



CEMAGRAM

county & court

County Employees Management Association



There is a hidden agenda behind Proposition 75. The authors want you to think they sponsored this ballot measure because they care about union members. They want you to believe that they, Governor Schwarzenegger's closest corporate backers, are motivated by a desire to protect union members. They hope you won't find out about the hidden agenda behind Prop 75.

The real agenda behind Proposition 75 is to silence the voice of public employee unions and take us out of the political process. Governor Schwarzenegger, who is controlled by corporate interests, wants to pass Proposition 75 so he can go to the voters in 2006 with a measure that would erode or eliminate public employee pensions.

Proposition 75 would not restrict corporations from making donations but severely restricts Public Employee Unions from making political contributions. Corporations currently outspend unions by a margin of 24 to 1. Proposition 75 would make this imbalance even worse. Remember that one of the top donors to the Proposition 75 campaign is a major investment company that lobbied for pension privatization when the governor was considering pension reform in early 2005.

If Proposition 75 were to pass, CEMA and Operating Engineers Local 3 would be restricted in their ability to collect funds from members for political action purposes. This would seriously harm our ability to

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President's Message



by **Edna Esguerra**
President

I would like to thank you all for attending the contract negotiations kick off meeting and for giving the staff and the Board your blessings to follow the discussed contract negotiations plan.

We had about 200 members who participated. We heard the issues that concern you and will certainly put this on the table. The staff and the Board will be analyzing each of the issues and educate members on the issues, What we currently have. What we maybe giving up in exchange for what we want. That way we can come up with an educated decision. If you want to add more to the list, please send us an email.

The November election is fast approaching. I urge each one to go out and vote. This is our opportunity to have our voices heard. The County supports its employees taking time off from work to vote. You need to arrange this time off with your manager or supervisor. Please let the CEMA office know if you encounter problems in doing so.

I want to reiterate the Board's recommendation to oppose Proposition 75. I particularly urge you to vote NO to Prop 75 because of its devastating effect on all of us, workers. Prop 75 is a non partisan proposition which affects all workers, at all levels... wherever we are. A yes vote is not a vote to defeat Democrats; it is a vote to defeat all of us who are workers, who are in labor. We all have to remember that because of the unions' political lobbying activities, as workers we are where we are, enjoying better pay, better working conditions, benefits, a worthwhile retirement, etc.. If Prop 75 wins, we may lose these benefits and end up back where we started. We do not want this to happen, do we? So let us go to the polling places on November 8th and vote NO to Prop 75.

Have a Nice Columbus Day and a Blessed Thanksgiving Holiday. Thank you.

CEMA Kicks off Campaign for a Strong Contract in 2006

By Tom Starkey
CEMA Business Representative

A quorum was present at CEMA membership meetings held in mid-September. At those meetings CEMA kicked off its campaign to get a strong contract in 2006. CEMA members overwhelmingly adopted the 2006 contract campaign recommended by the CEMA Executive Board.



Members at Berger Drive membership meeting

This plan calls for a larger Liaison network to insure each worksite is covered and receives all contract information. The plan also calls for a membership recruitment campaign to increase the CEMA membership to 85%. Also included is a more aggressive political action effort that will be coordinated with Operating

Engineers Union Local 3. Over 100 members volunteered to be on the CEMA

Contract Action Team (CAT) which will rally members and display unity during the negotiations process. Over 30 members signed up to get involved with CEMA PAC activities and over 20 members agreed to become CEMA Liaisons at work locations not currently represented.

The CEMA Executive Board's message to the membership is that the success of the contract renewal in 2006 will be measured by the level of membership involvement. The level of support that was offered by the membership at the Kick off Meetings indicated that they plan to drive the 2006 negotiations process.

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insure we elect candidates who support our issues as middle managers and it would stop us from being political advocates to protect your pension and health care benefits. The passage of Proposition 75 would also seriously affect our 2006 contract campaign because we plan to be aggressively involved with the County elections and Jim Beall's 24th Assembly District race. If we do not have the financial resources to support those activities we will not be able to insure we elect candidates who support our contract issues.

In 1998, former Governor Pete Wilson sponsored a similar measure, Proposition 226. Unions defeated it because they got the public to understand the hidden agenda that was behind the measure. We can defeat Prop 75 if voters learn the political agenda behind it. To do this we need your help with our internal campaign to insure every CEMA member votes no and turns out at the polls. Also we need you to talk with co-workers, your family and neighbors about the hidden agenda of Proposition 75.

Proposition 75 is a scheme. Governor Schwarzenegger wants to tie your hands and take away your pension and health benefits. Proposition 75 is unfair because it targets only unions and associations but lets big companies off the hook. Proposition 75 is unnecessary – the U.S. Supreme Court has already ruled that no employee can be forced to give money to politics. CEMA has by-law provisions that support this. Proposition 75 will silence our political voice. Help CEMA defeat this on November 8th

Business Representative's Report



by Tom Starkey

Senior Business Representative

The CEMA Business Representatives are continuing to push along several issues of importance to the membership.

The FLSA issue is bogged down with Labor Relations who has not responded to CEMA's repeated requests to finalize the list of classifications they believe are eligible for overtime due to changes in the law that occurred in August 2004. Once we receive the list and reach agreement on the classifications that are overtime eligible, we will begin to work on the process of payment for hours worked over 40 going back to August 2004.

On the nurse salary compaction issue, CEMA has met with affected department heads to discuss our proposals to address compaction and have urged them to pressure Labor Relations to respond to our proposal. We expect to resume meeting with Labor Relations on this issue this month.

CEMA received over 15 reclassification requests in response to the CEMAGRAM article in August that outlined a Board of Supervisors decision at

Budget Hearings to allow for a very limited number of reclassifications in a small number of departments. We are in the process of contacting members to discuss their issues and will be meeting with ESA to request that they be included in the Board approved list for study. Look for more information on this in the future.

There have been several meet and confer meetings at SSA over reorganization issues due to the implementation of CALWIN and most of the issues raised by members have been addressed satisfactorily.

We have also been meeting with the Probation Department over their Internal Affairs Policy and a uniform policy for Ranch personnel. On the Internal Affairs issue, we are at the point where we have asked County Counsel to talk to our attorney regarding legal concerns that we have. In particular we are concerned that the policy denies civilian employees access to personnel files which they have a legal right to view. If this cannot be resolved through discussion, we will have to consider legal action.

At the Superior Court CEMA has held several meet and confer session regarding a new Transfer Policy. Discussions continue and we are awaiting a response to our last meeting from the Court.

Know Your Rights - Personnel Files

California Labor Code Section 1198.5 provides that workers in the State of California have a right to view their employment personnel files. This provision of the Labor Code applies to all public employees except in certain circumstances where it is set aside by provisions of the Peace Officers Bill of Rights.

In general, the right to view your personnel file means all files that may be used to make employment decisions. This includes files held by your departmental personnel department, the County personnel department and files held by an immediate supervisor. The only files which are exempt from these provisions are third party employment recommendations, medical reports paid for by the employer, or files having to do with an on-going criminal investigation.

It is a good idea to periodically review your personnel file and to keep a log of what is in it. Certainly, if you should face any form of discipline, the first thing that you should do is take a look at your personnel file(s). Make sure that the material in them is accurate and current. Remember that, under section 14.3 of the CEMA Memorandum of Understanding, letters of reprimand are to be removed from your personnel file after two years.

A WORD FROM THE SUPERIOR COURT

MEMBER-AT-LARGE



by Mary Mitchell

CEMA has just finished the first round of membership meetings to kick off the contract campaigns for the County and the Court. The campaign plan and strategy were laid out, discussed and approved by the membership. Unfortunately, there was very little attendance by members from the Court Chapter.

Maybe this was because the Court membership is not yet focused on contract negotiations. If this is the case, keep in mind that the Court MOU expires in January of 2007, less than a year and a half from now. Like the County Chapter members, we need to begin preparing both practically and politically. The CEMA campaign is intended to carry through County negotiations to settlement of the Court Contract.

The Court membership needs to attend the meetings and be part of the Contract Action Team (CAT) and the Political Action Committee (PAC). These are

activities that will build toward our negotiations and result in a better contract for Court employees.

The CAT represents a new level of activism and member involvement in CEMA. CAT activities will be focused on building support for our issues. If you care about your contract, you should sign up for the CEMA CAT.

The next fourteen months will see three elections that will affect all public employees including Court employees. The special election this November will decide whether public employees have a right to a political voice (No on 75) and in June and next November, we will be faced with fundamental changes to our pension plan as well as who will run the State. These issues will profoundly affect our negotiations. If you want to be part of the solution, sign up for the CEMA PAC.

If you are interested in either committee, please see me.

What we are seeing is the results of an argument that has gone on for decades in the labor movement. About how the labor movement should best represent workers in the United States. The AFL-CIO has historically responded to this question by focusing on federal legislation, politics, and coordinating the activities of member unions.

Others within the labor movement have argued that the AFL-CIO is shrinking. They point to the AFL-CIO's failure to motivate its members in key states during the last Presidential Election and they claim that the AFL-CIO is becoming irrelevant. Among the critics of the AFL-CIO are the Service Employees International Union (SEIU), the International Brotherhood of Teamsters (IBT), the United Food and Commercial Workers (UFCW) and the Union of Needletrades, Industrial and Textile Employees – Hotel Employees Restaurant Employees (UNITE – HERE). They argue that the labor movement should be focused primarily on organizing unorganized workers.

Over the last year this argument has come to a head with an unsuccessful attempt by the critic unions to replace John Sweeny, the head of the AFL-CIO and then the withdrawal of several unions from the AFL-CIO. Now they have created their own federation, Change to Win.

In the short term this dispute has resulted in the AFL-CIO putting more focus on organizing. Whether Change to Win will ultimately replace the AFL-CIO or whether the two will merge into a new

What Is Going On With The AFL-CIO

by Randy Johnese,
Cema Business Representative

Just as CEMA has affiliated with the American Federation of Labor – Congress of Industrial Organizations (AFL-CIO) news begins breaking that

there is dissension in the ranks of the AFL-CIO and that several national and international unions are leaving the federation. What is going on?

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Political Action Committee Report



By **Sheila Stevens**
Political Action Committee Chair

In the past few months the CEMA Political Action Committee (PAC) has updated the current PAC plan which was adopted in March 2005. The plan established a budget and allocated resources to get us through the November 2006 election cycle.

Our current focus is the defeat of Proposition 75. The Committee encourages you to make a donation to the No on 75 campaign and to help out with "Get out the Vote" efforts that will soon be underway. Call the CEMA office if you can help out.

In early 2006 CEMA will begin to get involved in the 4th District Board of Supervisors race and the 24th

Assembly District race. There will be a number of ways you can assist CEMA with these important campaigns.

The CEMA PAC has a membership of over 15 and a core group of 7 to 9 that attend regularly to make decisions in accordance with the plan. There are now over 45 members who have participated in phone banking and other direct campaign work or have volunteered to do so in the future.

Any member is welcome to attend and participate in the political action efforts of CEMA. The meetings are held monthly on the third Thursday at the CEMA office at Noon. Your participation and involvement are welcomed and needed.

AFL-CIO

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federation is hard to tell but, hopefully, the result will be a revitalized American Labor Movement.

On the local level things are much more immediately positive. The local arm of the AFL-CIO, the South Bay Labor Council, has managed to keep both factions together and, in face of the Governors recent attacks on public employees, has even managed to bring historically independent unions like the California Teachers Association into the fight. This will make all of us stronger in our fights over Proposition 75 and the Governor's attempts to scuttle public employee pensions.

So, this is clearly an on-going story. We will keep you advised as to developments as they occur.



Attention County CEMA Members:

Look for a comprehensive bargaining survey to arrive at your home address in late October. Please make sure to fill it out and return it to CEMA. All members need to express what changes they want made in the Contract. This will be your opportunity.

Professional Development Committee Update



**By Mark Hand
Professional Development
Committee Chair**

The Professional Development Luncheon on September 28th was by all accounts a great success with over



Farewell to Lou's Village

288 in attendance. This was our farewell luncheon at Lou's Village which is closing after fifty-nine years of business. Lou's Village has been the site of many Professional Development Luncheons as well as other County functions and will be sorely missed.

Our September speaker, Dan Millman, was superb. I have received a great deal of positive response to his presentation which was very direct and concrete. In fact on several occasions he had everyone in the room pushing



September Professional Development Luncheon Speaker, Dan Millman, and CEMA member, Rita Girman

their co-worker around, standing up and turning around elegantly, and memorizing a list of twenty objects. Everyone had a great time.



Santa Clara County Chief Executive, Pete Kutras

Our next luncheon, scheduled for November 4th, is fast approaching and will feature Santa Clara County Executive, Pete Kutras. Pete will give us his round up of the past year and an outline of what is in store for next year.



Professional Development Ticket Sellers at the Appreciation Breakfast

This is always an important speech. Get your ticket now! If you do not know who has tickets in your department, a list of ticket sellers is on the CEMA website at <http://www.sccema.org/Default.asp?id=profdev.htm>.

Speaking of ticket sellers, the Professional Development Committee would like to take the time to thank those member who volunteer their time to make sure that you can get tickets to our luncheons. Recently we held our annual Professional Development Ticket Sellers Appreciation Breakfast and I would like to take this opportunity to again say, "Thanks".

OE 3's District 90 Picnic - a great time was had by all!

Several CEMA members attended the District 90 Picnic on a beautiful day in August. There was great food. CEMA Representative, Tom Starkey organized the children's games. Everyone had a very nice day.



CEMA Representative Tom Starkey and member Evan Dowling



Left to right: OE 3 District Representative, Fred Herschbach; OE 3 Vice-President, Frank Herrera; Tom Starkey; CEMA President, Edna Esgerra; CEMA Executive Board Member, Dolores Morales and OE 3 Financial Secretary, Russ Burns