



## Professional Employees Association, Inc.

### PROFESSIONAL VIEW

PEA'S NEWSLETTER FOR OCTOBER-DECEMBER, 2005

[www.peaonline.org](http://www.peaonline.org)

### PRESIDENT'S UPDATE

Submitted by David Peterson, President

If possible, please attend the general membership at Mancini's at 5:30 on December 7, 2005. This is an opportunity for you to have camaraderie with your co-workers, get an update on information related to your union contract, and receive other labor information related to your job. Please pre-register today using the instructions contained in the meeting agenda in this newsletter.

When I need to look up labor website links (such as the city union contract, the PEA general meeting agenda, or civil service rules), or when I need to look at the PEA board and steward directories, I go to the PEA website at [www.peaonline.org](http://www.peaonline.org). Thanks to John Larson for organizing and maintaining the website information.

A welcome to new stewards Regina Etoll with the City Attorney's Office and Susan Myron with Public Health.

The Executive Committee has continued its schedule of monthly Tuesday night meetings at the union office. The agenda is dominated by committee reports, city or school district negotiation topics, and the Business Agent/Legal Council Report on current grievances and other issues

### Some of our other current activities & discussions:

A discussion of the goals and priorities for the future direction of PEA;

An evaluation of the Business Agent/Legal Council service, along with a two year service contact extension;

Review of the school district contract negotiation process;

Discussion of several health insurance issues, including new government reporting requirements for retiree health insurance benefits;

Discussion of Civil Service rules as related to union contracts;

Report on the settlement of a mileage per diem grievance in the City Water Department;

Update on transfer of funds from TCF to the City and County Credit Union;

Setting the agenda for the December general membership meeting;

Update on general office clean up, filing, and storage arrangements; and

Newsletter improvement discussion and article deadlines established.

The Executive Committee and Stewards have continued to be very involved and active. I would like to again thank the members of PEA for their support.

### **Vice President's Report**

Hi! My name is Kay Wittgenstein and I am your new vice president. I am a Social Worker at St. Paul-Ramsey County Department of Public Health. I have worked for the Health Department since 1981. We were the first Department to experience a joint powers agreement to have a City and County Department come together as one entity. PEA did an outstanding job of protecting our interests in a very complicated, drawn out process. The model used for this rather drastic change has been used when other departments have combined. We are fortunate that we had clear thinking representation that protected our rights at the meetings.

I will be one of the Board's representatives on the Labor/Management Committee on health Insurance. I also make dinner reservations for our meetings and would like to encourage you to attend the meetings to learn about the importance have having strong representation at the bargaining table as well as protecting your rights at work throughout the year. A great meal is always included with the meeting!

I can be reached at **266-1285** or at **kay.wittgenstein@co.ramsey.mn.us**

### **PEA Calendar of Events**

#### **2005**

December 7<sup>th</sup> General Membership Meeting  
(with elections)  
Mancini's – 5:30 PM

#### **2006**

March 8th Combined Steward-Executive  
Committee Meeting  
Joseph's Grill – 5:00 PM

June 7th General Membership Meeting  
Joseph's Grill – 5:30 PM

September Combined Steward-Executive  
Committee Meeting  
TBA

**Ongoing** The Executive Committee generally meets the first Tuesday of the month at the Union office.

### **PERA Retirement Information**

**(from the PERA website)**

Submitted by David Peterson

#### **Retirement Benefits**

You will receive an unreduced benefit from PERA when you reach full retirement age. You may retire prior to that date, but your pension will be permanently reduced by doing so. These options are described below:

#### **Full Retirement**

If you were first hired for a position covered by PERA or another Minnesota public retirement plan prior to July 1, 1989, you are eligible for a full (unreduced) retirement benefit from PERA if:

1. You are age 65 or over and have at least one year of public service; or
2. Your age plus years of public service total at least 90 (Rule of 90), regardless of your age.

If you entered public service in Minnesota for the first time on or after July 1, 1989, you qualify for a full pension when you have earned a minimum of one year of PERA service and have reached the age for full Social Security retirement benefits, but no later than age 66.

#### **Early Retirement**

If you retire before age 65, you may be eligible for a reduced benefit if:

1. You are at least age 55 and have three or more years of service; or
2. You have 30 or more years of service, regardless of age (if first hired prior to July 1, 1989).

To see how benefits are calculated go to:

[http://mnpera.avenet.net/index.asp?Type=B\\_BASIC&SEC={07955927-9979-4258-A426-E7760311C3C1}](http://mnpera.avenet.net/index.asp?Type=B_BASIC&SEC={07955927-9979-4258-A426-E7760311C3C1})

## The Legal Corner

By Mike Wilde

Whenever you work with the public, there are usually one or two scenarios that are repeated time and time again. When I practiced law in the field of employment law, as opposed to labor law where there is a collective bargaining agreement, I often ran into the following situation. An individual would contact me for a legal consultation and he would proceed to tell me about a very unfavorable situation he was facing at work. When we explored the hierarchy and practices at his workplace it was usually determined that the concerned employee had absolutely no voice or right of recourse at the workplace. When I explained this to the employee, when he realized that he was not guaranteed an opportunity to rectify a problem or explain a situation, he was in disbelief. The general public (i.e. the average employee) has a difficult time accepting that in this day and age that a legitimate problem in the workplace might go completely ignored because middle management does not want to face it. Yet, that is often the case.

Compare that to the set of mutual rules and obligations set forth in PEA's labor contract. In addition, the grievance procedure is a contractually guaranteed opportunity to express your concern or identify a violation. Assuming a complaint has some merit, the grievance procedure provides you with the opportunity to at least formulate the complaint and submit it to your employer. That is greater workplace rights than are available to more than 85% of the American workforce.

There is another "repeated scenario" that I often encounter, but this one is when I am representing unionized employees. Namely, it is the expression of mild futility from a member when she reads the Management's Rights clause. To paraphrase this clause, it reserves the right of management to lead the workforce with reasonable rules and policies as long as they do not conflict with the specific terms of the labor contract. But this shouldn't lead the member to believe her efforts at addressing a problem are pointless. There is a productive balance between the negotiated terms, including the grievance procedure, and the managerial right to direct the workforce and reach organizational objectives.

The checks and balances on the management's rights clause include the requirement that management's policy or rule be *reasonable*. It also usually prohibits management to make a unilateral change in any terms that have an economic impact on the workforce until such potential change is negotiated. But the most ardent defense against implementation of a new rule is when it is in direct conflict with the labor contract. Then the contract always prevails. These checks, as well others, help ensure that the management's rights clause is not abused.

Here are a few of the City policies that exist outside of the collective bargaining agreement (there are some similar policies in the School District):

1. Tuition Reimbursement Policy
2. Weapons Policy
3. CDL Drug & Alcohol Policy
4. Anti-nepotism Policy

These policies, although not in the labor agreement, are written rules that often improve the workplace and provide a general understanding of expectations. Now even though it isn't required by contract or management policy, have a happy holiday season.

### CITY NEGOTIATIONS COMMITTEE REPORT

**Submitted by Sheila Winderlich, Chairperson**

The City Payroll Office will be issuing refunds for health insurance premiums paid in 2005 above the amount settled on in the contract on December 9 or shortly thereafter. The Negotiation Committee felt this was a long delay, and Labor Relations attempted to intervene on our behalf, but the Payroll Office said they did not have time to do it any earlier. Contracts are at the printer now, and will be distributed by stewards as soon as they are completed. My thanks to everyone for their patience. This has been a long process and I know everyone will be happy to close out this round, and start preparing the next.

## PEA STEWARD/EXECUTIVE COMMITTEE MEETING SEPTEMBER 6, 2005

STEWARDS PRESENT: Mary Ann Miller, Jamel Anderson, Frank Berg, Issac Afwerke, Paula Peterson, Susan Henry, Colleen Shields, Lyla Griffin, Craig O'Brien, Jim Jeffery and Susan McMahan.

### EXECUTIVE COMMITTEE MEMBERS

PRESENT: David Peterson, President; Kay Wittgenstein, Vice President; Rhonda Gilquist, Treasurer; Karin Anderson, Personnel Chair; Brian Krawiecki, Secretary.

1.0 Brief discussion of email communication to membership: The City and ISD email communications may be used for PEA business. Members should use caution when using email for grievances and other confidential or sensitive issues. Members are asked to copy email to Mike at [mwilde8860@comcast.net](mailto:mwilde8860@comcast.net) in addition to [MLWilde@Local49.org](mailto:MLWilde@Local49.org).

2.0 Documenting Grievances (presented by Mike Wilde): Mike reminded Stewards and Executive Committee Members to accurately document any potential grievance issue brought to their attention by PEA members. Some of the more recent grievances included: out-of-title pay, overtime pay and changes in mileage reimbursement classification. The City is looking for cost savings wherever they can and this includes employee pay and reimbursements. All approvals to settle grievances have to be approved by the Deputy Mayor. The time frame defined in PEA's contract to advance grievances to the next step must be adhered to for successful resolution. The PEA contract defines a grievance as an "alleged" violation of our contract. Once the PEA Executive Committee is informed of a potential grievance the Committee will decide if there is a contract violation and how to proceed to resolution. Stewards are recognized as PEA representatives and are obligated to forward PEA employee issues/grievances to the Executive Committee. Karin will send the City and ISD a current list of Stewards. Mike reminded stewards and committee

members that grievants always have right to counsel outside the PEA Contract. The Executive Committee will continue to investigate and make informed decisions on all grievance complaints.

Step 1 is typically made by the grievant to the supervisor and is often settled. Step 1 may involve the Steward and typically does not require written documentation. Step 2 does require written documentation. Mike distributed a form that may be used to document the grievance. Step 2 must reference the contract and must occur within 14 days from the alleged violation of the City Contract or within 10 days in the School District. If the steward is not available members should contact an Executive Committee member or Mike. Step 3 must be taken within 14 days of step 2. Step 3 may include mediation or possibly arbitration.

The Steward Meeting was adjourned.

### EXECUTIVE COMMITTEE MEETING SEPTEMBER 6, 2005

1. Adoption of the August 16, 2005, Executive Committee minutes: TABLED

2. Business Representative/Legal Counsel Update: The City contract for 2005 through 2007 was finalized today and will be signed by Dave and Mike. Mike will ask for MOU's on the Health Insurance Plans and Health Insurance Coverage for employees that go from part-time to full-time. Mike met with the City regarding the change of some employee's mileage designation from regular drivers to occasional drivers. Pending policy will designate occasional drivers as those employees that drive less than 50% of days worked on an annual basis

3. Committee Reports: TABLED

Adjournment: MOTION by Karin to Adjourn. Second by Dave. MOTION CARRIES.  
Adjournment at 8:07

## **PEA General Membership Meeting Agenda**

PEA's general membership meeting will be held Wednesday, December 7, 2005,  
at Mancini's Restaurant  
531 W. 7<sup>th</sup> St., Saint Paul.

5:30 pm: Social time  
6:00 pm **sharp**: Dinner  
6:30 pm: Meeting

### **Agenda**

1. Introduction of stewards and executive committee members in attendance
2. Adoption of minutes from the June 7, 2005, General Membership meeting which are in the Fall newsletter.
3. Business Agent/Legal Counsel Update - Mike Wilde
4. Committee Reports
  5. President
  6. Vice President
  7. Personnel
  8. Treasurer
  9. Negotiations (City)
  10. Negotiations (School District)
5. Election for all PEA Board positions
6. Old Business
7. New Business
8. A chance to win one of four Rainbow gift certificates or one of four Borders bookstore gift certificates
9. Adjourn

### **Reservations Requested**

RSVP to Kay Wittgenstein (651-266-1285 or [kay.wittgenstein@co.ramsey.mn.us](mailto:kay.wittgenstein@co.ramsey.mn.us)) on or before **December 2, 2005**. Please give your name, department, and dinner choice (chicken, steak, or fish). If you have special dietary needs please let Kay know when making your reservation.

Note: Only regular members may vote and participate full in the Association. If you are a "fare share" individual, please consider becoming a regular member today so you can become an active participant in your union.

