



**PROFESSIONAL VIEW**  
**PEA'S NEWSLETTER FOR JULY-SEPTEMBER 2008**

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

**FALL 2008 PRESIDENT'S UPDATE**  
**Submitted by David Peterson, President**

A special thanks to the most recent addition to PEA stewards, Lucie Passus for the Office of Technology and Communications/Information Services. PEA keeps moving ahead with the help of many volunteers.

In the last negotiation cycles, both the City and the District have bumped up their matching Deferred Compensation contributions for eligible employees. However, it appears that many eligible employees are not taking advantage of the matching compensation. Sometimes this may be related to unclear instructions.

We will have a special Deferred Compensation presentation for the general membership on September 10<sup>th</sup>. Details are enclosed in this newsletter.

We plan to address concerns both from a City employee perspective, and a District employee perspective. We encourage all eligible members to take advantage of the matching contributions. We sometimes refer to the matching contribution as "free money".

An item identified for the Winter General Membership meeting is revisiting the City mileage payment for PEA members. The current City bargaining agreement calls for \$4.00 a day plus \$.20 per mile. As of July 1<sup>st</sup>, the IRS raised the business rate for tax purposes to \$.585 per mile.

This puts more pressure on PEA to consider changing the City bargaining agreement mileage reimbursement to the IRS rate (without per diem payment). Overall, more mileage reimbursement would flow to PEA members, although some PEA

members currently receiving the per diem payment would get less mileage reimbursement

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 related topics, and the Legal Council Report on current grievances and other issues.

**Some current activities and discussion:**

Reviewing information from the City and the School District LMC Health Insurance meetings;

Discussed city job description changes and responded to the City Human Resources Dept.,

Preliminary discussion of the Winter General membership meeting elections;

Discussed publication of public employee wages;

Reviewed newsletter and PEA website information needs;

Noted the appointment of Steve Boland to the Civil Service Commission;

Made arrangements for the special deferred compensation meeting; and

Reviewed progress on arranging the union office (because of the somewhat recent office move).

Again, thanks to PEA members for your support.

Check out the PEA website for more information: <http://www.peaonline.org>

## PEA Calendar of Events

### 2008

**Sept. 10** Combined Steward-Executive  
Committee Meeting  
Joseph's Grill – 5:00 PM

**Dec. 3** General Membership Meeting  
(with elections)  
Black Bear Crossings on  
the Lake – 5:30 PM  
(aka Como Lake Pavilion)

### 2009

**March 3rd** Combined Steward-Executive  
Committee Meeting  
Joseph's Grill – 5:00 PM

**June 3<sup>rd</sup>** General Membership Meeting  
**TENTATIVE**  
Joseph's Grill – 5:30 PM

### Ongoing

The Executive Committee generally meets the first Tuesday of the month at the union office at 5:30.

### Meet the District Negotiations Chair....

My name is Maia Sierra and I am the Senior Budget Analyst for St. Paul Public Schools. I am happily married with four children who keep us occupied with their busy athletic schedules. Next to "family time" and working for the District, I do bookkeeping for a family owned restaurant, prepare tax returns during the tax season, and sit on the PEA Executive Board. I thrive on stress and am always up for a good challenge!

## Message from the Vice-President by Kay Wittgenstein

WOW! It is time to buy school supplies and school clothes. Soon the halls will be alive with skipping feet, laughter and maybe, just maybe, the chatter of a future librarian, doctor, accountant or astronaut.

It is also time to start thinking about medical coverage for 2009! Open enrollment will take place in October for City employees and starts Oct. 21st for School District employees. It is important to take a very active role in selecting the benefits that work best for you or for you and your family. We cannot emphasize enough how important it is to read the materials and to **ask questions when in doubt.**

The available coverage will be similar to last year for City employees. This means for singles choosing the high deductible option, the City will reimburse you **up to \$1200.00. To have this \$1200.00 available to you, it is imperative that you mark that you want a flexible spending account.** You do not need to put any of your own money in this account, but you must select the flex account so the City can reimburse you up to \$1200.00. We once again will be registering on line. **You need to register for what option you want even if it is the same as last year-The City will not automatically put you in the same coverage as last year.** We strongly encourage you to attend one of the sessions to find out more about what benefits are available to you.

We also strongly encourage everyone to make use of the flexible spending account or Health Savings Account. If you have never used the pre-tax spending account and have questions, I will try to get you the information you need.

Have a great Fall!

**Special PEA Informational meeting on Deferred Compensation**  
**(in the City and School District PEA union bargaining agreements)**

ARE YOU MISSING OUT ON THE MATCHING MONEY THAT YOUR EMPLOYER IS PREPARED TO GIVE TO YOU EVERY YEAR???

COME TO THE MEETING AND FIND OUT ABOUT DEFERRED COMPENSATION.

***Time & Place:***

The meeting will be held **Wednesday, September 10<sup>th</sup>** at Joseph's Grill, 140 South Wabasha in Saint Paul (651-222-2435).

- 5:00 to 5:30** Social time
- 5:30 to 6:00** Special Informational meeting on Deferred Compensation
- 6:00 to 6:30** Dinner
- 6:30 to 7:00** Additional Informational Updates
- 7:00 to 8:00** Executive Committee Meeting

The times are subject to variation due to the length of presentations.

***Note: this is a special informational meeting, not a regular general membership meeting.***

***Agenda:***

- 1) Special Informational Meeting on Deferred Compensation  
Quick summary of deferred compensation on the City and District PEA bargaining agreements. (David Peterson)
- 2) Special Informational Meeting on Deferred Compensation  
Information on how deferred compensation works in general and why employees should take advantage of matching contributions (a representative from the Minnesota State Retirement System)
- 3) Additional Informational Updates  
City and District Health Insurance Updates (Kay Wittgenstein and Maia Sierra), and any other relevant current issues (David Peterson and/or Mike Wilde).
- 4) Executive Committee Meeting  
At the conclusion of the special meeting, attendees are dismissed. Subsequently, the Executive Committee Meeting occurs (reports, old and new business)

***Reservations Required:***

RSVP to Kay Wittgenstein (651-266-1285 or [kay.wittgenstein@co.ramsey.mn.us](mailto:kay.wittgenstein@co.ramsey.mn.us)) on or before **September 8, 2008**.

You will be using the standard Joseph's menu to order dinner. You may optionally order a desert. You can also order a nonalcoholic beverage.

## THE CORNER

By Mike Wilde, Legal Counsel

One of the truly effective legislative measures in the past 20 years that helps individuals in their working lives is the Family and Medical Leave Act (FMLA). As a law student in the early 90's who focused on labor and employment law, I was promised many opportunities with the emergence of the FMLA and the Americans with Disabilities Act (ADA). Both laws were landmark legislative policies that served to help people in their employment. The ADA was supposed to open up employment possibilities and remove access barriers to the millions of Americans who suffer various limitations or disabilities. It started off strong, but the courts and federal judges have really curtailed its effectiveness. The interpretation of the term "disability" has been narrowed so much that thousands of plaintiffs have been denied the goals of the law.

But this article is going to briefly explore the FMLA. I'm going to also highlight some points of the FMLA that have been raised by PEA members. The FMLA was enacted in 1993 to essentially allow qualified employees to exercise a protected leave of absence to recover from a serious medical condition, care for a close family member with a serious medical condition or to spend time with a newborn. To be qualified the employee must have worked for an employer that employs at least 50 employees and the employee is required to have worked for at least one year with an accumulation of at least 1,250 of work hours. The term "serious medical condition", unlike "disability" under the ADA, has a very broad definition and can cover such conditions as treating bad backs, suffering serious flu viruses and episodes of migraines. Since this is only a general overview of the law, any PEA member who has a question as to whether their condition qualifies should call me for an analysis and legal review.

The leave of absence under the FMLA is unpaid, unless you have available sick leave or similar personal-time-off rights (PTO) that would allow you to collect pay while on leave. The leave is also limited to 12 weeks under the law. After 12 weeks the employer can require the employee to

return to work, but the employee is entitled to return to the same position (or one of a similar nature) without loss of pay or benefits. This prevents any sort of retaliation against the employee who exercises FMLA rights. Also, the employee is entitled to remain covered under the employer's health coverage to the same extent as if they were still on the payroll. This means if your family coverage established a 75% contribution from your employer, the employer would have to continue these contributions during the leave so the employee could maintain coverage. Of course, the employee would have to continue to pay the 25% self-contribution and for many on unpaid leave this can become a challenge when they are not collecting a paycheck.

**It is important to understand these are the rights afforded under the FMLA. But your union contract and employer policies often provide greater benefits. So it is important to review your situation according to PEA's contract, not just the FMLA protections.**

A city employee recently asked very relevant questions, such as: *Is item 11.1(City Contract) tied to FMLA?* Yes to the extent that a City employee has the right to parental leave for the birth or adoption of a child, but our Contract provides a 12 *month* leave of absence, not just 12 weeks. Keep in mind it remains unpaid leave, so your own sick-leave accumulation will determine how much of your parental leave will be paid leave. Also, the insurance eligibility only extends for 12 weeks as required under both the FMLA and section 11.4 of our contract. The next question was: *Is item 11.4 (City Contract) intended to be an option that I could select after FMLA?* No. The employer can run the leave of absence concurrently with the FMLA. If it is a family leave (parental) you have the greater benefits under 11.1, but if it is a sick leave absence for a medical condition then you would be seeking a leave under 11.4. The point is that either option, under 11.1 or 11.4, runs concurrently or at the same time as your leave entitled under the FMLA. You can't expect to

utilize one leave until it expires and then exercise rights to another in consecutive fashion. Lastly, I was asked a question that is possibly answered differently by the City and by PEA. The question is: *What is the insurance situation during the voluntary leave of absence in 11.4? Does it make me immediately eligible for insurance reinstatement after her return?* I've been told that the City at least once stated that upon return an employee has to wait until the next open enrollment to become eligible for insurance coverage and contributions. I have not confirmed this position with the City, but PEA contends that such a re-qualifying period would violate the FMLA. If coverage and contributions continue as provided under the FMLA then the employee would return to work after the 12 week leave with full rights to immediate coverage. Even if the employee chose not to continue coverage, she would be entitled to immediate coverage upon return after 12 weeks. We base our opinion on the following federal regulation:

§ 825.209

(e) An employee may choose not to retain group health plan coverage during FMLA leave. However, when an employee returns from leave, the employee is entitled to be reinstated on the same terms as prior to taking the leave, including family or dependent coverages, without any qualifying period, physical examination, exclusion of pre-existing conditions, etc. See § 825.212(c).

If this is inconsistent with direction you have received from your employer, contact me immediately. Also, please understand that our School District contract has very similar benefits and you can get specific answers with a phone call. Enjoy the rest of your summer and, unless it is for a new arrival to the family, I hope your health is good so you won't have to use these valuable benefits.

## **SALARY INFORMATION AND PUBLIC DISCLOSURES UNDER THE LAW**

**By Karin Anderson and Mike Wilde**

Many public employees recently learned of an unfortunate aspect of public employment, especially if they value privacy as it relates to salaries and earnings. Due to investigative headlines about the salaries of County Commissioners and other public servants, the local media recently made the salaries of thousands of public employees available to anyone who wants to know. Although the media did not violate any law or privacy safeguards, they did make it much easier for anyone who is curious to learn what you earn. They did this under the state law known as the Data Practices Act (DPA).

All state agencies, political subdivisions and the State itself are subject to Minnesota's Data Practices Act (DPA). This law compels the governmental employer to disclose the personnel data of its employees, independent contractors and volunteers upon request. The personnel data, however, is only available for disclosure if it meets the definition of "public personnel data." This definition includes such items of data such as name, gross salary, job title, education and training, work location and date of first and last employment, among other items of information. Minn. Stat. 13.43, Subd. 1.

Public disclosure laws of this kind are often referred to as sunshine laws due to the fact that they open up the books and allow the general public to learn even the intricate details of our government's operations and business, such as an employees' salary. There are several advantages to these laws when taxpayers or watch groups want to investigate possible malfeasance by governmental bodies. But to those of us who were raised to believe that salaries and money matters are the private affairs of an individual, these laws strip us of such notions and protections. While there is nothing that can be done to conceal this information, the truly curious individual will have to make their own inquiry or research to get this information. If they care to know that much, they can take their own steps and you're under no obligation to assist them.

## MORE MURPHY:

Okay, you've heard of Murphy's famous Law: Everything that can go wrong will go wrong. There are many other related Laws, as well. Here are some:

After your hands become coated with grease, your nose will begin to itch.  
--Lorenz's Law of Mechanical Repair

Identical parts aren't.  
--Beach's Law

Any tool, when dropped, will roll into the least accessible corner.  
--Anthony's Law of the Workshop

Nothing is as inevitable as a mistake whose time has come.  
--Tussman's Law

If it jams, force it. If it breaks, it needed replacing anyway.  
--Lowery's Law

The solution to a problem changes the problem.  
--Peer's Law

There is no mechanical problem so difficult that it cannot be solved by brute strength and ignorance.  
--William's Law

Handy Guide to Modern Science:

1. If it's green or it wiggles, it's Biology.
2. If it stinks, it's Chemistry.
3. If it doesn't work, it's Physics.

Machines should work. People should think.  
--IBM's Pollyanna Principle

The first rule of intelligent tinkering is to save all the parts.  
--Ehrlich's Law

It is a mistake to allow any mechanical object to realize that you are in a hurry.  
--Ralph's Observation

If you tell the boss you were late for work because you had a flat tire, the next morning you will have a flat tire.  
--Cannon's Comment

Thinly sliced cabbage.  
--Cole's Law

## 2008 EXECUTIVE COMMITTEE

PRESIDENT	DAVID PETERSON	SCHOOLS - 360 Colborne, 55102	696-9626
VICE PRES.	KAY WITTGENSTEIN	PHD - 555 Cedar St., 55101	266-1285
TREASURER	JOHN BLACKSTONE	WATER - 1900 Rice St., 55113	266-6324
SECRETARY	BRIAN KRAWIECKI	S&I - 8 E. 4 <sup>th</sup> St., #200, 55101	266-9134
NEGOTIATIONS			
CITY	PAUL HOGREFE	OT/IS - 210 City Hall, 15 W Kellogg, 55102	266-6783
SCHOOL	MAIA SIERRA	SCHOOLS - 360 Colborne, 55102	767-8269
PERSONNEL	KARIN ANDERSON	CAO - 750 City Hall, 15 W. Kellogg, 55102	266-8765

### STEWARDS

CAO & OFS	REGINA ETOLL	500 City Hall, 15 W. Kellogg, 55102	266-8726
FIRE	PAULA PETERSON	100 E. 11 <sup>th</sup> St., 55101	228-6203

### **LIBRARIES**

CENTRAL	SUSAN HENRY	MMC, 2109 Wilson Ave., 55119	501-6305
PART TIME	SUSAN McMAHON	Highland Pk, 1974 Ford Pkwy., 55116	699-6756

### **BRANCHES**

FULL TIME	KATHLEEN CONGER	Highland Pk, 1974 Ford Pkwy, 55116	695-3700
S&I/HR	FRANK BERG	8 E. 4 <sup>th</sup> St., #200, 55101	266-9072
OTC/IS	LUCIE PASSUS	110 City Hall, 15 W Kellogg, 55102	266-6770
PARKS & REC	BRIAN TOURTELOTTE	300 CH Annex, 25 W. 4 <sup>th</sup> St., 55102	266-6414
P.E.D.	CRAIG O'BRIEN	1100 CH Annex, 25 W. 4 <sup>th</sup> St., 55102	266-6695
POLICE	MARSHA PANOS	367 Grove St., 55101	292-3781
PUB. HEALTH	SUSAN MYRAN	555 Cedar St., 55101	266-1210
PUB. WORKS	BILL VOS	700 CH Annex, 25 W. 4 <sup>th</sup> St., 55102	266-6113
SCHOOL DIST.	LYLA GRIFFIN	360 Colborne, 55102	767-8288
SCHOOL DIST.	LISA JONES	1001 Johnson Parkway, 55102	793-5561
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