



News From Your Union

Oregon Supreme Court Protects Retirees' Contract Rights

- from Oregon AFSCME website

The Oregon Supreme Court has struck down cutbacks to retirees' annual cost-of-living adjustments.

The decision in the Moro case, issued on April 30, rejected the vast majority of the 2013 Legislature's so-called "Grand Bargain" that saw lawmakers trade cuts to PERS for some higher taxes aimed at education. The PERS Coalition, of which AFSCME is a founding member, immediately filed suit contending the actions were unconstitutional. To a large degree, the high court agreed.

For those already retired when the legislation took effect in 2013, they will receive a full 2 percent COLA on those benefits annually. PERS will need to administer a repayment process for increases missed the past two years. Those yet-to- retire will be eligible for a 2 percent COLA on any money accrued in PERS up to the legislation date. Money accrued after that date will be subject to the new standards. For example, someone who retires this year with 30 years of service will see a 2 percent COLA on the first 28 years of their earnings and the new, lower amount on their final two years of employment.

The "Grand Bargain" took approximately \$5 billion away from PERS members. The Moro decision restores \$4.6 billion of that amount. With this decision and others from the past two decades, Oregon AFSCME and the PERS Coalition have now returned over \$8 billion to PERS retirees.

Reclassification Success!

Jay Collins, Steward

Two more members recently received upward job reclassifications! One went from NRS2 to NRS3. Another from OS2 all the way to AS2. These efforts featured heavy steward representation over three years with numerous applications, submittals, meetings with managers and Human Resources, emails, hearings, etc. This wasn't easy for anyone involved, but proved necessary to enforce wage equity.

The basic principle is equal pay for equal work. If I work in a section of similarly classed employees and some of them are laid off, I probably get more work on my plate. But more work by itself doesn't qualify for reclassification of a position. In both these reclassifications, sections downsized and managers assigned members additional duties beyond the position classifications!

In the NRS reclass, a manager saw this problem and decided to move the employee's position higher. The submittal went to DAS who lost the paperwork. A new manager came in, staff turnover in HR left them short-handed, and the history of the problem was lost. The three years it took to resolve this led all the way up to the day the employee retired!

One of the big lessons learned on this one is that reclassification does not provide an immediate salary bump like a promotion or the six-month bump for new hire. You are just slid into the salary range of the new classification, getting on average a 2 percent nudge. If management promoted this person rather than reclassified the job higher, the member would have received an immediate step increase after sliding into the new classification. Choosing to go with a reclass, management intentionally or unintentionally avoided paying the member the salary increase for their promotion. They also kept the position off the board for competitive hiring.

See Reclassifications, page 2

Supporting Kids with Muscular Dystrophy

The 26th Annual Labor Bowl Challenge for Muscular Dystrophy ME Local 3336 is a member of the Northwest Oregon Labor Council.

One member wrote of the event: "Just wanted to extend sincere thanks for this fundraising effort. Our family schedule keeps us too busy to attend the bowling event, so I won't be able to thank everyone in person.

"My daughter benefits directly from MDA's services. She - and hundreds of other kids in Oregon who live with muscle disease - look forward to MDA camp all year. They are treated to a phenomenal week of sleep-away camp where they can swim, play sports, and have campfires without anyone asking questions about their wheelchair or leg braces. It is an impressive operation fueled by many generous volunteers and partners. The kids routinely refer to MDA camp as the best week of the year.

Know Your Rights! Union Defends Flextime

Bill Brown, Steward and Treasurer

Recently our Local defended our members' rights to flextime schedules under Article 24A of the Collective Bargaining Agreement. In July, 2013, after being promoted to a new classification, a union member requested a flex schedule in this new position which would allow him to continue starting his workday at 6:00 AM. This schedule was denied by his manager even though the member had been starting his workday at 6:00 AM for 19 years and had no performance issues.

The member then appealed the rejection of the requested schedule according to the agreed upon process in Article 24A, Section 10 of the Collective Bargaining Agreement. This agreement calls for a hearing panel of two labor representatives and two management representatives to be convened within five days to hear the appeal and determine if the requested flextime schedule is "responsive to the operational needs of the work unit." DEQ management denied the member's right to have a flextime hearing panel. They stated that the flextime language applies only to schedules within the Agency's operating hours of 7:00 AM to 6:00 PM and that such schedules requested outside of these hours which are denied cannot be appealed. The Agency's management stated that such a request was not an "alternative work schedule" and management has the right to enforce that anyone's schedule be within the operating hours of 7:00 AM to 6:00 PM. They stated that management does not have to consider whether or not the requested schedule is "responsive to the operational needs of the work unit" if the requested schedule is outside the Agency's operating hours, i.e., that they had "management rights" to reject such schedules for no other reason than that they are outside the operational hours of the Agency. This was the argument given in the grievance process by the manager at Step 1, the Director's office at Step 2, and the Dept. of Administrative Services at Step 3. See Flex Time, page 4

Reclassifications - From page 1.

The person working as an OS2 had been assuming additional job duties for years. This wasn't just voluntary. This was in their workplan. When an NRS retired this OS2 was assigned more of their technical duties. At first, management was incredulous that we were asking for an increase in classification. Then they decided to award work-out-of-class at the AS1 level for a few months during transition. At the end of this reclass period management removed duties from the position description and rephrased others to make it seem that the level of decision-making met class specifications. Management didn't hire a new technical staff person. Instead the manager made the member perform all of the duties under the old OS2 PD, which their edits showed they knew was above OS2 already, and added more duties off the books, such as providing technical assistance and resolving complex pollution complaints.

It took a year to get to a hearing. We won, but the ruling only covered the period of the WOC assignment! We filed another grievance and another reclassification request. The hearing panel said they still saw inequities, so while this took more time to fix, the road had been partially paved for success. After approval it still took another six months to get the re-class to AS2 made official. Management initially found no reason to give lost step increases and back pay during the time the employee should have been working as an AS2. They relented. Then they issued make-up checks while they kept the member on the books as an OS2 until we reached final agreement. Hopefully this is finally resolved!

See Reclassification, page 3

Calendar

May 18 – Central table bargaining. Wear your AFSCME t-shirt to work!

May 20 – Membership Meeting at noon.

May 26 – Central table bargaining. Wear your AFSCME t-shirt to work!

May 27 – Local table bargaining at AFSCME 6025 E. Burnside office. Members are invited to attend on personal time. Wear your AFSCME t-shirt to work.

June 6 – Blue Jeans BBQ. Join NW Oregon Labor Council for an evening honoring the labor community's outstanding men and women! 5pm Cocktail hour, 6pm dinner. Milwaukie Elks 13121 SE McLoughlin Blvd. Milwaukie OR \$20/person. Local purchased 4 tickets. To RSVP contact Karen Williams by May 28, 2015.

June 8 and June 16 – Central table bargaining. Wear your AFSCME t-shirt to work!

June 17 – Membership Meeting at noon.

June 23 – Local table bargaining at AFSCME 6025 E. Burnside office. Members are invited to attend on personal time. Wear your AFSCME t-shirt to work!

June 23-27 – Summer Institute for Union Women. Join us at Reed Campus in Portland OR for skill building, strategy sharing, solidarity, workshops and more. Contact Barbara Byrd 503-412-3723 or bbyrd@uoregon.edu <http://lerc.uoregon.edu>.



Delegate Blakely Gilbert and William Lucy at Convention.

Blakely Gilbert: Convention Report

My role at Convention was to represent my union brothers and sisters and voice that in the form of votes. At Convention I learned that we all have a voice and when we stand together for our union member cause, we can be heard louder and farther. What inspired me about being a Convention delegate was having someone experienced share with me what was expected in this important role, and invite me to get involved and become a nominee. I got to meet and shake hands and get a photo with William Lucy. This man has such a wonderful history in making this a better world to live and work in, so it was a honor to meet him.

See Gilbert Report, page 3

AFSCME Biennial Convention a Great Success

Karen Williams, President

Local 3336 sent four delegates to the Council 75 Biennial Convention in Salem from April 24 – 26, 2015: Eric Feeley (Lab), Blakely Gilbert (VIP), Mark Richardson (Eugene), and Karen Williams (NWR). Patty McGovern (HQ) served as an alternate. Delegates passed several constitutional amendments pertaining to the governance, financing, and political work of our union.

Delegates elected new Executive Committee and Executive Board officers. Local 3336 Secretary, Eric Feeley, and local Executive Board member, Angela Delfin, were both elected to the Council 75 Executive Board. Local 3336 President, Karen Williams, won a contested election for the office of Second Vice President; this position serves on the Executive Committee of Oregon AFSCME and also chairs the Political Action Committee.

Delegates heard from several inspiring speakers and social justice heroes, including Ramon Ramirez, President of PCUN (the Oregon farmworkers union); William Lucy, former Secretary-Treasurer of AFSCME International and civil rights leader; and Andrea Paluso, Executive Director of Family Forward. You can watch Convention speeches, read constitutional amendments, and review videos highlighting Oregon AFSCME's partnerships and political work at the Convention website: <https://sites.google.com/a/oregonafscme.com/2015-oregon-afscme-convention/>.



Convention delegates from left: Blakely Gilbert, Eric Feeley, Karen Williams, Mark Richardson.

Convention Report: Eric Feeley

Highlights of the convention for me included:

- The Next Wave (younger and newer AFSCME members) luncheon with former International Secretary-Treasurer Bill Lucy, the Portland AFSCME Union Hall namesake;
- The debate over the Responsible Investment and Fossil Fuel Divestment resolution brought by our local;
- Our local President Karen Williams getting elected 2nd Vice President of the Council;
- Interacting with Union locals from across the state

The first day of the convention I attended the resolutions committee meeting and part of the constitutional committee meeting. I answered direct questions from the resolutions committee about our Local's resolution. The committee amended the second resolve to read "public employees" instead of "AFSCME Council 75 workers".

Lunch offered the opportunity to get to know Blakely Gilbert from VIP and Mark Richardson from the Eugene office as well as members from the Oregon Liquor Control Commission and Virginia Garcia Clinic. During dinner we met and talked with members from Yamhill County and a Salem Corrections Officer. Finally, the late evening brought a meeting to discuss future Next Wave actions. We talked about student loan debt, affordable housing, child care needs, and more issues that younger members feel are important.

On Saturday AFSCME International President Lee Saunders spoke to the delegates about the importance of the upcoming Supreme Court decision that could change the economic model of our Union. We had a candidate forum with a Q & A session for the contested election of 2nd VP and for Trustees. Next came the Next Wave lunch with Bill Lucy who had marched with Martin Luther King Jr. and talked about how instrumental AFSCME was in bringing South African apartheid to an end. He inspired everyone in the room.

Gilbert Report - from page 2

William Lucy is a civil rights hero who worked with the Rev. Martin Luther King, Jr. in the fight for the dignity of all people. He was also the Secretary-Treasurer of AFSCME and retired in 2012. Now, I'm planning to get coworkers involved and keep them updated on things that matter and anything I can do to make my union stronger.

Reclassification - from page 2

The Local has learned many lessons around reclassification. One is to be watchful for problems. Another is that the process is obviously broken (management had a process improvement team together trying to fix this, but I'd say results are in their infancy). The point is that if you really want fairness, you probably will end up having to fight for it.

Feeley Report, from page 3

The resolution that our local sent to convention was read to the delegation and the resolutions committee recommended pass. I spoke in support of the resolution as well as answering direct questions from delegates on the floor about details of the resolution. Several members spoke for the resolution including a veteran who had intimate experience with working on oil fields. He declared that the military is well aware of a coming fossil fuel crisis and is working hard on plans to make all of their bases able to operate without the need for fossil fuels. Several others spoke in support and several questions were asked including one about why we did not suggest investment alternatives like renewables. Other members spoke against our resolution with one stating that we should focus only on wages, hours, and working conditions. Another said that this resolution would adversely impact Union jobs in the oil services industries. Still another said that he and his local would not tolerate any resolution having to do with PERS and changing any investments. The resolution was brought to a vote and did not pass with 57 in favor and 69 against.

I believe the debate on the floor was useful and the supportive comments that I received following the defeat were inspiring. Supporters encouraged us to bring it back again with suggestions for better messaging and less complicated language.

After the election for 2nd VP and Trustees, we heard from Joe Baessler, AFSCMEs political director, about the importance of PEOPLE – our political action fund. Ken Allen (C75 Executive Director) delivered his final convention speech, as he will be retiring in 2016.

On Sunday there was a memorial tribute for all the members who had passed since the last convention, including 3336 sister Robin Leferink and brother Bob Boland, accompanied by "Angel" playing in the background. It brought some tears and was a somber moment.

Greg Devereux from Washington's Council 28 spoke to the delegation and then President Jeff Klatke gave his address where he talked about the difficult road ahead and the need for all members to see themselves as leaders.

Our final elections were held for Congressional District 3 VP (Ken Ray of Metro), State Sector VP (Bob Hubbard of Dept. of Corrections - Ontario) and State Sector Executive Board members (Angela Delfin and Eric Feeley and about 25 others).

Have a topic for the newsletter? Contact Rebecca Jacobsen rjacobsen0@gmail.com.

Flex Time from page 2

During the grievance process the Agency's management told us that staff who came to work prior to 7:00 AM or worked after 6:00 PM had been "grandfathered" in. In the Agency's opinion these schedules could be rejected at any time and the represented employees would have no right to appeal the change to their schedules. DEQ management could not tell us when this "grandfathering in" was initiated, nor could they tell us how many schedules had been "grandfathered in." DEQ management said that they could research this and give us an answer for "\$1855.20 plus photocopying charge."

After denial of the 3rd step grievance the Union then took the violation of the Collective Bargaining Agreement to arbitration. In this process the DEQ and the Union would present their arguments before an agreed upon third party who would decide whether or not the DEQ management had violated the Collective Bargaining Agreement and what the remedy would be if they found that the Collective Bargaining Agreement had been violated. This can be an expensive process where the Agency is usually represented by an attorney from the Dept. of Justice and the Union is represented by an AFSCME attorney. Under our Agreement the loser of the arbitration pays the costs of the arbitration.

DEQ management relented and three days before the scheduled arbitration settled with the Union. In the settlement DEQ agreed to pay any costs for cancelling the arbitration and to allow the member to present his case before a Flextime Appeals Hearing Panel comprised of two representatives from management and two representatives from the Union. DEQ rejected a compromise that would have allowed the member to start work at 6:30 AM. The Flextime Appeals Hearing Panel agreed that the proposed schedule is "responsive to the needs of the work unit" and the member now begins his workday at 6:00 AM.

This should serve as a reminder that benefits such as flextime schedules are not a gift from benevolent management. They are a workplace right that was bargained for by our Union and continue to be a right only because our members and their Union continue to fight for these rights.

Leadership Skill Building Opportunities

Steward Training
Level 2
June 1
5 - 8 p.m.
Salem AFSCME
1400 Tandem NE

AFL-CIO
Labor Education
Research Center
Summer School
August 7 - 9
Eugene
See: [http://
lerc.uoregon.edu/
events/summer-
school/](http://lerc.uoregon.edu/events/summer-school/)

Steward Training
Level 1
September 11
9 a.m. - 5 p.m.
Portland AFSCME
6025 E. Burnside

Steward Training
Level 2
September 12
9 a.m. - 5 p.m.
Portland AFSCME
6025 E. Burnside

State Legislators Need to Know about the Important Work we do!

AFSCME Lobby Day
May 28, Salem

Our state agencies require resources and legislators in Salem decide what our budgets will be. We must emphasize the work we do cannot be done effectively without support from adequate budgets. Come to Lobby Day with your co-workers and AFSCME staff. You'll receive training, breakfast and lunch! Day begins at 8 a.m. sharp! RSVP to Karen Williams: president@afscme3336.org