



# INSIGHT

UNITED PUBLIC EMPLOYEES, LOCAL #1

Affiliated with Public Employees Union, Local #1

MAY-JUNE 2008

**UPE LOCAL #1  
BOARD  
OF DIRECTORS**

*James Starr*

*Chair*

*Beverly Kearney*

*Vice Chair*

*Bruce Valentine*

*Treasurer*

*Sarah Singleton*

*Secretary*

**DIRECTORS**

*Jennifer Baginski*

*Oscar Bautista*

*Fred Mistele*

*Peggy Patton*

*Amy Tatreau*

*Joycelyn Wakefield*

**UPE LOCAL #1  
OFFICE-  
TECHNICAL  
GOVERNING  
BOARD**

*Steve Wolfanger*

*Chair*

*Scott Brian Williams*

*Vice Chair*

*Lona Bradford,*

*Treasurer*

*Erenstine Stoddard*

*Secretary*

**DIRECTORS**

*Jeannie Deskins*

*Sandra Faria*

*Laurie Jones*

*Melodie Poust*

## MAJOR VICTORY FOR UPE MEMBERS

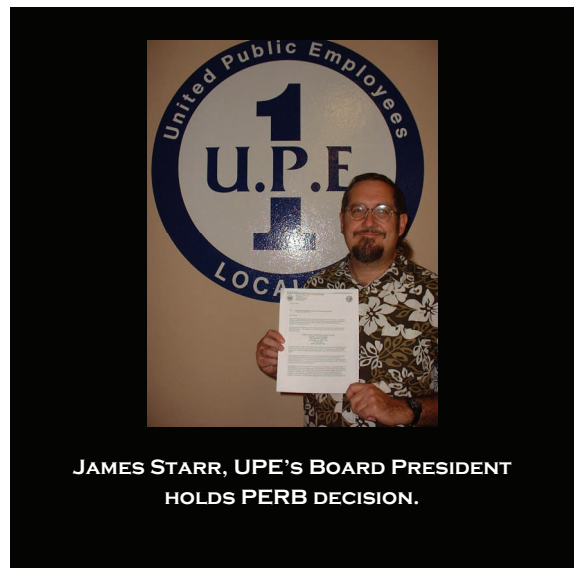
### *First round goes to the working class*

United Public Employees Local #1 (UPE) filed an Unfair Labor Practice (ULP), charge against Sacramento County on May 11, 2007, due to the county unilaterally discontinuing the retiree medical subsidy for employees who retired after June 1, 2007, without bargaining with your exclusive bargaining representative—UPE.

On June 13, 2008, Administrative Law Judge—Bernie McGonigle, issued a proposed order both finding that Sacramento County committed an illegal unilateral change in discontinuing the retiree health subsidy for current employees, without giving the union notice and the opportunity to bargain—holding that the zipper clauses in both UPE contracts exempt UPE from bargaining over the retiree health subsidy for the duration of the 2006-2011 agreements. The county is required to roll back the retiree health subsidy to where it was in 2006, and cannot change the subsidy until it bargains something new in the 2011 round of bargaining. In addition, employees who were denied the benefit of the subsidy are to be made whole. The county has until July 8, 2008, to file exceptions to the ALJ's proposed decision.

The testimony of UPE's chair of the board of directors, James Starr, made all of the difference in terms of winning our "zipper clause" argument. James was able to show that the UPE team confronted the county time-after-time at the table as to the county's motivation in insisting on the retiree health savings accounts—and the union was able to demonstrate that the county's ultimate goal is to replace the existing subsidy arrangement with the \$25 RHSP down the line. It was this critical fact that made the difference, because we could show that the retiree health subsidy pertains to the RHSP language in the agreements, and, as such, falls within the terms of UPE's zipper clauses.

Ted Somera, UPE's Executive Director, stated: "This is going to be a major issue in 2011. Now is the time to e-mail your board of supervisor and let them know not to waste any more money fighting this issue. We know that the county will probably appeal this decision, but feel comfortable with the Public Employees' Retirement Board (PERB) decision. Stay tuned." You can obtain the board of supervisors e-mail at: [saccounty.net](mailto:saccounty.net).



**JAMES STARR, UPE'S BOARD PRESIDENT  
HOLDS PERB DECISION.**

# SOLIDARITY



Greetings, union sisters and brothers. A lot has happened since this newsletter last came out. Our new UPE Executive Director, Ted Somera, has taken up the reins and is bringing enthusiasm and a fresh perspective to our union.

UPE recently played a strong role in the campaign of Warren Harding for county Board of Supervisors. Although we did not win, we helped Warren to get 46 percent of the vote—not bad for an underfunded grassroots campaign.

UPE won a major victory at Public Employment Relations Board (PERB), with the ruling that the county did not have the right to take away the retiree medical subsidy while our contract is in force. It is virtually certain that the county will appeal, but we are confident that the ruling will be upheld.

As always, UPE has been forcefully negotiating with the county to mitigate the impact of changes in county organization, or business practices. PC warrants and HSS transfers are two examples. We have filed many grievances to defend worker rights. We also work collaboratively with the county when we can, such as our recent work with county personnel to preserve our members' jobs in this bad budget year. It is the number one goal of UPE's leadership to improve communications with our members.

This newsletter, with several new features, will be appearing on a regular basis, and we have big plans for an updated and improved UPE Web site.

Please contact your UPE Board members or steward with any suggestions you may have.

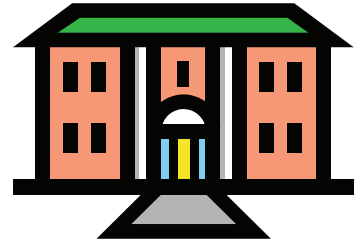
**Yours in Solidarity**

*James Starr*

## Arena Meet And Confer

Quite some time ago, the county proposed a new bureau at Arena boulevard to ease overcrowding at the Research Drive and 28th street bureaus. The Arena Bureau will accommodate staff from Medi-Cal and CAPI, including Special Skills and clerical support. UPE Local #1 board members: James Starr, Bruce Valentine, Amy Tatreau, Jennifer Baginski, Sarah Singleton, Beverly Kearney, Joycelyn Wakefield and Peggy Patton joined Senior Business Agent, Lynne McKinney, in working out the details with the county.

UPE had a series of meetings with the county over safety, security, bidding, staffing levels, time frames, transfer issues and how everything would be resolved. We recently completed the meet and confer process. UPE toured the building to check for any possible problems and the staff transferring got to visit the building to see which work stations they would prefer. Bidding for work stations will be finalized on Wednesday June 11, 2008.




---

## ARBITRARY AND CAPRICIOUS SHIFT CHANGES

Two UPE Local #1 members contacted UPE alleging that their supervisor had notified them that their shifts would be changed after two complete pay periods written notice, but failed to give them a reason for the change. After contacting the union, Senior Business Agent, Lynne McKinney, began an investigation on this complaint. During the investigation Ms. McKinney discovered that there was no reasonable business justification for the abrupt change. In fact, the shift Ms. McKinney asserted that the change would result in less coverage for the unit. Ms. McKinney concluded that the primary reason for the change was to punish and harass our members for advocating and noticing the union—which resulted in the filing of grievances against the previous supervisor. With this information Ms. McKinney filed a grievance—she concluded that the supervisors proposed shift change was done in an arbitrary and capricious manner constituting a violation of the current contract. The grievance was subsequently granted at the first level resulting in the members not having to change shifts.

---

## HSS TRANSFER MEET AND CONFER

The county notified UPE Local #1 that they intend to transfer all HSS from Medi-Cal, CAPI, Foster Care and GAFS to Cal-WORKS. We were against this proposal. UPE Board members, Peggy Patton, Joycelyn Wakefield, Amy Tatreau, Sarah Singleton, Jeannie Deskins, Jennifer Baginski, Bruce Valentine and James Starr, along with affected members, Annette Raley, John Lucas, Chris Jenkins and John Mills joined Senior Business Agent, Lynne McKinney in the meet and confer negotiation with DHA management and the county.

The UPE delegates were successful in getting the proposal improved with some added protections for the affected employees. If the employees are retiring by March 31, 2009, they can remain in their current program and location. Those who wish to demote from HSS to ES can remain in their current program and location and those who transfer to Cal-Works will go to induction training for eight weeks. The county will start by asking for volunteers to transfer and then go by inverse seniority for involuntary transfers. The county also agreed to a “hold harmless” clause for the transferred employees for one year after the training.

---

## Mediation Victory

UPE member, Umeka Carrington, won a long awaited victory regarding a letter of reprimand placed in her file. Ms. Carrington was given a proposed discipline in 2005, as a result of a bogus allegation from Mercy Hospital. The proposed was never moved on, nor was it closed. Ms. Carrington contacted her Local #1 representative. Together they inquired as to why the proposed discipline had not been closed. The response was the letter of reprimand which came over two years after the now dead proposed discipline. A grievance was filed in accordance with section 16.5 Letters of Reprimand of the contract. Needless to say, the mediator was appalled that the county would exhibit such behavior, and agreed that the letter of reprimand should be removed from Ms. Carrington's file. The proposed discipline was closed and the letter of reprimand was removed from Ms. Carrington's permanent personnel file.

## UNION STEWARD PATRICK HUNTER CLEARED

Everyone remembers the 2006 general strike against the County of Sacramento. Emotions were high, temperaments were strained to the limit—with virtually every office and bureau feeling the tension. Yet, there were some who continued to operate in a compassionate, effective mode. One of these even keeled individuals was Mr. Patrick Hunter of the Elk Grove Bureau.

Mr. Hunter led Elk Grove Bureau's daily break outs. A break out is when groups of employees leave the office during their breaks to carry placards demonstrating against the county's harsh treatment during negotiations. Patrick, who attended every the Bargaining Action Committee Meetings, attempted to update the bureau's employees at Elk Grove on the negotiations. Sadly, there were a few that didn't want to hear what had been happening at negotiations or to even know of the importance of a break out or a strike.

Problems became evident due to a vacation request. Mr. Hunter always took Labor Day off and the strike year was no different. He had asked for the time off well in advance of any problems in negotiations or before any strike notice. However, the bureau took it upon itself to advertise to all the employees that Mr. Hunter, despite his position as Steward—was going to take off the very days that the strike had been called.

Needless to say this unwarranted action by the county created quite a stir among his fellow workers. As a result, accusations were leveled and charges were brought against Patrick. He was involuntarily transferred and later a letter of reprimand was given to him. The union argued for Mr. Hunter filing grievances.

As a matter of course of going through the grievance procedure, the union obtained the services of mediation. During the mediation, the county agreed that they had acted inappropriately. They pulled the letter of reprimand and cleared Mr. Hunter of charges and specifications that prevented him from returning to the Elk Grove Bureau.

The union wants to congratulate Mr. Hunter for his dedication and fortitude. He exhibited great personal strength in enduring the injustice which was perpetrated against him—a strength that was rewarded by his vindication. The membership should each thank Mr. Hunter for being there for them for during his long wait for justice—he waited alone.

His example serves the membership well and should remind everyone that each one of us represents the union.



**Union Steward—Patrick Hunter  
shows his UPE Local 1 pride.**

## FIVE DAYS NOT FORTY HOURS

Recently, members in the 005 Bargaining Unit working in MSA, who had alternative work weeks, have been categorically denied their five 5 days Death Leave and were told it meant 40 hours. That's the way it went until one member, Jason Salais, advocated for his rights and called UPE to ask if he had to use his own time to make up his work week during his time of under Family Death Leave. Mr. Salais was on a 9/80 work week and missed 45 hours in accordance to his 9/80 work schedule. The county insisted that he use 5 hours of his vacation in order to get paid his full 5 days. Senior Business Agent, Thom Domasky, stated: "absolutely not."

In order to help settle, and convince, the county, and the agency of their error—UPE filed a grievance on behalf of our member, Mr. Jason Salais. After many discussions with MSA and the county, through the grievance procedure, Mr. Domasky's arguments fell upon deaf ears. The union then proceeded to arbitration to get a fair-and-impartial hearing.

It was at such a hearing on May 5, 2008, that the union finally received an impartial decision in favor of our union brother. The Arbitrator decided that MSA's interpretation was wrong therefore awarding Mr. Salais his time in pay. Congratulations Jason on your victory.



### MESSAGE FROM EXECUTIVE DIRECTOR TED SOMERA

On April 18, 2008, my mentor and friend, Sandra Poole, retired after 20 years as the executive director of UPE. Sandra's tenacity, knowledge and leadership helped build this organization as a front runner in labor with Sacramento County. Sandra will be greatly missed and her name and legacy will forever remain cherished and in tact at UPE.

As the newly appointed executive director—I am honored to serve the membership and continue the advocacy that my predecessor was infamous for. I've been honored as a Business Agent to directly represent our members in DHA, DHHS, MSA, in the Countywide Service Agency and Sacramento County Superior Court for the last eight years. I will continue my commitment to build this organization for the future and expand our communications to the membership.

A lot has been occurring since I was appointed. Many of you may have already heard the news on our retirement Unfair Labor (ULP), practice charge we filed with Public Employment Relations Board (PERB) last year. We are ecstatic on the decision and now begin preparing as the county has made it known that they will continue to waste monies at the appellant level—even though the county is claiming a multimillion dollar deficit for this next fiscal year.

As a result of this deficit, 11 members in DCSS and one in the planning department are facing departmental transfers to avoid being laid off. This deployment is memorialized under the 21-J county charter. Language within this charter enables the county executive to transfer employees from department to department. We have been meeting with the Labor Relations department to negotiate the terms of these departmental transfers. Our agreement will allow for volunteers and if there are insufficient numbers of volunteers then inverse seniority will take place. Our members that are transferred out will have first rights back to those positions as they become available. We will continue to monitor these transfers to assure our members a smooth transition to the new departments.

### In Solidarity

*Ted Somera*

# UPE UPCOMING EVENTS

<u>EVENT</u>	<u>DATE</u>	<u>LOCATION /TIME</u>
005 Office Tech Board Meeting	7/02/08 8/06/08	UPE Union Hall 6 p.m.
008 Board of Directors Meeting	7/08/08 8/12/08	UPE Union Hall 6 p.m.
Steward's Council	7/17/08 8/21/08	UPE Union Hall 6 p.m.
<b>Steward's Training Level III</b>	<b>8/02/08</b>	<b>UPE Union Hall 9 a.m.–2:30 p.m.</b>

## UPE Is Pleased To Announce Three New Additions To Our Union Family

United Public Employees, Local 1 (UPE) is pleased to announce the hiring of three new Business Agents. We received over twenty applicants for three vacant Business Agent positions. Thought we had numerous qualified applicants, the choice came down to who would be best to carry out our mission here at UPE for the betterment of the membership. Here are some brief biographies of the three new additions to our UPE, Local #1 family.

Michael Collins, Business Agent - As a career choice in the field of Labor Relations Michael (Mico) has had a bountiful accumulation of a variety of workers and classifications in which he represented. From janitors to engineers, to secretaries and emergency services workers, from law enforcement and medical providers, to safety employees and communications workers. Here are some of the accomplishments he has enjoyed in the labor movement. Mico was elected and served as the local chairman for Local 628 under the International Brotherhood of Fireman and Oilers (IBF&O) for 10 years, served as a labor representative for the California Union of Safety Employees (CAUSE) for 13 years and was a labor representative for the California Organization of Police and Sheriffs (COPS) for two and a half years. Mico attended the George Meany Center for Labor Studies at Stanford University with a concentration on Internal Union Organizing. Mico also attended the California State University, San Jose campus in which he successfully completed the California Department of Justice, Internal Affairs Program. Just prior to his employment at UPE Local 1, Mico was employed with the Service Employees' International Union (SEIU) representing state employees.



**From left to right: Alfredo Garcia, La Tisha Clayton and Mike Collins.**

La Tisha Clayton, Business Agent - Became involved in the Labor movement in 1997. La Tisha has worked for SEIU Local 250 for three years as an organizer, a union representative for two years with AFSCME Local 3299 and then returning back to SEIU UHW prior to joining the UPE family. La Tisha Graduated from Sacramento City College with honors and furthered her education graduating with honors from California State University—Sacramento, majoring in Sociology with a minor in criminal justice. While attending Sacramento City College (SCC), La Tisha received the Outstanding Woman Student Gold Award 2004. Some other educational achievements that La Tisha accomplished are that she was chosen to present her article: "Organizing for a Voice: My Experiences in the Labor Movement (1997-2002)" at the Honors Transfer Council of California Research Conference for Community Colleges (2004) as well at the Pacific Sociological Association Annual Meeting (2007) in which La Tisha gave a Presentation: Multiple regression analysis titled, "Union membership & Perceptions of Control Over One's Job". Following my research presentation in 2004, my abstract was chosen for publication. Abstract titled, "Organizing for a Voice"- Published by The Center for Educational Partnerships, University of California, Irvine (2004). La Tisha also was able to serve as a site coordinator for the AFL-CIO Union Summer Internship Program.

Alfredo Garcia, Business Agent - Brings a wealth of experience to UPE Local #1. His professional credits include working in the California State Senate. As a labor representative for statewide civil servants—he represented workers in administrative hearings, investigations, and disciplinary matters at the State Personnel Board (SPB) and the Department of Personnel Administration (DPA). He has extensive knowledge in the areas of labor, organization and media communications.

He has worked on several political campaigns—federal, statewide, and local levels. On his spare time, you can catch him rooting for the Golden Bears—as he is an alumnus. While at the University of California at Berkeley, he majored in rhetoric, mass communications, and dramatic arts. Alfredo says: "Working together we can facilitate positive change and ensure the protection of workers' rights." He looks forward in assisting in obtaining this goal. UPE welcomes our three newest staff members and is confident they will carry out our mission.

**UPE LOCAL #1 5370 Elvas Ave. Suite 100**

*Ted Somera Executive Director [TedSomera@upe1.org](mailto:TedSomera@upe1.org)*

*Lynne Mckinney Senior Business Agent [mckinney@upe1.org](mailto:mckinney@upe1.org)*

*Mechele Dews Business Agent [dews@upe1.org](mailto:dews@upe1.org)*

*Alfredo Garcia Business Agent [garcia@upe1.org](mailto:garcia@upe1.org)*

*Carol Cabana Executive Assistant/Office Manager [cabana@upe1.org](mailto:cabana@upe1.org)*

*Thomas Domasky Senior Business Agent [domasky@upe1.org](mailto:domasky@upe1.org)*

*Mike Collins Business Agent [collins@upe1.org](mailto:collins@upe1.org)*

*La Tisha Clayton Business Agent [clayton@upe1.org](mailto:clayton@upe1.org)*

**Phone (916) 736-9503 Fax (916) 736-9503**

**OFFICE HOURS 8 a.m.— 5:30 p.m.**