



*State Employee Alliance-Communications Workers of America,
Local 7076, AFL-CIO, CLC*

**Bargaining Report # 3
September 4, 5, 2008
Bargaining Summary**

As we enter into our third round of bargaining with the state, little progress has been made. The state has proposed minimal counter proposals as outlined below. The union bargaining team has made additional proposals and continues to develop proposals on key issues.

- **Article 2. Union Rights.** Our proposal would allow union officials and stewards the best possible advantage when representing union members and administering the contract. It would also extend union time during employee orientations and contract explanations. **The state offered no counter proposal at this time.**
- **Article 3. Fair Share.** Our proposal would require the State to comply with the CWA fair share collection process. This compliance will allow the local union to receive the needed resources to better represent our members. **The state does not agree to the elimination of certain language in this proposal by the union. The state is requesting different language from the union on this article.**
- **Article 4. Deductions.** Our proposal would require the state to segregate dues payments and membership political contributions. **The states' counter proposal on a different section would undermine the union's ability to track our membership.**
- **Article 5. Management Rights.** Our proposal will better clarify management's responsibility to comply with the Public Employee Bargaining Act when reaching impasse. **The state disagrees with the meaning of "impasse," which will weaken representation rights for state workers.**
- **Article 6. Non-Discrimination.** Our proposal will allow us to grieve discrimination as defined by EEOC at the 3rd step of the grievance process. **The state has no counter proposal at this time.**
- **Article 7. Pre-Disciplinary Investigations and Written Reprimands.** Our proposal will strengthen employee's right to union representation for investigative meetings that could lead to disciplinary action. **The state has no counter proposal at this time.**
- **Article 8. Discipline and Discharge.** Our proposal would expand alternative methods to resolve conflicts, improper employee performance, or behavior whenever appropriate. Also, we propose that the 7 Principles of Just Cause, which are the standard in private and public sector employment, be used when discipline is being determined. **The state has no counter proposal at this time.**
- **Article 9. Grievance and Arbitration Procedure.** The Union believes that the State Personnel appeals process is not fair for workers. Administrative Law Judges (ALJs) who hear disciplinary appeals cases for the SPB by the Union do not take the collective bargaining agreement into consideration when rendering their decisions, leaving state workers with an unfair hearing process. The Union's proposal would require ALJs to include the authority of the collective bargaining agreement into their decisions.

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This proposal would also improve the information request process by union officials and stewards to receive all documents needed to better represent members. **The state has no counter proposal at this time.**

- **Article 10. Seniority.** The union and the state agree to continue the existing contract language.
- **Article 11. Labor - Management Committees.** Our proposal seeks to expand the Union's direct authority and involvement on the Group Benefits and other committees established by SPO that affect jobs, classification, and compensation. Language was submitted to strengthen the function of the Labor Management Committee. **The state has no counter proposal at this time.**
- **Article 13. Overtime and Compensatory Time.** Our proposal requires a payout or the time to use the comp time. **The state has no counter proposal at this time.**
- **Article 14. Agency Furlough and Reduction In Force Plans.** Our proposal would require the employer to meet with the Union to explain its RIF prior to submitting their plan to the State Personnel Board. **The state has no counter proposal at this time.**
- **Article 16. Personnel Records.** Our proposal would regulate supervisors' control of employee soft files and expand the Union access to confidential records to better represent our members. **The state has no counter proposal at this time.**
- **Article 17. Performance Evaluations.** Our proposal would create accountability for supervisors doing evaluations. **The state has no counter proposal at this time.**
- **Article 18. Disciplinary Actions Related To Unsatisfactory Employee Evaluations.** Our proposal would limit the process to those employees who receive an overall unsatisfactory evaluation. **The state has no counter proposal at this time.**
- **Article 20. Annual and Personal Leave.** Our proposal will restrict the employer's ability to deny requested leave unnecessarily. **The state has no counter proposal at this time.**
- **Article 21. Sick Leave.** The union and state agree to no change from current language.
- **Article 23. Physical Fitness.** Our proposal would reinstate 1.5 hours of paid time per week for participating in the exercise program. **The state has no counter proposal at this time.**

The Union submitted two additional proposals this last bargaining session.

Article 12. Hours Worked and Schedules. The union's proposal will improve employees' opportunity to receive an alternative work schedule and require the employer to approve, deny or rescind an alternative work schedule in a timely manner and not link it to prior discipline. This proposal will also eliminate schedule changes to avoid the paying overtime or accrual of compensatory time. Our proposal also requests creating Teleworking and Telecommuting opportunities as contemplated in the Governor's Executive Order.

Article 19. Holiday and Other Paid Leave. The union proposes that everyone get Holiday Pay whether they are working or not on said holiday.

We are working hard to secure a new contract that will benefit state workers in many areas of our working lives. Your continued support and communications with your co-workers is a necessary component to our success. Pass this report out in your workplace and keep people informed.

In Solidarity, Your Bargaining Team