



County Employees Management Association

CEMA members at County Library seek passage of tax measure

By Tom Starkey

CEMA represents 37 employees at the Santa Clara County Library. This Library system serves the unincorporated area of Santa Clara County, the cities of Gilroy, Morgan Hill, Milpitas, Monte Sereno, Cupertino, Los Altos, Saratoga and Campbell and the Alum Rock district of the City of San Jose. The County Library is governed by



Pictured from l to r are library members; Dawn Valentine, Karen Arendariz and Teri Lehan

a joint powers authority (JPA) that is composed of two members from the Board of Supervisors as well as representatives of each of the participating cities. The County Library budget is funded by a local assessment (parcel tax) as well as contributions from the individual cities.

The local assessment is set to expire in June of this year and the County Library stands to lose \$5 million or 20 percent of its operating budget. CEMA members face significant layoffs, if the assessment is not replaced. In March of 2004 an election was conducted to replace the

current assessment. Although a majority voted to retain the assessment and fully fund the County Libraries, it failed to get the required sixty-six percent voter support

The County Library's governing board has decided to place two funding measures before the voters this spring. Measure "A" will continue the current \$33.66 yearly assessment and Measure "B"

will increase the library assessment by an additional \$12 to \$45.66 to restore library hours and services that were cut previously. Both of these measures will be considered by voters in a special election to be conducted by mail ballot. On April 8th all registered voters in the County Library service area will be mailed a ballot which they return no later than May 3, 2005.

CEMA and Operating Engineers Local 3 have been working with members at the library since early 2004 to support

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President's Message



by **Edna Esguerra**
President

The start of the year heralds the creation of numerous resolutions – some fulfilled, while some are not; some last throughout the year while some last momentarily. United States President Bush, California Governor. Schwarzenegger, Chair of the Board, Liz Kniss and Mayor Ron Gonzales have State of the Union Addresses where they outline to the people their respective agendas for the year. The agenda serves as direction or a guideline for the year.

I am going to share with you CEMA's agenda for 2005. While some will be ongoing, we hope to accomplish the majority of these by the end of the calendar year.

The up coming 2006 negotiations are foremost on the list. CEMA needs to be prepared by determining, analyzing and prioritizing membership issues. This is very crucial given the continuing cuts in the County. CEMA's communications with its members and vice versa continue as an on-going agenda. It is important and CEMA will continue to maintain and explore effective communication avenues with its members.

Similarly, CEMA will continue to effectively deal with representa-

tion issues to the best interest of members and address these in a timely manner.

Board Members, so they can successfully and intelligently serve their members, will take a course in labor relations and union training with a focus on negotiations. Board members are to tap and utilize the expertise of people in the field to advance the cause of members. The CEMA Liaison program and the Political Action Committee will become stronger. On going programs such as scholarship and membership programs will continue.

Our membership drive will be more focused, intensive and conducted on a regular basis. CEMA leadership will also maintain visibility during Local OE3 meetings to network and strengthen CEMA's newly restructured relationship with OE3. CEMA will initiate financial audits and business representative evaluations.

Issues that surface which are not on the agenda will be addressed by CEMA accordingly. For more information on the agenda items, please go to the CEMA website "www.sccema.org".

New Members and Changes in Offices for 2005-2006 Executive Board

By **Randy Johnese**
Business Representative

There are significant changes in the CEMA Executive Board as of the new year. As noted in the last issue of the CEMAGRAM, three members of last year's board did not run for reelection; **Richard Hobbs**, **Barbara Lang**, and **Greg Monteverde**. So, there are three new members on the board and some of the members of the old board are back in new offices.

The decision of First Vice-President, **Richard Hobbs**, not to run again left a vacancy in that post that was filled by Second Vice-President, **Richard Rapacchietta**, running for the First Vice-

running for the post.

This left all three of the County



Dolores Morales

Chapter Member-at-Large seats empty. These seats were filled by the new members of the board:

Carole LaBarbera, an Office Management Coordinator in Construction Operations in the Roads and Airport Department.

Dolores Morales, a Management Analyst in the Program Analysis Communications & Evaluations Unit of the Probation Department.

Marie Munley, a Program Manager II in Human Resources at the Office of the Sheriff.

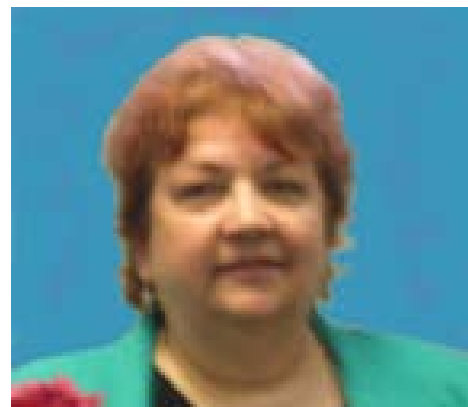
These changes will bring new energy and new perspectives to the executive board. This may prove useful as the new bylaws have just expanded the Executive Board members' term of office from one year to two years.

All members of the CEMA Executive Board, their offices and their contact information can be found on the CEMA website at:



Marie Munley

<http://www.sccema.org/Default.asp?id=executiveboard.htm>



Carole LaBarbera

President position. The Second Vice-President vacancy was filled by Member-at-Large, **Mark Hand**,

Business Representative's Report

Political Action

involvement directly affects your pocket book



by Tom Starkey

Senior Business Representative

The CEMA Business Representatives have begun a campaign to organize the membership by work location and to recruit CEMA Liaisons for each of those locations. We have begun recruiting new Liaisons and working with our existing Liaisons to make sure they know who the members and non member are in their work sites. As part of this campaign non members will be approached to join. Once we have CEMA Liaisons in all the major work locations, we will be able to increase the membership and we will have a stronger voice as we approach 2006 MOU negotiations.

We have been working on several disciplinary issues and have filed four appeals with the Personal Board in the past 6 weeks. We want to stress to members that, if you are warned or verbally counseled, please contact your CEMA Representative. We can advise you so that the discipline progression does not continue. Lately, CEMA has been asked by members for assistance after many personnel file entries have been made with out any response by the member. If you disagree with any document that is to be placed in your personnel file, you must state your disagreement in a written rebuttal. This is your right and, if a document goes into your personnel file without a rebuttal to

clarify or challenge the issues, you may not be able to challenge it when it is used as part of the justification for more severe discipline at a later date.

CEMA has finalized several job descriptions issues in Superior Court that were brought forward by members when the Court proposed new Job Descriptions for all of the CEMA classifications. We have resolved all outstanding issues with 8 of the 10 classifications we held discussions on. We still have to meet with members in Information Services to address outstanding issues with a new proposed job description for the Information System Specialist I and II.

We have also received a comprehensive proposal from the County regarding changes to Fair Labor Standards Act (FLSA) which is federal law governing minimum wages and overtime. We are in the process of carefully reviewing it. We will then hold discussion with the Executive Board and the members involved before any agreements are made with the County.



by Sheila Stevens, Political Action Committee Chair

CEMA members must actively pursue a political action program that elects candidates who genuinely understand and support middle management issues and who advocate strongly for benefits and rights important to the CEMA membership. We must also actively address ballot measures and initiatives based on our self interest. Our first challenge is upon us. We must protect the job security of our members at the Library and pass Measures A and B to continue and expand library hours and services. (See article on page 1)

CEMA has a very active Political Action Committee that meets the third Thursday of each month at the CEMA office at noon. All members are welcome to attend. The committee is currently working on an 18 month Political Action Plan that will identify special campaigns and issues on which CEMA can focus attention. Once this draft plan is finalized we will ask the CEMA membership for their input.

The Political Action Committee believes that part of the program to build political success for our membership involves working with the South Bay Labor Council, other Labor Organizations and other Community Organizations with goals similar to our own. Critical to

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A WORD FROM THE SUPERIOR COURT

MEMBER-AT- LARGE



by **Mary Mitchell**

Just a little note to let you know what the Negotiation Committee and I are doing. The Negotiation Committee met on January 18th to discuss a few things and to map out what we can do to better represent our members.

One of the items we discussed is having a CEMA liaison for each facility. The liaison should be the first person that the member can get answers to their questions. If it involves grievances, the liaison will refer the member to Tom Starkey. If any of you are interested in becoming a member, please let me know.

Some of our members have not filled out the new Membership Application and also the Designation of Beneficiary. Please try to get them done as soon as you can. If you need another form, please contact me and I will be glad to forward it to you.

If you know anyone in your facilities that are not taking advantage of the benefits that CEMA offers its members, please let me know. In this time of constant flux and large vacancies, our peers are better protected when they are members of CEMA.

Tom Starkey and I have met with Anne Jovet and Melody Miller to discuss job descriptions. We are almost done over hauling all of them. I believe we just have one more meeting to complete these enormous tasks.

The Negotiation Committee will meet with the Management this month to go over various items. I will make sure to keep you abreast of anything that might come out of the meetings that will affect the memberships.

Remember, if you have any question, please feel free to contact me by email or by phone.

The Governor Takes Aim at Public Employee Pensions

By **Randy Johnese**

Governor Arnold Schwarzenegger used his State of the State Speech to launch an attack on public employee pensions. The Governor wants to outlaw defined benefit pension plans for public employees and replace them with defined contribution plans like 401(k) plans.

The difference for public employees is significant. In a defined benefit pension such a PERS, employees earn a benefit amount at retirement based on factors such as years of service, highest annual salary and age at time of retirement. Once retired, the public employee is guaranteed that level of income regardless of the vagaries of the stock and bond markets.

A defined contribution plan, on the other hand, leaves the individual public employee responsible for investment decisions regarding his/her retirement funds. It puts all public employees at the mercy of the stock and bond markets. Most significantly, a switch to a defined contribution plan removes public employers from the requirement to guarantee public employee retirement payments.

Governor Schwarzenegger's stated reason for taking on public employee pensions is the cost. He points out that the cost to the State for its share of retirement costs increased

Use of Deferred Comp to Buy 'Air Time' OK'd

By **Randy Johnese**
Business Representative

Several members have contacted CEMA because they were unable to use funds from their deferred compensation savings to purchase additional years of retirement service credit ('air time'). The problem was not with the Public Employees

Retirement System (PERS) but with County of Santa Clara Deferred Compensation Committee. The Deferred Compensation Committee would not allow the use of deferred comp funds because they

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CEMA Scholarships

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By Dolores Morales
CEMA Scholarship Committee
Chair

This year the County Employees Management Association is offering up to six college scholarships of \$1,000 each to qualifying students. The seventh scholarship is offered in memory of Keith Garvey, who passed away while serving our Association as President. Keith left a legacy of leadership in public service labor issues, so the Keith Garvey Memorial Scholarship will be offered only to students who have worked or intend to work in public service.

Children or dependents of dues paying members who are high school seniors graduating this year or who are continuing col-

lege may apply for scholarships. Interested parents or students may pick up application forms from the CEMA office located at 1654 The Alameda, Suite 110, in San Jose.

The application and all supporting information must be returned to the CEMA office no later than 5 P.M., Friday, March 31, 2005.

If your child is not applying for a scholarship this year and you are interested in serving on the Scholarship Committee, we most welcome your participation. Please contact Dolores Morales at (408) 468-1642 for more information.

CEMA's political action plan will be working closely with the OE3 District 90 political action committee. Now that the CEMA members are counted as members within Operating Engineers' Local 3, District 90, we can ask them to assist us in achieving our political goals.

CEMA has always pursued a political agenda to further our members' interests but our political action efforts stepped up a notch in 1999. From 1999 through 2002, when the late Keith Garvey chaired the committee, we were able to get strong support from Board of Supervisor members for significant retirement improvements which we saw in 2002 and 2004. Our successes during that period were mainly due to working in coalition with other Labor Organizations. Keith's respected leadership and influence within the Labor Community and Democratic Party was invaluable in pushing our agenda. CEMA now has the challenge of continuing to build that respect and power through continued political involvement and relationship building. In the future CEMA will be inviting members to assist with precinct walking, phone banking and fundraising. When political candidates see that CEMA really can affect their chances of winning, we can begin to rely on them to support our agenda. This is especially true of members of the Board of Supervisors who can direct their labor negotiators to address our needs at the negotiations table.

Library

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them and ensure we do everything possible to protect their jobs. We are also working closely with SEIU Local 715, who like CEMA stands to lose many members if these two measures do not pass.

The Executive Board of CEMA has endorsed both Measures "A" and "B" and donated \$2500 for the campaign. CEMA will also be approaching Local 3 for support and assistance

to the campaign. CEMA will be asking members to get involved by phone banking to identify supporters of the library measures. Recent polling information indicates that both measures can win if a good grass roots effort is executed.

CEMA / OE3 urges members who live in the library service area to come forward and help CEMA / OE3 pass Measures "A" and "B". Save our members jobs and keep our libraries strong.

Professional Development Committee

Deferred Comp Continued from page 5



By Mark Hand
Professional Development
Committee Chair

At our January meeting the Professional Development Committee discussed the pending exhaustion of Professional Development funds for CEMA Members prior to the end of this fiscal year. The Membership has used all but approximately \$700 of the funds allocated for tuition reimbursement and individual professional development.

The committee sent a recommendation to the CEMA Executive Board asking for approval to move \$7500 of the remaining group activity funds (luncheons) into the professional development fund for individual use. The committee felt

the money would be better used by members with educational needs.

The E-Board approved the movement of funds on Jan 24. While we are foregoing the Luncheon for the April/May time frame, we are committed to continued PD Luncheons. When the fiscal year starts, we will have renewed funding, and will be scheduling a late summer luncheon. If you have any suggestions for places to hold the luncheons, or speakers, the committee would love to hear from you. You can contact us through the CEMA website.

were concerned about potential tax liability.

A CEMA Representative attended the Deferred Compensation Committee's meeting on January 20th to represent our members' wish to use their deferred comp funds to purchase the additional service credits. It was explained at that meeting that PERS was seeking an IRS ruling on the matter but that it had not been received. The committee was concerned about liability for deferred comp members and for the fund itself.

Finally, the committee decided to recommend to the Board of Supervisors that members be allowed to use Deferred Comp funds to buy 'Airtime' but only if they sign a waiver stating that they know that they may have a tax liability if the IRS rules against the usage. Members would also have to agree to hold the fund harmless.

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from \$160 million in 2000 to \$2.6 billion in 2005. What the governor does not say is that the cost for state pensions is less today than it was twenty five years ago.

The reason that the cost to the state and to all public employers has gone up recently is, of course, the recent poor performance in both the stock and the bond market. Had public employees been on defined benefit plans during the same period, many if not most of them

would have seen their retirement funds seriously eroded if not totally depleted. A short term decline in the market can devastate individual investors where a large diversified plan like CAL-PERS is better able to cope.

The State and other public employers who have reaped the long term benefits of a robust stock market should be prepared to absorb the shock of it's short term lapses. They are better able to than the individual public employee.

The governor is backed by contribution from stock and bond brokers and investment companies who would love to start handling public employee retirement accounts. With that backing Governor Schwarzenegger is vowing to take this issue to a vote through the initiative process...and he is vowing to spend taxpayers funds to have a special election on the issue this fall. We, as public employee's, must be prepared to stand up to the governor this time!



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February 2005

CEMA Legal Services

**By Randy Johnese
Business Representative**

One of the most common calls received at the CEMA office is from a member asking to speak with an attorney. Our response depends on what the need for an attorney is.

If the matter relates to a representational issue such as enforcement of the CEMA Contract or a disciplinary matter, CEMA must first exhaust its administrative remedies. That is we must either file a grievance or proceed to a 'Skelly'

hearing depending on the issue. Then we can submit the issue to the law firm retained by Local 3 to advise us as to whether the matter has legal merit or is winnable. If they determine that it has merit, the law firm will take the necessary steps to pursue the issue. Even if the law firm determines that the issue does not have a good chance of winning, the CEMA Executive Board may direct the law firm to proceed any way. The Cost of this representation is covered by CEMA and OE 3.

If the matter has to do with discrimination or workers' compensation, we will refer members to a law firm that has agreed to give OE 3 members priority service. The cost of this service is covered by law and comes out of any legal settlement.

Finally, if the matter is unrelated to work, CEMA can refer members to attorneys in the Union Privilege Program. These attorneys have agreed to give union members a free consultation and to handle legal matters for discount fees.