater Plant Operators a premium for operating specialized equipment. While these are positive gains we remain deadlocked on far too many. Those of you waiting patiently for long overdue equity adjustments can't expect an answer I'm told until after the rate increases are approved by the Board on July 11th. Which is why AFSCME Locals 444 and 2019 have jointly submitted a proposal to extend the term of our next contract to September 2021. This would in our estimation address the delay in negotiations we experience every time between May and July. Of course, this is just one example of many "big ticket" items such as the Wage Package and Healthcare Plans we will negotiate jointly with our brothers and sisters in 2019. Those talks are scheduled to resume on June 15th. The bulk of our collective efforts is still ahead of us. However, I remain confident an agreement worthy of those efforts can still be reached by the close of summer and I am committed to seeing it through. The team you have put together, the undivided support you've invested in that team plus the 25 years of Public Sector bargaining experience our new Business Agent Larry Hendel brings, will see this through.

[Special thanks on this holiday weekend to all Veterans for your sacrifice. You honor us every day.](#)

John Briceno, President
AFSCME LOCAL 444

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Blow-by-blow Negotiations Update

Through the month of May your AFSCME 444 negotiations team has continued meeting with Management to negotiate side-table proposals (see www.AFSCME444.com for a complete list of AFSCME 444 Side-table proposals and AFSCME 444/2019 Joint Bargaining proposals). We are trying to wrap up the Side-table proposals before engaging the 'big-ticket' items such as wages and healthcare on the Joint Bargaining table. Although we have made good effort for movement, the process has been slow and progress sluggish.

On **May 4th**, we offered counter proposals:

- Certification Premium (5C) - on May 4th, in response to Management's "reluctance to expand the program", we put forward a counter proposal reducing the Certification Premium to Wastewater Operators and Treatment Plant Specialist who hold wastewater certificates.
- Trades of Stand-by Assignments (30B) – to include language "shall not be unreasonably withheld". We further explained the proposal and that it was not a new process – before hiring freeze it was commonplace and only after management's decision to reduce staffing levels did it become a problem. We contend that staffing levels are back up and we want our rights returned.
- Double-time (29A) after 12 hours – Dwight George provided extensive information from comparable agencies who offer double-time rates, suggested alignment with the California Fair Labor Standards Act, and explained how the proposal could help address issues excessive OT shifts exhausting crews and leading to short staffing.
- We signed Tentative Agreements (TA) on Proposals 16 and 19 – changing the amount of allowable vacation sell-back from 80 hours to 120 hours, and correcting language in MOU 21.1.3.d from warning "memo" to warning "letter" in order to clarify and further distinguish from a *counseling* memo.

On **May 11th**, Management responded with:

- A revised Management Proposal #2 on special leave for court appearance – clarifying 'domestic matters'.
- Counter to Union Proposal 13 & 30 (Trades) offering to add 'a reason' when trades are denied.
- Then followed up with a discussion about Union proposal 22 & 24, Safety Committee. We explained that we expect that the Joint Safety Committee include Wastewater as well as O&M, and that the JSC should serve as the vehicle for addressing and reviewing

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OSHA reports, communicating safety concerns across LCS's and serve as a supervisory committee in the case LSC's are not functioning.

The Union offered revisions to:

- Proposal 18 (reassignment) – limited to cover additional classifications of: Heavy Equipment Mechanic, Auto Mechanic B & Materials Specialist in light of the addition of the East Area Maintenance Facility.
- We revised our Safety Boots Allowance (25C) to \$230, Jobsite Reporting (26D) to \$26 and Meals (32C) to \$24.
- We also revised our Don & Doff Proposal (28B) to cover time for PPE. We argued that we should be allowed company time to put on our PPE and cited SCOTUS rulings that side with our request, but management continued to argue the negative.

Management also provided the following responses:

- Rejection of the Work Out of Class language (MOU 6.4) revision (1B), which seeks to remove the clause 'preforms all duties' of the higher classification.
- Rejection of the New Classifications language (MOU 6.5) revision (3B), striking the word 'substantial' from the language 'when substantial changes are made...the District will advise the Union...'
- Reject Union Proposal 8 for alternative work schedule, regardless of the fact that other bargaining units have the same language.
- Reject Union Proposal 11 increasing stand-by premium from 25% to 35%.
- Reject Union Proposal 20 addressing the balance of Plumber III's on Pipeline.
- Reject Union Proposal 27 allowing more time for the Union at new employee orientations.
- Reject Union Proposal 29 double-time after 12 hours.

- Management gave no update on Equity Adjustments
- Management did offer a proposal to pay Wastewater Operators who drive the Vactor Truck a 5% premium for time driving and operating the Vactor. The Union had many questions and is considering this proposal.

On **May 18th** we TA'ed on Management Proposal #4 – cleaning up language on probationary period for skilled crafts.

- Management also countered proposal 25: Boots at \$215
- We had a further lengthy discussion of the Vactor Truck proposal

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- We also discussed when Double-back Pay should be applied in terms of the hardship of having less than 8 hours off between shifts.

On **May 25th**

- We countered Management's Vactor proposal because their proposal set the 5% on the base day shift wage. The Union believes the 5% premium should be paid on what every rate the operator is working at (i.e. shift differential, etc.). We also reminded Management that we have an Arbitration coming up regarding ordering operators to run the Vactor and whether it is even a duty properly assigned within the classification.
- We countered the Boots at \$220
- We revised our Proposal 3 (New Classifications) to add language "In the event a change is made the District shall notify the Union" and leaving the following 'substantial' language unchanged.

After reviewing the status of all the proposals on the table

- Management offered to TA on our revised Proposal 3C, agreeing to give notification when classifications are revised.
- However, they refused to add Treatment Plant Specialists to the Certification Premium program (5C) – this was to simply add a \$20/mo. Premium when an operator attains a higher level certificate than the certificate required for the classification, because they said "they didn't want to expand the program". There are 7 Treatment Plant Specialists.
- Management is still trying to figure out how our Joint Safety Committee proposal will 'impact' other departments.
- Management also responded to Boots, Job-site Reporting and Meals, maintaining \$215, \$22 and \$20, respectively.
- We accepted (TA) \$215 for safety shoes.

We expect to be in Side-table Negotiations for at least the next week before we return to the Joint Bargaining table. In the meantime, if you have questions, you can send e-mail to AFSCME444@gmail.com and we will try to answer them during our caucus time. Also do come to the next Union Meeting, 5:30pm, June 15th at the meeting room of Council 57 – 80 Swan Way, Oakland, CA.

In Solidarity,

Your AFSCME 444 Bargaining Team
John, Ruben, Robert, Tyrel, Joe and Eric