



COUNTY & CITY

EMPLOYEE

A F S C M E A F L - C I O

Vol. 22 No. 4

<http://www.council2.com>

Winter 2007

NEWS IN BRIEF

Negotiating for success

About 100 people attended the Annual Council 2 Presidents' Conference at the Wenatchee Convention Center in early November.

A highlight of the weekend was a workshop on Saturday during which Rhonda Hilyer, president and founder of Agreement Dynamics, presented a seminar on tools for negotiating successfully.

Hilyer, whose program on communication styles began airing on public television in 2000, is the author of "Success Signals."



Rhonda Hilyer

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INSIDE

Hospital broke agreement, says arbitrator

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Spokane Local members pack hearing

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Council 2 helps secure election victories

Support from Council 2 was crucial in the victories of several candidates in the November general elections.

One was in Spokane where City Councilwoman Mary Verner was elected as the new mayor of the city. She beat out Dennis Hession, former president of the City Council, who had been named

acting mayor in the wake of the recall of Jim West in December 2005.

Local 270, whose members work for the City of Spokane, spearheaded support for Verner and vigorously opposed Hession.

"Hession advocated layoffs and privatization," says Council 2 Staff Represent-

tative Mike Smith. "He spent a lot of money on an efficiency consultant out of California who provided him with a flawed study that suggested the City would benefit from privatization and laying-off of employees."

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Long-term contracts save time and cut costs



Negotiating new contracts sometimes can turn into almost a full-time occupation for union members and local government administrators.

For example, when a contract expires in three years and bargaining drags on for almost that long, the time soon arrives for a new contract to be negotiated. Not only is the ongoing process time consuming, but it also can be costly, particularly when the administration hires outside consultants to conduct bargaining.

Now a new state measure, three years in the making, is bringing relief. House Bill 5251 was first advanced by Sen. Mark Doumit (D-Cathlamet).

This year, after Doumit left office, Sen. Jeanne Kohl-Welles (D-Seattle), chair of the Labor, Commerce, Research and Development Committee, took up the baton and the measure was approved in the 2007 State legislative session. It allows for collective bargaining agreements to be made for up to six years rather than the three-year limit previously in place.

"The bill was a bi-partisan measure and never had any real opposition, but in the first year it fell off the table and in the second year it was passed by the Legislature, but vetoed by Gov. Chris Gregoire because it inadvertently encompassed some state employment

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ULP charges filed against City of Lynnwood

When a new mayor took office in Lynnwood two years ago, members of Local 3035, who work for the City, were hopeful that relationships between the City and the union would improve.

After all, the mayor had promised as much, saying when he was elected in 2005 that a new era had dawned in labor relations with all the city's unions.

The undertaking was welcome news to union members, who felt that the City had taken a hostile attitude toward it in recent bargaining sessions. This belief had been reinforced when the City hired a Yakima labor negotiator whose mission appeared to be aimed solely at preventing Council 2 from obtaining a contract.

But, two years later, Council 2 is still waiting for the new deal to arrive.

Frustration at the lack of progress grew so great earlier this year that Council 2 filed Unfair Labor Practice charges against the City, receiving a preliminary decision from the Public Employment Relations Commission (PERC) in its favor on October 12.

The ULP charges the City with failing to make progress on an addendum that

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Local president receives prestigious award

Council 2's Susan Veltfort, president of Local 1857 (the King County Library System employees), has received one of the most prestigious awards in the Washington state labor movement.

Called the "Mother Jones Award," the award is given to a union member who is recognized as playing a major role in advancing the struggle for dignity and respect for working men and women in Washington State. The award is named after Mary Harris "Mother" Jones, a legendary organizer for the United Mineworkers of America, who organized anthracite coal miners at the turn of the 20th Century.

Washington State Labor Council,

AFL-CIO, selects the recipient from 350,000 union members in the state.

Veltfort is the first Council 2 member to win the award, presented over the last 13 years.

She was recognized for her courage and dedication to library workers within the King County library system and statewide over the last four years.

Veltfort was a prime mover in organizing Washington State's largest public library system — the King County Library System — in 2003, said Cameron Johnson, a library worker and Local 113 member, who nominated her for the



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Susan Veltfort speaks at award ceremony

Why not use inflation rate as property tax cap?

CHRIS DUGOVICH

In this year's November happenings, voters delivered up a mixed bag of answers, rejecting increased funding for transportation and passing the latest anti-tax Eyman Initiative (that will no doubt be thrown out in the courts), but making it easier to pass school levies with a simple majority. However, the real change came when the State Supreme Court threw out Initiative 747, the 1 percent property-tax limit.

Council 2 was the key player in fighting the restrictive nature of this initiative at the polls back in the fall of 2001. The passage by the voters of the initiative was greatly aided by the tragedy of the events on 9-11 and the effect that event had on our nation's economy. The times were uncertain and everyone was apprehensive of what the future might bring. It passed and Eyman's annual personal profit-making initiative business was aided greatly by this atmosphere.

As many of you may recall, during this campaign, despite the facts to the contrary, Eyman insisted he didn't earn a dime in the initiative business. It wasn't until months after the election that Eyman admitted his dishonesty and came clean on the fact that he profited handsomely from the process leading up to the passage of 747. His tearful admission filmed outside a post office in Snohomish County was not quite up to the acting standards of a bad soap opera.

Now that 747 has been ruled unconstitutional, the hue and cry from the anti-tax, free-lunch crowd is that the voters' voice has been snatched away by the evil Supreme Court. The reality is that all laws and initiatives must fall within the framework of the state constitution. Even with his legal help, Eyman can't seem to get that right.

Inflation is toughest cost of all

Initiative 747 was never fair. A 1 percent limit does not even allow local governments to keep up with the toughest cost of all, inflation. Counties, cities, and sub-taxing districts that provide the most basic of services can't keep up. There isn't one local entity, from 911 dispatch centers and paramedic services to libraries and road maintenance shops that has not felt the pull of a restrictive 1 percent cap.

The key now is not to allow the politicians looking for a pat on the back to rush to legislatively reinstate the 1 percent limit. The old and current 6 percent limit just might be too high, however 1 percent is way too low. Let's be rational. Let's look towards a limit that at least provides for inflation and provides for the ability of local governments and schools to at least stay even.

The anti-tax, free-lunch crowd will never be happy or satisfied. Back when the Supreme Court also threw out Initiative 695, the original car tab reduction, then-Governor Gary Locke raced to the media and the legislature to proclaim his support to legislatively reinstate its provisions. There was no thought, very little consultation with legislative leaders, and no process. Not many would disagree with the fact that car tabs had become too expensive; however, there should at least have been a process to look at a middle ground to provide some money for necessary services that had been funded by the car tabs.

This time we hope Governor Gregoire and our legislative leadership will take a deep breath and look at a reasonable alternative before they leap!

One can only hope — we're heading into an election year.



Letter from the President

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Although Hession outspent Verner three-to-one on his campaign, Verner won by a healthy margin.

Another race was in Snohomish County where two former legislators vied for an open seat on the County Council.

Council 2 supported Mike Cooper, who has a 100-percent pro-labor voting record in the council and has long been supported by Council 2. His opponent represented big business interests and outspent Cooper two-to-one.

"Despite a last-minute expenditure of \$90,000 on a smear campaign against Mike Cooper, he prevailed by 63 percent of the vote," Council 2 Deputy Director Pat Thompson says.

In Bellingham, members of Local 114, largest public employee union in the city, established a Political Action Committee to interview all the candidates in the City races.

"When we conducted our interviews of the six mayoral candidates, we liked a candidate who, at the time, was a long shot even to make it through the primary," says Staff Representative Vinnie O'Connor. "His name was Dan Pike. He came across as just a nice guy. He was honest, sincere and smart."

During Pike's interview, he said health care was one of the most important benefits that all public employees and their families should have. He also spoke of the importance of wages being fair to market value, to the employee and the employer.

Impressed by his honesty and candor, Local 114 endorsed Pike early in the primary. Word got around



Dan Pike poses with Local 114 members, whose support propelled him from being an unknown candidate to election as Bellingham mayor. Back: Council 2 Staff Representative Vinnie O'Connor, Mark Bastedenbeck, Jess Herring, Pike and Chuck Berleman. Front row: Amy Butler, Karen Powers, Julie Olson and Dan Thomas. (See report below.)

and support for the candidate grew. When Pike ended a few percentage points below the leader in the primary race, the Local supported him with more money and substantial volunteer membership support.

As a result, Pike won handily.

O'Connor praised the work of Local Vice President Mark Bastedenbeck who mobilized the membership volunteer campaign for Pike. Without Bastedenbeck's work on behalf of the Local, Pike might not have been victorious, O'Connor says.

"This could be a model for other Locals," O'Connor adds. "The interview process and the organizing worked really well."

In the elections overall, the results of the initiatives were less favorable.

"Obviously the citizens were in no mood to have anything to do with increasing taxes," Thompson says. As a result, Proposition 1, known as the roads and transit package, failed

heavily in King, Snohomish and Pierce counties.

The measure called for the spending of \$18 billion on improving the region's roads and transit system. It would be paid for by an increase in the sales tax.

The voters' mood also was reflected in the passage of Proposition 960, sponsored by Tim Eyman, that requires a two-thirds vote by the Legislature or a public vote to raise taxes. "The effects remain to be seen as the measure will face a court challenge suggesting it is unconstitutional," Thompson says.

"It is ironic that his victory was overshadowed by the court throwing out Initiative 747, another of his initiatives that we opposed when it was approved in 2001.

"Proposition 960 is just another example of Eyman promoting unconstitutional measures that have died in the courts."

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award.

"Several past organizing drives had failed in the system, whose management was virulently opposed to unionization," Johnson said in his nomination. "She was on the negotiations committee when Local 1857 negotiated its first-ever labor agreement in 2004.

"Soon afterward the library man-

agement delivered a shock: A wrong-headed staffing model called 'clustering,' which forced many employees to rotate among several worksites each week." Veltfort was a key player in helping to organize a no-confidence vote among members in which about 92 percent registered no confidence in the library director.

"The vote brought media atten-

tion, which brought management to the table, where it has since made major concessions on the issue," Johnson added.

Veltfort is also a founding member of IGLU, the Interest Group for Libraries and Unions, within the Washington Library Association, the state's premier organization for library workers.

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groups," explains Council 2 Deputy Director Pat Thompson. "The new measure addressed those concerns by being applicable only to local government employees in cities, towns and special districts."

Thompson says the measure is another tool that can allow for more stability in local government as well as unions by enabling them to predict future costs.

By adding four-year, five-year and six-year contracts, it provides negotiators with the flexibility to extend agreements when this would be beneficial. Cost savings can also be passed on to employees.

"Such flexibility is allowed in the private sector," Thompson says. "But, until now, it was not possible in the public sector."

What if inflation or health costs take off during the six years the contract is in place? Such eventualities can be accommodated by linking pay increases to the Consumer Price Index so that increases in inflation will be reflected in pay increases and by expressing health benefits in percentages rather than actual figures.

Such ties were included when members of Local 1191, representing Walla Walla County Public Works Road Department, negoti-

ated a five-year contract earlier this year.

"We were able to tie pay increases with the Seattle-Tacoma CPI, which normally is greater than those this side of the mountains," explains Alpha O'Laughlin, Staff Representative in Walla Walla.

O'Laughlin adds that the County was receptive to discussions that involved saving money through not having to hire an outside contractor for the next five years.

Health insurance was not an issue, O'Laughlin says, because the County pays 100 percent of employee benefits, so no matter how high they might go, workers will remain covered through the five years of the contract.

"In this way, employees could see they will not miss out on their insurance," O'Laughlin adds.

"For at least five years we will not be back haggling over health insurance. Also, from a union standpoint, we are not in a constant state of negotiating contracts. Previously, when negotiations went beyond a deadline, you had only a short time before you went into negotiations again."

A six-year contract is being negotiated for two Clallam County Locals where corrections sergeants

(Local 1619-CS) and sheriff patrol sergeants (Local 1619-S) are bargaining with the County over wages and benefits.

A wrinkle in the contract, if it is approved, would be that the agreements on wages and medical benefits can be reopened in four years, allowing for changes to be made should significant shifts in the economy occur.

Another six-year contract is on the table in Grays Harbor where workers for the City of Hoquiam, Local 275, on Oct. 25 concluded negotiations with the City on wages, benefits and changes in language.

The Local has approved the contract. The City is expected to ratify it soon. The contract calls for six years of guaranteed wage increases at 3 percent a year.

A benefit of the six-year time frame in this case is that it allows employees to be raised to the same level in wages and benefits as other jurisdictions, says Kathy Brown, Council 2 Staff Representative in Olympia.

At the end of the contract life their wages and benefits will be in line with the state average in cities with populations ranging from 7,500 to 15,000, she adds.

County commissioners told:

'These are the faces and voices of the employees who will be affected by your decision'

When Spokane's three county commissioners met for their regular meeting in early October, they were taken aback at the number of people who filled the room's public seating.

Before them were some 200 attendees, crowded into the hearing room and spilling out into the hallway and down the stairs.

They had no need to guess who these people were. Their identity was obvious from the union T-shirts and buttons that they wore.

And if the commissioners were to have wondered why these union members

The union members who attended the meeting represented some 1,100 employees in a total of 13 different Locals who have joined together in a bargaining coalition to negotiate their three-year contracts that start in 2008.

Most of the employees are members of Council 2, but Local 17, the Public Works Guild and Local 280 are joining them in the negotiations, as they have in the past.

The Locals represent deputy prosecutors, corrections officers, support staff, road crew and others in a variety of positions.

The commissioners whom they addressed will have the final say on the financial aspects in the contracts.

It took 18 months to reach agreement on the existing contract, which took effect in 2005, Smith says.

Negotiations on the new contract began in August. "So far, the negotiations are moving along more quickly than last year," Smith adds.

The two primary issues — cost of living adjustments and medical insurance — are being negotiated in coalition bargaining, which means that the leaders from all the local unions, including some from outside Council 2, meet with the County.

"After three meetings, the good news is that — although we have not reached agreement yet — we have the potential for 8.5 percent increases over the course of three years, whereas in the last negotiations it took us 18 months to reach 6 percent," Smith says.

"The bad news is the County wants to push more of the medical costs to employees



Part of the crowd of Council 2 members who attended a recent Spokane County Board of Commissioners' meeting to put forward their views on contract terms proposed by the County.

'The next day they came with an improved proposal'

were there, they soon found out when a number of the members addressed the commissioners for a short while, each talk averaging about 15 seconds.

"The messages were that these are the faces and the voices of the employees that will be impacted by contract negotiations," explains Gordon Smith, Council 2 Staff Representative in Spokane. "They could tell them firsthand of the harm that would be caused their finances were the County's contract proposals to gain approval."

It helped, too, that the Spokane County Board of Commissioners meeting was broadcast on live television in the Spokane area.

to such an extent that it would wipe out the benefits of the 8.5 percent increase.

"For some members it could even mean a wage decrease, depending on the size of their families and their salaries."

Council 2 would like to settle the negotiations by the end of the year so the new contract can take place on schedule in January.

To try to expedite negotiations, they have been taking action on a number of fronts. One of those fronts was the attendance by the 200 or so members at the commissioners' hearing.

"We want to try to convince the County

and, in particular, the three commissioners who will have the final say, to work with us more quickly, particularly as far as the medical is concerned," Smith says.

Did it work?

"Well, the next day they came with an improved proposal," Smith replies. "Although in the coalition's opinion it is still too costly to members, at least it marked progress."

"After all, Spokane County is financially healthy, as is the medical-benefits reserve fund."

The coalition is planning other action soon.

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was negotiated to cover 2007. The addendum was needed to cover wages and benefits because the contract with the City expired at the end of 2006.

Council 2 agreed to the addendum and the extension of the contract after the mayor proposed that, as part of the new dispensation, all union contracts with the City be negotiated at the same time and that such contracts take effect in 2008.

Not only that, but the mayor also proposed negotiating using interest-based bargaining for the 2008 contracts. In this system each side outlines its issues rather than specific proposals and then tries to reach consensus. Council 2 has found this process to have been satisfactory in other talks and so accepted the proposal in 2007.

"An important part of the addendum was an agreement that certain wage and benefit items would be negotiated during 2007," explains Council 2 Organizing Director Bill Keenan. "Because the year had already started, it was agreed that the agreement would be retroactive to the beginning of the year."

Negotiations eventually began in May.

"For several bargaining sessions, it became apparent that the City had no intention whatsoever of bargaining any items for 2007 and honoring any agreement," Keenan says. "They took the position that all of the 2007 issues that we had previously identified would have to be bargained with the 2008 contract."

"This meant that the union would stay with the details of the previous contract for all of the year."

Trying to break the deadlock, the Local came up with several compromise proposals, even going as far as to limit the bargaining to two issues — concerning wages and benefits.

"We didn't waste any time. We gave them our list of items on February 9, 2007," says Keenan. "But so far we have received no response from any of our written or verbal proposals."

Council 2 now is waiting for a date to be set for the Unfair Labor Practice hearing.


In addition, Council 2 notified the City that it no longer is in favor of interest-based bargaining. "Obviously, they are not following the procedures," Keenan says.

In the meantime, the City and the union have agreed to continue to meet and try to resolve the issue at the bargaining table.


They know it is unlikely to be easy, says Keenan. And the Yakima labor negotiator is back at the table.

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COUNTY AND CITY EMPLOYEE
 Official publication of the Washington State Council of County and City Employees



AFSCME, AFL-CIO
Published quarterly



President/Executive Director.....Chris Dugovich
 Address.....P.O. Box 750, Everett, WA 98206-0750

All dressed up for a good cause



Henk Schols, president of Local 3845 in Bothell, is seen here at the Bothell July Fourth Parade as P.W. Paws, the Public Works mascot. He got in a plug for AFSCME along the way, too. During the parade, local union members handed out 500 bottles of ice cold water with the message: "Local 3845 Bothell Public Employees: Over 100 Proud Professionals Providing Exceptional Service to Bothell Citizens."



LEFT

Posing in front of the Local 3845 float are (from left): Dave Boyd, Debbie Blessington, her son, Wyatt Blessington, Nicole Smith and Jessica Smith, daughters of Jeff Smith (top right), Debbie Schols and Anna Schols (wife of Henk Schols, a.k.a. P.W. Paws).

Hospital violated agreement, arbitrator rules

Management of Prosser Memorial Hospital violated a section of the collective bargaining agreement with union employees, an arbitrator has found.

The arbitrator, George Lehleitner, found the Eastern Washington hospital had failed to pay time-and-a-half to bargaining unit employees when they returned from call back duty less than eight hours before the beginning of their next shift.

He ordered the hospital to abide by the terms of the labor agreement and to pay the time-and-a-half premium. He also ordered Prosser to reimburse bargaining unit employees and make them whole for all compensation lost as a result of the improper application of the relevant section of the agreement.

WSCCE Council 2 Local 874-H represents a general unit of full and regular part-time employees of the hospital, excluding nurses, licensed practical nurses and designated professional and managerial employees.

The dispute between the union and management involved interpretation of a section in the agreement. The section related to the payment of time-and-a-half pay when there were fewer than eight hours between scheduled shifts. The union contended that the eight-hour minimum applied only to the eight hours immediately before the next shift. Management, however, said that the hospital was not required to pay the time-and-a-half premium as long as employees received at least eight hours of rest between regularly scheduled shifts.

The parties agreed to mediate, during which time the hospital continued to pay the time-and-a-half premium in accordance with the union's interpretation of the section. When mediation proved unsuccessful, the hospital stopped paying the premium and the union filed a grievance.

WSCCE Council 2 argued that management had applied the section consistently in terms of the union's interpretation for more than a year until July 2006, when management sought to unilaterally impose a different interpretation. For that reason, it qualified as an established past practice. In addition, logic supported the union's position and the language in the agreement was clear.

WSCCE Council 2 contended that the hospital wanted to take away a negotiated benefit provided for in the labor agreement because it believed it was too costly. The hospital should not be allowed to go back on its word and secure through arbitration what it failed to achieve at the bargaining table, the union said.

The hospital argued that its interpretation of the language of the agreement was the correct one.

In finding that the hospital violated the labor agreement, Lehleitner said in his view "one need look no further than the relevant contract language to decide this case." He said the language in the section "either read literally or in context is clearly consistent with the union's interpretation."

"It may be true that management representatives at the bargaining had a different understanding than their union counterparts," Lehleitner added. "However, I find it surprising that management, which, after all, controls payroll and scheduling, did not realize employees were being compensated in accordance with the union's interpretation for the better part of a year."

General Counsel Audrey Eide represented Council 2 in the hearing.