



# The Bulletin

July 2009

## Business Manager's report

ASD-Learning 2

### NEGOTIATIONS: What's Next?

Seniority 2

Now that the Local 71 members have voted, your union will go back to the “bargaining table with the State. By law, each side must **bargain in good faith** for the goal of reaching an agreement mutually agreed upon by labor and management. Local 71 will return to negotiations in an honest effort to work with the State for an agreement which must also be fair to the employees.

Why LIUNA 2

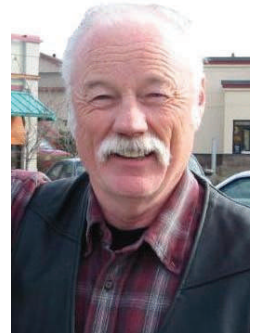
Local 71 members perform many vital services which keep the airports running, the Pioneer's Homes safe for seniors, the DOT roads safe, the prisons operating; the list goes on! We expect the State to keep this in mind in our upcoming negotiations.

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If these negotiations were to reach an “impasse or deadlock”, Local 71 would then proceed to **mediation** by the federal FMCS. Local 71 has had successful experience in this FMCS process over the years, and will be prepared to do so if necessary this time.

Member Spotlight 3

Finally, if the process above does not produce an acceptable agreement, the law provides for both a **binding arbitration** and a **strike procedure**. These are serious tools (and strikes are only undertaken after a membership vote to do so). Please know that your reps are here to address any concerns you may have. If you have questions do not hesitate to contact your local office.



**Robert Johnson**  
Business Manager  
Secretary-Treasurer

### AVOIDING PAINS WITH CHANGE IN HAINES

With the changing of the management team in Haines, our members working for the Haines Borough have been going through some interesting times.

Special thanks go out to Scott Bradford, Water and Sewer Plant Operator. As acting steward for the bargaining unit he has been vital in helping maintain a sense of stability for the members.

As this fall approaches, it is going to be important to discuss borough assembly races and which candidates will stand up for Borough employees. We will be going into contract negotiations next spring and expect to have assembly representation on management's side. That being said dust off a copy of your contract or call Tom Brice in the Juneau Office at 586-6993 for a copy and start making note of changes and concerns you have. There will be a questionnaire put out later this fall asking for more input. Additionally, there are positions available for individuals who want to sit on the negotiating team next spring. The requirements are that you are an employee of the Haines Borough, a member of Local 71, attendance at a few meetings, and listening and speaking up on behalf of your fellow employees. If this is something you may be interested, keep an ear out.

If you are a Haines employee and are not sure whether Local 71 has your email address, email Tom at [tom@local71.com](mailto:tom@local71.com) so he can put you on his distribution list.

## Anchorage School District Learning Experience

### *ASD Overtime/Personal Leave-Holiday's:*

Recently, It has been brought to Public Employees Local 71's attention that if an Anchorage School District (ASD) custodian uses personal leave and/or a holiday falls in the same week that they have accepted an overtime assignment on one of their regularly scheduled days off, that overtime shall be paid at straight time overtime.

Local 71 contacted both the State of Alaska Department of Labor and the Federal Department of Labor to get their interpretation of the Fair Labor Standard Act (FLSA) before filing an Un-fare Labor Practice Complaint with the National Labor Relation Board (NLRB) on the grounds that it has always been a long standing practice between the A.S.D. and Local 71 that if a person was on pre-approved personal leave and/or a holiday fell in the same week that person received pay at one time and a half (1 ½ ) their factored rate of pay when performing work on one of their regularly scheduled days off.

The Anchorage School District has changed that practice and is quoting language from the Collective Bargaining Agreement between the ASD and Local 71 specifically Article 11, Section 6, Subsection A which

states "Overtime shall be paid at the rate of one and one-half times the employee's regular wage, for all work over eight hours in one day or 40 hours in one week. Overtime shall be paid at the rate of two times the employee's regular wage for all work on the seventh consecutive working day. An employee working overtime on a sixth or seventh day shall receive a minimum of four hours pay at the appropriate rate." The ASD states that personal leave and holidays are not worked hours therefore when a custodian accepts an overtime assignment in the same week this has occurred that that overtime shall be paid at straight time pay.

The Union spoke with the State Dept. of Labor, the Federal Dept. of Labor and our Labor Attorney and the union was informed by all parties that if personal leave and holidays are not specifically addressed to count as hours worked in a collective bargaining agreement in regards to calculating overtime pay rates, the Fair Labor Standard Act states that they do not count as hours worked.

This concern will be addressed in the next negotiations with the Anchorage School District.

## Seniority—What is it good for?

**Article 22- Seniority**, of the State of Alaska, Local 71 Master Agreement gives you specific rights. It is important to be aware and understand them. *Many duty stations use seniority dates for a number of extra-contractual reasons such as choice of shifts, leave opportunities, etc. which is an informal use of this article.*

Formally, our seniority provisions establish a set manner in which members may promote, be laid off and be recalled. This is particularly important to our members who work in a seasonal position because this date determines who will be laid off first and recalled to back to work.

Your seniority date is established at the time you enter your permanent duty station, usually when you are hired. This date stays with you as long as you are in work status but may adjust if you go into leave without pay status for over 30 days. Be aware of this occurring. This is different than if you go into a layoff or seasonal layoff status, in which case your date should not adjust unless you separate from the

state or you stay in layoff over 2 years. Leave without pay status means your date adjusts after 30 days; layoff, seasonal or otherwise, you have two years to come back to work before your date is affected.

The Division on Personnel puts out seniority lists twice a year. It is the responsibility of our members to ensure that their date is correct. There have been instances where members have received bad advice at the job site and their dates adjusted. If you have questions about your seniority status talk with your steward or call the Union directly. Resolving these questions before they impact you or those you work with is the best way to

*"Many duty stations use seniority dates for a number of extra-contractual reasons such as choice of shifts, leave opportunities, etc."*

## Strength in Numbers

Why Local 71 belongs to the International (LIUNA)

In speaking to a number of members in our union I was asked a question by someone who wanted to know why we belong to the International. Our International is called the Laborers' International Union of North America (LIUNA). Some of our members have said they don't understand what LIUNA does for Local 71 in return for paying per-capita tax (dues) these many years.

Did you ever wonder why you pay for fire insurance? Like most people, you probably never had to put in a claim because your house burned down. Some people might even wonder why they pay the taxes that pay for the fire station that covers your house, because they never had to call them. The simple answer here is you just might need insurance and the firefighters someday.

Being a member of LIUNA is comparable to the insurance I mentioned above, with the exception that we do call them often, and they are always there for us. There have been many proverbial fires, we wouldn't be able to put out without these professionals.

LIUNA charters Local 71 as one of its local unions. We pay dues each month, and in return they give us a great deal of technical assistance, training, and legal help. Even more importantly, they protect us from the many enemies of organized labor and from people who would like see Local 71 disappear.

Some of you may find it hard to believe that there are people and organizations out there that are dedicated to seeing organized labor become a footnote in history. Every day battles rage on in

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## Members Speak Out on Ratification Results

Open letter to Robert Johnson,  
June 19, 2009

I personally view this vote by our members to "not ratify" the state's offer as an encouraging opportunity to build a better level of solidarity within our union. I realize my personal working experience here is localized, but all members are dealing with the same basic issues, first of which is trying to live on less and less each year as inflation erodes our basic wages.

I hold a simplistic view of the state employee/employer relationship. I hired on to work for the state at a specified wage and benefit plan. Government work for the laboring employee on a whole, has very few opportunities for advancement into a higher wage grade. So, simply put, because my wages have not been inflation-protected, I am working for much less than I originally agreed to work for.

This is a known issue that has been resolved long ago by the Federal Government with a mandated inflation index. Its primary purpose as I understand, is to be used as an arbitrary guide for government employees COLA calculations. It also serves as a good thumbnail guide of how the local economy is fairing from year to year.

I know there are many other issues to be considered with our next negotiation cycle, but the erosion of direct compensation is the one issue that cuts across every member's grain, regardless of tier status, wage grade, job classification, COLA differential or any of the other sub-categories that serve to divide our collective voting interests.

Plainly put, we all hired on to state service for our own individual reasons. If the state wishes to retain experienced employees, maintain high personnel morale and have highly qualified applicants to hire, they simply need to adopt a policy of inflation adjustments to

protect the value of the base wage agreement.

The current administration has obviously chosen to continue aggressive concessionary bargaining practices. I submit they consistently have broken the ethic of "Good Faith Bargaining" by using every possible rationalization they can throw against the wall to deny fair compensation increases. The reasoning they have used over the years is nothing more than situational ethics. "The legislature won't give you a raise" - "The state's budget is too tight to give you a raise" - "There was almost no inflation last year, which we believe to be a continuing trend" - "The price of oil won't stay this high" and the one that personally galled me the most was the last one used "We don't want to make the same mistakes from the '80's and give you too big a raise and just have to take it away later when the budget gets tight again"

Given this consistent effort by the state, regardless of which administration we have bargained with, I believe we should declare impasse and move toward arbitration.

As our union representation, I suggest you use this opportunity to discuss with the membership via a letter, your desire to improve our compensation packages. Walk us through the expected steps and timeline to achieve this goal. The union's efforts to distinguish ourselves as the "Good Guys Union" obviously has gotten us nothing. Oil prices have risen sharply since the last negotiation, the gas pipeline project is being competently pushed forward. The state's revenue outlook is solid for many years.

The time has come to press hard for the wages that we would have received from simple inflation adjustments.

Respectfully,  
A Fellow Union Member

## Member Spotlight

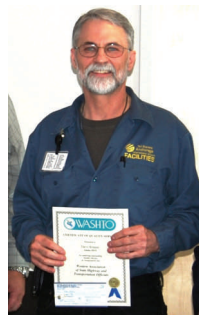
David Krause, Electronics Tech at the Anchorage International Airport, is this year's recipient of the WASHTO Award.

The Western Association of State Highway and Transportation Officials (WASHTO) awards program recognizes outstanding employees in the transportation field.

This award is in addition to departmental recognition for any of four categories.

The four categories are:

- Innovation:** To recognize an employee for an action or a recommendation which has resulted or will result in a savings in time and/or resources.
- Productivity:** To recognize consistently exceptional job performance for the preceding year, as evidenced by improvements in productivity, improvements in departmental public relations, or overall exceptional quality of service to clients.
- Public Service:** To recognize an employee who goes beyond



the definition of his or her job to serve the public.

- Safety:** Action by an employee to prevent a serious accident, eliminate a dangerous situation, or reduce damage, injury, or loss of life during the handling of an accident.

### Eligibility and Nominations

- All DOT&PF employees are eligible for recognition in any of the four award categories. Nominations may be submitted by:
  - a) Peers or co-workers
  - b) Supervisory Personnel
  - c) Members of the Public

Our employees are the most precious resource of our department, for they are what make it all happen. It is the responsibility of all managers to help recognize the outstanding deeds of our employees. Please take this great opportunity to do something meaningful for deserving employees.

We are on the web!

[www.local71.com](http://www.local71.com)



**Public Employees Local 71**

**2510 Arctic Blvd**

**Anchorage, AK 99503**

*W o r k i n g   H a r d   f o r   A l a s k a*

*(Continued from page 2)*

Washington DC where Senators and Congressmen (and legislators in Juneau) are convinced by lobbyists from big business to do away with the right to join a union and collectively bargain for what our members deserve on the job. They never rest, and these anti-union forces stretch things out of proportion and outright lie to get votes to stop organized labor from making gains for hard working American families. I've personally seen these attacks in DC and in Juneau.

For example: one law (i.e. the National Labor Relations Act) could be changed in Washington and our union could cease to exist. One devastating executive order from the President and we could find it very hard to do the job we now perform for our members. Given the fact that we are outnumbered in money and lobbyists, LIUNA does a fantastic job of protecting our rights as public employees.

The members of Local 71 gain a huge amount of leverage when we collectively go to your employer and demand you be treated fairly and paid well for the job you perform. As we always say "In numbers there's strength." Joining together under a union is permitted by law; a hundred years ago it was illegal in this country. Before June 1972, Alaskan public employees such as you couldn't form unions either. Like the 2<sup>nd</sup> amendment that gives us the right to keep and bear arms, union enabling laws are always under attack too. We have to fight constantly to keep these rights intact and that's where we need the help of outside organizations.

LIUNA has over 600 local unions chartered in their family of unions. They are like a union of unions. We all have a say in who

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leads LIUNA and how it operates and when it comes to public employees, Local 71 has a very strong voice within LIUNA. When we call, and like I said we call them for help often, they respond. We don't always shout it from the rooftops when they come to our aid, but we are always grateful that we belong to such a professional and powerful organization such as LIUNA.

