



LOCAL Voice



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Talk'in About the Union – What DEQ Employees Really Think



by Leslie Kochan

In our last AFSCME Local 3336 newsletter, I stressed the importance of communication to building a successful union and gaining power: “At its heart, a union is about power – in the form of employee empowerment, workplace rights, strong contracts, fight-backs against anti-government and anti-public employee initiatives. Power does not just come to the union. Power is built through respectful relationships, the exchange of information, compromise, and above all, a shared vision.”

Good communication is also part of service model) that unions around the Local Voice, Spring 1999). To facilitates it can bring to our union, one-on-one survey process during the completed in May 1999. A total of 89 represented employees, were representatives were encouraged to contact participating in the survey. Generally, approached directly by a steward-

Slightly over 30 percent of fairshare. Over a third of the surveyed signed union cards affirmations. While stewards and

asked to survey as many fairshare employees as members, they did not, resulting in survey results that are likely to be more positive towards the union than otherwise. Nonetheless, I feel



Leslie Kochan

the organizing model (versus country are moving towards (see state communication and the AFSCME Local 3336 began a fall of 1998. Our last survey was ployees, almost 15 percent of the sented. All represented employees were encouraged to contact a steward if interested in participating in the survey. Generally, only participated if ard.

those surveyed were fairshare members surter the one-on-one discussions. Other volunteers were

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that the responses compiled from the surveys provide a wealth of information about employee attitudes towards unions in general, feelings about the strength of our own local, and suggestions for building a stronger union. *Thanks to all who participated as surveyors and surveyees.* We hope to do more of these in the future. Responses are summarized below.

Members were asked to provide a ranking from “strongly negative” to “strongly positive” on a number of questions. Not all surveyors filled out the ranking questions so the total number of responses is provided:

	Ability of AFSCME Local 3336 to represent employee/s	Experience with perception of unions	Quality of our local
Total No. of responses	60	62	64
Strongly negative	1	6	0
Somewhat negative	4	9	5
Neutral	9	12	16
Somewhat positive	25	24	27
Strongly positive	21	11	16

1. Do you believe that having a union at DEQ has benefited you in specific ways?

The mostly striking response to this question was the lack of knowledge of many employees about the gains made through union contracts over the years. Surveyees were more aware of the issues our AFSCME lobbyists and sister unions have taken on over the years, issues such as: protection of our retirement benefits; stopping privatization of the vehicle

inspection program; raising the minimum wage; and countering right-to-work efforts.

Responses to this first question fell into three categories that I’ve labeled Benefits, Balance of Power, and Political Clout.

Benefits

Generally, respondents felt that union representation had benefited them in some specific ways. Some employees had only a general sense that the union had been beneficial, as in this comment: *“I feel the local has benefited me. However, since I don’t keep abreast of the issues, I’m not sure how. Knowing that it exists, gives me peace of mind.”* One employee, who has had experience with several other union contracts, impressed me with the comment: *“Yes, I’ve read the contract and know that it is good.”*

However, since most employees have not read the contract, and do not have the history to know what has been gained in previous contracts, Deborah Nesbit has compiled a list of some of the contract benefits gained over the last decade (see next article) to remind us of, and educate us about, the gains we have made.

In the area of benefits, several areas scored high:

Flextime - Many employees mentioned what a great benefit this is. Some had obviously forgotten that this was a benefit gained by the union. As a member of the first negotiating team back in 1990/91, I remember the struggle to gain language on flextime benefits as one of the hardest. Flextime is a benefit that many public employees still do not have and some are only now being offered, partly because of the precedent set by DEQ and others. Comments included:

“I love flextime.

“Flextime is great because a rigid schedule turns your mind to mush.

“Flextime and comptime are important considerations when trying to have a life outside of work in a household where both adults work full time; the union has done a good job of making this accepted practice.

“Impressive job on flex and comptime.

Comptime - Comptime was also ranked high as an issue that the union addressed during its very first contract. Prior to the union contract, comptime policies were decided manager by manager.

Step Increases and Cost of Living (COLA) - Many cited these two issues as ones where successful gains have been made over a number of contracts with comments like:

"Very good work on step increases and COLA - union continues to work on.

"Excellent on step increases and health benefits.

"Step increase efforts good and reduced turnover; give credit for experience.

"Strongly effective on step increases.

A few employees did not seem to know we had made gains in these areas or believed, for instance, that we had not had a COLA since 1991. Some felt disappointed that we had gone for a number of years without a COLA or that step increases had not been gained in certain areas, and felt that the union had not been aggressive enough. A note on this is that OPEU finally went out on a rolling strike (where each work-place picketed one day) in order to gain a COLA in the mid-1990s. AFSCME was also given a COLA for that contract period but whether or not it would have happened without OPEU's strike is uncertain.

Healthcare -

People seem generally pleased with health benefits, although some expressed an interest in better dental and vision care. Some feel costs are too high. Others expressed

satisfaction with options and the provision of some family coverage. I think most DEQ employees recognize that decent healthcare will be a fight every contract as costs continue to rise (see Brook Koenig's article on current negotiations).

Other union gains mentioned included health and safety issues (especially important to lab and VIP), grievance procedures, job security and classification

rights (work-out-of-class issues), and reclassification efforts. Transit subsidies were brought up many times as a benefit employees want but that the union has not been successful in making gains on other than a brief pilot project. The need for better ergonomics was mentioned by a couple of people.

Balance of Power

The balance of power issue was brought forth in comments such as the following:

"Having a union gives me confidence that I won't be treated unfairly by management.

"I personally benefited when the union acted as a liaison between me and management on an issue.

"It is good to know I have a support system if I need it.

"If I have a problem, I have a place to go, a safety net.

"The union provides an important balance of power; it keeps management in check.



A few of those surveyed expressed feelings that the balance of power went too far in defending poor employees:

"Grievances can be a problem with poor employees.

"Grievances can cut both ways.

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“It can be hard to get rid of bad employees.

“No reward for good work or way to weed out bad employees.

On the other hand, some employees saw management as responsible for addressing morale and bad performance problems or saw it as a two-way street:

“Management could help prevent deadwood by giving employees more say in how the organization is run; people give up.

“Management needs to communicate with employees about how they are feeling and use the annual review process as a tool for getting a sense of employees’ feelings about jobs.

Political Clout

On the political clout front, there was extremely strong support for the work of AFSCME Council 75 and other Oregon unions, as well as the work done within our own local. Comments included:

“Efforts to counter hostile ballot initiatives were important.

“Good work on budget and benefit issues at the legislature as well as opposing anti-public employee ballot initiatives.

“I liked the allied approach among unions on the ballot initiatives.

“Ballot Measure 8 (attack on PERS) was an eye opener.

“Good work on stopping effort to privatize VIP; we would have all gotten laid-off and replaced by temps.

“Stopping VIP privatization was very important because this is a job government was designed to do.

“VIP privatization would have lead to more privatization of government jobs.

“Yes, the union has helped us. Having come from a right-to-work state, I can see that the union has a strong influence on salaries, benefits and working conditions; also without strong union presence in [state I came from], the workers had no presence in legislative issues.

“Union did an excellent job on mobilizing around privatization of VIP issue.

“Opposing anti-government ballot initiatives is some of the best work the union has done; this is a high stakes battle that we can’t afford to lose.

2. Why are you a member/fairshare?

Some employees had not been asked to join the union or thought they were automatically members. Some seemed unaware of the benefits the union has brought or had some anti-union perceptions that changed to some extent during the one-on-one discussions. A number of Fairshare employees decided to

sign union cards after the one-on-one discussions. The reasons for being fairshare included the following:

- Had not been talked to or asked to join.
- Did not know why joining makes a difference.
- Did not know what union had done.
- Did not like the requirement of fairshare.
- Dislikes unions in general; general ambivalence, prior negative experience with a union.
- Did not like union association (Big Labor; anti-environmental).
- No specific reason given.
- Comments on why employees were members fell into the following categories:
 - Unions’ pivotal role in representing labor, unions look out for people.
 - Gives me a voice.
 - Might as well have voting rights if paying fairshare; since I had to pay fairshare anyway, thought I would give it a try.
 - Union has helped me; union has done good things; believe I wouldn’t have same wages and benefits without union.
 - Knew joining would make the union stronger.
 - Realized importance with anti-public employee attacks.
 - Union can negotiate directly with management and legislature.

3. Prior Experience with Unions and Perceptions of Unions

About half those surveyed had prior direct experience (as represented workers) with unions and about half did not. Direct experiences were both positive and negative. Some experiences were neutral in that the union was not very visible and employees were not very aware of what they were or were not gaining through union representation. The perceptions of unions in general that DEQ employees reported included the following:

“Unions have made a lot of gains and are needed to prevent takebacks; each worker doesn’t have a voice individually.

“Not helpful for professional classes.

“Fundamental problems for unions; they try being everything for everyone and end up being not much for anyone.

“Very important today, trend is towards temp and contract labor.

"Good and bad, unions have done a lot of good nationally but at times have been too political and have tried to influence members to vote a certain way.

"Very important with the trend of corporate consolidation and widening gap between income classes.

"Some unions overzealous and members overpaid.

"Have become last advocate for wage earning laborers but also suffer in image under current business climate.

"Not positive due to media.

"As important as they've ever been; more so now than 20 years ago as wages and working conditions seem to be on a backward slide and differentials between the workforce and management increase; more important for the private sector than public in this sense.

"Yes, they are important - to provide basic fairness to workers, for instance to farmworkers and other low-income workers; also can provide for a more open and creative workplace.

"Another layer of bureaucratic protection, honest hard workers leave and unions become vehicle for letting people slack off.

4. How do you think the union does in areas of leadership, member involvement, and communication? Do you have suggestions about how we can be more successful as a local?

Overall, respondents were generally more positive than negative about the union's communication. Example responses include:

"We are kept very much informed, which is great.

"I believe the union does a good job with leadership development opportunities; moreover, it attempts to keep the membership well informed through e-mail, bulletin board, newsletter.

"Leadership is excellent; I believe there are a lot of dedicated folks who care and who involve themselves in the union for the benefit of others.

"Has recently made great strides in leadership and locally the union has been very good in leadership and communication.

Many respondents felt that the Local tries hard to communicate using various tools but were also aware that member participation is not very good.

"Has been big improvement in communications (e.g. e-mail reminders, newsletter, bulletin board, and membership meetings); seems that getting leaders and getting members involved is an on-going struggle and that the current leaders care.

"Think leaders have done everything possible in communicating; you can lead a horse to water but..., always surprised

at how few people show up at union meetings.

"I have been a fence sitter and have not participated much in the Local's activities; however, I am aware of the dedication of a core group of people and appreciate their efforts to provide forums for union members to discuss and become involved.

"The opportunity is there for everyone to get involved; the question is: do they want to get involved.

A small number of respondents felt that the Local's communication has not been good:

"Poor on all fronts.

"Leadership very good but communication somewhat poor; need to show better all of the hard work union leaders and stewards do; would help raise appreciation.

"I think member involvement and communication is very poor but I give the leadership credit because they are actually doing two jobs.

A number of good suggestions were made in response to the question of how we can be more successful as a local:

"Do opinion polling on critical issues.

"Use e-mails with catchy titles, brief summary of what we will find on bulletin board and then refer to bulletin board.

"Do more one-on-one meetings!

"Provide more of a cost/benefit analysis so employees know what they are really getting from the union.

"Provide more detailed information during negotiations. (See Brooks Koenig article)

"Need to educate on what has been achieved over 10 years of having a union at DEQ (see Deborah Nesbit's article) and what it's like in right-to-work states.

"Shorter union meetings with feature issue related to union.

What's the Union ever done for me?

By Deborah Nesbit

I've gotten a burr under my saddle lately. Seems to me we ought to have all our records archived in a safe place, and logically organized. And shouldn't we have a fact sheet or timeline tracing our Local's history of accomplishments? True, we are a young Local, only ten years old, with only three contracts under our belt, but already the struggles of the early days are fading into the mists of time. But wait! Who will document our accomplishments? The handful of volunteers who

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do 99 percent of the work for this Local can't take on another chore. This epiphany grew out of my foot-dragging on an article I said I would write for the *Local Voice* tracing the history of our accomplishments. It was hard to get the information I needed together, and why, I asked, wasn't there some repository for all the records? Now that much information has been gathered, I've organized notebooks, located records, and the work will be easier next time.

It was interesting seeing how some issues are ongoing, which battles were won, which were lost, and how the movers and shakers in the Local change over time. (We do tend to wear people out.) How many of you remember the start-up of our Local? Remember the battle over the PERS pick-up? The Sizemore initiatives? How close VIP came to being gobbled up?

When we look at what the union does for us, it's important to realize that being a union shop, part of a network of union shops, gives us more than just quantifiable gains in biannual contracts. Public employees have been under attack for some time. Being organized offers us a measure of protection that may not be easily quantifiable, but is real just the same. And believe me, as a society, we need a public sector. Not everything is about profit and loss.

So, what has the Union done for me?

Well, early union activists won a lot of protections that we take for granted today:

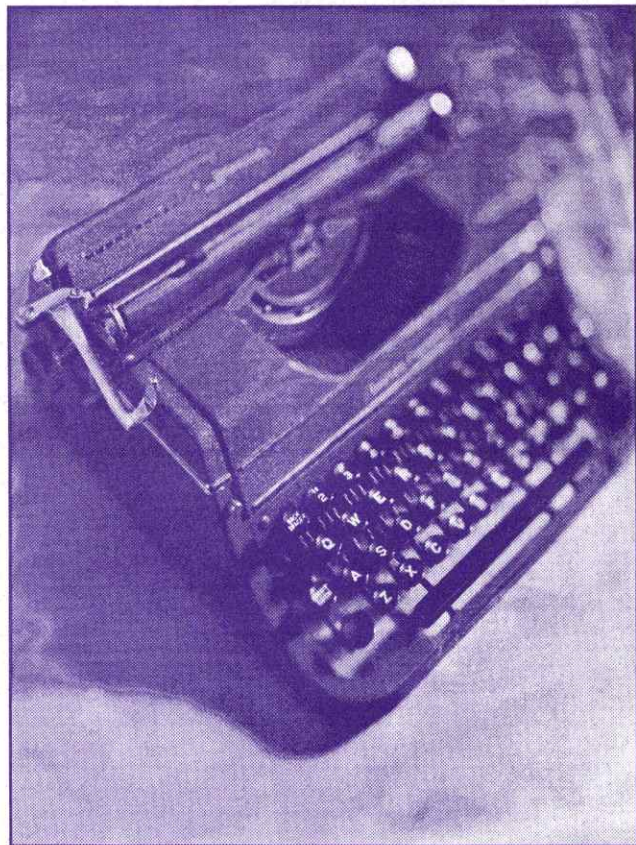
- Forty hour workweek
- Eight hour workday
- National Labor Relations Act of 1935
- Collective bargaining rights
- Child labor laws
- Right to due process
- Weingarten rights
- Right to a safe workplace (OSHA)

OK, so what has AFSCME done for us at DEQ? Some benefits that we have as a result of contract language, or in a few cases, workgroups that the union has participated in, are summarized below.

- To begin with, before our first contract, policy in the agency was inconsistent at best—depending on the section and supervisor, an employee could be subjected to wildly differing standards for performance and inconsistent management expectations (e.g., putting in uncompensated overtime). There was no recourse for the employee if the supervisor was arbitrary and

unreasonable. With a contract in place, the entire agency was held to the same standard and we got a chance to grieve without fear of retaliation.

- In our first contract, we got flextime and comp time (How many of us remember that prior to 1989, staff often worked overtime **without** compensation?) and we stopped the state from creating sub-steps for new hires. We established a grievance procedure and instituted a classification appeals process.
- Step increases. In the first contract, over 60 percent got step increases as part of the contract; in the most recent contract we got an 8th step added to help those 50 percent or more DEQ employees who were topped out.
- Selective salary adjustments in every contract. For instance, in our 1997 contract the chemist, environmental engineer, and several other classifications made gains of one or more ranges.
- Health benefits have been an issue every contract. Our Local has been successful in increasing our health benefits contribution every contract.
- Replacement PERS language automatically converts the state's six percent pickup into a six percent base salary increase if another Measure



8 type law comes into effect.

- We got rid of the differential in the travel allowance between management and staff. (Do you remember when we were expected to pick up a larger share of the cost of lodging and meals on the road than management?) In another contract, we negotiated for CONUS (continental United States) rates—which are the rates applied to federal workers. This improved our maximum lodging amount.
- Telecommuting language that applied this policy agency-wide.
- Increases in moving expense reimbursement and in mileage for use of private vehicles.
- The use of donated vacation or comptime for employees who are out of sick leave or need bereavement leave.
- Because Governor's Day is arbitrary and not a guaranteed holiday, we negotiated for a guaranteed annual Governor's Day whether it is officially called or not.
- For the life of the 1995-96 contract, an additional four hours personal leave.
- Leadworker differential of 5% above current monthly based rate of pay.
- Establishment of a labor/management Workload Committee.
- Improvements in the shift differential.
- A safety program with "required" safety equipment; personal protective equipment for VIP.
- Employees given right to provide comments attached to performance appraisals and to request a revised appraisal based on comments and discussion with manager.
- Professional difference of opinion article.
- Article laying out the conditions for job sharing.
- Development of criteria for being denied performance based pay – requiring written notification of deficiencies and/or disciplinary action prior to denial.
- Participation in reorganization of agency so people would not be moved to new location against will and seniority rights would be honored.
- Clarification of layoff and seniority rights and designation of rights within region so that people would not be "bumped" to another geographical location.

And the bigger picture here in Oregon?

- Council 75 successfully fought (along with other unions) to regain the PERS rights that were stripped from all public employees by Ballot Measure 8.
- Council 75, with our help, stopped contracting out of VIP program (a first step to contracting out other parts of agency)
- Council 75, organizations like Jobs with Justice, and other unions helped raise the minimum wage through a ballot initiative, thereby improving Oregon's economy and helping working families towards self-sufficiency.
- Council 75, working in coalition with other unions, non-profits and its members continues to defend us against numerous Bill Sizemore attacks.

This is just the tip of the iceberg, and by no means a comprehensive list of accomplishments. Perhaps the greatest achievement in being organized is most difficult of all to quantify, because we can't know what would have been in the last ten years without the power that comes from being a work force that presents a united front.

Update on Bargaining (Local and Central Table)

By Brooks Koenig

The news and progress from either table is meager. That said, let me state where we are with "tentative agreements" and which issues are still "on the table."

Central Table

While it cannot be called a "tentative agreement," DAS and AFSCME (Ken Allen as chief negotiator) have agreed that the PEBB suggested health care plan looks pretty good. The plan would have the equivalent average of \$470/mo. per employee. The health care plans offer a limited cafeteria with the centerpiece being an "HMO prototype." Where the prototype may not be available, the plan is to get the best available care for approximately the same average.

While I am not an HMO fan, I empathize with those in Eastern Oregon or just outside the Willamette Valley who will still have problems getting comparable care. And, while the benefit amount will go up about \$100, I don't think I will end up with as good as coverage. The realities are that health care costs are rising rapidly and the PEBB program is the best

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available – not perfect, but it does offer a pretty comprehensive package.

Long-term care for elderly or others will also be part of the offering, but details are still sketchy. I recommend that everyone look at the PEBB bulletins and direct questions to their Web site. (I haven't gotten the answers I wanted, but at least they do respond quickly.)

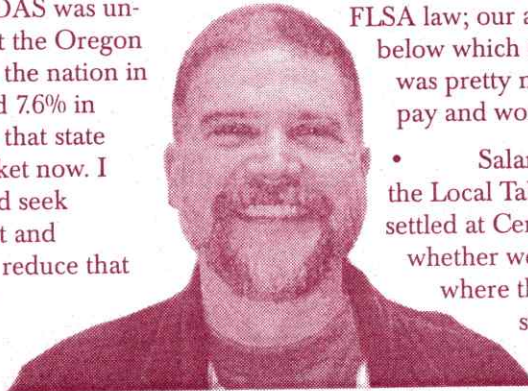
The biggest area of disagreement at Central Table is money. DAS offered two percent per year; AFSCME sought four percent per year. DAS is now claiming that there is not really enough money available for two percent let alone any more. Salary selectives were introduced at the Central Table, but DAS will not respond to those until June 22nd. DAS was unmoved by the article showing that the Oregon economy was the fastest rising in the nation in 1996 and 1997 (11+% in 1996 and 7.6% in 1997). An OPEU study indicated that state wages are ten percent below market now. I saw no indication that DAS would seek anything greater than two percent and seemed to be positioning itself to reduce that due to the high health care costs.

The proposal to use sick time for health care costs of retirees has gotten no discussion nor has any other paid leave alternative to additional wages.

Local Table

Interest-Based-Bargaining has resulted in some tentative agreements:

- Telecommuting is now an article rather than a letter of agreement (and with that, seemingly a commitment to expand telecommuting).
- Part-time employees now can get family leave on the same basis as full-time employees (still subject to the reduced benefits that come with part-time work).
- All employees can take up to ten days of LWOP leave annually for career and professional development (still subject to supervisor's approval based on operational needs of the work unit).
- There were some "housekeeping" measures regarding use of vacation time to make up the "extra" hours one needs to take on holidays if on a flex schedule; a second housekeeping item was the scheduling of VIP holidays (since their work week includes Saturday).



Brooks Koenig

- We spent a lot of time on recoupment (Article 57) with the bottom line being no change to the contract but management would explore ways to reduce overpayments.
- DAS refused to budge on the stupid travel policy (not paying OT if you return to your work station later than your normal work hours if you are a carpool passenger or airline passenger). The solution here is to do work when you are traveling those hours.
- Likewise DAS refused to relent on the stupid inclement weather policy (here, exempt employees must come to work and then go home to get paid for days when the office is closed due to inclement weather). The argument is that this is FLSA law; our argument that this is the "floor" below which employers cannot sink, which was pretty much met with "we don't have to pay and won't."
- Salary selectives were introduced at the Local Table but we expect them to be settled at Central Table. Some question exists whether we should spend time on issues where the Local Table is powerless. But, since the agencies will have to fund selectives, there will be some Local Table discussion. One hopes the agency will recommend approval of the selectives.

- Transit subsidies are "on the table" but no details. The attempt to use pre-tax dollars to purchase transit passes has been thwarted by DAS claiming "complexities in tax code." Since it was a change in the tax code that made it possible, I am mystified why the state can't figure it out. (The City of Portland has transit subsidies, pre-tax use for transit, and pays cyclists and walkers for alternative transportation.)
- Resource efficiency is also "on the table." We hope to have a letter of agreement that will save both material and human resources, but there has been no discussion of details.
- The other issue explicitly "on the table" is clearer definition as to when seniority comes into play. Currently there is ambiguity as to what constitutes "equally qualified."

While not explicitly on the table, there might be room at Central Table for some other issues to surface. There might be other money issues that may bridge the gap between the two and four percent (e.g., "seniority pay" three percent if ten or more years). There is the question whether there will be "parity" for

classes unnamed in the selectives. There are no specific holiday/leave proposals, but might there be a "bone" in lieu of increases?

All in all, the two processes (Central and Local Tables) are very different. Central Table is the head negotiators butting heads over proposals. Local Table is everyone talking about various approaches that might solve the problem. Still, the main rub comes down to money – we want more and they are unwilling to give much, or in some cases, any.

Addendum (as of June 17, 1999)

The Local Table ended with a whimper rather than a bang on June 16, 1999.

Things started out poorly when the management team showed up three members short (Helen Lottridge, Neil Mullane, and Greg Green were all absent). The union team was missing Elliot Zais.

The union was anticipating going over four major issues: salary selectives, transit subsidies, resource efficiency, and clarification of the seniority-in-hiring language. DAS refused to talk about transit subsidies since they regarded it as a Central Table issue. DEQ management flatly rejected putting any resource efficiency language in the contract.

We did succeed in getting some clarifying language (more objective criteria) as to what would be considered when evaluating job candidates, and we discussed selectives. However, the final decision on selectives will be made at the Central Table.

Personally, I was disappointed with both the process and progress in the negotiations. We used a hybrid IBB process that was neither fish nor fowl – sometimes reverting to the traditional approach led to quick agreement; other times it led to inflexible positions. Sometimes the IBB process led to innovative solutions (e.g., LWOP agreements); other times it led to endless discussions with no solutions (e.g., recoupment).

My biggest disappointment was the refusal of DEQ management to "walk the talk" about being an environmental leader. While DAS was the designated heavy, DEQ again refused to make any movement or commitment to transit subsidies or commute options. While other Portland governmental agencies are providing transit subsidies, pre-tax purchase of transit passes, financial incentives to bikers and walkers, and, as a rock bottom minimum, adequate bike racks and changing rooms, DAS and environmental-leader DEQ are content to suggest that we might be able to get pre-tax payment in 2000 if DAS agrees to it at the Central Table. This should be viewed as shameful, if not contrary to law (Exec. Order 98-02 and ECO rules 340-030-0800 through 1080). Despite the fact that the

Governor "orders and directs" agencies to reduce drive-alone trips; allows agencies to subsidize public transit passes; and invites ideas from employees on how to reduce auto trips, the only "concession" might be to allow employees to use their own money to make pre-tax purchases (which will also save the state money in withholding taxes). Lead on.

DEQ flatly rejected our resource efficiency proposal since it should be a "management prerogative" to implement such measures. So much for teamwork between the employees and management. Seems to be another example of "empowerment" – you can have some power if I deign to grant it but certainly not if you have any intention to exercise it. Think I'll go run some single-sided copies before I drive the state-owned SUV down to Salem – wouldn't want to interfere with a managerial prerogative when an e-mail and video-conferencing would work just as well.

Central Table met again on June 22nd and 30th, but there was no movement on selectives or salaries. Votes to accept/reject the changes to the contract will follow the conclusion of Central Table, which is scheduled until mid-July.

Have You Joined AFSCME Local 3336? If not, why not!?!?

by Leslie Kochan

Consider the following:

Professionals DO need unions! *At the American Medical Association's annual meeting this past June, delegates voted to form a new union for doctors. Organizing doctors is not new. In fact, AFSCME in California just organized 800 doctors into a local. However, this high-profile endorsement is a sign that doctors, under the increasing pressures of HMOs, see labor unions as critical to providing doctors with control over their jobs and the provision of quality healthcare.*

Public employees DO need unions! *The U.S. Supreme Court ruled in late June that public employees have no right to sue states that do not comply with the federal Fair Labor Standards Act (FLSA). In the case ruled on, Alden v. Maine, the Court ruled that sovereign immunity bars state probation officers from suing the state of Maine to gain overtime pay. The ruling leaves state workers with no means to enforce their rights under the FLSA, said Justice David H. Souter in a ringing dissent.*

If you haven't joined AFSCME Local 3336, read what your co-workers have to say in this issue of the Local Voice about why they joined the Local and about why unions are important. Contact your steward soon and become a member!

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