

Newsletter from the EA Board

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BAAQMD EMPLOYEES' ASSOCIATION

Message from the President

Dear Members,

It's hard to believe that it has already been one year since this current board was elected. Time has flown by! We have faced a lot of challenges over the last year, such as the building move, the classification study and three outstanding grievances. In addition, we will be opening up contract negotiations soon.

I'd like to thank the members that participated in our last General Membership meeting. We tried some new things at the meeting by webcasting for field staff and used part the time for breakout secession. We value our membership's opinion and will be considering your feedback as we enter negotiations.

Our classification study for Inspectors, Engineers and Administrative Analysts is finishing up and after a in collaboration with the District, we have implemented the recommendations of the Koff study in regards to the of the reclassification of several Admin Analysts. Most of the Admin Analysts have been reclassified into the newly created Staff Specialist classification. Not only does this create a career path for several of our members, but it also includes a pay increase. A

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Lastly I would like to encourage everyone to attend the Open House on Thursday, October 27 from 6-9 pm at the Bay Area Metro Center. The EA is providing drinks for this event and appetizers will also be served. Please come and join your fellow employees at this unique event as we celebrate our occupancy in the new building.

As always, I would like to say that our union is only as strong as it's members. We are here to serve you, but for us to do that, we need you communicate your questions and concerns.



Thank you stay strong,
— Chris Coelho, EA President
eapresident2015@gmail.com

Summer Picnic 2016

Thanks to everyone who made it to the annual picnic in Pleasant Hill. It was a wonderful time with friends and family and the Social Committee did a great job hosting another successful picnic. You can view more photos on our website.



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In addition, we would like to thank those of you that carpooled, biked, took public transit or walked to this event. Thank you for reducing your carbon footprint on a Spare the Air day.

Questions from membership survey

We'd like to thank the members that responded to the online survey conducted in August. We are using this information to improve our operations. In addition, we hope to address issues and concerns in upcoming Voice articles or informational/brown bag sessions. In general, we found that people would like to know more about the Meet & Confer team, the Grievance Committee and grievance process and the Finance Committee. Information about the Meet and Confer team is listed below. We plan to hold a brown bag session to discuss more about grievances on November 10. The Finance Committee will be addressed in our next newsletter. We also learned that members are generally aware of the actions of the Social Committee, EA Voice, and Nominating Committee, so we will not be going into further discussion about those committees.

EA Brown Bag Sessions

The EA Grievance Committee will be hosting a brown bag session on Thursday November 10 from noon to 1 pm in the 1st floor, Yurba Buena room. We will be discussing the grievance process, what constitutes a grievance, and what the EA's role and limitations are when it comes to grievance activities. We will also discuss timelines and funding. Please join us. Please contact Derek or Chris with any questions.

EA Board Meetings

The EA Board meets on the second Wednesday of the month in the Bay Area

be November 9 at 11:45 am..

Meet & Confer Committee

A Primer On The EA Meet & Confer Team And The Bargaining Collective Bargaining Process

What is meet and confer? It is a commonly used term among union members. This article will try to succinctly describe the bargaining process and how the EA meet and confer team operates. The bargaining process is an ongoing process. It is a year-round process. It doesn't occur only during contract negotiations. For instance, the EA recently completed negotiations for new job classification called "Staff Specialist" to resolve a grievance relating to Air Quality Specialists working out of class, as well as several Administrative Analysts in the same department also clearly working out of class. The negotiation of the new Staff Specialist classification resulted in the resolution of the grievance by properly classifying bargaining unit members performing specific types of duties. The newly negotiated class spec also provides staff who were in ostensibly in dead-end positions more upward mobility.

The Employees' Association (EA) is continuously engaged in collective bargaining with Air District representatives regarding one thing or another. Bargaining of certain items requires that both sides negotiate in good faith. This process is subject to "meet and confer" standards -- the mutual obligation for both the EA and the Air District to negotiate face-to-face promptly upon request by either party for a reasonable period of time in order to exchange freely information, opinions, and proposals, and, to endeavor to reach an agreement. On the other hand, the bargaining of other items is less prescriptive, less formal and with no obligation to reach agreement. This process is sometimes referred to as "meet and consult".

The EA's meet and confer team is comprised of bargaining unit members who volunteer their time. The EA's Constitution and By-Laws require that the meet and confer team include one bargaining unit member from each major employment classification. However, this isn't always possible because, at any given point in time, not every classification has someone willing to volunteer to participate on the team. Thus, the team is sometimes comprised of multiple negotiators from one bargaining unit class and none from another class. For

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Most union employees are aware that every couple of years the EA goes through a 4 to 6 month process to negotiate a new collective bargaining agreement, otherwise known as the Memorandum of Understanding (MOU). The big-ticket items on everyone's mind during such negotiations include cost of living and medical benefits. What some EA members don't realize is that, multiple items, usually items subject to the MOU, are negotiated at any given point in time throughout the year. Modifications to the MOU culminate in a side letter upon final approval. During non-contract negotiations, neither side can demand the other to negotiate MOU items. Nevertheless, from time-to-time, situations arise during the middle of the contract that make it beneficial for both sides to amend an MOU provision. That is the case with the creation of the Staff Specialist position. Side letters to the MOU require agreement from both EA membership and the Air District's Board of Directors.

There are four subjects the EA can insist on bargaining either during contract negotiations or mid-contract if problems, i.e. grievances, should arise during the middle of the collective bargaining agreement. They include:

- 1) Terms and conditions of employment;
- 2) hours and wages;
- 3) the elements of each job; and
- 4) safety issues.

These bargainable items are commonly known as "matters within the scope" as defined by a California Government Code adopted in the late 1960's called the Meyers-Miliias-Brown Act (MMBA). This statute was established to promote full communication between public employers and their employees by providing a reasonable method of resolving disputes between public employers and public employee organizations. MMBA strengthens employer-employee relations through the establishment of uniform and orderly methods of communication between employees and the public agencies by which they are employed.

So what are the responsibilities of the EA's meet and confer members? Typically, there are eight or more team members with varying degrees of experience with public sector labor relations and/or collective bargaining experience. The most experienced member on the current team has over 20 years of experience with both collective bargaining and labor relations. Team members, some of whom are EA Board Officers, have the following responsibilities:

what the important issues for bargaining unit employees they specifically represent within their own job classifications, to keep communications open with their constituents.

2. Take on assignments relating to specific bargaining subject matters. For instance, when the MOU is negotiated, different individuals on the team will be assigned different provisions within the contract such as medical benefits, the grievance procedure, the hiring procedure and so on.

3. Research topics such as wages and other compensation provided to employees in similar job specifications at other public agencies, research relevant case law such as recent ruling by the California PERB Agency, the state entity that enforces MMBA requirements.

4. Meet and confer team members must also know how to negotiate elements of a collective bargaining agreement. The Air District uses a very experienced consultant as their primary and virtually their sole negotiator. The EA uses a team captain to do most of the speaking at the table while other members will more than enough experience will chime in as necessary.

Part of EA meet and confer team's responsibility is to know when choose their battles. An interesting aspect to the collective bargaining process within our agency is that after each successor to an MOU is ratified, the EA is generally satisfied with the collective bargaining agreement for the duration of the contract. It is the Air District that typically approaches the EA from time-to-time to address an aspect of the mutually agreed-upon MOU that provides them heartburn. While the EA is under no obligation to entertain mid-contract modifications to the MOU, we usually find a way to help management resolve situations so they may conduct business with a minimum of interruption.

The team reports to the EA Board of Directors. It provides the EA Board with background information on all items subject to bargaining and provides options to the Board. At times, the EA's attorney is consulted on more complicated and/or subtle bargaining issues.

Currently, the meet and confer team is gearing up for negotiations for a new collective bargaining agreement which should commence in a month or two

Indoor Air Quality Test Results

A copy of the indoor air quality test results conducted on May 25-27 and July 9-10 have been uploaded to the EA Website [here](#).

A summary from the report is listed below: .

"Air quality testing results for carbon monoxide, ozone, PM10 dusts, PM2.5 dusts, volatile organic compounds (VOCs), formaldehyde (HCHO) and caprolactam are summarized below.

1. Carbon monoxide, a toxic, odorless byproduct of fuel combustion, was less than detection limits (1ppm), indicating no indoor sources of this contaminant during the inspection.
2. Ozone levels were less than detection limits, indicating no indoor sources of this contaminant during the inspection and were below the guideline of 0.075 ppm.
3. All airborne PM10 dust levels were below the guideline of 50 ug/m3
4. All airborne PM2.5 dust levels were below the guideline of 15 ug/m3
5. Volatile organic compounds (TVOCs) results were less than the guideline of 500 ug/m3
6. All Formaldehyde results were below the CARB 8-hour Recommended Exposure Limit (REL) of 27 ppb and OEHHA guideline of 14 ppb.
7. All Caprolactam results were below the OEHHA 8-hour Recommended Exposure Limit (REL) of 1.4 ppb."

Looking for Help.

I know we have some very smart members out there and I'm looking for someone familiar Mailchimp. If you are able to help, please contact me at eapresident2015@gmail.com.

Better know your MOU

SECTION 16.02 CONTRACTING OUT

The District shall not contract out or remove from the bargaining unit any

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through the District's normal selection process could perform adequately, competently and in timely manner, except as follows:

A. Concurrent with recruitment for one or more bargaining unit vacancies, the District may contract out for services normally performed by bargaining unit employees provided no more than 1,000 hours is contracted out per vacancy.

B. In emergency situations contracting out for services normally performed by bargaining unit employees shall be permitted, providing no more than 1,000 hours is contracted out per contract employee.

C. Contracting out of new functions not previously undertaken or covered by existing employees shall be permitted provided it is determined that the services cannot be adequately performed by bargaining unit employees.

D. Non-bargaining unit employees (Temporary workers) employed by the District for the purpose of filling a bargaining unit position while a bargaining unit employee is on approved leave (i.e., not those instances where the temporary worker is filling a vacant position) need not be terminated for the duration of the approved leave.



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