



# EA Voice

## Message from the Editors

Dear Members,

Welcome to 2019! This is gearing up to be an exciting and busy year. This is a contract year and our team is getting ready to work for you. It is also expected that some of us maybe moving into the new Richmond Office building later this year. We will be looking into impacts and terms and conditions of this move for those members. We will also be looking into different social activities this year. If you are interested in joining the EA Social Committee, please contact Kristina Chu for more information. We look forward to serving and representing you, our members.

## Current Labor Affairs

Last year, the EA hired a Business Agent who after a few months decided the EA was not for him. The EA Board then tasked the personnel committee to conduct a thorough recruitment for another Business Agent. The personnel committee reviewed over 30 applications and the EA Board screened the top six candidates. Several of these candidates are well qualified and any one of them would be an asset for the Union heading into contract negotiations. At the February 7, 2019 EA Board meeting, the Board will confirm the most qualified candidate and a contract offer will be made. We are hopeful that the process will move quickly and that we will be able to announce the new Business Agent at our next EA General Membership meeting February 14.

## Contract Negotiations

Our current contract expires June 30th, 2019, and we will begin negotiations with the District soon. Our negotiation team is gearing up, and we are anticipating that our new Business Agent will be leading negotiations for our team. The EA will be reaching out to membership seeking input in preparation for the upcoming negotiations. Among the issues that the team will be discussing are the continued rising cost of living and healthcare in the Bay Area. Our current contract has a cost of living adjustments (COLA) cap set at 3.5% and floor set at 1%. The anticipated Consumer Price Index for the Bay Area is expected to be 3.9% so it is unlikely that we will be rolling over the contract with that current cap. If you have questions or concerns about the current contract or if there is something you would like the team to discuss, please be on the lookout for upcoming messages from the EA, or feel free to contact your stew-

### Inside this Issue:

<b>Current Events</b>	<b>1</b>
<b>Grievance Update</b>	<b>2-3</b>
<b>Elections</b>	<b>3</b>
<b>Rumor Mill</b>	<b>3</b>
<b>EA Board Contact</b>	<b>4</b>
<b>Upcoming Events</b>	<b>4</b>



**YOUR RIGHTS  
AT WORK**

## Grievance Update

### Limited Term Employee (LTE) Grievance:

The District continues to retain temporary limited term employees in excess of 1000 hours in violation of MOU Section 16.02. In addition, one LTE was not properly compensated and was working out of class for the duration of her employment.

**Status:** *Completed arbitration to determine arbitrability of the case since the EA does not represent LTE of less than 1000 hours of employment. The arbitration was to determine whether the EA represents these individuals when they exceed 1000 hours.*

### Section 16.02 Contracting Out GHG Technology Assessment Work Grievance:

On September 27, 2018, the Air District issued a Request for Proposals (RFP) #2017-011: Technology Assessment of Opportunities to Reduce Greenhouse Gas Emissions at Stationary Sources of Air Pollution in the Bay Area. The RFP seeks professional services from organizations to identify GHG reduction measures/technologies for stationary sources of emissions and to perform technological feasibility and cost effectiveness assessments for those technologies. All of the duties outlined in the RFP can and had been performed by bargaining unit employees in the Engineering, Rule Development, and Planning and Climate Protection divisions. The District is charged with contracting out bargaining unit work.

**Status:** *Continued mediation scheduled for March 25, 2019*

### Section 16.02 Contracting Out "Clean Cars" Grant Grievance:

On April 3, 2018, the Air District issued a Request for Proposals (RFP) #2018-004: Applicant Education and Support for Clean Transportation Incentives in Bay Area Disadvantaged Communities. The RFP seeks case managers to work on the California Air Resources Board's Enhanced Fleet Modernization Program Plus-Up (EFMP Plus-Up), a program in which eligible lower-income consumers living in disadvantaged communities can receive an incentive to scrap an old vehicle and buy a cleaner and more fuel-efficient replacement vehicle. All of the duties of the Staff Specialist fall within the scope of work outlined in the RFP and thus, should be work performed by bargaining unit members. Furthermore, the scope of work in the RFP is of a kind that bargaining unit members previously known as Administrative Analysts, then reclassified as Staff Specialists, have performed for several years in other Air District grant programs. The District is charged with contracting out bargaining unit work.

**Status:** *Continued mediation scheduled for March 25, 2019*

### Section 16.02 Contracting Out Health Risk Assessment Work in Engineering Grievance:

On November 10, 2016, the Air District issued a Request for Qualifications (RFQ) seeking services of environmental firms experience conducting health risk assessment (HRAs) in preparation of the adoption of Regulation 11, Rule 18. The District planned to contract out work that is currently being performed by bargaining unit members in the Engineering Division and is clear violation of 16.02 of the MOU.

**Status:** *Settlement Agreement reached where the District is allowed to contract out 7000 hours through January 2020 and the District is required to recruit and fill 7 positions in Engineering.*

### Section 5.05 Individual Grievance for Lack of Just Cause for Disciplinary Actions Grievance:

The Air District imposed a 10-day suspension upon a bargaining unit member without pay or benefit in the 2018. The member previously served one day suspensions in 2010 and two one-day suspensions in 2012. The member asserts that the 10 day suspension resulting from accumulation of one-day suspensions and warnings received over a period of eight years, stemmed from an initial 2010 memo in which the Air District falsely accused the member of not completing important work assignments. The District has never produced evidence that the work was assigned to the member and thus, the one day suspension and the following successive suspensions are without merit. The member was not able to grieve the original one-day suspension because our MOU prohibits filing of a grievance based on one-day suspension.

**Status:** *Arbitration proceeding completed on January 23, 2019. Arbitrator will submit their decision sometime in mid-to-late April 2019.*

### Section 17.04 Grievances for Modification of Job Duties Grievance:

The District is accused of modifying job specification when they alter the job duties listed in posted recruitments or when they hire staff under dissimilar classifications working in the same section or division who perform the same work. The EA filed this grievance against the District because they have violated Article VI, paragraph 10 as well as Section 17.04 of the MOU under two circumstances where: (1) job duties that were never negotiated and were not within the class specifications were added to the job announcement, thus modifying the agreed upon class specifications during the recruitment process; and, (2) when Staff Specialist series were added to Air District Sections or Divisions whose duties are inconsistent with existing represented positions thus modifying the skills and experience required for the Staff Specialist position. Doing so also creates a situation in which two different classifications perform the same job duties yet receive different compensation.

**Status:** *Arbitration completed on February 6, 2019*

*"The labor movement did not diminish the strength of the nation but enlarged it. By raising the living standards of millions, labor miraculously created a market for industry and lifted the whole nation to undreamed of levels of production. Those who attack labor forget these simple truths, but history remembers them. "*

*Martin Luther King, Jr.*

## Grievance Update Continued

### Non-recruitment of acting assignments Grievance:

The District violated Section 7.13 (5) of the MOU and Section 13.2 of the Administrative Code by allowing bargaining unit members to be appointed to acting assignments in vacant positions where no public recruitment process has occurred to fill the vacancies.

**Status:** *In process of selecting mutually agreed upon arbitrator*

### Unfair Labor Practice Charge under the Public Employment Relations Board (PERB)

The District denied an acting manager assignment to the current EA president due to her protected activity as the EA President.

**Status:** *Filed on January 18, 2019*

### Unilateral Removal of Bargaining Unit Work Grievance:

In 2018, the District unilaterally converted two supervising positions in the bargaining unit to management positions. The managers continue to supervise staff and perform duties that are consistent with the supervisory job classifications, thus removing bargaining unit work.

**Status:** *Filed Step 2 grievance on January 29, 2019*

## Upcoming EA Board Elections: 2019-2021

If you want to become involved in your Union, one of the best ways is to run for office. All current board member positions are up for election this year. The current EA Boards term expires September 30, 2019. Elections will be held August 2019. Officers will be elected by simple majority, and would serve a term of two years. The nomination period is kept open up to and including the day of elections. Please consider running for a position if you are interested in serving your Union!

The Nominating Committee, Chaired by Chris Coelho, will be forming sometime this summer and will be looking for two other members. If you are interested in running or if you have any questions about the positions, time commitments or responsibilities, please contact Chris ([ea.steward.chris@gmail.com](mailto:ea.steward.chris@gmail.com))

*"The only effective answer to organized greed is organized labor."*

Thomas Donahue

## The Rumor Mill

Rumor: Starting April 1, 2019, The Air District will require all staff to cc their supervisor and their Director on all internal correspondence at the District. This is especially true if the email is in regard to Union activity or potential grievance activity.

Answer: FALSE. This is not even a real rumor. We just made it up but be aware that if you do need to contact the Union it is best to do it using private email addresses. Also, your break time is your time. It is best to discuss Union activity during your breaks and lunch time.



Email:  
voice@employeesassociation.org

## EA Board Members

President: Virginia Lau  
Vice-President: David Joe  
Treasurer: Mark Tang  
Corresponding Secretary: Areana Flores  
Recording Secretary: Tina Landis  
Professional Stewards: Tamiko Endow & Snigdha Mehta  
Technical Stewards: Kimberly Mazza & Robert Cave  
Inspection Stewards: Linda Duca & Chris Coelho  
Clerical Steward: Brittany McIntosh

**We're on the  
web!  
www.eavoice.org**

The BAAQMD Employees Association (EA) was formed in 1973 by a group of concerned employees who believed that the Air District needed a viable employees organization

## Upcoming Events

### General Membership Meeting

# GENERAL MEMBERSHIP MEETING

**Thursday, February 14th,  
12:00pm**

**1st Floor Yerba Buena Room**

*The EA Board asks that all members join us for  
a General Membership Meeting.*

**Lunch will be Provided.**

We will present the financial report, provide an update on the Business Agent and hear from the EA. We will also discuss ongoing grievances and the upcoming contract. The meeting will be webcast to the field offices and for those that will not be able to attend at 375 Beale. Please contact Chris Coelho if you would like to view the webcast.

All meeting will be webcast at:  
<https://zoom.us/j/4157494979>