



County Employees Management Association

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CEMAGRAM

Proposal to combine STO and Sick-leave to Be Brought to the CEMA Membership for Vote

As reported in the June - July, 2007 issue of the CEMAGRAM, CEMA has met several times with the County over the issue of combining Sick Leave and Scheduled Time Off (STO) into a true Annual Leave Program (ALP). These discussions were held pursuant to Section 12.1(e) of the CEMA Memorandum of Understanding (MOU). The MOU language also requires that any change must be cost neutral to both the County and CEMA members. By determining the average annual usage and the average net cash-out over the past seven years, it was determined that of the eight days of Sick Leave accrued each year, CEMA level employees actually use an average of five and one tenth (5.1) days per year.

The County proposed to exchange five days of Annual leave accrual per year for the current eight days of Sick Leave. CEMA demurred and proposed that they equalize the exchange by increasing the accrual cap to four times (4x) the annual accrual and that they drop the first day sick provisions.

On November 1st the County's representative contacted CEMA and stated that neither increasing the accrual cap nor dropping the first day sick provision were cost neutral. The County would however increase their exchange offer to five and one tenths days of Annual leave for eight days of Sick Leave. Their proposal would also increase the maximum accrual for annual leave by fifteen and three tenths (15.3) days. This would maintain the maximum accrual at three times the annual accrual. In addition, employees with existing sickleave banks would keep their sick leave until they had used it up or it would be cashed out at time of retirement or separation from the county pursuant to the existing provisions of the MOU.

The CEMA Executive Board is scheduling membership meetings in January to put this proposal to a membership vote. If the proposal is rejected by the membership, the STO and Sickleave provisions of the MOU will remain unchanged for the remaining term of the MOU.

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President's Message



By **Edna Esguerra**
President

Greetings to All!

2007 is passing by so fast. We are at arms reach to its end. An end that is full of ambivalence – a feeling of anticipation for those who are retiring and taking advantage of the 2.5 at 55 benefit which CEMA/OE3 negotiated last year and, for those members whose positions were slotted for elimination in the mid year budget, a feeling of anguish and weariness.

This year, we also passed the third year of CEMA's full affiliation with Local OE3. When we became fully affiliated, we became full members bound to abide by the OE3's organizational by-laws. Some of you may have read in the Engineers News that OE 3 was changing its bylaws. This summer, the OE3 membership voted overwhelmingly to approve the new by-laws. The dues provisions of the new bylaws in Article VI Dues, section 2 (d) Subdivision P-Public Employee Units, read as follows: "The dues shall be, effective January 1, 2008, fifty three dollars (\$53.00) per month, adjusted upward by 1.9 % each January 1st thereafter, not to exceed two (2) hours and thirty minutes of the [average wage rate]".

The CEMA board is looking at and evaluating all possible options on how to deal with the new by-laws dues increase provisions. It is our intention to bring you the best option. I encourage you to check the CEMA website on a regular basis as updates will be posted. You can be assured that CEMA dues will not be increased until it is voted on by the membership. Given the time frame, we may not be able to meet the January 1, 2008 goal as stated in the new by-laws, but we will keep the Public Employee Division Director of Local 3 apprised of our thinking on the matter.

Another issue I want to discuss with you is the on going budget deficit, cutbacks, and their impact on each one of us. Due to this year's budget cuts, we have about 30 members whose positions have been slated for deletion. Some of our members will be in-placed, some will go back to a previous class and some may be laid-off . CEMA is taking proactive steps to help minimize impact on those members who may be affected. Our business representatives are meeting with members to listen to their concerns and help them determine options and alternatives.

I also have a message for those whose positions are not affected. Some of you have claimed that your role is changing, that you are acquiring more and more new responsibilities

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A Word From the Superior Court



by **Mary Mitchell**
Superior Court Executive Board
Member-at-Large

It is hard to believe that this year is almost gone. I have not had too many things to relay to you so I have been kind of silent. There are few things that I would like for you to know.

First of all, as you know from the articles in the CEMAGRAM that I am the Committee Chair person for the Scholarship Committee. Every year, CEMA awards scholarship to the children of CEMA members. Not one application was sent in by the children of the Court CEMA group. I hope that you will participate in this next year. Keep an eye on announcement concerning scholarship around February or March of next year.

I hear that you have been hearing something about County negotiating with CEMA concerning the change of STO. I know that you are all interested in this topic. All I know right now is that the County and CEMA STO Committee is having discussions and that there are no definitive agreement change at this time. Rest assured that I will let you know immediately if there is a change in the agreement.

On July 24th, Tom Starkey, Bob Colyar, Sarah Scofield and I met with Michael Guevarra and Melody Miller for our quarterly meeting. The side letter for the Lateral Transfer was signed at that time so now we have a written policy and procedure concerning the Lateral Transfers. You can find it on the CEMA web site.

I just went to the retirement seminar and I heard that at least 118 County employees are planning to retire in December. Those of you who are planning to retire, good for you and good luck. It is something those of us who are close to retirement are looking forward to. I found out that one year equals 261 days and that there is no ceiling limit on the percentage of salary paid. If you retire after being with the Court for 9,135 days or 35 years, you will receive 87.5% of your highest consecutive 12 months rate of pay. It is not a calendar year or a fiscal year. If you have an opportunity to take the retirement seminar, I highly recommend that you do so whether you are just starting your career or finishing your career.

If you have any questions, please feel free to contact me via telephone or e-mail. I will make sure that I will

answer your questions or assist you in any way that I can.

I am planning on having a general membership meeting pretty soon so please keep your eyes on the up coming announcement.

OE 3 Scholarships

Four College scholarships will be awarded to the children, stepchildren or foster children of OE 3 members graduating in the Fall of 2007 or the Spring of 2008. A scholarship of \$3,000 will be awarded to both the first place female and male applicant. A scholarship of \$2,000 will be awarded to both the second place female and male applicant. Each scholarship will provide an additional \$1,000 in the second, third and fourth years of study provided that the recipient remains a full time student in good standing.

Complete rules and instructions for applying and applications can be requested from the CEMA Office.

Applications will be accepted between January 1 and March 31, 2008.

Business Representative's Report



By **Tom Starkey**
Senior Business Representative

The following are several representation matters that have not been reported on in recent past and will give you an idea of the representation matters we have been working on your behalf.

Layoffs: There are 30 members whose positions were eliminated in the June Budget actions and will be subject to layoff. The layoffs will occur on January 28, 2008. Members will receive layoff notices on the 14th of December 2007. Most of the layoffs (22) occurred in the Health and Hospital System, mainly in Public Health, Mental Health and Community Outreach Services. Many of those affected by layoff have underlying status. There are several classifications that will need seniority lists to determine the least senior in those classifications. The Employee Services Agency will begin building those in November and by the time layoff notices are issued it will be clear who else will be affected. It should also be clear where vacant codes are that will be occupied by those being laid off. It is unlikely that anyone will actually be laid off. We have many vacant codes and will have some additional ones due to the retirements that will be taking place on or after December 17, 2007.

Sick Leave to Annual Leave Conversion: The CEMA Committee met with the County several times and received a proposal of 5.1 days of annual leave in exchange for 8 days of sick leave from them. This will create an annual leave program to replace the current STO leave program. The CEMA committee has some serious concerns regarding this proposal and its impact on members with chronic illnesses or small children. All of these issues will be discussed in membership meetings to be scheduled for January where a vote will be taken on the County's proposal. (see story on page 1)

FLSA Overtime Payments: Over 50 members in classifications that became overtime eligible due to changes in the law in 2004 have received retroactive payments for overtime worked between August 2004 and August 2006. If you are in a classification listed on page 1 of the CEMA MOU and worked overtime between August 2004 and August 2006 you can still make a claim for the overtime worked. Contact Randy Johnese in the CEMA office for more details.

Labor/Management Interest Based Committee: In the Spring we completed work on changes to the CEMA performance appraisals.

We are now beginning meetings to address CEMA dues processing issues. Edna Esguerra, Laura Colunga, Trish Haines, and Rachel Martinez and Tom Starkey from the CEMA Staff have been identifying ways to improve the processing of dues and exploring different reporting formats that the County might provide to help keep the CEMA Membership data base more accurate and insure membership applications and withdrawals are processed in a timely fashion.

TARD Grievance filed: CEMA has filed a formal Grievance in the Finance Agency regarding their rejection of a TARD payment. The department claims that because the job description specifically states that the incumbent must fill in for the higher level Manager when they are absent that they are not eligible for TARD payment. What is interesting is that the grievant has been paid TARD in the past when filling in for the higher level manager. The County and CEMA have never had any understanding that having a statement in a job description stating that the incumbent must cover for the higher level manager in their absence excludes TARD payment. Although this issue is not yet settled, we would be happy to discuss any similar issues that members may have.



Professional Development Committee

Are You Thinking of Buying Additional Service Credits from PERS?



By **Dolores Morales**
2nd Vice President
Professional Development

I hope that everyone enjoyed the December Professional Development Luncheon. Our next luncheon is scheduled for January 25th and will feature County Executive, Pete Kutras. Tickets should be available by the time you read this. So, check with your ticket seller.

Speaking of ticket sellers, if there is no ticket seller in your work area, I would encourage you (No, don't look over your shoulder. I mean you!) to volunteer. If you are willing, please email me (dolores.morales@ohr.sccgov.org) and we

will get you set up.

Also, we could use additional input on the CEMA Professional Development Committee. The committee meets, generally once per month, to plan and prepare for Professional Development Luncheons. If you are interested in being a member of the Professional Development Committee, please email me.

I hope you have wonderful holidays and a happy new year. I'll see you at our next Professional Development Luncheon in January.

If you have been considering the purchase of additional service time that will improve your retirement benefit, you need to act soon to get the most benefit from your purchase. After December 17, 2007, the calculations done by PERS will be based on the new retirement formula (2.5 at 55) and will be calculated on a higher wage adjustment of 4%. Making a purchase before December 17, 2007 will stretch your buying power.

We urge members to contact PERS and find out what you need to do to purchase additional service credits. Your request must be submitted to PERS before December 17, 2007 in order to buy service credits with the 2.0 at 55 Formula and the lower salary rate. If you elect to purchase additional service credits once PERS has told you what the costs will be and you got your cost estimate request into PERS before December 17, 2007 you will be able to purchase the additional service credits with the cheaper formula and lower salary rate.

We also encourage you to explore ways to make the purchase of additional service credits using Deferred Compensation. The PERS Website is www.calpers.ca.gov

CEMA Liaison Training

CEMA held its annual Liaison training on November 1st. In the picture to the left, CEMA Business Representative, Tom Starkey talks to the Liaisons about the importance of their role in CEMA communications.



Political Action Committee



by **Amando Cablas**
Political Action Committee
chair

As the new Chair for the Political Action Committee, I would like to extend a heartfelt thanks to our retired Chair, Shelia Stevens, for her tireless dedication to CEMA as President, Past President and Member - at - Large. Without Shelia's leadership and guidance, CEMA would not have grown to be as effective as we are today.

As we move forward, the critical election issue for CEMA is looming on the horizon. In 2008 three Board of Supervisor seats will be open for Election: District Two, District Three, and District Five. Both District Two and District Three will be open races due to term limits and District Five will have the incumbent Honorable Sup. Liz Kniss. As county employees, we have a unique opportunity to choose and actively elect our bosses. How do we do this? First we exercise our right to vote. Second, listen and understand what the candidates have to offer us as middle managers. In this time of budgetary austerity, it

is critical that we as middle managers do not end up 'squeezed in the middle.' Third, actively support the candidate of your choice; donate to the campaign, raise funds by hosting a fund raising event, place a sign in your yard, work the phone banks and walk precincts. Your CEMA PAC will be carefully watching and evaluating the candidates. In 2008 we will host a Candidates Forum Night in which members may come and meet the candidates as well as hear what the candidates have to say regarding middle management issues. As your PAC, it is our job to inform the membership of those political issues that impact our lives as dedicated county employees. Watch for our announcement of the Forum in 2008.

In the long term, the PAC is considering a change in state law that would require all managers to belong to CEMA. Currently we represent 74% of all county managers. It would strengthen us to have all managers in our organization and ensure that our rights and benefits are maintained

during this time of budget tightening. Let the PAC know your thoughts. I can be reached by email at: Amando.cablas@hhs.sccgov.org or you may contact any board member.

Finally, I am also encouraging all of you to vote by mail. By now all registered voters have received a flyer in the mail from the county with a permanent Vote by Mail application. Once you have submitted your application (by mail or drop off at the Registrar of Voters Office or at you local polling place) you will automatically receive a ballot every election. It is almost as good as automatic check deposit (sans cash). And just like your automatic check deposit, you can track its delivery status online at www.sccvote.org. If you have yet to register to vote, do so now. Our voice and vote is critical to deciding our future as county employees.

Visit the CEMA Website

**WWW.SCCCEMA.
ORG**

For
***Late breaking
news**

***Calendar of
Events**

***Important
documents**

A Discussion with Ernie Figone

By Tom Starkey

CEMA Executive Board Member, Eric Goodrich is also a member of the Santa Clara County Federal Credit Union Board of Directors. He discovered recently that a fellow credit union Board member, Ernie Figone, was a past president of CEMA and was one of the leaders who formed CEMA back in 1973. Eric called me and said he thought we should meet with Ernie and learn about the how CEMA got started. I agreed and we gathered over lunch in late August to learn of the early days of CEMA.

Ernie has been retired from the County since 1991 but served on the CEMA Board from 1973 through 1980. He was elected president for two terms. He worked in the Real Estate Division of the Transportation Agency starting in 1963. He was involved in late 1960's with the Public Works Middle Management Association which was organized only at the Transportation Agency. In 1973 Budget Analysts from the County Executive's Office got together with the Public Works Middle Management Association to form the County Employees Management Association. He recalled that the main reason that CEMA got organized was the leaders at the time kept hearing an attitude of "Just Trust Us" from Executive Management and the Board of Supervisors with no actions to support a trusting relationship.

Ernie saw him self as a troublemaker and after hearing many of his stories I am sure the County saw him as a trouble maker also. Many of the

issues which Ernie and his colleagues worked on laid the groundwork for where we are today.

In 1974 CEMA held an election to decide which union to affiliate with and the members voted for the Operating Engineers Union Local 3. According to Ernie, the Executive Board of CEMA wanted autonomy from the Operating Engineers Union and did not want to have full membership status in OE3. The membership of



(from left to right) Ernie Figone, Tom Starkey and Eric Goodrich.

CEMA were concerned that, if Local 715 went on strike, they would be expected to honor the picket line which they felt they could not do because they were management. This proved timely as Local 715 members did go on strike in 1975.

In the early years of the hand shake affiliation agreement with OE3 the CEMA Executive Board did all the representation of members but used

the Operating Engineers Union Business Representative to do any Negotiations with the County. Some of the issues that they had to have help from Local 3 on was getting deferred compensation started and getting the County to pick up the employees portion of their PERS benefit.

Ernie recalls that it was not hard to get members to join CEMA and that members saw it as dangerous for CEMA to be involved in County politics. He also recalls that soon after CEMA formed the County and CEMA worked on a major reclassification study of CEMA positions that had the support of the County Executive but not the Board of Supervisors. Local 715 fought it and the vote on the Board was 3 to 2 to defeat it. It is interesting to note that almost all of this study was implemented over the next decade. Some of the positions in this study were the Program Manager series, the Management Analyst series, the Administrative Services Manager series and the Administrative Support Officer series. Another important issue for CEMA in the early days was to get wage increases equal to the line workers.

Ernie was involved with CEMA for a small portion of his working career with the County but his "trouble making" spirit is why members today have the benefits they have. It is important to hear from the past leaders of CEMA so that we can remember that the benefits we have today did not just fall off the tree but were fought for by leaders like Ernie Figone. Thank you Ernie for your involvement with getting CEMA started.



CEMA

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November - December 2007

Volunteers Needed!

CEMA needs volunteers for several important committees including the Professional Development Committee, the CEMA Communications Committee and the CEMA Political Action Committee (PAC). Most committees meet once per month at noon. It is the work of these committees that makes CEMA work and member volunteers make the committees work.

We also need ticket sellers for the Professional Development Luncheons.

If you are willing to volunteer for a committee or as a ticket seller, please contact the CEMA office.

President's Message - continued from page 2

ties. You need to diligently assess your role and responsibilities relative to your classification and stated duties. If there are changes, you need to call the CEMA office. Corollary to this is the fact that managers of CEMA staff are pushing for more accountability through performance appraisals and disciplinary measures. You need to work and communicate with your managers about difficulties you encounter in performing new or additional duties in your job. If you have been assigned new duties that you believe are outside the scope of your job, please contact your CEMA Business Representative. We need to realize that effective communication with all parties is one of the keys to a successful relationship; be

it with our professional or our personal lives. And having said that, should you need the help of our business representative, please call the CEMA office.

As always, if you have any opinion related to your CEMA/OE3 membership and the services you are receiving, please let the board know. You can reach any of your board members through the website - sccema.org.

Season's Greetings to all!