

Glendale

City Employees Association

October 2018 News

Politics is NOT a four-letter word

It takes five letters to spell power and clout and one more to spell respect and access. Power, clout, respect and access are what public sector workers want more of these days as their contribution to a healthy, productive society is often undervalued. Many public employees stay clear of an eight-letter word – POLITICS – as a pathway to gaining power, clout, respect and access. Doing so takes away a powerful tool to gain more respect on the job, and more power to get a better MOU during contract bargaining.

We hear the word politics associated with so many negative contexts these days, we can lose sight of what it means. It derives from the Greek word – *Politika* – meaning “affairs of the cities.” It is about how a community governs itself. Part of this includes how leaders are elected. Another part includes how the community organizes and manages the services that are needed to support that community.

So, as an Association, how can you get involved in “the affairs of the city,” or the affairs of your Agency? What should you do? Is it legal to communicate with members of your governing body? Can you – or should you – get involved with elections? Can you take positions on local ballot measures? Can you meet, personally, with elected officials or candidates? Can you make campaign contributions during elections or support candidates in other ways?

The answer is YES, and here are some ideas on how to go about it.

First, don’t think of politics as just about elections. It’s about the “affairs of the City,” which are year-round. It’s about building relationships to enable your Association to engage in your Agency’s affairs. It is an ongoing process not limited to election cycles.

This means building relationships with members of your governing board (elections are a big part of that too, but more on that later). Top Management may try to discourage your Association from building independent relationships with your elected officials but remember that your freedom to do so is clearly a constitutional right. You and your Association can and should consider engaging with your elected officials, to advocate your positions, and educate them about your experiences serving the public. Even if you decide not to offer any financial support, building an independent relationship with your governing body is a basic civic responsibility and a smart choice for your Association.

You can meet with members of the governing board, but you shouldn't do this while on-duty. You should meet with them in private, with only one or two officials at a time. Meeting with a larger number (e.g. a majority of the governing body) could violate the Brown Act (California's open government law). Elected officials want to avoid this, so help make it easy for them to accept your invitation. You may invite all of them to social events, though, like a retirement party, for example.

When you meet with your elected officials, make sure they know that you're acting as a representative of your Association, not simply as an employee, and not "just as a citizen." Don't ask Management for permission to meet with them. It's none of their business.

If you give information to elected officials, make sure it is correct. Be prepared to back up your position with supporting figures and documents that have been "fact-checked" for accuracy. Especially if they're a relatively new elected official, don't assume they know much history of your Association, or of your prior collective bargaining with the Agency. Don't assume they know about all the sacrifices you've made for your Agency to help it through tough times. If you had major cuts a few years back, educate them on the impact that these cuts had on services and on your members lives.

If you are meeting with elected officials to talk about a serious problem, be sure to bring your solutions. If you raise a problem, but don't pose a constructive solution, the elected officials are likely to take the problem to Management or the Agency's legal staff (and there's a good possibility that you won't like either of their solutions).

In private meetings with public officials, avoid the "we supported you in the last election and we expect something in return" approach. You must convince politicians to see things your way based on the strength of your argument and presentation of the facts. It is about advocacy. Being engaged politically provides you with the access to make your arguments – nothing more. Of course, if the elected officials have made

commitments to your Association in the past, like stopping contracting out of services, don't be afraid to remind them of those prior commitments.

Learn what kind of local service or community work an elected official supports. For example, if assisting youth or preventing homelessness is a favorite issue of an elected official, your Association participating in a local fundraising effort for those causes can go a long way in helping to build a relationship.

Get to know your elected officials' staffs, especially their administrative assistants. They can provide helpful information about what their boss's interests are, what motivates them, and why they got into politics in the first place. Anticipate what their future interests may be (many have grander ambitions). When their interests are aligned with your Association's, don't be hesitant to reach out and support them.

Find out who in your Association already has a relationship with a member of the governing board. You can quickly change any negative stereotype the official may have about your Association if members are connected to your elected officials by family, faith or community activities.

Maintain the relationship year-round. Don't make the relationship with elected officials one where you only show up when you want something. Invite them to your annual picnic or Holiday Party. Ask them to address your members at a membership meeting. And don't wait until you are in the middle of MOU negotiations.

Second, remember that elections are a big part of politics. Your Association can play a role, including impacting a campaign in a lot of different ways, not just financially.

For starters, you might consider interviewing potential candidates for office. It's never too early to begin building a relationship with your future boss. This can be a separate event or part of your regular Association meeting. Have the same three to five questions for each candidate. Contact professional staff for help with crafting questions.

Don't be afraid to ask anti-union candidates to attend. This is your chance to open the door for future access and tell them about your issues and see if they support you. You may find common ground. Educate them about who you are and what you do for the Agency. Remember that although they might not accept your invitation, or your public support, most will appreciate the outreach and thoughtfulness of your invite.

Consider making a financial contribution. Even a modest contribution can go a long way. A political donation is not as complicated for your Association as you might think.

Consider endorsing a candidate. If you do, offer to help coordinate voter outreach with your endorsed candidate. Even a handful of Association members dropping leaflets, making phone calls, or precinct walking to talk to registered voters is greatly appreciated. Going to the candidate's house on a Saturday to make phone calls gives you an opportunity to "bond" all day long. Your goal is to have them remember you a year later, when you might desperately need their support.

Remember, a small amount of activity can go a long way. Make a list of members who live in your Agency's geographic district. Let the candidate know you are contacting each one. Have these members put up lawn signs to show support. It is amazing how few people vote in local elections. A couple of dozen votes can often make the difference.

Don't forget about ballot measures. Even if your Association decides to mostly stay out of local politics, the time may come when your Association wants or needs to take a strong position on a local issue. During the recession, advocacy groups made overt attempts to attack public employees' pay and benefits through local ballot measures, for example, to replace defined benefit pensions with defined contribution retirement accounts, which place all the risk of underfunding on the worker. If this occurs, you will want to mobilize and fight back against these attacks on your livelihood.

There may also be ballot measures you want to support. In recent years, for example, we've seen ballot measures to increase taxes or rates – *e.g.* local sales taxes, utility taxes, or utility rates. If approved, they can provide greater revenue and financial stability for your Agency, and in some cases, even result in long overdue wage increases. You and your Association can make the difference in whether these measures become law.

Third, if your Association decides to support a campaign financially, remember to follow some basic Do's and Don'ts.

DO follow any campaign finance reporting rules. This includes the State of California's Fair Political Practices Commission (FPPC), which regulates state and local campaign contributions. The law and FPPC rules make it easy for an Association to make small campaign contributions, even from the Association's general fund. Contact professional staff for assistance.

DO comply with your Association's bylaws and governing documents. This may include a vote by the general membership, if that is required. Be clear in your meeting announcement that this is on the agenda. Inform members if you will be using general fund money, Political Action Committee funds, or if you're requesting voluntary contributions. Remind members why it's important for everyone to have a voice in

these decisions. Consider calling a special membership meeting to allow all members to have a voice before deciding to endorse a candidate or to financially support a campaign.

DO be strategic! If a challenger to an incumbent can't realistically win the election, don't further alienate the incumbent. You don't want the elected official to remember your Association as an obstacle they had to overcome during the election season. You might also want to give to two candidates in the same race to avoid any bad feelings if the one you initially weren't going to support ends up winning, especially in a close race.

DO consider giving donations after the election is over. Helping to retire a successful candidate's campaign debt can be a great way to start building a relationship.

DO think about how your organization will make the contribution. Having the candidate come to a membership meeting, or coffee with the Executive Board, to further discuss his/her reasons for running, followed by then physically handing the check to them, is usually better than mailing it. Remember, it's about building relationships.

DON'T assume you have to give lots of money. Give a reasonable amount. Don't overdo it. Give enough to have an impact, like \$100 to \$500 in a local race. Remember that candidates do have to file reports and your contribution will be public record.

DON'T assume you need to form a Political Action Committee. It's not always necessary. Do you plan to give less than \$10,000 per year? Will you collect less than \$2,000 in contributions annually from your members specifically for political donations? Do your financial accounts earn less than \$100 in investment income per year? If yes, forming a PAC simply to make an occasional small contribution might be more hassle than using money from your general fund. Contact professional staff with any questions about the rules and be sure the membership supports any contributions *before* you make them.

DON'T forget to check to see if there is a local ordinance in your jurisdiction that limits how much you can contribute to local candidates or that has some reporting rules beyond what is required under the FPPC. If there are such rules, be sure to comply.

DON'T forget about the IRS. Most labor organizations are 501(c)(5) tax-exempt entities under the Internal Revenue Code. But if you use your general fund to make contributions, it's possible you may owe a little tax. If your Association has over \$100 in investment income – e.g. interest from a CD or money market account – you will incur a

21% tax on the lesser of the investment income or candidate-related political expenditures and contributions during the tax year. If a tax is required, your Association must complete and file an IRS Form (1120 POL) no later than the 15th day of the fourth month after the end of the tax year. Contact your professional staff if you have any questions.

DON'T forget there are many ways to help financially. Individual members may contribute directly to a campaign. You can also request separate voluntary contributions from your members. You can hold a fundraiser and use the proceeds as a contribution.

News Release - CPI Increases!

Each month the U.S. Department of Labor, Bureau of Labor Statistics publishes monthly consumer price index (“CPI”) figures. The data looks back over a rolling 12-month period at how much goods and services have increased from a year ago. These numbers are important! They’re a rough measure of inflation, and elected officials and agency management may look to these numbers in determining “Cost of Living” raises. Here are the figures you need to know:

- 2.7% - CPI for All Urban Consumers (CPI-U) Nationally
- 3.6% - CPI-U for the West Region
- 3.9% - CPI-U for the Los Angeles Area
- 4.3% - CPI-U for San Francisco Bay Area
- 2.8% - CPI-U for San Diego Area (6 months through December 2017)

Retired Public Employees Association News

Over this last year, RPEA has been meticulously following the progress of multiple bills that could affect the well-being of retirees and active employees. With the close of the legislative year, we have a better idea of where these bills stand. Here are two key bills:

- ❖ **AB 315 (Wood)** – This bill would require a pharmacy to inform a customer at the point of sale for a covered prescription drug whether the retail price is lower than the



applicable cost-sharing amount for the prescription drug, unless the pharmacy automatically charges the customer the lower price.

RPEA wrote a formal letter to Assembly member Wood indicating our support for this bill. Many of our members rely on medications to deal with a host of medical conditions. It is important that pharmacy benefit managers have the requisite knowledge and education to do their jobs. AB 315 will do just that.

It has officially passed both houses and has been placed on the Governor's desk awaiting his decision.

- ❖ **AB 1912 (Rodriguez)** – This bill would specify that the parties to the Joint Powers Agreement (JPA) may not specify otherwise with respect to retirement liabilities of the agency if the agency contracts with a public retirement system and would eliminate an authorization for a party to a joint powers agreement to separately contract or assume responsibilities for specific debts, liabilities, or obligations of the agency.

This is a very important bill. Our lobbyists at Aaron Read & Associates fought tirelessly by lobbying for it and sending multiple letters. AB 1912 would provide retirement security to a JPA's employees and retirees if the JPA contracts with CalPERS or any other public pension system for retirement benefits. In light of what occurred last year for more than 200 employees of a JPA, it is vital for this bill to be signed in order to provide pension security.

It has also passed through both houses and, as of the end of August, is in the process of being placed before the Governor.

September 30th is the last day for Governor Jerry Brown to sign or veto bills passed by the Legislature. Any bills signed will take effect on January 1, 2019. Even though the legislative year has come to an end, RPEA will continue its resolve to fight for the security of retirees and active employees in California. We look forward, in the coming year, to finding new ways to ensure that this comes to pass.

Since the beginning, RPEA has been actively involved in enhancing the lives of retirees. We are the only statewide association representing all PERS retirees. RPEA works tirelessly to safeguard and promote the retiree benefits of California's public employees. For more information regarding retiree pensions and health benefits or to learn more about the Retired Public Employees' Association of California, check out our website www.rpea.com.

Questions & Answers about Your Job

Each month we receive dozens of questions about your rights on the job. The following are some GENERAL answers. If you have a specific problem, talk to your professional staff.

Question: What can we do about a bad manager? Our Director rules with an Iron Fist. It's destroying morale in the Department. Colleagues who work for other Directors in other Departments don't work under the same oppressive conditions as we do. A lot of us are looking to transfer or to get a similar job with another agency. The sad part is, this really is a wonderful place to work, except for the bad manager. It seems HR and top officials turn a blind eye to our Director's approach. This indifference only makes the situation worse.

Answer: If the "Iron Fist" behavior results in raised voices, slammed fists, foul language, personal attacks, or continual unwarranted criticism, then you may be able to file a work harassment claim. The key to such a claim is to provide specific evidence of the offending behavior. Document every incident that occurs, including the time, date, place, and witnesses. In most cases, if your complaint provides credible details, the employer will investigate. Once an investigation is conducted, you should notice a change in the behavior of your manager and the harassment should cease. If it does not, continue documenting the behavior. Another grievance can be filed with the assistance of professional staff, with the goal of taking the grievance further up the chain until a blind eye is no longer turned.

Question: What are the rules about vacation scheduling? Is it Seniority? First come-first served? A bidding system? We're told by higher-ups within the Department that we're too short staffed and no one should even think about requesting a vacation during our busy season. I'd like to request vacation during this time, for personal reasons, but I'm worried about pushback and getting rejected. We're also told we can't submit requests "early," and folks who have, are still waiting for a response several weeks after submitting it. Can they do this?

Answer: When vacation can be taken and how much notice must be given is subject to bargaining. How vacation is requested and approved is often subject to the practice in the Department. If employees have always been able to use vacation on short notice and it has been given on a first-come-first served basis, a change to this practice would be a "change in terms and conditions" and your Association may challenge this change. It is legal for an employer to block off certain days or times of the year when no one may take vacation if this has been negotiated with the union. But denying requests for time off to such an extent that you are unable to take time off at all or are continually hitting your accrual cap is grounds for a grievance.

Question: Great article on medical last month! I was wondering, what's the typical employer contribution to the medical plan? Our contribution is set at \$900 per month for all new hires. If you're on a family plan for Kaiser, the agency is only contributing a little over 50% of the total premium. Employees are having to pay more than \$8,500 per year out of pocket, and that's just for the premium. It's even more for people on the PPOs. I'd be interested to know what the average is across the board especially for agencies that are in CalPERS medical.

Answer: CalPERS does not provide average employee or employer contribution data. The amount an employee must pay may be based on the individual's need, for example whether the employee is covering any dependents. The subject is negotiable. Most employers tend to pay between \$1,000 to \$1,100 per month. However, the amount employers pay toward premiums varies widely from 50% on the low side to 100% employer paid on the most generous side.

Question: In my office, there are those who max out their sick-leave (SL) every year due to actual sickness, staying at home with sick children or relatives or scheduling midday or all-day doctor appointments. Everyone knows that coworker who seems to be sick on Mondays, Fridays, and around a 3-day weekend. But there are also

those who are rarely sick, have no one at home who requires their care, and who schedule their medical appointment early in the day or late in the afternoon to minimize time away from work. Could we have a policy where those who have accrued over a certain number of SL hours, say like 100 hours, have the option of converting a portion of it, say 25%, to vacation time? This rewards those who use SL responsibly for the purposes intended but also doesn't tempt people to come in if they really are sick. Is the "convert-unused-SL-to-vacation-time" scenario allowed? Is there a California labor law that prohibits this? If it's allowed, do agencies have this kind of policy in place? If so, how is it structured?

Answer: There's nothing in the law that either prohibits converting unused sick leave to vacation time or requires it. Sick leave benefits should be structured so that an employee has at least 3 days, or 24 hours, available for use every year after any conversion or cash-out. Note too, that the recent state sick leave law does not require that unused sick leave be cashed out or converted to vacation annually or upon separation.

But this kind of conversion can be negotiated. It is not uncommon to find various sick leave incentives or sick leave payouts in MOUs or even as separate stand-alone policies. Some agencies allow unused sick leave to be cashed out

at 50% value upon separation. Other agencies have policies that reward employees who don't use sick leave by allowing cash-out of a set amount of sick leave annually. If you're in CalPERS, there's a sick leave conversion benefit that allows you to convert unused sick leave at retirement to service credit. Check with your Agency to see if they have these benefits. In one city, an employee can cash out between 1 to 48 hours of sick leave at a rate of 50% value for the hour. These are all creative ways to reward those who don't use sick leave. All these ideas and more can be explored at the bargaining table during MOU negotiations. But check to see what your Agency offers before making a proposal.

Question: Our Department Manager just hired someone without posting it on our Intranet. I wanted the opportunity to promote, and so did my colleagues. The person is a new-hire, we don't even know who this person is, but it doesn't seem like they're qualified. All of us were bypassed. We've put in our time and are the most competitive for the job. But the Manager just does whatever she wants. The process is so secretive. The position didn't even exist, our Manager

just created it for this person. How many other people will be hired before it gets posted? How does HR get away with allowing Managers to hire people without posting jobs, or worse, creating jobs for people?

Answer: Employers should fill jobs based on merit which means the best person for the position based on an objective testing procedure. Most agencies have detailed rules explaining how positions should be filled, many times using eligibility lists. In general, this means that job applicants for both entry level positions and promotional positions must take a written exam and be interviewed. Since it sounds like the employer's rules may not have been followed, the Association or an individual employee may file a grievance for violations of these rules. Further, it is not legal for Management to create a position in the unit without bargaining with the Association over the duties, qualifications and compensation. HR cannot get away with this if the Association takes a stand.