

**Resolution of AFSCME Local 444 Rejecting Contracting-out as a Mechanism to Achieve the “10 to 40 Plan” .**

WHEREAS, The District had a hiring freeze from 2009-2013;

AND WHEREAS, The District is Operating and Maintaining a water distribution system with aging infrastructure that is overdue for replacement and renewal, due in part to the hiring freeze;

AND WHEREAS, The District has raised rates on its customers with the promise of needed infrastructure renewal;

AND WHEREAS, Pipeline Operation, Maintenance and Construction is the core work of Plumbers, Heavy Equipment Operators, and other classifications represented by AFSCME Local 444;

AND WHEREAS, The District foresees the need to reinvest in its Distribution System and intends to do so through the “10 to 40 Plan”;

AND WHEREAS, Due solely to the District’s discretionary political and/or budgetary choices, the District may not currently be adequately staffed to achieve the “10 to 40 Plan”, and while it takes a minimum of 2 years to hire and train Plumbers, the “10 to 40 Plan” cites a timeline of more than 5 years;

AND WHEREAS, the law, specifically California Public Utilities Code section 11886, requires the District to be adequately staffed for the Operation and Maintenance of its system;

AND WHEREAS, the law, specifically California Public Utilities Code section 11888, prohibits the District from contracting for or employing any professional service required by the District for the performance of work or services unless the District demonstrates that the work or services cannot be satisfactorily performed by civil service employees;

AND WHEREAS, in 1981, AFSCME Local 444 obtained a favorable interpretation of California Public Utilities Code section 11888 and California Government Code section 3500 et seq. in the case of *AFSCME Local 444 v. East Bay Municipal Utilities District*, Alameda Superior Court Case No. 542735-8, and that decision is factually and legally relevant to the District’s current “10 to 40 Plan”;

AND WHEREAS, AFSCME Local 444 and its legal counsel have repeatedly thereafter reminded the District of its obligations under the statutes and the court’s ruling noted above.

THEREFORE LET IT BE RESOLVED THAT: AFSCME Local 444 opposes contracting-out as a mechanism to achieve the “10 to 40 Plan”, and insists that as a first step toward the “10 to 40 Plan” the District begin staffing Plumber Crews and Equipment using civil service employees in the AFSCME Local 444 bargaining unit;

AND LET IT BE FURTHER RESOLVED THAT: AFSCME Local 444 opposes the FY15 budget that does not fund increased staffing levels in the AFSCME Local 444 bargaining unit.

Passed unanimously by the Membership of AFSCME Local 444 in attendance, May 29, 2014.