



# Oakland Bulletin



An organization of Professional, Technical, and Administrative Employees July/2016

## Lunch & Learn: All About Our Union

As we have discussed at Chapter meetings and advertised in our Oakland Bulletins, our Contract Action Team (CAT) has been working to bring education to our workplaces with a series of BOYL (Bring Your Own Lunch) workshops.

Our first workshops kicked off in June with a topic CAT members thought was an important starting point: All About Our Union.

This workshop, put together and presented by **Roberto Costa, Cookie Robles-Wong and Oakland VP Renee Sykes**, focused not only on the basics of Local 21, such as a Union flowchart (reproduced on page 3) and bylaws, but also touched on other important fundamentals, such as how our Political Action Committee (PAC) work, the basics of Just Cause (which could be a future Lunch and Learn topic because it is a broad topic and more.

For members that could not attend the workshop, we have attached our specially created booklet from this workshop and while it doesn't give you the full depth of knowledge available in the workshop itself, it does provide good basic information.

**Robert Kennedy**, a member in the Public Works' Parks and Tree Division was moved to share the impact Local 21 has made in his life after watching our "What Has The Union Ever Done for Me" video during our Lunch and Learn. "The Union has drastically improved my standard of living because it helps to safeguard my family when it comes to healthcare," said Kennedy. "Working in the private sector, my employer was only able to provide health care benefits to me and not my extended

family. So that meant my wife and my newborn child were not afforded benefits." Kennedy went on to explain that vacation days and wage increases, things our Union has secured for us in Oakland, were hard to come by in his private sector job and really demonstrated the difference Local 21 makes in the lives of our members and their families.

"There is a saying in Spanish that is part of me and translates to, 'If you know it, teach it. If you don't, learn it," said Robles-Wong. "I volunteered for this first session because as a woman, a mother of two daughters and a person of color - discrimination and injustice never take a vacation. The sooner we learn, the sooner we can share information and become aware of our capabilities."

## MOU & Committee Updates

Our MOU is merged, but not signed. A copy will be sent out electronically to all members ASAP. An unsigned version is posted on the Local 21 website.

With the urgent issues facing the Oakland Police Department, the City Administrator's office, which we need to help us complete the committee work necessary to fully implement our MOU in the wake of the Employee Relations Director's resignation, has been unavailable. The hopeful news, in addition to the MOU being ready to sign and get out (FINALLY!), is that Assistant City Administrator Christine Daniel has stepped up to coordinate the Electronic Work-Related Tools Committee. We are currently finalizing schedules for this committee to start meeting in the middle of July.

We are still waiting for the City to schedule other committee meetings.



CAT member Roberto Costa



CAT member Cookie Robles-Wong

## THIS MONTH'S ISSUE:

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## Public Works/Department of Transportation Re-Org/Bond Measure: (July edition)

Slowly, more information about the separation of Public Works into two departments is coming out. Below is a list of which positions will be in each department. While most titles will clearly fall into one department or another, the admin staff is a bit harder to separate. Current plans allow for 9-11 of the current 36 Full Time Equivalent (FTEs) Admin positions to go to the Department of Transportation. On the City's financial spreadsheet, the separation of budgets cannot occur until the next biennial cycle and while most transportation funds, for example, are clearly defined, what is harder to separate will be the overhead rates for each department and as such, has not yet been determined.

In the meantime, as the Department of Transportation conducted strategic planning with volunteer work groups, the City has determined that Public Works would benefit from the same process. Currently, the City is seeking facilitators to help guide members through the development of a department mission statement, goals for the department, etc. We will keep you posted as we get more information and if you are interested in having your voice heard in this Public Works process, be sure to keep your eyes posted for future information on this opportunity.

As for the proposed bond measure, the City Council may take this up as early as July 5<sup>th</sup> but note that the bond money, if approved, will not start to flow immediately. If the voters fund the bond measure, there will be lag time before the bonds are actually sold (up to 6 months) and the first round of sales is only proposed to be \$200M, not the full \$600M initially. This lag time allows for the City to recruit and hire staff necessary to fulfill projects under the bond measure.

### Department of Public Works (approx. 590 FTEs)

- Facilities Services
- Keep Oakland Clean & Beautiful
- Parks and Tree Services
- Environmental Services
- Construction Management/Materials Testing
- Project Delivery: Facilities/Parks
- Engineering: Sewer Design
- Measure DD
- Watershed
- Equipment Services
- Infrastructure Maintenance: Sewers
- Infrastructure Maintenance: Drainage
- Administration: HR, Fiscal, Business Info & Analytics, Public Information, Safety & Training
- Call Center
- Contract Services

### Department of Transportation (approx. 270 FTEs)

- Transportation Policy, Planning, Funding & Programming
- Bike & Pedestrian Planning & Implementation
- Project Delivery: Streets & Structures
- Right of Way Management/Engineering Services/Survey
- ADA Programs
- BRT Program
- Street & Sidewalk Maintenance
- Electrical Service & Traffic Maintenance, Parking Meter Repair
- Parking Management Program
- Parking Enforcement
- Transportation Services
- Pavement Management
- Traffic Capital Projects
- Traffic Safety Program
- Administration: HR, Fiscal, Public Info, Safety & Training

If you have any concerns or feel that the separation into different departments negatively impacts you, please contact [kortloff@ifpte21.org](mailto:kortloff@ifpte21.org) so we can address your concerns.

## Oakland Head Start Loses 14% Funding: Our Union Fighting Layoffs

Local 21 was recently informed that the City of Oakland only received 86% of the grant request for Head Start (\$16.7M), creating a budget shortfall of \$2.6M and a potential for layoffs. To help mitigate lost funding, three sites will close: Virginia, Franklin and Fame. The employees at these sites are not necessarily the employees subject to layoff notices, as layoffs are based on seniority.

Our Union is working with the City of Oakland to mitigate layoffs through attrition... if there are any vacancies, we want employees subject to layoff that meet the minimum qualifications for vacant positions to be moved, based on seniority. Then, volunteers for layoffs will be solicited. A 60 day notice of potential layoff has gone out to members and layoffs, if applicable, will occur based on seniority and classification. If members held a previous classification, they have the opportunity to bump back into previous classification based on seniority. If there are ties for seniority, decisions will be made by 1) seniority in class, 2) city-wide seniority, 3) your exam score and if necessary 4) the time stamp on your application.

Our Union has requested information about vacancies, where potential bumping may occur, how much savings Oakland will generate as a result of the closures and more. Our next meeting with the City is scheduled for July 7th, at which time we will get more detailed information about who is impacted and how. Local 21 will work with each member individually to negate a potential layoff. Updates will be forthcoming in future newsletters.



## CAT Lunch and Learns for July: Family and Medical Leave Act (FMLA)

Our July Lunch and Learns will focus on something everyone can benefit knowing more about: FMLA. If you have a serious or chronic medical condition or a close family member has a medical condition, you can get guaranteed time off to take care of yourself or your loved ones. To learn the ins and outs of FMLA, join us to learn which family members are covered and which are not, your responsibilities, the different types of leaves available and more.

Presenting our workshop will be **Waliana Dieu, Miloanne Heathorn and Oakland VP Renee Sykes**. These sessions will start promptly and run for 40 minutes, allowing members the travel time to and from the sessions.

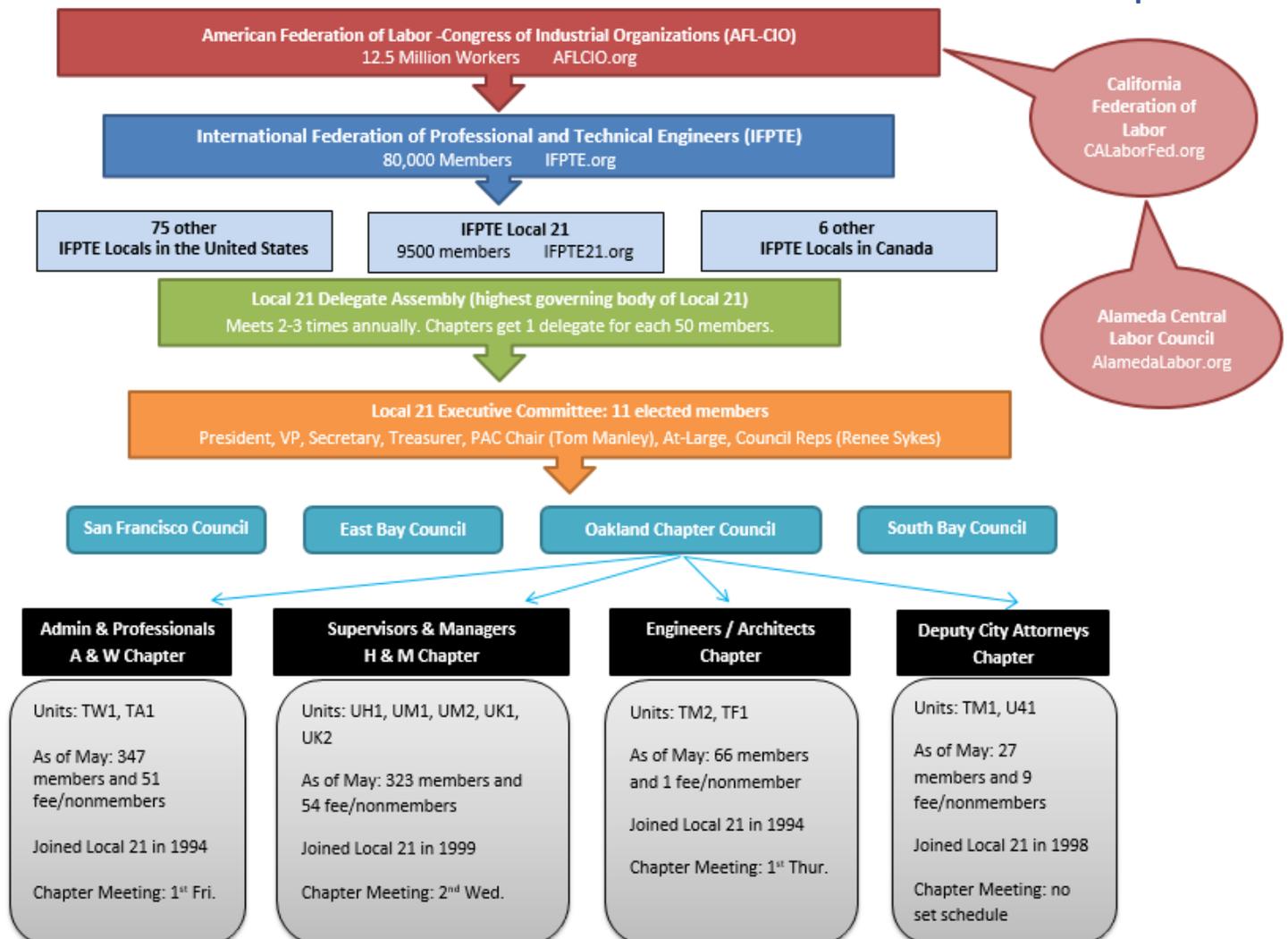
### Lunch and Learn Schedule:

- Corp Yard: Thursday, July 21<sup>st</sup>, Corp Yard 11:40 am - 12:20 pm
- City Hall: Thursday, July 28<sup>th</sup>, Hearing Room 3 12:10 - 12:50 pm

**Please note, this is a BYOL (bring you own lunch) event! No meals will be provided but you can eat your lunch from home in the meeting rooms!**

Future Lunch and Learn Topics: August = Political Action September = Know Your MOU

## From our June Lunch and Learn: Structure of IFPTE Local 21 and Oakland Chapters



## Citizen Police Review Board Impact to Local 21

As federal oversight of the Oakland Police Department is getting closer to being lifted, the City Council, in response to a vocal cross section of Oakland residents, a new citizen police commission was created.

Local 21 received notice that the new commission “could” impact our members. The proposed language allows the Police Commission to propose, amend, or reject policies and procedures, General orders, etc. regarding use of force, and profiling. If the new Commission **only** addresses those issues affecting sworn personnel, there would likely be no impact to Local 21 members in OPD. The Commission, however, will determine whether or not and for what type of misconduct or failure to act offers authority for Internal Affairs to investigate non-sworn (Local 21) employees.

We will reserve our right to meet and confer if policy changes do affect our members (the current Citizen’s Police Review Board (CRPB) is NOT empowered to oversee OPD policy, impose discipline or adjudicate disciplinary appeals).

Current CRPB staff, which includes Local 21 members, will be transferred to the new Agency and this will definitely trigger a meet and confer to ensure seniority rights are protected, new probationary periods are not enacted and more. The biggest concern is language that states the new Agency head shall have the authority to hire and fire staff, which, as bargaining unit employees, is not the case. All disciplines are subject to just cause in our MOU and discipline challenges are subject to binding arbitrations. More updates to come on this VERY important subject.

## Upcoming Oakland Chapter Elections

### September: Elections Committee Appointed

Per our Chapter Bylaws in Oakland, an Elections Committee (of no less than 3 members in good standing) shall be appointed by the President. If you are interested in running for an elected position (to be listed in August Bulletin), you cannot volunteer for the Elections Committee.

The Elections Committee shall be responsible for determining whether candidates are eligible to hold office, distributing and tabulating ballots, deciding all questions concerning the validity of any ballot and confirming the voting eligibility of members.

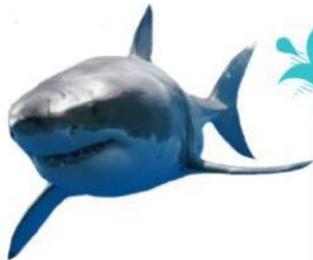
### October: Nominations for Elected Office

Nominations shall be made from the floor at the October general meeting and nominations may be submitted to the Elections Committee by members in good standing at least two weeks prior to the election date. Late nominations shall only be accepted if there is not at least one candidate for that position.

If there is only 1 candidate for an office, no election need take place; the nominee is automatically elected.

### November: Elections (if necessary)

If there are contested races, an election shall be held no later than Nov. 15, 2016. Detailed info in future Bulletin.



Some bad ideas:  
swimming with sharks,  
petting a rattlesnake, and  
going into a meeting with  
management without  
your Union Steward!

Know your rights  
because you must ask!

### Weingarten Rights:

“I am concerned this discussion could lead to disciplinary action against me or affect my working conditions. I request my Union representative be present at this meeting.

Without my Union representative, I choose not to answer any questions.”

## Local 21 Oakland Meeting Schedule

### Admin & Professionals Chapter

1<sup>st</sup> Friday of the Month  
July 8<sup>th</sup> at Noon, City Hall Mtg. Rm. 3

### Engineers Chapter

1<sup>st</sup> Thursday of the Month  
July 7<sup>th</sup> at Noon, City Hall Mtg. Rm. 3

### Supervisors & Managers Chapter

2<sup>nd</sup> Wednesday of the Month  
July 13<sup>th</sup> at Noon, City Hall Mtg. Rm. 3

### Oakland Council

4<sup>th</sup> Monday of the Month  
July 25<sup>th</sup> at noon, Local 21 Oakland Office

### Contract Action Team Meeting

Meeting is open to all members and is great starting place to become an activist and learn more about our Union.

4<sup>th</sup> Wednesday, every other month

### Next Meeting:

August 24<sup>th</sup> at noon, Local 21 Oakland Office  
436 14<sup>th</sup> Street, Suite 1520

Please RSVP to [suhba@ifpte21.org](mailto:suhba@ifpte21.org) for food count

## Vending Machine vs. Gym Membership: Building Union Power

When some members think of their Union, they think of a vending machine. You put your money into the machine and expect to get exactly what you want out of the bottom: a grievance victory, increased benefits, protection from an unjust discipline. But what happens when you push a button on the vending machine and your candy bar gets stuck in the machine? You likely kick the machine and complain to everyone around you. The same holds true with our Union: if some members don't get exactly what they want, they spread their discontent about the outcome to anyone that will listen. It is time to stop viewing our Union like a vending machine!

Instead, consider our Union dues the same way you would a gym membership. If you were a member of Bally's Total Fitness but never used any of the machines to build strength, you wouldn't blame Bally's. The same is true for our Union. There are plenty of ways to build power as a Union member: membership meetings, delegate assemblies, joining our Contract Action Team, participating in Lunch and Learns and more! Use these tools to build power and flex our Union muscle; a strong, powerful Union starts with you!

There is a reason why Union is spelled with U-N-I... it takes you and I (U-N-I) to build a strong Union and changing the way we think about our Union and the role we play in our Union is an important first step.



"The word 'Union' holds so much significance and shows who and what the union is all about. The first three letters of Union is U-N-I and it's about U and I, together as one, united in our fight against social injustice and inequality. Together we stand, divided we fail." --Renee Sykes, Local 21 Oakland Vice President



## Bulletin Makes an Impact

"I read our Oakland Bulletin every month and the following article, *Know Our Contract: Article 9.2 School Activities Leave Guaranteed Time Off for Children's School Activities* was of significant help to me. I was about to request time off from my immediate supervisor and Department Director when I remembered this article and decided to seek Union counsel," said **Ricardo Quezada**.

"My daughter was graduating from kindergarten and my son was graduating from Junior High the very next week on back to back days."

"I am a Program Analyst for workforce development youth service and this is a busy season with multiple critical dates and events, so receiving two consecutive half days off in our peak season is never easy. After reading our Oakland Bulletin, however, I knew my rights and was guaranteed authorization to attend these once-in-a-lifetime moments in my children's lives.

"I read my Oakland Bulletin every month and it pays off. I encourage everyone to do the same because the article you read today could help you tomorrow!" said Quezada.



Front Row: the kindergarten graduate, Paola, in her cap and gown.

Back Row (l to r): junior high graduate Ricardo, wife Paola, Ricardo (Local 21 member) and daughter Fatima.

## Retirement Congratulations

We would like to send Local 21 congratulations to two long time members that are retiring from the City of Oakland.

**Dexter English** is retiring after more than 30 years of service to the City of Oakland.

**Crystal Roza** is retiring after 19 years of dedicated service.

Do you have a co-worker that is retiring? Send information to [kortoloff@ifpte21.org](mailto:kortoloff@ifpte21.org) and we will work to include the information in an upcoming bulletin.

## IFPTE Local 21 Oakland Leadership

### Administrative and Professional Chapter

Donald Smith, President  
[dsmith@oaklandnet.com](mailto:dsmith@oaklandnet.com)

Al Lujan, VP Administrative  
[alujan@oaklandnet.com](mailto:alujan@oaklandnet.com)

Chris Candell, VP Professional  
[ccandell@oaklandnet.com](mailto:ccandell@oaklandnet.com)

### Supervisors and Managers Chapter

Robert Newman, President  
[rnewman@oaklandnet.com](mailto:rnewman@oaklandnet.com)

Harry S. Battiste, Jr., VP Supervisors  
[hbattiste@oaklandnet.com](mailto:hbattiste@oaklandnet.com)

Vacant, VP Managers

### Engineers Chapter

Anthony Reese, Interim President  
[areese@oaklandnet.com](mailto:areese@oaklandnet.com)

### Deputy City Attorneys and Special Counsel Chapter

Kathleen Salem Boyd, President  
[ksalemboyd@oaklandnet.com](mailto:ksalemboyd@oaklandnet.com)

### Oakland Local 21 Executive Board Members

Renee Sykes, Oakland VP  
[rsykes@ifpte21.org](mailto:rsykes@ifpte21.org)

Tom Manley, PAC VP  
[tmanley@ifpte21.org](mailto:tmanley@ifpte21.org)

### Local 21 Staff

Karmen Lee Ortloff  
[kortloff@ifpte21.org](mailto:kortloff@ifpte21.org)

Subha Varadarajan  
[subha@ifpte21.org](mailto:subha@ifpte21.org)

### IFPTE Local 21 Oakland Office

436 14<sup>th</sup> Street, Suite 1520  
Oakland, CA 94612  
510.451.4982 or 510.451.4635  
Fax: 510.451.1736  
Online: [www.IFPTELocal21.org](http://www.IFPTELocal21.org)

## Weingarten and Lybarger Rights: Your Right to Remain Silent

Our Oakland Bulletins always include Weingarten notices, which is your right to request a Union Representative in investigative meetings. Without a Union Rep, you cannot be forced to answer questions, but you MUST ask for a Union Representative.

Often, when members learn of their Weingarten Rights, a natural question arises, "can I just plead the 5<sup>th</sup> Amendment and refuse to answer any question that incriminates me?" The short answer is no, the 5<sup>th</sup> Amendment protects you from government prosecution, not from your employer, even if your employer is the government. Management has the right to ask you questions and you must answer them... unless it is an investigation that could lead to criminal charges.

The longer answer to the question of whether or not you must be compelled to answer questions is to explain your Lybarger Rights. In the state of California, public employees have the right to refuse to answer questions on the grounds that the answers may be criminally self-incriminating. In these cases, you must be told the following:

*"You have the right to remain silent and not incriminate yourself. Silence could be deemed insubordination, leading to administrative discipline and any statement made under the compulsion of the threat of such discipline could not be used against you in any subsequent criminal proceeding."*

Once you are given the admonishment above and assured that the investigation is not criminal, if you continue to refuse to answer questions, you risk disciplinary action for a refusal to answer. If you agree to answer questions after the above admonishment, management can use your answers for administrative purposes (e.g. discipline with the City of Oakland), but not criminal prosecution.

You are called into an investigation with management:  
Is it a criminal investigation?

### Yes. Stop!



If you are being questioned in a criminal investigation and do not have confirmation in writing that you will not be prosecuted, you have the right to remain silent. While you may get in trouble for insubordination, you will not risk criminal liability. Call a criminal attorney for assistance because our Union has no legal authority in criminal cases.

### No. Stop!



You have the right to a Union Representative. Call our Union and ask for the meeting to be rescheduled when your Union Rep can be present. You have the right to not answer questions until a Union Rep is present.

## Local 21 Establishes a Union-wide Misconduct Procedure

Our elected Local 21 Executive Committee recently adopted a Local-wide misconduct procedure which lays out a clear and objective process for our Union to deal with serious misconduct and is the process to be used to “investigate and make a final decision” about such matters. While this procedure has been discussed at some Chapter meetings, there is misinformation that needs to be corrected.

### Background

Following the last negotiations, our membership ratified the tentative agreement by 93% and was sent to the City Council for their approval, generally a formality. Prior to the City Council ratification, an officer of our Union, whom took an oath to uphold and protect our Union, spearheaded a campaign to have parts of our member ratified contract nullified. This misconduct led to our new fair process.

### Potential Ramifications of City Council Vote

First, if the City Council had voted to **nullify certain aspects of our contract**, it would have legally violated the right of our Union to bargain collectively and in good faith with the City of Oakland.

Second, the petition attempted to **establish a line item veto for the City Council**. Much of labor law is established through precedent (e.g. authority established in one case used to justify and decide future cases). Establishing a precedent where the City Council could selectively decide which aspects of our contract they would ratify and which aspects they would veto would threaten all members. What if the City Council decided to eliminate seniority in the case of layoffs? Or “just cause,” the legal burden the City must meet in order to legally discipline or terminate an employee? How many members would be interested in allowing management the right to selectively follow (or not) our contract? These were the very serious risks the petition to undermine our MOU created and why we created a misconduct policy for our Union

Question Raised	Our Union Response
<b>Why was this procedure not brought to our Chapter meetings prior to implementation?</b>	Our elected Local 21 Executive Committee, which Oakland has two elected representatives on, is given the authority by our Local 21 Bylaws to make decisions on policies, expenditures, etc. for our Union. Our Union has 50 Chapters and if every Union decision needed to pass every Chapter, our Local would be paralyzed and not able to function effectively.
<b>What authority under the Bylaws gives the elected Executive Committee the right to establish procedure?</b>	The Local 21 bylaws state in Article IX A 9. that “The Executive Committee is authorized and empowered to take all lawful action consistent with these Bylaws” including “to act on objections to membership.” And ARTICLE IV D of the bylaws state that “any objection to an application or to a member’s continuing eligibility, the matter shall be referred to the Executive Committee whose duty it shall be to investigate the matter and make a final decision.”
<b>Our Chapter Bylaws say that we should vote on issues like this.</b>	Chapter Bylaws are subordinate to the Local-wide bylaws.
<b>Has this procedure been legally vetted?</b>	Yes. This procedure has been vetted by our International Union in Washington, DC as well as our own legal counsel to make sure it complies with the Local 21 Bylaws and our Union Constitution.
<b>Does this new procedure mean if I disagree with a Union decision that I am subject to discipline?</b>	No. This procedure is about misconduct, not about dissent. Our Union, by virtue of Roberts’ Rules of Order, allows for the voices of minority, unpopular and/or dissenting opinions to be heard as well as allowing decisions to be made according to the will of the majority. Note: just because a member disagrees with a Union decision doesn’t mean the decision is invalid.
<b>Define the difference between dissent and misconduct.</b>	<b>Dissent:</b> disagreeing with other Union members, decisions, etc. Example: voicing a disagreement with a political endorsement or decision of our elected Union representatives.  <b>Misconduct:</b> active improper behavior that seeks to undermine a duly made decision of our Union. Example: actively working to nullify a membership-ratified contract that would harm the interests of our Union members.
<b>I signed the petition to the City Council asking them to not ratify our contract. Does this mean that I am subject to discipline by our Union?</b>	No. Many members signed the petition because of incorrect or incomplete knowledge. Second, the charges that necessitated this procedure were filed against one elected Union leader that is no longer part of Local 21. This new procedure is not a punitive measure that will be invoked lightly; it is reserved for egregious instances of misconduct. Our elected Union leaders have higher expectations placed upon them because they have authority and obligation of office and oath to uphold our Union decisions, especially a contract ratified by 93% of Oakland members.