

Local 21 @ the Port of Oakland



An organization of Professional, Technical, and Administrative Employees

June/2016

Professional Development Funds

Article H.7

Our MOU allows, upon presentation of proof of purchase, reimbursement for expenses incurred for Professional Development not to exceed \$1,100 each year of our MOU.

The current cycle of funding goes through June 30 and these funds do not roll over. This is a use it or lose it proposition. Don't leave those valuable dollars on the table unused.

Per our MOU, the port can make payments directly to the provider for your personal development expenditure.

Professional development expenses for the purpose of this Article shall include, but are not limited to: books, subscriptions to professional journals or magazines, training courses, professional conferences, and applications and/or examination fees for registration or certification within your profession.

Meet Our New Representative: Karmen Lee Ortloff

The plane crash that killed Minnesota Sen. Paul Wellstone in 2002 was hardly a fleeting news event for Karmen Lee Ortloff, Local 21's new lead representative for Oakland and other East Bay chapters.

Close friends of Ortloff perished in the tragedy, which essentially sent Ortloff into a whole new stratosphere of organizing.

"At the darkest moment, when all my political friends were mourning the loss of our friends in the plane crash, we wiped the tears and started to organize a big memorial that night at the state capitol with 10,000+ people and for the rest of our lives. That is analogous to the labor movement; at our darkest moments, we need to organize."

For the past 13 years, Ortloff has been a top-notch labor educator, contract negotiator, and business rep for labor unions in the private and public sectors.



Most recently a business agent for AFSCME Council 57 based in Sacramento, Ortloff created programs to train staff and executive board members.

As a staff rep with AFSCME Council 31 in Chicago from 2007 to 2012, Ortloff brought lethargic locals back to life and designed contract campaigns that resulted in breakthrough gains. She also recruited 10 percent of the membership to become active stewards and helped train more than 260 stewards.

Prior to her work with AFSCME, Ortloff spent four years working for the Service Employees International Union Local 113 where she negotiated 27 union contracts. Her victories there included full-time employer-paid union stewards and steward offices in each Allina hospital.

"I did a lot of labor history education, and while I was in Chicago. I have a 'Mother Jones' costume I wear to teach labor history and I try to live by her famous quote, 'Mourn for the dead, but fight like hell for the living!'"

THIS MONTH'S ISSUE:

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- p.3 Lunch and Learn: All About Our Union, San Jose Pension Fight Update
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IFPTELocal21.org



Grievance versus a Gripe: What's the Difference? Check out Article S.1 of our MOU



Members often approach a Union Representative with a work-related concern, only to be told that their issue is not a grievance... how do you tell the difference?

Article S.1 of our MOU defines a grievance "a dispute which involves interpretation or application of this agreement, the interpretation and application of the applicable Personnel Rules of the City and Port and disciplinary action taken hereunder." A grievance is our Union's formal way of making a complaint, but as you see from our MOU language, for a grievance to have merit, there needs to be a violation of our MOU, Personnel Rules, etc.

If you have a complaint, you can help your Union Representative get a head start on your issue by reviewing your own contract to see if there is a contractual violation or by identifying the Personnel Rule, policy, etc. that has been violated.

If you cannot find a contract provision, Personnel Rule, or policy that has been violated, your concern may not be a grievance and it may not be appropriate or effective to file a grievance.

That doesn't mean that the Union doesn't care about the issue or that the issue doesn't matter. In these cases, see if there are other employees affected by the concern. Union Representatives can still work to solve concerns outside the grievance process through Labor-Management meetings, informal consultations with management, etc. The more members are willing to work together to solve their concerns, the more likely they are to get a positive resolution.

Solving problems, enforcing our contract, and improving the workplace is everyone's responsibility in the Union, not just our Union leaders' responsibility. If you have a concern and want to learn more about how you can work to give yourself and members a stronger voice in the workplace, consider becoming active in our Union. Seek out leaders at our next Chapter meeting and let us know you want to become a Local 21 activist.

Hurt at Work? Free Workers' Comp Info Session



If you are hurt at work, first and foremost, report the injury to your supervisor. What may not seem like a big injury today may turn into a bigger problem tomorrow (and don't forget injuries build up over time, such as hand injuries from typing).

Request an injury report form and make sure to fill it out and maintain a copy for your own records. There is a basic information booklet that will answer some of your questions available online at <http://www.dir.ca.gov/InjuredWorkerGuidebook/Chapter1.pdf>.

There are **free, one-hour monthly information workshops sponsored by the Division of Workers' Compensation** that will help you learn about your right to medical treatment, disability payments, returning to work after your injury, resolving a disagreement over your claim and more. The workshops consist of a presentation followed by a question and answer session. Workshops are set up for injured workers that have recently filed a workers' comp claim with their employer and is open to everyone.

Oakland area workers comp information sessions are held the **1st Tuesday of the month, 10:30 am at 1515 Clay Street, 6th floor**. You can also call to schedule a **one-on-one meeting with a state DWC Information Officer by calling 510.622.2866**.

Port of Oakland Leadership

(Port Leadership emails end with @portoakland.com)

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Port of Oakland Meeting Schedule

Airport Meeting

Noon on the 4th Tuesday of the Month
Location to be announced

Port Main Office Meeting

Noon on the 4th Wednesday of the Month
Location to be announced

Local 21 Members Save Money with Union Plus



Being an IFPTE Local 21 member doesn't only provide advantages at work & bargaining table; you can save on products & services. For more info, download a free QR reader app on your smart phone to scan the image below to go directly to the webpage or visit the Union Plus page via Local 21 at: <http://www.ifpte21.org/content/union-plus-discounts>.

- Motor Club Savings
- Car Buying Services & Rentals
- Legal Services
- Goodyear Tires & Services Discounts
- Scholarships
- Bookstore Discounts
- Home Mortgages & Assistance Hotline
- Credit Counseling
- Energy Rebates
- Tax Preparation
- Retirement Planning
- Vacation Tours
- Eldercare Services
- AT&T Wireless Discounts
- Clothing
- Checks
- Computers
- Pet Services
- Flowers
- Entertainment
- Much, much more!



A Victory for Union Sisters and Brothers in San Jose... But Wait, Not So Fast...



In May, San José City Council voted 10-1 to comply with the court order removing all Measure B language from the City Charter and Municipal Code and rescinding the resolution that placed Measure B on the ballot in 2012. Only Councilmember Oliverio voted to violate the court order.

Measure B, passed by voters in June 2012, called for Draconian cuts to City workers' retirement benefits. Local 21 has remained committed to our legal battle against Measure B - the process the City used to put it on the ballot was unlawful and we never wavered in our demand that all of Measure B -- the charter changes and the municipal code changes -- must be undone. The next two big steps in our Alternative Settlement Framework are proceeding simultaneously:

First, all City Unions and the City have agreed on ballot language that provides for actuarial soundness of the pension plan, no retroactive pension enhancements and no pension enhancements without voter approval. That language will go to the voters in November.

Second, the City Council will adopt new Municipal Code ordinances to implement the provisions of our settlement framework. These provisions were agreed upon at the negotiating table and are summarized in the Alternative Settlement Framework. We are still working to finalize these ordinances that will enable the City to provide a competitive retirement benefit to new hires and begin to save the City \$3 billion over the next 30 years.

Unfortunately, former Councilmember Pete Constant got an appellate court to put the brakes on the repeal the very next day. Constant is working with billionaire Charles Munger, Jr. and the Silicon Valley Taxpayers Association to keep Measure B the law of the land and, in their hopes, expand it across the state of California. Local 21 will continue the fight on behalf of our San Jose Union Sisters and Brothers.

Family-School Partnership Act: Guaranteed Time Off to Attend School Activities



California's Family-School Partnership Act allows members up to forty hours each year to participate in activities of the school in grades 1 to 12 or licensed child day care facility. While this is not listed in our MOU, it is a guaranteed leave that allows parents, grandparents and guardians to take time from work to attend school conferences and events, but many members don't know about their rights. This newsletter will answer a lot of frequently asked questions about the Family-School Partnership Act.

What is the Family-School Partnership Act?

The Family-School Partnership Act is a California law that allows parents, grandparents, and guardians to take time off from work to participate in their children's school or child care activities. The law (Labor Code Section 230.8) first took effect in 1995. Its provisions were expanded in 1997 to add licensed child day care facilities to the kindergarten-through-grade-twelve levels included in the original legislation.

What opportunities am I offered under this law?

If the following criteria are met, you may take off up to 40 hours each year (up to twelve hours in any calendar month) to participate in activities at your child's school or day care facility:

- You are a parent, guardian, or grandparent who has custody of a child enrolled in a California public or private school, kindergarten through grade twelve, or licensed child day care facility.
- You work for a business that has 25 or more employees at the same location (which, of course, the City of Oakland meets, but an important item to keep in mind if you are sharing this information with friends and family that don't work for the City).

How should I account for my time off work?

Our MOU allows you to use existing vacation time, personal leave, or compensatory time off or even allows you take the time off without pay for the time you use participating in your child's school or child care activities.

How can I take advantage of these opportunities?

Let your supervisor know in advance that you would like to take time off to participate in activities at your child's school or child care facility. Our MOU states that you must give your supervisor at least four workdays notice prior to your planned absence. And, if your supervisor requests, under our contract language, you are required to provide documentation of having participated at your child's school or child care facility on a specific date and at a particular time.

If both parents are employed by the same employer at the same work site, does the law allow them to take time off together for the same school or child care activity?

Our MOU is silent on this issue, but the law states that the parent who first gives notice to the employer has priority for the planned absence, although the other parent may also participate if the employer approves.

Does the law apply to parents who work the night shift or only to those who work the day shift? What about part-time employees?

All parents working full time, regardless of the shift they work, are allowed up to 40 hours per year. Because a night worker normally sleeps during the day when school is in session, that employee might ask for approval of an absence during the night shift in order to rest adequately for participating in activities at his or her child's school or child care facility. Part-time workers are allowed a proportionate number of hours. For example, half-time workers may take up to 20 hours a year.

Does my Supervisor have the right to refuse my request for time off to participate in activities at my child's school or child care facility?

If your employer has 25 or more employees at the same location, he or she cannot refuse the request. All such employers must comply with the law and allow you to take off up to 40 hours a year to participate in your child's school or child care activities. At least one of the options-using vacation, personal leave, compensatory time off, or time off without pay-must be provided to employees.

What kinds of school or child care activities may I participate in with my child?

Under the law any activity that is sponsored, supervised, or approved by the school, school board, or child care facility is acceptable. Examples might be volunteering in your child's classroom; participating in parent-teacher conferences, Back-to-School Night, Open House, field trips, or extracurricular sporting events sponsored by the school, school board, or child care facility; and assisting in community service learning activities.

What should I do if I feel that my employer has discriminated against me for taking time off to participate in my child's school or child care activities?

Your employer may not fire you, demote you, take away your benefits, deny you a promotion, or in any other way discriminate against you because you have chosen to participate in activities at your child's school or child care facility. It is a violation of our contract to be denied time for school related activities, so please contact the Union so we can file a grievance on your behalf. Additionally, the law provides for civil penalties and compensation to the parents if such discrimination occurs. If you feel you have suffered discrimination, contact the Fair Employment and Housing Commission at 1-800-884-1684 or <http://www.fehc.ca.gov>.