

SACRAMENTO BEE

1984-03-03

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# PRISON WORKERS REJECT CSEA BID AGAIN

Bee Capitol Bureau

The California State Employees Association has failed for the second time to win the right to represent prison employees in labor negotiations. The state Public Employment Relations Board reported Friday that prison employees voted 3,370-920 to retain the California Correctional Peace Officers Association in a decertification election involving the peace officers' group and the **CSEA**.

Joe Basso, a board agent, said 8,390 employees were eligible to vote. He said 89 ballots were voided, 81 voted for no representation in labor negotiations and 10 ballots were challenged and, therefore, not counted.

Tim Mahoney, chief administrative officer of the peace officers' group, said his organization has represented prison workers since labor negotiations between the state and its employees began in 1981.

Originally, he said, the prison workers chose the peace officers' group in a three-way race that also included the **CSEA** and the Teamsters union. None of the three received a majority in the first election, he said, but the peace officers' group defeated the **CSEA** in a runoff.

The **CSEA** subsequently obtained sufficient signatures of prison employees to force a new vote between the unions.

Mahoney said the peace officers' group won because it was formed by and is dedicated solely to those people (correctional officers) who work the toughest beat in the state."

The **CSEA**, he said, should spend time taking care of their membership and let us take care of ours."

**CSEA** spokesman Keith Hearn said: We extend our congratulations to them."

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1984-03-06

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# RIVAL UNION CHALLENGES CSEA ELECTRICIANS FILE PETITION TO REPRESENT 700 WORKERS

Jim Dufur

An AFL-CIO union that represents electricians filed a petition Monday seeking an election to represent 700 state electricians currently represented by the California State Employees Association. The petition came as a monthlong window' opened permitting other unions to raid' the **CSEA**.

**CSEA** spokesman Keith Hearn said **CSEA**'s parent organization, the Service Employees International Union, will file charges today against the electricians union the International Brotherhood of Electrical Workers at AFL-CIO headquarters in Washington, D.C.

**CSEA** and SEIU contend the AFL-CIO's international constitution forbids one AFL-CIO union from raiding another. An attempt to stop raids was the principal reason given by **CSEA** officers for affiliating last month with an AFL-CIO union. **CSEA** has 10 labor contracts with the state, representing 77,000 state workers.

IBEW argues that the international constitution permits raids during the first year of **CSEA**'s affiliation.

**CSEA** also is concerned that another AFL-CIO union, the Operating Engineers, is planning to challenge the raiding ban.

IBEW Monday filed what is called a severance petition an attempt to sever a portion of the membership of a current bargaining unit. The 700 state electricians are members of **CSEA**'s Unit 12, which has about 9,300 members.

The petition was filed with the state Public Employment Relations Board, which will conduct the election if one is held. PERB board agent Terrell Lindsey said IBEW has a number of hurdles to clear, in addition to the interunion squabble with **CSEA** and SEIU, before an election can be held.

Lindsey said the employment relations board will determine whether IBEW has collected sufficient membership cards to justify an election. The board requires at least half the potential members of a new bargaining unit to sign cards with the challenger.

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PETITIONS ASK END TO STATE AGENCY SHOP  
Jim Dufur

A group of non-union state workers, angry about the **fair-share fees** they pay to the California State Employees Association, presented petitions Thursday calling for an end to the practice. The agency shop provision in contracts between the state and labor unions requires payment of the fees.

Dennis Ward, representing State Employees for a Democratic Choice, said the petitions contain the names of 10,000 state workers.

Dennis Batchelder, chief negotiator for the Deukmejian administration in talks with labor unions that represent state employees, said he would take the cardboard boxes of petitions back to his office, but added, I don't know what I will do with them.'

The petitions are directed at Deukmejian. They ask him to end the agency shop, which requires state workers who are represented by labor unions - but not members of any union - to pay a fee to the union that represents them in labor negotiations.

CSEA represents more state workers than any other union - about 75,000. Of that total, 27,000 are not CSEA members but must pay the fee. CSEA defends the fee on the ground that it should be reimbursed for its obligation to represent non-members in labor matters.

SEDC, which circulated the petitions, tells the governor in a letter accompanyi the petitions that, As a minimum, the new (1984) contract must require that agency shop be put to a vote and a majority must approve' it before CSEA can collect any more fees.

Negotiations on 1984 contracts are expected to begin in April.

Meanwhile, a strike by 150 members of CSEA's staff entered its second week today with an announcement by Headquarters Staff Organization President Bradley Booth that the strikers have notified CSEA management they are willing to go back to the negotiating table any time.'

Booth said the strikers plan to set up picket lines at various state buildings to let state workers know what is going on.' He said a solidarity' picket line at CSEA headquarters at 11th and O streets is planned for March 16, with other unions joining HSO on the picket line.

The CSEA staff went on strike March 1 because of what HSO leaders called unacceptable offers of pay, retirement provisions, car allowances and reduced health, dental and insurance contributions.

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## ANOTHER UNION TRIES TO RAID CSEA

Bee Capitol Bureau

Another AFL-CIO union has taken formal action to raid' a bargaining unit represented by the California State Employees Association. Walt Norris, director of public employees for the International Union of Operating Engineers in California, said Wednesday the engineers have filed showing of interest' cards with the Public Employment Relations Board, seeking a decertification election in **CSEA's** Unit 12.

Norris said there are 9,700 craft and maintenance' workers in the unit and the engineers collected cards from about half of them.

If PERB should authorize an election, the workers could remain with **CSEA**, choose the engineers or choose not to be represented by a labor union.

**CSEA** spokesman Keith Hearn said **CSEA** is working through AFL-CIO headquarters in Washington, D.C., to stop the raid by the engineers on grounds that the AFL-CIO international constitution forbids one AFL-CIO union to raid another AFL-CIO union.

**CSEA**, which represents more than 75,000 state workers in labor negotiations, affiliated with the AFL-CIO last month, primarily in an effort to stop such raids.

Norris declined to comment on the **CSEA** protests.

The reason we filed (for a decertification election) is because these state employees for years have been seeking representation by a craft union,' Norris said. We are a craft union and we have filed a petition based on their desires.'

Last week, the International Brotherhood of Electrical Workers filed petitions with PERB, seeking an election to represent about 1,000 electricians in Unit 12. Through its parent union, the Service Employees International Union, **CSEA** also filed objections with AFL-CIO headquarters against the IBEW.

Meanwhile, striking **CSEA** staff workers met with **CSEA** management but, according to strikers' spokesman Larry Bauman, there was no progress toward settling the strike. He said another negotiating session will be held next week.

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RIVAL OF CSEA WILL FILE PAPERS TO REPRESENT 1,450 SCIENTISTS  
Bee Capitol Bureau

A labor organization seeking to represent 1,450 state scientists plans to file papers Monday in an effort to replace the California State Employees Association as the scientists' bargaining representative. The California Association of Professional Scientists said it has collected signatures of 600 state employees now represented by CSEA and expects to file additional names later.

The names of at least 30 percent of the members of the scientists' bargaining unit must be filed with the Public Employment Relations Board in order to seek a decertification election.

CAPS is the first non-AFL-CIO union to attempt to raid bargaining units of CSEA, which represents more than 75,000 state workers in labor negotiations. Two AFL-CIO unions, representing electricians and engineers, previously filed signatures seeking elections that would give them the opportunity to win over state workers from CSEA.

The Operating Engineers union seeks to represent more than 9,000 state workers and the International Brotherhood of Electrical Workers seeks to represent two units totaling about 1,000 employees.

CAPS leaders last year forced an election in which the scientists sought an end to the fee that non-CSEA members must pay to CSEA under the agency shop provision in the contracts between CSEA and the state. The scientists lost, then formed their own labor organization and now are seeking to decertify CSEA and become the scientists' representative at the bargaining table.

In another issue, striking CSEA staff members and management went back to the negotiating table Thursday night and the strikers scheduled a rally for noon today at CSEA headquarters, 11th and O streets.

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#### **CSEA IN MEDIATION OVER RAIDING CLAIM** Jim Dufur

Mediation sessions have begun in Washington, D.C., on charges by the California State Employees Association that it is being raided illegally by other AFL-CIO unions. The charges arise from attempts by the International Union of Operating Engineers and the International Brotherhood of Electrical Workers to take all or part of CSEA's Unit 12, which has 9,700 members.

The engineers want all 9,700 members. The electrical workers union, in two separate cases, is seeking to represent about 1,000 electricians who are members of Unit 12.

The CSEA, which represents more than 75,000 state workers in labor negotiations with the state, last month joined the AFL-CIO, mainly to avoid raids upon its membership by other AFL-CIO unions. Raiding is forbidden by the AFL-CIO's international constitution.

CSEA is not directly involved in the AFL-CIO mediation sessions in Washington. It is represented by its parent union, Service Employees International Union. The mediation is being conducted by AFL-CIO staff members.

Robert Welsh, executive assistant to Service Employees International President John J. Sweeney, said Friday he could not estimate how long mediation will last. It will depend, he said, on the AFL-CIO staff's workload and whether the mediator thinks he can settle the differences himself.

If the mediator decides he cannot settle the differences, he will turn the cases over to an AFL-CIO arbitrator.

Welsh said that if they go to arbitration, the loser can appeal to a three-member committee of the AFL-CIO Executive Council, which would have the final say.

There is no process for appealing a decision to the courts, he said.

The operating engineers and the electrical workers were seeking to win over members of CSEA's Unit 12, which includes engineers and electricians, before CSEA affiliated with the AFL-CIO, and continued their efforts following affiliation.

An electrical workers official said it is that union's contention CSEA is open to raids during its first year of affiliation. An attorney for the operating engineers declined comment.

The electrical workers union has filed petitions with the state Public Employment Relations Board, seeking elections to sever' members of Unit 12 from CSEA. The engineers union is seeking a decertification election in an effort to become the bargaining agent for the entire unit.

CSEA, which became subject to raids by other unions March 4, contends it was protected by the AFL-CIO constitution the day it became affiliated with the SEIU (Feb. 4).

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# CSEA SEEKS 10% PAY HIKE, FRINGE BOOST FOR 1984-85

Jim Dufur

The California State Employees Association Tuesday asked the Deukmejian administration to give 75,000 state civil service workers a 10 percent pay raise on July 1. During a negotiating session with the administration's Department of Personnel Administration, the CSEA also asked for additional fringe benefits that, according to CSEA spokesman Keith Hearn, could represent an additional 2 percent increase in the compensation package.

In January, Deukmejian offered state employees an increase of up to 10 percent that would include both pay and fringe benefits.

A spokesman for the state Department of Personnel Administration said it would be premature to comment on the CSEA proposals. He said the Deukmejian administration would have specific (counter) proposals later.

Earlier this year, sources close to the governor said one of the counterpro could be an end to the agency shop, which requires a state worker who is covered by a contract but is not a member of a union to pay a fee to the union that negotiates the contract.

The CSEA said its proposal would provide on July 1 either a 10 percent pay raise or a \$150-a-month raise, whichever is higher, for the 75,000 civil service workers in CSEA's 10 bargaining units.

The CSEA also is proposing a three-year contract. The union seeks additional pay raises of 4 percent - plus the rate of inflation - or \$150 a month, whichever is higher, starting July 1, 1985, and 1986.

The additional fringe benefits proposed by CSEA for the three-year contract include fully paid health and dental insurance for workers and their families, including orthodontia and vision care. Currently, the state pays health and dental bills of employees but only 90 percent of dependents' bills.

The CSEA proposal would permit renegotiation of the contract in 1985 and 1986 on wages and fringe benefits only.

Marilyn Ferrasci, director of CSEA's civil service division, said there is a probability of the state ending the 1984-85 fiscal year with a \$1 billion to \$2 billion surplus and therefore the time has come to make up for the buying power employees have lost during the past three lean years.

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## EX-CSEA CHIEF WINS PERS BOARD SEAT

Bee Capitol Bureau

Charles P. Valdes, who served as president of the California State Employees Association from 1980-82, has been elected to the administrative board of the Public Employees Retirement System, **CSEA** announced Tuesday. Valdes, a 43-year-old attorney in the state Department of Transportation since 1971, will serve a six-year term on the 13-member board, which administers retirement systems for public employees, judges and state legislators and health insurance programs for public employees.

Valdes will fill a post created by the Legislature last year to represent all 730,000 members of PERS. **CSEA** said unofficial results gave Valdes 36,214 of 204,494 votes cast by PERS members, with Deane Moore of Sacramento following with 13,209 votes.

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SCIENTISTS BREAK AWAY FROM CSEA NEW PROFESSIONAL ASSOCIATION TO TACKLE LABOR NEGOTIATIONS  
Jim Dufur

Scientists who work for the state have voted to break away from the California State Employees Association and form their own organization to represent them in labor negotiations. The state Public Employment Relations Board reported Thursday that 1,004 of the 1,366 eligible employees in CSEA's bargaining unit No. 10 cast ballots on whether they preferred to remain with CSEA, be represented by the California Association of Professional Scientists or have no union representation at all.

The board said 633 votes were cast for the new union, 308 for CSEA and 54 for no union. Nine ballots were challenged, but a spokesman for the new union said those challenges will not be pursued since only a simple majority of those casting ballots was needed to win the election.

The election was sought by the new union and marked the first time another union has attempted to 'raid' the membership of CSEA, which represents 75,000 state workers and is, far and away, the largest union of state workers.

The only other election involving an attempt by one union to take away membership from another union since the state's collective bargaining law went into effect in 1978 was an unsuccessful attempt by CSEA to raid the California Union of Safety Employees.

Dennis E. Mayhew, president of the news union, said in an interview that the vote was 'a clear indication of how scientists feel about themselves and about labor unions. We feel scientists can take care of our own matters, not the AFL-CIO.'

CSEA earlier this year affiliated with the AFL-CIO.

Mayhew said CSEA has 'failed to provide the representation they promised' the scientists. He claimed CSEA is concerned 'mainly' about clerical workers, who make up a majority of CSEA membership.

Mayhew noted that CSEA got clerical workers salary increases of 13 percent this year, compared with 8 percent for scientists.

Mayhew said state scientists last year unsuccessfully sought to end a requirement that non-CSEA members pay a 'fair-share fee' to CSEA. That failure 'probably more than anything else' led to the successful effort to form their own union, Mayhew said.

The scientists' unit is required under its current labor contract to hold another election before Jan. 1 to give unit members another opportunity to end the 'fair share fee.'

Mayhew said there is a chance that when the scientists seek their own contract with the state they may seek a continuance of the fair-share fee. Many scientists, he said, did not necessarily oppose the idea of a fee, they simply opposed not having an opportunity to vote on it.

In a prepared statement, CSEA spokesman Keith Hearn said: 'The scientists hope that having an organization that represents only them - instead of a variety of occupational groups - will produce better contracts. But this flies in the face of the tradition that there's strength in numbers. After all, that's why individual employees band collectively into unions in the first place.'

Mayhew said there is 'still some question,' but he expects CAPS to operate under the one-year contract with the state arranged by CSEA in negotiations that ended last month.

Meanwhile, he said, the new union will 'concentrate' on getting ready for negotiations on a 1985-86 contract. The current contract will expire June 30, 1985.

'We can live with it,' Mayhew said of the current contract.

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#### CSEA LEARNING INS AND OUTS OF LIFE AS REAL UNION Jim Dufur

For the California State Employees Association, the threats come from within and without. Internally, the state's largest employee representative is struggling to come to grips with life as a genuine labor union.

At the same time, the association is fighting to keep outside unions and disgruntled state workers from grabbing off thousands of workers represented by the CSEA.

Last week's announcement that a group of state scientists had split from the CSEA to represent themselves in negotiations with the administration illustrates the union's plight.

The CSEA's search for new direction - its drive to become a bona fide union began in earnest this year when the organization decided to affiliate with the AFL-CIO.

Then, in July, the union fired its general manager.

CSEA President Leo Mayer said last week in a telephone interview that the union is 'taking its time' in replacing Dan L. Western as general manager. The union, he said, wants to find someone 'more involved in the labor movement.'

Mayer said Western, who served as general manager for nine years, had been 'a good manager. There was nothing wrong with his management.'

But today's CSEA manager 'requires a different style (because of the) demands,' Mayer said.

As a replacement for Western, he said, 'We're looking for someone in the management end of a labor union.'

The CSEA's internal staff changes also include the reassigning of Ken Murch, who handled negotiations this year with the Deukmejian administration on behalf of 75,000 state civil service workers, and Don Turko, who has been handling negotiations for 12,000 state university employees represented by the CSEA.

Murch now is in charge of enforcing all contracts arranged by the CSEA and Turko is in charge of the contract negotiations.

And while the CSEA has moved to restructure its hierarchy, the union's empire has come under increasing attack.

The state Public Employee Relations Board announced last week that the California Association of Professional Scientists had successfully grabbed off the CSEA's 1,300-member bargaining unit No. 10, which is composed of scientists from various state agencies.

In addition, two AFL-CIO unions are seeking 'decertification' elections to gain the right to represent engineers and electricians. One union wants all 9,000 members of the CSEA's bargaining unit No. 12. The other one wants the unit's 700 electricians.

This year the CSEA affiliated with the Service Employees International Union in an effort to avoid raids by other AFL-CIO unions.

The AFL-CIO's international constitution forbids an affiliated union to raid another affiliated union, but the two unions seeking CSEA members - the Operating Engineers Union and the International Brotherhood of Electrical Workers - claim they still have the right to raid the CSEA, partly because the union is still in its first year of affiliation.

AFL-CIO headquarters in Washington, D.C., is pursuing the question of whether the CSEA is protected from raids by other AFL-CIO unions. A preliminary ruling concluded that it is. Another ruling is expected within a week, Mayer said, and he is confident that ruling also will favor the CSEA.

The scientists' success in breaking off to form their own union increases the threat to the CSEA that other occupational bargaining units will try to break away and form their own unions.

One former CSEA official who asked to remain anonymous said members in at least three other units are talking about attempts to break away.

Another close observer of the CSEA, who also requested anonymity, noted that if the CSEA can just hold its two largest units - composed mainly of office workers - 'it will represent half of the state (civil service) work force.'

The CSEA was formed 53 years ago during the Great Depression by state workers who had successfully pushed a ballot measure setting up a retirement plan for state employees.

Until recently, the CSEA was concerned primarily with instigating and maintaining the civil service system and providing pension, insurance and health benefit programs for state workers.

In 1978, a law that the CSEA sponsored in the Legislature went into effect, requiring the state to bargain with unions on wages, hours and fringe benefits. The first contract was negotiated in 1982 while Jerry Brown was governor.

That contract contained an agency shop provision that required state workers who are covered by the contract - but not members of the labor union holding the contract - to pay a 'fair-share fee' to the union to help cover the costs of carrying out the contract's provisions.

The CSEA, which pushed for the agency shop provision, has enjoyed a windfall from the provision - about \$3.5 million a year. But the provision angered thousands of state workers who were not union members.

An election was held last year in the bargaining unit representing state scientists. Those who cast ballots voted 2-1 to end the fee.

But the Public Employment Relations Board interpreted the 1978 law to require a majority of those in the unit - not just a majority of those who actually voted - to oppose the fee before it will end.

As this year's negotiations began between the CSEA and the Deukmejian administration, there were reports that Deukmejian would demand an end to agency shop as a tradeoff for a hefty pay raise. That did not happen.

The CSEA and the other unions got pay raises, but the CSEA was required to hold "'fair-share fee' elections in five units where - in 1982 - a majority of the bargaining unit members were not members of the CSEA.

The elections must be held before Jan. 1. The administration, in effect, decided that it was all right to require fair-share fees in units where most of the unit members were members of the CSEA. But, in cases where a majority of those covered by the contract were not CSEA members, elections should be held to see whether the CSEA should be permitted to demand a fee from non-members to cover costs of representing them.

Mayer said the CSEA had to agree to hold the elections this year in order to get its contract with the state, which includes pay raises of from 8 percent to 13 percent.

Mayer called the election requirement 'another attempt at union busting' by the Deukmejian administration, which 'would like to eliminate any large (labor union) organization' such as the CSEA.

Without a large union, he said, the administration would only have to negotiate with smaller ones that - it hopes - 'it can whipsaw back and forth.'

Mayer said the CSEA is setting up a special group within itself to deal with the agency shop elections because 'the only way we can compete with them (the administration) is to strengthen our organization.'

Mayer said the CSEA is reorganizing now 'for a big campaign to begin Sept. 5 one of the largest ever undertaken' by the CSEA.

He said the campaign will be aimed at the agency shop elections and 'organizing our members' for the 1985 labor negotiations with the administration.

The CSEA is trying, he said, 'to explain (to employees) the need for their support' and help them 'understand what we are doing. We want them to be a part of the process. By next year's bargaining time we intend to have the largest and strongest union this state has ever seen.'

The CSEA is getting an early start on the 1985 negotiations, he said, because the Deukmejian administration 'is anti-union and will get tougher as the years go on and we've got to be ready for them.'

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## TWO AFL-CIO AFFILIATES TOLD TO HALT CSEA RAIDS

Bee Capitol Bureau

The California State Employees Association, which earlier this year affiliated with the AFL-CIO, announced Thursday that an AFL-CIO appeals committee has ordered two other affiliated unions to drop their plans to raid one of CSEA's largest units. Representatives of the unions - the International Union of Operating Engineers and the International Brotherhood of Electrical Workers - could not be reached for comment Thursday, but both are expected to drop their efforts to take away CSEA membership.

The two unions earlier this year asked the state Public Employment Relations Board to call elections, giving members of Unit 12 a chance to choose them - instead of CSEA - as their labor bargaining agent.

The engineers are seeking to take over representation of all 9,700 members of Unit 12. The electricians are seeking to represent only 1,000.

The electricians' group, however, asked the PERB to hold up plans for an electrician election until after the AFL-CIO made its decision, indicating it would drop plans to raid CSEA if the AFL-CIO ruled against it.

West Coast leaders of the engineers union had indicated to PERB it would not abide by the AFL-CIO decision. But the engineers' general president in Washington, D.C., in an Aug. 16 letter to West Coast leader Walt Norris, said the engineers would 'take immediate steps to comply' if the AFL-CIO ruled in favor of CSEA.

The AFL-CIO's international constitution forbids an affiliated union to raid another affiliated union.

CSEA leaders have said many times they wanted to affiliate with the AFL-CIO to prevent raids upon its membership by large AFL-CIO unions. In February, it affiliated with Service Employees International Union.

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**CSEA PRESIDENT FACES 2 CHALLENGERS CSEA**  
Bee Capitol Bureau

Leo E. Mayer of San Francisco, who has served as president of the California State Employees Association since 1982, will face two challengers in November when he seeks re-election at CSEA's biennial general council meeting. Seeking to replace Mayer as head of the 90,000-member organization are Don Anderson of Sacramento, currently CSEA's secretary-treasurer, and Charles Pfeiffer of Fremont.

Anderson has been secretary-treasurer since 1982 and this is his first try for the presidency. He is an associate data processing analyst for the state( Water Resources Control Board in Sacramento.

Anderson and Pfeiffer said they are seeking to replace Mayer because they want to make CSEA into a stronger labor union.

Anderson said the 53-year-old CSEA is 'in transition' from the years before it started negotiating labor contracts.

'We're working at it (being a strong labor union) but we aren't there yet,' he said.

Pfeiffer, a frequent critic of the CSEA heirarchy in past years, is an electrician in the state Department of Health Services in Berkeley. He is distributing leaflets pledging to make CSEA into a labor union.

Incumbent Mayer is an employee of the state Compensation Insurance Fund in San Francisco. He also has spoken frequently about the need to take a tougher stance in labor negotiations and led CSEA in its affiliation this year with the AFL-CIO.

A vice president, an executive vice president and a successor to Anderson as secretary-treasurer also will be elected at the Nov. 17-19 general council meeting in the Anaheim Convention Center. More than 600 delegates are scheduled to attend. 100028283

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**CSEA, UNIVERSITY SYSTEM AGREE ON NEW CONTRACT**  
Bee Capitol Bureau

Workers represented by the California State Employees Association reached agreement Friday afternoon on a contract with the California State University system, ending four months of negotiations. The agreement includes an 8.8 percent across-the-board salary increase, plus additional 'comparable worth' adjustments for about 30 classes of workers in the female-dominated health care unit and the clerical and administrative support services unit. All increases will be retroactive to July 1.

Ratification by CSEA members will start Sept. 5 and CSU trustees are expected to approve the contract at their Sept. 19 meeting. CSEA said it hoped to have the pay raises reflected in Oct. 1 paychecks.

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# CSEA FACES CROSSROADS FOR LEADERSHIP ELECTING PRESIDENT, SELECTING DIRECTION

Jim Dufur

Like many 54-year-olds, the California State Employees Association is in the midst of a midlife crisis. For decades, CSEA was involved only in lobbying the Legislature, while handling insurance and retirement programs for state workers.

Since 1981, the CSEA has been working at being a bona fide labor union, negotiating wages, hours and fringe benefits for 75,000 state employees.

It is this move toward becoming a bona fide labor union representing 100,000 workers that has shaped a three-way battle for the CSEA presidency.

The decision on who will lead the organization for the next two years will be made this weekend during CSEA's General Council at the Anaheim Convention Center.

For many CSEA members, the shock of being a part of organized labor has not yet worn off. For others, CSEA is moving much too slowly into the traditional fields of trade unionism.

Earlier this year, the organization's leaders voted to end CSEA's years of independence and affiliate with the AFL-CIO. The affiliation was sought to avoid raids upon its membership by other AFL-CIO unions.

Many CSEA members objected not only to the affiliation but also to the fact that the decision was made by approximately 600 delegates at a convention, rather than putting the question to a vote of the entire membership.

Although it is now immune from raids from other AFL-CIO unions, CSEA has lost 1,400 members to an independent union. In addition, it faces the loss of millions of dollars a year in 'fair-share' fees it receives from non-members as part of an agency shop clause in its labor contracts.

The Deukmejian administration, during labor negotiations this spring, successfully demanded that elections be held this year to give some of CSEA's bargaining units a chance to end the fee.

The fee, CSEA argues, covers its cost for representing non-members in labor negotiations and grievances.

CSEA has launched a 'fighting back' campaign aimed at bolstering its membership for the 1985 labor negotiations. Some say the campaign also should help in the 'fair-share fee' elections, which will be held next month.

In the campaign for the CSEA presidency, Charles J. Pfeiffer of Fremont, a 46-year-old electrician with the state Department of Health Services, is waging an admittedly uphill battle.

Calling himself the 'grass-roots candidate,' he complains that the CSEA hierarchy leaves out 'rank-and-file' state workers when making important decisions, pointing to the failure to have all members vote on whether CSEA should affiliate with the AFL-CIO's Service Employees International Union.

The current CSEA leaders, he said, 'want an iron-fist control over the membership, while they vote on each other. That is how you control a union - take away the vote from the membership.'

He would like to limit the CSEA's board of directors to rank-and-file members and retirees.

The current president, Leo Mayer, is a supervisor in the State Compensation Insurance Fund. The third person seeking the presidency, Don Anderson, is a rank-and-file state worker - an associate data processing analyst with the state Water Resources Control Board.

The time is 'long overdue for us (rank-and-file members) to take our rightful place in this union,' Pfeiffer said. 'We must take command of the board of directors.'

He also believes CSEA officers should work full time for the CSEA. Currently, they retain their state jobs while holding office.

Anderson, 54, has served as CSEA secretary-treasurer the past 21 months. He said he believes the president ought to spend at least half of his time on the CSEA payroll but is not sure there is a need for all CSEA officers to be on the CSEA payroll.

Anderson, a member of the CSEA board of directors, said he does 'not really' support Pfeiffer's idea of limiting board membership to rank-and-file members and retirees.

Anderson feels the rank and file should have greater representation but 'the role of the board is really more administrative' than anything else and, under current rules, it contains representation of all segments of CSEA membership.

Anderson said he has been a CSEA member ever since becoming a state employee 28 years ago and believes its only duty should be 'representing people - at the bargaining table, in grievances and in legislation.'

Mayer, 58, has served as president since February 1983. He said there would be 'some advantage to having a full-time president.'

He is not sure there is any need for all officers to work full-time for the CSEA, but he said it would be a 'good idea' for the president to work full time and the secretary-treasurer to work part time for CSEA.

Mayer said 'only a small minority' of CSEA members support Pfeiffer's idea of limiting the CSEA board to rank-and-file members and retirees.

As a supervisor, Mayer said, he has worn 'two hats' - a state official and CSEA president, representing CSEA in at least two picket lines.

If CSEA should go on strike, he said, he would go on vacation or 'just walk out. If I had to do it (walk out), I would do it. The fact I am a supervisor does not preclude my doing what I have to do.'

Mayer is more or less running for re-election on his record - the affiliation with AFL-CIO, a reorganization 'to establish better communications,' a search for a new general manager who is 'a more union-oriented person' and his campaigns to retain the 'fair-share fee' and win a better labor contract next year with the 'anti-labor (Deukmejian) administration.'

Mayer is pushing, he said, for 'a stronger union posture' to demand greater respect from Deukmejian.

Anderson and Pfeiffer believe the CSEA needs a new president.

Anderson feels CSEA currently is 'not aggressive enough. We need to do more to enforce the contract. It is critical that CSEA elect positive leadership in touch with the pulse of the membership.'

Pfeiffer pointed to a recent foulup that embarrassed the CSEA as one reason to replace Mayer.

He said the CSEA recently was forced to 'buy out' a contract to purchase tickets for a 'Public Employee Day' at Disneyland. The problem was the 'Public Employee Day' was while Disneyland workers were on strike.

Pfeiffer claimed the matter was handled 'kind of amateurish not businesslike. That is a pretty shoddy way to run a business.'

Mayer said CSEA had a contract to buy about \$60,000 worth of tickets and he talked with the president of Disneyland in an effort to cancel the contract but was unsuccessful.

Mayer said CSEA members who had agreed to purchase tickets were permitted to either cross the picket line, get a refund or utilize the tickets after the strike ended.

Secretary-treasurer Anderson said he does not know yet how much money, if any, CSEA lost by being stuck with unused tickets after failing in its effort to cancel the contract. Future contracts, he said, will contain a clause allowing CSEA to back out in case of labor trouble.

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# CSEA PRESIDENT IS RE-ELECTED PAST 2 YEARS HAVE BEEN TOUGH FOR UNION, HE TELLS MEMBERS

Robert Forsyth

Leo E. Mayer, a supervisor in the state Compensation Insurance Fund, was re-elected Sunday to a second two-year term as president of the California State Employees Association. CSEA, which represents 100,000 state workers, 'shall maintain our stature as the finest public employee union in the country,' said Mayer, who works in the fund's San Francisco office.

Mayer narrowly defeated Don Anderson as the union completed the second of a two-day convention in Anaheim. Anderson, a data processing analyst with the state, has been the CSEA secretary-treasurer for the past 21 months.

Mayer called for a strong union to compete with the Deukmejian administration for improved salaries and benefits for CSEA-covered state employees.

In his biennial report, Mayer told the 650 delegates the last two years 'have put our union through a trial by fire.'

Expanding on his metaphor, Mayer said, 'We've been burned a bit, but those burns are healing well the fires threatening us haven't died down yet. They may grow hotter. But adversity is nothing new to us.'

Mayer noted that the major decision for the union was earlier this year when CSEA affiliated with the Service Employees International Union, AFL-CIO. That affiliation brought the number of employees represented by SEIU local unions to 830,000, but the change from an independent union to an AFL-CIO union created internal problems for CSEA.

But, said Mayer, 'In selecting SEIU, our union's leaders were confident that, by using the skills, the experience, the facilities, and the political strength of CSEA, and drawing on the important resources of SEIU, we would enhance our union's representation of California state workers. And that confidence was not misplaced.'

He said such strength is needed to take on Gov. Deukmejian's 'repressive, anti-employee policies.'

Mayer said that when Deukmejian was elected in 1982, 'That's when problems began for state workers.'

He said despite intense negotiating, lobbying and veto override attempts, 'the governor prevailed' on administration demands on contracts.

'Although the 1984 pay package we negotiated was the highest in four years, we suffered heartless take-aways in sick leave and bereavement leave but the experience of 1983 and '84 has steeled our union.'

Mayer said CSEA's muscle was sufficient to defeat Deukmejian's proposals in 1983 and 1984 to eliminate jobs in state service, 'but this coming year promises to be more difficult, because he's more determined than ever to cut employees.'

He said, 'Our union is committed to challenging these cutbacks, because we must protect our people from layoffs, from work speedups, and from the crippling effects of job-related stress and anxiety.'

Mayer also said CSEA 'stopped the state from paying employees with IOUs when the treasury ran short. We have launched a special task force against that insidious enemy called contracting-out. We have achieved an important beginning in comparable worth.'

CSEA, which in its 54-year history has moved from an 'in-house' association of state employees to a traditional trade union, also reorganized itself in the last year by redesigning its occupational chapters and changing its top professional leadership.

Earlier in the current convention, CSEA directors named Gerald J. Gress as general manager. Gress of Sacramento has been interim manager since last July when Dan L. Western left office.

Gress, a CSEA staff member since 1967, has been the union's controller since 1970 and essentially the No. 2 member in the staff hierarchy. 100039102

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#### STATE EMPLOYEES TO VOTE ON MANDATORY CSEA FEES

Robert Forsyth

In a bitter aftermath of a 1982 agreement struck with Gov. Jerry Brown, ballots will be mailed Monday to about 60,000 state workers to determine whether those who do not belong to the California State Employees Association should be required to pay service fees to the union. The binding vote on the service-fee, or agency-shop, issue coincides with the launching of a major drive by a new union to convince the majority of 23,000 employees in one CSEA bargaining unit to leave the organization.

In an attempt to retain its strength, CSEA has embarked on a twin-pronged campaign against the Deukmejian administration, attacking the governor in the media for trying to reduce the state work force and filing a lawsuit alleging sex discrimination in state salaries.

The vote on service fees, conducted by the state, stems from a bargain struck between the Brown administration and CSEA shortly before Deukmejian became governor. Under that agreement, CSEA gave up the right to represent a few thousand supervisors in exchange for the requirement that non-members in CSEA bargaining units pay service fees to the union without a membership vote on the matter.

CSEA had long fought for agency shop, or 'fair share' fees as unions call them, claiming that the union is required to represent all those covered by a contract. Opponents argued that the mandatory imposition of fees violated the individual's right of choice.

The agreement with Brown boosted CSEA's annual revenue by about \$5 million a year. Of the 80,000 state workers in the 10 CSEA bargaining units, 42,000 did not belong to the union.

But the agreement also produced bitterness from many non-members, including Dennis Ward, an employee in the state Department of Social Services and a leader of State Employees for Democratic Choice, an anti-agency-shop group.

Ward said, 'Employees, as a group, are entitled to a quality of representation and I don't think they should be forced to pay union dues.

'It's really a sham because the unions have no power, no power to strike. All they can do is rant and rave. All the power is on the other side.'

The 'other side' is the state administration, which negotiates with the unions, with agreements subject to ratification by the Legislature.

The Deukmejian administration, through its Department of Personnel Administration, forced the agency-shop vote in this year's round of bargaining. CSEA agreed to conduct elections at its own expense in those units that have less than 60 percent CSEA membership.

'We haven't taken a philosophical position on fair share,' said Jim Mosman, chief deputy director of the Department of Personnel Administration. 'But our position was that if they had 60 percent or less membership, there should be an election.'

The balloting will start this week in four CSEA units: Unit 1, in which about 13,000 of the 23,000 employees in administrative, financial and staff services are CSEA members; Unit 4, in which 17,000 of the 32,000 office workers are members; Unit 11, in which 1,500 of 3,000 engineering and scientific technicians are members; and Unit 20, in which 1,000 of 2,000 medical and social services employees are members.

The outcome will be based on a majority of those voting, rather than a majority of those covered by a contract. The votes are scheduled to be tabulated on Dec. 21.

Ward said his group, which unsuccessfully attempted special elections against agency shop last year, 'mailed out a little flier concentrating on Unit 1 because most of the people active in SEDC are Unit 1 people.'

Unit 1 also is the focus of an attack on CSEA by another organization, a decertification campaign by a group calling itself SAFE for the Association of Staff, Administrative and Financial employees.

The newly formed independent union, which is receiving professional assistance from other independent unions of state employees, has announced a \$60,000 effort to seduce Unit 1 employees from the arms of CSEA. SAFE organizers hope the \$60,000 will come from contributions from disgruntled Unit 1 employees.

Unit 1 workers are being told by SAFE organizers that CSEA does not adequately represent occupational groups, particularly the white-collar type of employee in Unit 1.

CSEA President Leo Mayer claims CSEA provides a high level of service for white-collar workers, and he brands SAFE's hired staffers as 'profit-hungry opportunists.'

SAFE campaign literature also criticizes CSEA for its decision earlier this year to affiliate with the AFL-CIO by becoming a local of the then-750,000-member Service Employees International Union. SAFE vows that 'We will control our own representation destiny, no longer hamstrung by the policies and dictates of CSEA and SEIU-AFL-CIO.'

But CSEA leaders claim the affiliation with SEIU has provided the state union with some important muscle, including the use of SEIU international staff members in CSEA's anti-Deukmejian campaign, tabbed 'We're Fighting Back.'

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TEAMSTERS POLL CSEA MEMBERS SURVEY CALLED 'ILLEGAL RAID'  
Bee Capitol Bureau

The Teamsters Union is conducting a mail survey of state crafts and maintenance employees to determine whether it will attempt to dislodge the California State Employees Association as the bargaining agent for those workers. The survey, which is being administered by an independent research firm in Oakland, has gone to 2,400 employees in a bargaining unit of 9,700, which CSEA has represented since 1981.

CSEA spokesman Keith Hearn said Thursday that 'this is clearly an illegal raid of our union.'

Hearn based his contention on a 1980 no-raiding pact signed by officers of the Teamsters International and the Service Employees International Union, AFL-CIO. Earlier this year, CSEA left its status as an independent union and became a local of SEIU.

According to the cover letter of the mail survey, 'In the next few weeks, the Western Conference of Teamsters will be considering an organizing drive to represent Unit 12 state employees.'

The survey, which is being processed by the Institute for Research in Social Behavior, is aimed at determining whether current members and non-members of Unit 12 are satisfied with CSEA-SEIU representation.

The questions are also designed to determine 'what Unit 12 employees think about unions in general and the Teamsters in particular,' according to the letter.

Although the Teamsters-SEIU no-raiding pact provides that it can be terminated by a 10-day notice by either side, Hearn said SEIU apparently has not received such a notice.

Officials of the San Leandro-based Western Conference of Teamsters, which contracted for the survey, were unavailable for comment Thursday.

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**2 CSEA UNITS VOTE TO KEEP 'FAIR SHARE' FEES**  
Bee Capitol Bureau

The California State Employees Association on Thursday withstood an attempt to end the paying of 'fair share' fees in two of its smaller units. Still to come is the announcement today of the outcome in two of CSEA's larger units.

Thursday, CSEA announced that members of the 1,800-employee Medical and Social Service Support Unit (No. 20) voted 513-108 to retain the fees. In the 3,300-member Engineering and Scientific Technician Unit (No. 11), CSEA said, the vote was 876 to 633.

The state Public Employment Relations Board, which is conducting the elections among the CSEA units, will count ballots today in elections held among the 32,000-member Office and Allied Unit (No. 4) and the 24,000-member Financial and Staff Services Unit (No. 1).

Under an agreement reached with former Gov. Jerry Brown in 1982, the union won the right to impose the fee on non-CSEA members whom the union is required by law to represent in labor negotiations and grievances.

The union argued that the non-members should be required to provide a 'fair share' of the union's expenses.

Under an agreement reached this year with the Deukmejian administration, elections were mandated in the four CSEA units where the union has the smallest percentage of membership.

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# STATE UNIT VOTES OUT UNION FEE CSEA LOSES, WINS 'FAIR-SHARE' TESTS

Jim Dufur

The California State Employees Association Friday lost 'fair-share fees from one of its larger units but retained the fees in its largest one - Unit 4. CSEA spokesman Keith Hearn said the union stands to lose \$1.2 million a year because state workers in Unit 1 voted to end the fees. The vote in the 24,000-member Financial and Staff Services Unit was 6,343 to end the fees and 6,117 to retain them.

CSEA President Leo Mayer said that 'because of the closeness of the vote,' CSEA will decide next week whether to ask for a recount.

Hearn said the union's annual budget is \$14 million and fair-share fees have brought in about \$5 million a year. He said the union collects \$1.4 million a year from non-CSEA members in Unit 4, the 32,000-member Office and Allied (workers) Unit.

Earlier this week, employees in two smaller CSEA units also voted to retain the fees.

According to Mayer, 'the overall results display a strong vote of confidence in CSEA. CSEA shall continue to be a strong, aggressive, professional union, prepared to bargain tough in the 1985 contract negotiations for the nine units that we represent.'

Fair-share fees have been required from state workers as the result of an agreement CSEA reached with former Gov. Jerry Brown. Under the agreement, employees who are represented by CSEA in labor matters - such as the annual contracts and grievance issues - must pay a monthly fee to CSEA.

CSEA calls it the 'fair-share fee' on the ground that non-members should help shoulder the expenses of the union.

Labor agreements that the CSEA reached this year with the Deukmejian administration required elections in four units that have the smallest percentage of CSEA membership, giving members of those units the chance to decide whether to retain the fees.

As a result of ballots counted on Thursday, CSEA won the right to retain the fee in the 1,800-member Unit 20 (medical and social service workers) and the 3,300-member Unit 11 (engineers and scientific technicians).

CSEA not only lost fair-share fees in Unit 1 but also faces a possible fight to retain the right to represent that unit in labor negotiations.

Following announcement that CSEA had lost the election in Unit 1, Philip J. Newlin, president of the recently formed Association of Staff, Administrative and Financial Employees (SAFE), said his group is 'well on our way to collecting the necessary signatures to ask PERB to conduct an election to decide which organization should represent Unit 1 employees.'

Chris Voight, labor relations consultant to SAFE, said the group has collected about 1,000 signatures toward an election to decertify CSEA as bargaining agent for Unit 1. He said SAFE needs to collect about 7,200 signatures - 30 percent of the unit's membership - by late March in order to have an election during the summer.

He said the gathering of signatures will 'pick up fast' after the Christmas and New Year's holidays.

Newlin said CSEA's failure to retain the agency shop in Unit 1 'was predictable because it follows a series of devastating blunders made by CSEA' in Unit 1.

Among the 'blunders,' Newlin said, was imposition of the agency shop fee and affiliation with the AFL-CIO - both without a vote of those represented by CSEA - and 'the worst contracts in state service (including) substantially reduced sick leave for Unit 1 employees.'

Voight said Unit 1 members also are unhappy with CSEA's 'personal attack against Gov. Deukmejian. We agree (with the unhappy Unit 1 members). We don't think that is necessary.'

Dennis War, chairman of State Employees for a Democratic Choice (SEDC), said SEDC has been fighting for two years against the fair-share fee.

The group has been turned down so far in its efforts to get the names and addresses of state workers in order to petition for elections on the issue.

But, Ward said, the group still is pursuing the issue in court.

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## UNION LEADERS PRAISE STRIKE DECISION AS BREAKTHROUGH IN LABOR MOVEMENT

Edgar Sanchez Bee Staff Writer

A ruling by the California Supreme Court that public employees have a right to strike was hailed by union leaders as a breakthrough for the labor movement moments after the decision came down Monday. But state officials expressed disappointment at the finding and vowed not to be intimidated by possible strike threats in future bargaining talks.

We're very pleased with this decision, said Keith Hearn, a spokesman for the California State Employees Association, one of the largest public employee unions in the state.

It gives public employees the same right that private-sector employees have had for decades - mainly the right to withhold their services as the ultimate action when contract negotiations break down, he said. Up to now, there was nothing the (public) employees could do. We just ended up taking management's final offer.

Hearn, emphasizing he was not threatening a strike, added: We hope this will provide more encouragement to state management to reach agreement with us, knowing that if they are unreasonable, they could be faced with this kind of situation.

CSEA represents about 85,000 of the 120,000 state employees covered by collective bargaining. The union is currently renegotiating at least 10 new contracts for various employee groups for the fiscal year beginning July 1.

California hasn't had a strike by state employees since 1979, when some water project workers walked off the job for several days, as they had done in 1972. Both strikes were over salary disputes.

Richard Lucero, president of the Sacramento Police Officers Association, the union for the city's 519 police officers, said the decision reaffirmed what has actually been public policy in California all along.

There is no statute and there has never been any court decision that said policemen could not strike, he said. In the past 10 years, there have been at least 15 police strikes in the state and none has ever been declared illegal by the courts.

When police officers strike, it's directly related to the atrocious behavior of management.

Gov. Deukmejian said, Frankly, I am not surprised by today's decision by the California Supreme Court to overturn a long-standing prohibition preventing strikes by public employees.

This is the type of decision that Californians have come to expect from this court.

Fortunately, we insisted on no-strike provisions in all the contracts that we negotiated last spring with state employee bargaining units.

Jim Mosman, director of the state Department of Personnel Administration, said he doesn't expect the ruling to change the course of future bargaining.

I don't think the threat of a strike is going to somehow dramatically change the state's positions on important issues, he said. We won't be intimidated by the threat of a strike.

Christine Olsen, a spokeswoman for the City of Sacramento, said the city attorney's office was waiting to receive the opinion to determine how it would affect the city.

Gerald M. Pauly, director of the Sacramento County Personnel Department, echoed Mosman's comments by saying the ruling would have negligible impact on contract talks with its 6,000 union employees.

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## EMPLOYEE ORGANIZING TRY STYMIED

Robert Forsyth Bee Capitol Bureau

Following an intensive four-month organizing campaign, a newly formed union now is fighting the state Public Employment Relations Board over whether an election can be held this summer. The organization - the association of Staff, Administrative and Financial Employees - was formed by dissidents who want to dislodge the California State Employees Association as bargaining representative of about 23,000 white collar employees.

The employees comprise Unit 1, which is one of 12 bargaining units that negotiate with the state. It is the second-largest unit in the 85,000-member **CSEA** stable.

**SAFE** emphasizes its independent status, criticizing **CSEA's** affiliation with the AFL-CIO's Service Employees International Union.

Last March 29, **SAFE** filed 8,200 employee signatures with the employment board, asking that an election be held.

In order to call a representation election, **SAFE** was required to submit the valid signatures of at least 30 percent of those employees in the bargaining unit.

Under the rules, the 30 percent was based on the number of Unit 1 workers who were employed on Feb. 28, which was the last payday before the **SAFE** petition was filed.

**SAFE's** valid signatures (determined by the board) amounted to 5,945. Thus, the 30 percent showing would be satisfied if the Unit contains 19,816 or fewer employees.

But the state provided the board with a list containing 23,229 names, which means 6,968 valid signatures would be needed.

That was good news to **CSEA**, which had run a low-key defensive campaign and was gearing up for an expensive effort to fend off the **SAFE** attack.

But **SAFE** was not satisfied with the initial finding, and now contends that the Unit 1 membership size actually should be 19,200, which would mean 5,760 signatures would represent 30 percent.

**SAFE** contends about 4,000 part-time employees, known as 'permanent and temporary intermittent,' should be excluded from the unit.

Bruce Blanning, a Sacramento labor consultant for **SAFE**, said the organization believes the 2,000 temporary intermittents do not belong in the unit and that there were at least 2,000 permanent intermittents who were not either actually on the job or specifically excused from work on Feb. 28.

But Janet Caraway, the employee board's director of representation, disagreed and has issued a show-cause order to **SAFE**, telling it that unless **SAFE** can come up with better reasons, an election will not be held.

In response, **SAFE** has said it has the full support of the board rules, state statutes and case law.

Even if **SAFE** loses this round, its leaders figure the effort is worthwhile. Blanning points out that the valid signatures **SAFE** obtained are good for a year and thus can be used in a renewed organizing drive.

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## CSEA WINS 6% RAISE, AGREES TO NO-STRIKE CLAUSE

Robert Forsyth Bee Capitol Bureau

The Deukmejian administration and the California State Employees Association reached agreement Tuesday on two-year contracts that will deliver increased wages of at least 6 percent in 1985-86 and 5 percent in 1986-87 for about 76,000 civil service workers. By retaining the current fringe benefit levels, the contracts for eight CSEA bargaining units likely will meet or exceed the 7.5 percent ceiling accepted by Gov. Deukmejian last Friday when he approved the 1985-86 state budget.

Although it was not so identified, comparable worth was addressed in CSEA Unit 4, in which the 30,000 state clerical employees - 89 percent of whom are women - will receive an additional 2.5 percent 'salary adjustment' next January. Adjustments of varying percentages for some other job classifications also were made in four other units.

Donald Turke, chief CSEA negotiator, said the 5 percent increase in 1986-87 was acceptable because he predicts that the consumer price index 'for the next year is at the 4 range.'

As with the current contract, CSEA agreed to a no-strike clause, a major demand by the administration in all state employee contracts. The union, however, won fully paid vision care to begin in 1986-87.

The union also retained the ability to collect fair-share fees from non-CSEA members it represents, except for the non-members in Unit 1, which represents 20,000 administrative service employees.

In addition, the union won sick-leave restoration provisions in four of its units.

Negotiations with other unions representing about 45,000 employees are continuing, but agreements with CSEA, the largest union, tend to set the pace on wages and benefits. Agreement also was considered imminent late Tuesday in the ninth CSEA unit, which covers 2,500 teachers and librarians in state institutions.

The agreement, which must be ratified by the Legislature and CSEA members, was jointly announced by CSEA President Leo Mayer and James Mosman, director of the state Department of Personnel Administration.

Both sides gave credit to state mediators who were called in to facilitate the CSEA negotiations.

Multiyear labor contracts are typical in the private sector and in local government but unusual for California civil service employees. The CSEA agreement, which came after intense and lengthy bargaining over the past five days, goes to two years with no provision to reopen talks next year.

The administration and CSEA see value in the two-year agreement:

Deukmejian and the Legislature will be able to design a 1986-87 state budget already committed to a 5 percent wage increase and benefits package and thus avoid the public and often acrimonious lobbying by the unions. The negotiations might have presented political problems because 1986 is an election year for constitutional officers and half the Legislature.

For CSEA, the two-year agreement offers protection against decertification attempts by other unions hoping to win the hearts and dues of the members. CSEA was nearly forced this year to wage an expensive turf battle against an independent association.

Both sides will not have to go through the time-consuming, expensive and often emotionally draining bargaining process next year.

The two-year contract concept was brought to the bargaining table by CSEA and quickly accepted by administration negotiators. Mosman said the administration has now proposed two-year contracts for the other unions still in the bargaining process.

As is common with labor-management contract settlements, both sides expressed optimism and harmony Tuesday.

Mosman said, 'We are hopeful that this new agreement will mark a new era of cooperation between the CSEA and the Deukmejian administration.'

Mayer praised Deukmejian for moving from a 6.5 percent ceiling to 7.5 percent: 'This amount is what made today's cost-of-living agreement possible.'

However, Mayer said, 'We still feel we're about 14 percent behind the cost of living, so we're not happy with that.'

Mosman counters that state employees have received increased wages and benefits in each of the three years of the Deukmejian administration, while there were no increases in the last two years of the Jerry Brown administration. About \$4 billion of the state's \$31.9 billion budget for 1984-85 went to state civil service employees covered by collective bargaining.

With the bulk of **CSEA** bargaining complete, the administration now continues bargaining with other unions representing state employees.

Last Friday it reached a tentative agreement with the American Federation of State, County and Municipal Employees, which represents 2,500 social service workers. It also was a two-year contract calling for a 6 per cent and 5 percent wage agreement.

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## STATE WORKERS' UNION DEBATES FUTURE

Mike Castro

To traditional trade unionists, the huge and gangly California State Employees Association always has seemed like a strange bird. Born as an association of state Workers, brought into the union Movement during the past decade by Passage of collective bargaining Laws for public employees, **CSEA** has Changed its colors frequently in its Attempt to fit in. The key mechanism for change is The General Council, the supreme Policy- making convention of about 650 delegates representing 128,000 State workers.

The convention meeting here operates with a mania for democracy. Any delegate can speak about any Motion and resolution in committee, A time-consuming procedure that ensures long, fatiguing meetings.

Today's meeting promises to be Long, but also action-packed as delegates decide who will run **CSEA** and How.

**CSEA** traditionally has been run By a five-member group of officers Along with 17 others on a 22-member Board of directors. However, the Board meets only every three Months. In the meantime, the five officers theoretically hold all of the Collective power of the membership.

Those five officer positions -- President, senior vice president, vice President, secretary-treasurer and Past president -- are to be filled by Election today.

Four delegates are competing for The presidency: Incumbent Leo Mayer, 60, of San Francisco; Patrick Monahan, 45, of Sacramento; Marcia Knutson, 54, of Porterville; and dark Horse Margaret Dean, 54, of La Puente, who was nominated from The convention floor Friday.

Mayer is seeking a third two-year Term, emphasizing his experience.

Monahan has served as executive Vice president and is promising new, Invigorating leadership.

Both Knutson and Dean are pushing for stronger leadership by the President. They contend that **CSEA** Actually is run by the top staff person: General Manager Gerald Gress.

Both said that, if elected, efforts Would be made to ensure Gress follows the wishes of the membership. One of their key complaints involves The inability to track the collection And spending of union money.

Gress said financial records are Open to anyone who asks. He said When he was named general manager two years ago, the association Needed stronger leadership from its Chief executive.

""The president of **CSEA** and the General manager are partners on a Day-to-day basis," Gress said.

""This may, occasionally, lead to a Blurring of the roles. But make no Mistake about it, in the final analysis, the president and the elected Leadership run the union."

Gress meant the officers and the Board of directors who represent **CSEA's** diverse four factions: civil Servants, supervisors, non-teaching Employees of the California State University system and retirees.

Who ought to run the union is under debate here.

There are strong moves to decentralize, to give autonomy to the four Diverse factions and to reduce the 22-member board of directors to 13. There also is a push to institute a Full-time, salaried presidency.

Mayer, for example, is a supervisor in the State Compensation Insurance Fund who is allowed leave Whenever he is working on **CSEA** Business. Some **CSEA** officials believe a full-time presidency is still About two years away.

In contrast, the move to decentralize **CSEA** seems closer. One veteran **CSEA** delegate said the decentralization move is widespread and fueled By the frustration of the membership in its attempts to communicate With the leadership.

The convention to map the union's Future is being held in the downtown Westin Bonaventure Hotel, an expensive, futuristic setting with glass-Walled, outside elevators.

It is, however, so futuristic that People often wander around trying To find their way.

The delegates are no exception.

Dean Tipps, California representative for **CSEA's** national union -- The Service Employees International Union -- said **CSEA** also may seem To be wandering about but, in fact, is Experiencing growing pains as it Seeks its way as a full-fledged union.

Knutson and Dean had expressed Feats that SEIU might try to take Over **CSEA**, chiefly through indebtedness.

Tipps had no immediate figures to Show how much SEIU has loaned **CSEA** the past two years, but tried to Calm those fears.

He said **CSEA** and SEIU are in a ""honeymoon" period and SEIU has Been willing to bail **CSEA** out of the Challenges that have befallen it from Membership raids and adverse governmental decisions.

""The last thing we would want to Do is take over **CSEA** or any other local union," Tipps said.

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# SOME IN CSEA FEAR AFFILIATION HAS STRINGS ATTACHED Mike Castro

Did the California State Employees Association unknowingly provide for its own demise two years ago when It affiliated with the Service Employees International Union? No, say top CSEA officials.

But that concern has been raised by some Of the 650 CSEA delegates attending the Union's four-day convention at the Westin Bonaventure Hotel.

In essence, the lines are drawn here between those who feel that CSEA ought to become a union in form and substance and Those who feel it ought to hold on to its historical independence as an "'association" of Employees.

Some of the delegates running for top offices are raising questions about the 126,000-member association's loss of independence.

Details of the 1984 agreement between CSEA and the international union have begun to emerge during the convention, the Policy-making body that convenes every two Years.

George P. Smith, CSEA secretary-treasurer, said the contract between the association And the international union prevents the international from taking over CSEA in trusteeship. Trusteeship is a process in which an International assumes the problems and assets of a local union without accountability To the local membership.

Trusteeships usually occur when a local Union is unable to handle its own affairs.

Smith said he believes CSEA is in good financial shape with its balanced \$16 million Annual budget. And the contract forbidding Trusteeship runs until 1990, and can be renewed before it expires.

If the international union doesn't agree to Give CSEA its accustomed autonomy, CSEA Can -- theoretically, at least -- disaffiliate From the international, Smith said.

There is one rub, however, said Marcia Knutson, one of four candidates for the presidency of CSEA -- the growing indebtedness Of CSEA to the international union.

Top officials like Smith and Gerald Gress, CSEA general manager, agree there is indebtedness, but they say it is not insurmountable. Details about the extent of indebtedness were not immediately available.

Knutson, one of the directors of the governing CSEA, said members have no clear Knowledge about CSEA financial problems Or about recent financial agreements between the association and the international Union.

Dave Baker, a top official in the international, said in a telephone interview from Washington, D.C., "'We are aware of and sensitive to those concerns and are willing to Work toward alleviating some of those concerns."

Baker referred other questions to a California staff member who was not available For comment.

Smith, an analyst with the Employment Development Department in Sacramento, Said one of CSEA's biggest debts to the international stemmed from elections among State employees to determine whether they Ought to pay "'fair share" fees.

Those fees are paid by state employees Who work in union shops, but are not union Members. Under an agreement reached During the administration of former Gov. Jerry Brown, CSEA agreed to dock those Employees a "'fair share fee" instead of dues.

But in 1984, Gov. Deukmejian ordered Elections to determine whether employees Ought to pay those fees.

The elections prompted CSEA to mount a Major organizational campaign -- "'the largest, most intense and most expensive perhaps in labor union history," said Smith.

Only one unit, with about 18,000 professional workers, voted against levying the Fees, Smith said. But CSEA had to borrow \$800,000 from the international to wage the Successful campaign. That no-interest loan is Being paid back over a three-year period.



SACRAMENTO BEE

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## NEW CSEA CHIEF WANTS DUKE'S EAR

Mike Castro

The new president of the California State Employees Association said Sunday that he will press for a meeting with Gov. Deukmejian to resolve differences between the Union and administration. Patrick Monahan of Sacramento replaced Leo Mayer as president after having been the No. 2 Ranking officer of the 128,000-member organization.

Relations between Deukmejian and CSEA have Ranged between cool and hostile. Mayer, 60, who Served two 2-year terms, said he was unsuccessful In arranging any face-to-face meetings with the Governor.

In a surprise development at the union's biannual convention here, women emerged as strong Vote getters, capturing the second highest position And forcing runoffs in the president's and two other top races. Yolanda Solari of Stockton was elected to executive vice president, defeating T.J. Davis of Ontario, Calif.

Monahan, 45, is an engineering technician in The state Department of Transportation. He said Before his election Sunday that he would provide Invigorating leadership, including taking stronger Control of the union.

Before the election, Mayer had been criticized For losing control to CSEA general manager Gerald Gress. But Monahan predicted he would have No trouble defining Gress' role.

CSEA, the nation's largest local union, is a powerful force in state government. It is affiliated With the Service Employees International Union, AFL-CIO.

Mayer, a supervisor in the State Compensation Insurance Fund in San Francisco, lost on the first Ballot. But dark horse candidate Margaret Dean Of La Puente waged an electric campaign after Nomination from the floor and forced Monahan Into a runoff.

Monahan won on the second ballot, gaining 363 Votes, or 58 percent of the ballots cast. Dean, a Clerk in the Employment Development Department in Pomona, received 253 votes.

George Smith of Sacramento won re-election as Secretary treasurer against challenger JoAnn DuBry of Eureka.

Donald Ziegenfuss of Eureka defeated Marilyn Ferrasci of San Jose in the vice president's race.

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**CSEA GENERAL MANAGER IS FIRED**

Mike Castro

California State Employees Association General Manager Gerald Gress was Ousted from his \$75,000-a-year post Tuesday, just 16 days after Patrick Monahan was elected president of the organization. Gress' termination from the top executive post, effective immediately, came during a meeting with Monahan. Gress left the headquarters office before quitting Time and was not available for comment.

Monahan previously served as executive vice president and in that earlier post opposed hiring Gress under contract.

""This was not a battle of hate here," Monahan said. ""It's been a battle for change."

Monahan said the union will pick up half of Gress' Contract, which runs until Dec. 31, 1987. Gress will Serve three years as administrator for the **CSEA** pension plan, a post he held previously as controller for The 128,000- member union. Monahan said he did not Know how much Gress' new job paid. Gress will probably work out of his home, Monahan said.

""I like Gerry," Monahan said. ""Gerry was a pleasant Individual."

Monahan said the new union officers have settled on A new and direct way of dealing with problems. ""We Needed to look for a different type of general manager," Monahan said. ""It was a very amiable termination."

Gress himself had sought some reassurance that he Would remain as general manager since the election of New officers earlier this month. He wrote a memo to Monahan on Monday -- with copies to all of the **CSEA** Hierarchy -- outlining his inability to receive ""consistency of support" for his job.

Gress recommended to the officers that they start a National search for his replacement. If they found a Successor to serve before Gress' contract ran out, ""there would be no difficulty for me if the association Then exercised its right to early termination of our Agreement," Gress wrote.

Gress' memo indicated that he was open to any offers from the **CSEA** to remain as general manager.

Monahan and Gress began discussions about the Memo Monday and resolved it Tuesday with Gress' Leaving.

Sources said Gress would be replaced by an interim manager. Monahan said a search for a replacement would start immediately.

Gress replaced Dan Western as General manager on an interim basis. Last November, Gress won a Two-year contract for the top post. Reports at that time indicated some Members of the governing board Wanted to conduct a national search For a general manager but that Gress Successfully pushed the officers into Giving him a contract.

Monahan's election Oct. 12 as President marked the taking of control of the union by rank-and-file Members. Two members who competed with Monahan for the presidency sought that job saying they Would seek to curb Gress' power at The **CSEA**.

Bee file

Gerald Gress out in rank-and-file takeover.

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OUSTED STATE UNION CHALLENGES RIVAL CSEA FILES PETITION ALLEGING COMPETITOR IS MERELY PAPER GROUP  
Stephen Green Bee Capitol Bureau

A vote by state trades and maintenance workers to split away from the California State Employees Association and join a new rival union has been challenged in a petition filed with the Public Employment Relations Board. The CSEA asked the board to investigate charges that the insurgent Alliance of Trades and Maintenance is actually a paper organization set up by a Sacramento labor consulting firm called Blanning & Baker Associates.

The petition filed Monday has the effect of putting off the defection of about 10,000 state employees from the CSEA's Bargaining Unit 12. In the weeks or months that it takes for the board to decide whether the complaint has merit, membership dues will continue to flow to CSEA rather than the new union.

However, members do have the option of resigning from the CSEA, which is the largest of the state employee unions with about 82,000 members. Two weeks ago, after a bitterly contested election, trades and maintenance workers voted 3,666 to 2,349 to decertify the CSEA as their bargaining agent and join the alliance.

CSEA President Patrick J. Monahan charged Tuesday that the alliance is "'an empty shell" with all policies and structure controlled by Blanning and Baker.

"Clearly, this kind of dominant relationship should have been disclosed on the ballot" in the decertification election, Monahan said.

Christopher Voight, business agent for the alliance, responded that his group was formed by people who felt the CSEA wasn't an aggressive bargaining agent, and no one tried to keep secret the fact that the alliance has a contract with Blanning and Baker for negotiating and management services.

"Copies of the (Blanning and Baker) agreement were distributed by the thousands, but the membership still voted overwhelmingly to dump the CSEA," Voight said. "What this gets down to is money. CSEA doesn't want to let go."

Alliance agents claimed during the election that the CSEA wasn't doing a proper job of representing a unit whose members are scattered statewide. The bulk of the trades and maintenance workers are Transportation Department employees, although they also include plumbers, mechanics, custodians and others.

CSEA officials have acknowledged that loss of the unit will take about \$2 million out of the union's annual budget of \$16 million. Unit 12 is the fourth-largest of its bargaining units. No layoffs or pay cuts have been proposed, however, said CSEA spokesman Don Barnes.

Blanning and Baker has been in business for more than a decade. In addition to providing services to the alliance, the company represents three other state employee groups: Professional Engineers in California Government, the Association of California State Attorneys and Administrative Law Judges, and the California Association of Professional Scientists.

The decertification vote came in the midst of contract talks for all state workers. Contracts were to expire on June 30, but they are still being honored while negotiations continue.

No one would predict Tuesday when a settlement will be reached.

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## NO CSEA STAFF CUTS YET DESPITE BIG LOSS

Mary Crystal Cage Bee Capitol Bureau

The California State Employees Association said Friday that "'it's premature" to talk about staff layoffs in the wake of a bitter representation election that cost the union 10,000 members and \$2 million in dues income. In the middle of contract negotiations, state crafts and maintenance workers voted 3,666 to 2,349 Thursday to switch representation from CSEA to the fledgling Alliance of Trades and Maintenance.

CSEA has until July 26 to challenge the results. At that point, ATAM becomes certified as the official bargaining agent and the membership of CSEA drops from 82,000 to 72,000.

The membership drop also means that the state employees union will lose about \$2 million of the \$16 million collected in dues annually, said CSEA spokesman Drew Mendelson.

"'The union leadership is examining the financial situation," Mendelson said. "'But I don't think there's been any discussion of layoffs. It's premature to talk about layoffs."

The staff's first priority has been negotiating a contract, he said. State employee contracts expired Wednesday.

ATAM business agent Christopher Voight said the new union, formed in January, already is preparing to take over the bargaining for its new members.

The key to ATAM's victory was CSEA's "'lack of focus," Voight said.

"'Members would look around at other unions in state service and see what they got in contracts. They wondered why CSEA wasn't doing the same," Voight said. "'And we heard from thousands of members that CSEA hadn't returned phone calls and didn't pursue grievances."

Although CSEA has not decided whether it will challenge the election results, the state association waged a bitter pre-election fight to keep what was its fourth-largest unit.

ATAM officials accused CSEA of spreading false claims that the governor and Department of Transportation management were behind the formation of the new union. CSEA accused ATAM of making false accusations against the older union.

The election marked the third time state employees voted to leave CSEA for independent unions since 1984, when 1,500 scientists formed the California Association of Professional Scientists. In 1986, the California Association of Psychiatric Technicians took over representation for 8,000 state workers.

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#### CSEA OKS KEY ACCORDS

Mary Crystal Cage Bee Capitol Bureau

A prolonged contract dispute between the California State Employees Association and the Deukmejian administration neared an end Tuesday when the union's two largest units, representing 57,438 office and administrative personnel, agreed to settle for a 3.75 percent pay hike. Two smaller units composed of nurses and medical support staff agreed to the same terms, and both union and administration spokesmen said a settlement was close for 5,548 custodial employees.

But representatives of state printing-trade workers went home without a contract after a full day of bargaining.

The settlements are subject to ratification by employees and also need pro- forma ratification by the Legislature. The raises would be effective Jan. 1.

If an agreement is reached with custodial workers, about 5,300 CSEA members and 25,000 other state employees out of a total work force of approximately 125,000 would be left without contracts.

Although there was never a serious threat of a walkout, CSEA members voted by a 9-to-1 margin in mid-August to authorize a strike if talks remained deadlocked.

Last week, CSEA negotiators broke off talks and asked the state Public Employment Relations Board to intervene by declaring an impasse, which would have meant bringing in a mediator.

But late Monday, the board said the union had asked it to put the impasse request on hold in anticipation of renewed negotiations.

Contracts for state workers, most of whom are represented by CSEA, expired June 30 and were extended through Aug. 15 while state and union representatives tried to work out new agreements.

The main issues in dispute have been pay, sick leave and the confidentiality of collective bargaining notes.

The new state budget, signed in July by Deukmejian, contains money for a 4) percent pay increase beginning Jan. 1. But the Department of Personnel Administration offered 3.75 percent, while CSEA asked for a 6 percent increase.

CSEA spokesmen Don Barnes said the 3.75 percent workers settled for Tuesday was ""not what we wanted, but it was a trade-off for salary adjustments."

David Tirapelle, chief deputy director of the Department of Personnel Administration, explained that \$1.6 million will be used to give larger pay hikes in certain jobs where there is a problem recruiting or retaining good employees.

Barnes said a sticking point for two of his bargaining units was sick- leave accrual.

In 1984, the state cut the number of sick-leave hours accrued in a month from eight hours to seven in an attempt to deal with excessive use of sick leave, Tirapelle said.

The new agreement would allow workers to accrue eight hours a month until a midyear review. The eight-hour limit would continue in those units that do not use excessive sick leave, Tirapelle said.

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## ENGINEERS, TECHNICIANS REJECT STATE OFFER

Bee Capitol Bureau

State engineering and scientific technicians have rejected a contract offer by a vote of nearly 5-1, the California State Employees Association said Tuesday. Although no strike by the 2,600 members in Bargaining Unit 11 is imminent, CSEA spokesmen said there could be job actions such as slowdowns or informational picketing unless the state comes up with a better offer. The vote to reject was 586 to 121.

"Obviously, our struggle at the bargaining table isn't over yet," said Don Anderson, who heads the union's civil service division.

David Tirapelle, chief deputy director of the Department of Personnel Administration, said he doesn't expect any immediate change in the state's bargaining position.

He characterized the vote as advisory rather than a rejection of a final contract offer.

The state offered a wage package that included a 3.75 percent raise, "which, from our perspective, is consistent with what was given to other CSEA units," said Tirapelle.

About one-third of the unit's members are seasonal employees, Anderson said, and they would get no raises if the union accepted the state's offer. Others, he added, deserve "equity adjustments" because they are doing work similar to that being performed by people in higher-paid job classifications.

Tirapelle contended that only 15 percent of the members are seasonal workers -- chiefly fish and wildlife aides and student-assistant engineers and architects. Normally, they are not covered by contractual raises, he said.

State labor contracts expired July 1 and were extended twice while bargaining continued. One other CSEA unit representing 2,000 librarians and teachers still has negotiations pending.

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## CSEA'S TENACIOUS NEW CHIEF FACES DUES PROTESTS, BREAKAWAY THREATS

Stephen Green Bee Capitol Bureau

When Margaret Dean's 10 children were age 3 to 16, she became a college freshman. She was divorced two years later, but still ran her household and earned her degree roughly on schedule.

After that, anything seems easy, says the new president of the California State Employees Association.

"You really learn to hold on to the things that are important," Dean mused in an interview this week. "You learn to focus on goals."

Few people who know Dean were surprised last month when she knocked off the popular incumbent of the 124,700-member union.

Dean, 56, had been a state employee for less than 10 years and had never held statewide office in the union. But as a CSEA regional director for the past two years, she built a statewide network of activists who worked relentlessly for her candidacy.

Then at the CSEA's biennial convention last month, she easily beat Patrick Monahan of Sacramento to become only the second woman to head the largest state employee union in its 57-year history.

And she did it from a home base far from the mammoth state worker hives in Sacramento. Dean has only about 35 co-workers in her Employment Development Department office in Pomona.

"She has the ability to focus on a dozen things at once and still make you feel like you're the center of her attention," said a colleague. "Almost nothing gets by her."

It's the kind of tenacity, say officials of rival state unions, that the CSEA is going to need to solve some of problems the union faces:

- \* The financially troubled organization just approved hefty dues increases, setting off grumbling in the rank and file and making it more difficult to sign up new members.
- \* Last year, 10,000 trades and maintenance workers walked away from the CSEA to form an independent union. The promise of lower dues was one of the drawing cards. More such challenges are likely.
- \* Staff morale. Top union managers got a 10 percent pay cut 17 months ago and will have to do with less a while longer.
- \* Getting a contract for the state's registered nurses. The nurses claim no single large unit of state employees is paid as poorly in comparison with the private sector.
- \* Resolving a contract for printing trades workers who just rejected an offer by one vote. If a contract is to be torpedoed, union officials usually want a lopsided vote to give them more clout at the bargaining table.
- \* The CSEA is developing a proposal to give its four divisions more autonomy and budget control. It's possible that a federation will evolve with four largely independent divisions under the management umbrella of the CSEA.

That may eliminate some of the long-running squabbles among the Civil Service Division (72,521 members), California State College and University Division (12,794 members), Supervisors Division (7,300 members) and retirees (32,100 members). But some members fear that such a federation will further fragment the state's most powerful union and make bargaining with state government more difficult.

"The first thing to do is acknowledge the problems, and we've done that," Dean said. "We dealt very responsibly with these issues at the general council last month. Now we're moving toward work site organizing. We're moving in all the right directions." Dean champions the federation concept.

"The ruin would be to remain as we are," she said. "Our power is our diversity. But we have to grant a little dignity and a little more room (to CSEA's divisions). I see federation as a maturing step for the union."

Recommendations on the organization's new shape are being developed by a 10-member committee and will be distributed to the membership next spring.

In the meantime, Dean plans to concentrate on expanding the membership, pushing proposals in the Legislature and preparing the CSEA's case for its mammoth wage-discrimination lawsuit against the state. The latter may go to trial in March.

She also plans a role in efforts to improve the state's workers' compensation system and hopes there can be more cooperation with rival unions.

Dean expects to spend about a third of her work week away from her state position helping job seekers. Union business will also occupy most weekends.

Such absences are easier these days. There's only one child at home, a 20- year-old college student. And her second husband has retired, giving him a flexible schedule.

That's not the kind of future Dean envisioned for herself when she was 40 and starting as a psychology major at California State University, Fullerton. "But who said life's over at 40?" she reflected. ""There's always new challenges out there."

Bee/Erhardt Krause

Margaret Dean wants to reshape her huge state-workers' union into more of a federation.

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#### **CSEA UNIT VOTES TO STAY WITH UNION**

By Stephen Green Bee Capitol Bureau

The California State Employees' Association has beaten back an attempt to decertify the union as bargaining agent for 2,186 state teachers, librarians and archivists. Ballots tallied Thursday by the Public Employment Relations Board showed that 955 members favored keeping the **CSEA**. Another 290 were opposed and 39 said they wanted no representation.

The election was held among members of Bargaining Unit 3. Most of its members are high school and vocational teachers in state prisons, hospitals and rehabilitation centers. Others include workers at the state Archives and Library in Sacramento and some employees at the California Maritime Academy in Vallejo.

The **CSEA**, an AFL-CIO affiliate, was being challenged for a second time by an independent union, the California State Employed Teachers Association. Most of the latter's leaders teach at the California Medical Facility in Vacaville. They claimed the **CSEA** had failed to give them adequate representation in grievance, safety and work-rule issues.

**CSEA** spokeswoman Pat McConahay said she believes members wanted to show unity in the thick of our contract battle with Gov. Wilson. That's what they've done. They realize the enemy is not within the labor movement.

In other state union news, the Public Employment Relations Board sent three other units back to the bargaining table Thursday for more contract talks. The Wilson administration had sought a finding of impasse. But the board ruled that there were still grounds for negotiations.

The units include the engineers in Unit 9, crafts and maintenance workers in Unit 12, and doctors and dentists in Unit 16.

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# **CSEA ENDORSES CLINTON**

Bee Capitol Bureau

For the first time in its 62-year history, the California State Employees Association has endorsed a U.S. presidential candidate. Democrat Bill Clinton got the nod at the union's weekend convention in Sacramento. Delegates cited a number of reasons for their choice, including President Bush's recent veto of legislation that would have created a national policy on leaves for workers with family emergencies.

The CSEA is the largest state employee union, representing 78,000 civil servants, 7,000 supervisors, 12,000 California State University employees and 30,000 retirees.

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## **CSEA EMBROILED IN BITTER FIGHT WITH ITS POLITICAL ARM**

Stephen Green Bee Capitol Bureau

California's largest state employee union is involved in a nasty feud over the future of its political arm. For the past two months, the California State Employees' Association has withheld about \$64,000 in member contributions to **CSEA-PAC**, its semi-autonomous political action committee.

**CSEA** leaders want to dissolve **CSEA-PAC** and reorganize it under their chief lobbyist, said spokeswoman Pat McConahay.

"With all the turnover in the Legislature and a changing political environment, we need better coordination of our political activity," McConahay declared.

But a majority of the PAC's 23 volunteer board members say the existing arrangement has worked well for more than 20 years and no change is needed.

They have a hearing scheduled in Sacramento County Superior Court on Aug. 15 on a three-pronged suit. The PAC wants the union to release all funds currently being held and to pay \$500,000 in punitive damages. They also want the state controller, who collects the employee contributions from a checkoff on monthly paychecks, to send the funds directly to the PAC in the future rather than funnel it through the **CSEA**.

The stakes are significant. During the last election cycle, the PAC raised more than \$2 million for legislative and statewide campaigns. Each month, it takes in about \$36,000 from the 18,000 state workers who belong to the PAC and make voluntary contributions of \$2 per month. Another \$37,000 monthly is generated from union dues paid by members.

The PAC also trains volunteers and assists grass-roots campaigns for favored candidates.

The PAC has two employees - an executive director and a secretary - who both will lose their jobs. The **CSEA** gave them 60 days to vacate space the PAC rents in the union's Sacramento headquarters building.

"When this (PAC) started 20-odd years ago with about 200 members, there wasn't much interest," said Pat Askay, a retired Department of Food and Agriculture employee who chairs the PAC. "But now that there's a lot of money involved, people want to get their hands on it."

He accused **CSEA** General Manager Bob Zenz of attempting a power grab.

"Once that money is inside (the union), there's no guarantee that it's going to be spent for what the members want it to be spent for," Askay said.

McConahay said, however, the decision was made not by Zenz but the union's governing board, and the transition is proceeding in an orderly fashion. Even with a separate corporate structure for the PAC, decisions on how to spend money and who to support have been made by a committee of the union's governing board, she pointed out.

The changes being sought are more form than substance, she said, and there will be "complete accountability" for all spending.

"They (PAC leaders) say they are a separate corporation, but they were created solely and only to do **CSEA** business," McConahay said.

But Askay contended this is a fight that could have been avoided with simple discussions and good faith on both sides.

"This is diverting us from things we should be doing to prepare for the 1996 campaigns," he said.

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PRISON TEACHER TO LEAD CSEA  
Bee Capitol and Metro staff

Perry Kenny, a teacher at Soledad State Prison, has been elected president of the California State Employees' Association. Kenney, who was elected to a two-year term, succeeds Yolanda Solari, who retired after three terms in office.

Other newly elected officers include Executive Vice President Paul Gonzalez-Coke, who works for the Department of Health Services in Sacramento; Vice President Gwendolyn Hooker, a library assistant at California State University, San Diego; and Secretary-Treasurer Barbara Glass, a Public Utilities Commission employee in Eureka.

Elected to head the union's 82,000-employee Civil Service Division was **Jim Hard**, who works for the Employment Development Department in Sacramento.

The elections were held this week at the union's General Council meeting in Anaheim. The union represents 130,000 active and retired state workers

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GROUP'S STRIKE VOTE ILLEGAL, CSEA SAYS; OFFICIAL UNDER FIRE  
Stephen Green Bee Capitol Bureau

Directors of the California State Employees Association have rescinded a strike vote taken by leaders of its civil service division and have taken steps to oust the division chief from the union. **Jim Hard**, who heads the 87,000-member division, on Monday described the weekend session where the action was taken as "a kangaroo court." Hard said he'll fight attempts to remove him in court and before the Public Employment Relations Board.

"This will make it much harder to win a contract," Hard said. "The board has raised the flag of surrender."

CSEA President Perry Kenny said the strike vote was rescinded because it did not get the two-thirds vote required for approval and that Hard had overstepped his authority on a number of occasions.

Hard is part of a dissident faction in the union that has "defied the civil service division's rules and abused both the membership and the staff of CSEA," Kenny said. "In light of positive bargaining efforts between CSEA and Gov. (Gray) Davis, I regret that we have come to these unfortunate circumstances."

The CSEA has three divisions and an affiliate for supervisors. Hard's civil service division is by far the largest and represents nine bargaining units for rank-and-file state workers, ranging from nurses to auditors and office workers. Kenny heads the union's top governing body, the board of directors.

The division's leaders took the strike vote Jan. 23, claiming newly elected Gov. Davis had made an "inadequate commitment" to pay raises for their members, who haven't had a cost-of-living increase in four years.

The action angered some members, who claimed it was premature.

"We had a new governor whom we all helped get elected and before his first month was up, they attack him," Kenny said. "We have a 24-year relationship with Gray Davis, and we believe his Department of Personnel Administration wants to bargain in good faith."

Hard insisted, however, that Kenny is out of touch with the members who are frustrated and demanding action.

Kenny's "more interested in saving the governor embarrassment than he is in quickly negotiating a fair contract," Hard said.

The board rescinded the strike vote during a closed-door session in Modesto. By "near-unanimous vote," according to Kenny, Hard was given 10 days to submit letters of resignation from the division and the union. If he refuses, the CSEA probably will seek a court order, Kenny added.

Hard, a 23-year employee of the Employment Development Department, said Monday, "I'm not drafting my letter of resignation." He did, however, call for picketing at noon today at CSEA headquarters in Sacramento.

If Hard is removed, union rules call for him to be succeeded by the division's deputy director, Cathy Hackett, for the remainder of a term ending in September 2000. Hackett, who works for the state Department of Transportation, was sounding no less militant Monday.

"The board's action directly undermines our members' chances of winning a fair contract," Hackett said. "It's a disgrace."

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80,000 IN CSEA GET RAISE IN SHORT-TERM PACT  
5.5% PAY HIKE WILL BE WORKERS' FIRST SINCE 1995  
Dan Smith Bee Capitol Bureau

Gov. Gray Davis' administration and state employees' largest labor union reached a short-term agreement on a 5.5 percent pay increase Tuesday, giving nearly 80,000 state workers their first raise in four years. The deal with six units of the California State Employees Association is effective April 1. Three other CSEA units - those representing teachers and librarians at state facilities, scientific technicians and medical/social service specialists - have yet to reach agreement.

Besides the pay hike, the deal also specifies that the state will pick up health coverage increases retroactive to Jan. 1. In addition, the pact restores all provisions of the previously expired contract.

While the contract gives workers their first pay raise since 1995, negotiations will continue for a more expansive deal that could be effective beginning with the state's new fiscal year July 1.

In those talks, which already have begun, CSEA officials will seek more pay, restoration of some worker protections and a more attractive pension for new hires, among other things.

"This is a short-term agreement and people need to understand that we have a lot of hard work left to get a long-term agreement," said Drew Mendelson, senior communication specialist with the CSEA.

Both the administration and union officials, said Davis' press secretary, Michael Bustamante, "are committed to a process to discuss an agreement for the next fiscal year."

In recent weeks, the administration signed similar "short-term" pacts with the International Union of Operating Engineers and the California Union of Safety Employees.

Nonetheless, both sides praised the deal.

"This is a historic success," **Jim Hard**, CSEA's Civil Service Division director, said in a prepared statement. "It makes a good beginning toward restoring the purchasing power our members have lost over the last four years without a contract."

For Davis, the agreement eases for now increasing pressure from organized labor to take care of state employee unions, which contributed heavily toward his election last year. State employees felt they had been shut out by Davis' predecessor, Pete Wilson, who refused to consider pay increases unless unions agreed to a merit-based pay system.

Tension over the issue heightened in December - before Davis was sworn in. The governor said he would accept all but 5 percent of a pay raise himself, even though during the campaign he said it would be "unthinkable" to do so before state employees got a raise.

Through just eight weeks of Davis' governorship, employees have protested, threatening strikes and flooding the Governor's Office with mailed appeals for pay raises.

"The CSEA leaders had faith in the process and in my commitment to them," Davis said after the deal was reached Tuesday. "I had faith we could work things out. We both proved correct. . . . It has been a high priority for me to accomplish this within my budget proposal."

Marty Morgenstern, Davis' director for the Department of Personnel Administration, said the agreement marked "the start of a new era for employee relations in California civil service."

When talks opened in earnest on the contract last month, CSEA presented proposals for a 6 percent pay raise retroactive to July 1, 1998, and another 6 percent raise as of Jan. 1 of this year.

And they were trying to avoid the short-term approach they ultimately accepted on Tuesday, lest it relieve pressure on the administration to agree to a longer-term, more attractive contract.

Davis included enough money for 2 percent to 3 percent pay increases in the budget he proposed for the year beginning July 1.

But he has said that could go up, should the May budget revision forecast higher state tax revenue in the coming fiscal year.

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"FAIR-SHARE' FEES IN CSEA PACT ANGER SOME  
Stephen Green Bee Capitol Bureau

Some non-union state workers are enraged about a provision in a recently negotiated contract that would force them to pay so-called "fair-share fees" to the California State Employees Association. About 21,000 administrative, financial and office workers covered by the proposed Bargaining Unit 1 contract would be required to pay a still-to-be-determined amount of money to the union each month in lieu of union dues.

Non-union employees haven't paid fair-share fees to Unit 1 since 1984, when the membership voted to abolish the charges.

"We don't have very much information about how they got this through the back door," said one worker who asked not to be identified. "But word about it is getting around and people are very upset."

Others spoke about organizing a campaign to vote the fee out or perhaps even decertify the union.

CSEA spokesman Drew Mendelson said Friday that no formal statements are being made about the fees since discussions are still under way on how to impose them. One option is to use the extra money to lower dues for everyone, he said.

Marty Morgenstern, the state's chief negotiator as head of the Department of Personnel Administration, said he didn't think the union negotiated anything improper because employees can vote out the fees if they wish.

"We don't have anything against fair-share fees," he said. "They can be legally negotiated under the law and are a legitimate thing to ask for."

Unit 1 covers more than 34,000 employees, and only about 30 percent are union members. All the employees, however, are entitled to the benefits of bargaining and representation, even if they aren't members. Fair-share fees, therefore, are intended to compensate the union for services provided.

The fees usually are identical or slightly less than the fees charged for membership. In Unit 1, the only entity in the 21 state bargaining units that has voted out fair-share fees, dues are 1.3 percent of each member's gross pay with a cap of \$45 per month.

The contract, tentatively agreed to last Tuesday, still must be voted on by the membership and ratified by the Legislature. It calls for a 5.5 percent raise as of April 1 and for the state to pick up more health insurance costs.

Unit 1 covers many low-paid office workers, raising concern that the imposition of fees would take away much of the benefit of the pay increase. It also has the lowest percentage of union membership. Most unions have signed up 60 percent to 70 percent of the eligible employees. The California Highway Patrol has the highest rate of union membership at 99.4 percent.

In other union news Friday, the CSEA's Unit 11 finished work on a tentative contract which is identical to the one signed by Unit 1. Unit 11 covers 3,100 engineering and scientific technicians.

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SHORT-TERM PACTS RATIFIED  
Bee Capitol Bureau

All nine bargaining units in the California State Employees Association have ratified their short-term contracts with the state. Votes were tallied Tuesday and "yes" votes averaged 97 percent, said CSEA spokesman Drew Mendelson. That includes Unit 1, where some non-union employees covered by the unit are mounting a campaign to rescind a provision requiring non-union members to pay fair-share fees, Mendelson said.

The contracts provide the first cost-of-living increase that CSEA units have received in more than four years - a 5.5 percent boost retroactive to April 1.

The contracts expire June 30 and were intended to put some money in the pockets of state workers now while talks proceed on broader contracts expected to be in place by July 1, said **Jim Hard**, director of the CSEA's Civil Service Division. The pay increases will continue after the contracts expire.

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## STATE WORKERS' UNION TO SUSPEND SIX OFFICIALS

Aurelio Rojas Bee Capitol Bureau

The California State Employees Association board has moved to suspend the four highest-ranking officers of its Civil Service Division, alleging they have turned their organization into a competing union and pose "an immediate threat." The suspensions -- effective Feb. 15, the same day nominations begin for union leadership posts -- is the latest dust-up in a years-old feud between the board and reform-minded leaders of rank-and-file workers.

The 85,000-member Civil Service Division is the largest of the CSEA's three divisions and represents nine of the association's 21 bargaining units, ranging from nurses to office workers.

A year ago this month, the board rescinded a strike vote taken by leaders of the division and took steps to oust its director, **Jim Hard**. This week, the board voted not only to suspend Hard, but the division's three other top leaders: Cathy Hackett, Marc Bautista and Ron Landingham.

According to division officials, two other members were also notified of their suspensions: Walter Rice, director of CSEA's Sacramento Region, and Adrienne Suffin, a statewide coordinator.

"I have determined that your actions pose an immediate threat to the welfare of the association," CSEA President Perry Kenny said in a letter to Hard.

Among the allegations cited by Kenny were improper use of the CSEA's electronic information system, Hard's effort to promote the interests of his division over the CSEA, and his attempts to represent the CSEA in "matters of wage, hours and working conditions."

The four officers are all members of the Caucus for a Democratic Union, which claims 300 union activists and has been harshly critical of the board and its policies. Most recently, members of the division who sit on the board voted against raising Kenny's salary to nearly \$100,000 a year.

At the center of the dispute between the two groups is the structure of the 25-member board, which the dissident group contends is weighted in favor of supervisors and retirees whose concerns are different than those of rank-and-file workers.

Penny, who preceded Hard as head of the division, said the structure has been in place for most of the association's 65 years and serves the interests of all its members.

"They claim to be militant, but I didn't see them acting as militant when Pete Wilson was governor," Penny said of the dissidents. "What they're really militant about is attacking me (and) the board."

For his part, Hard called the internecine battle "a struggle for control of the association" and the division's \$29 million in dues and fees.

"We pay about 85 percent of the cost of carrying the entire association," said Hard, a 24-year employee of Employment Development Department. "And we don't think we've been getting our share as dues-paying members."

To increase their autonomy, reform leaders have tried to incorporate the Civil Service Division as an affiliate to the CSEA. But the movement has been tied up in court while the two sides argue over who can vote to incorporate.

The suspensions also appear to be headed to litigation. Hard said the officers plan to file unfair labor practice charges with the Public Employment Relations Board and are considering legal action in Superior Court.

Once their membership is suspended, the officers -- some of whom have been on union leave -- must return to their state jobs until the hearing procedures are concluded.

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State workers to vote on union fees  
Steven A. Capps

Bee Capitol Bureau

Thousands of ballots were mailed to state workers Tuesday asking them to decide whether non-union members should be forced to continue paying monthly fees to the California State Employees Association union. The vote constitutes the largest challenge to date of the "fair-share" clauses in new labor contracts with the Davis administration that require non-union members to pay fees to the unions, including the CSEA.

The election involves state employees classified as Bargaining Unit 1, one of the largest bargaining units in state government, whose members include 37,000 professional, administrative, fiscal and analyst employees in various state departments.

If the employees vote to rescind the fees, it would eliminate nearly half of all the fair-share fees collected by the CSEA, or about \$8.4 million a year.

The issue also has drawn the attention of the National Right to Work Legal Defense Foundation, which has filed three class-action lawsuits on behalf of non-union employees who say the practice is unfair. Those cases are pending.

Opponents of fair-share fees petitioned the Public Employment Relations Board for the election. Ballots were mailed out Tuesday and are due back in a month. If the vote is affirmative, and the results not legally challenged, fee collections could stop as early as November in that bargaining unit.

There have been two previous votes on the fair-share fee issue, but they were held in much smaller bargaining units. One failed; the other was successful.

Of the 37,000 employees in Bargaining Unit 1, about 21,500 are non-union and pay an average of \$32 a month in fair-share fees.

About half of the \$17.6 million the CSEA collects annually through the fees comes from employees in Bargaining Unit 1, according to the Controller's Office, which handles the state payroll.

Union leaders say the fees are necessary to offset the union's costs of negotiating contracts and providing other services.

"Most of our members don't think it's fair that people are allowed to get the benefits from our work without paying for it," said **Jim Hard**, director of the CSEA's civil service division, noting that the union has secured raises of 13.5 percent for state workers since Gov. Gray Davis took office.

He said the union will use the extra money to hire staff and provide more services.

But opponents are against the idea of assessing fees on workers who never got a chance to vote on the issue. The new contracts were approved by union members and the Davis administration.

"Gray Davis is ripping off millions of dollars from California employees and pouring it into big labor's political slush fund," said Stefan Gleason of the National Right to Work Foundation when it filed a class-action suit this summer on behalf of University of California employees who objected to the fair-share fees.

Individual employees have their own reasons for opposing the fees. Mike Connor, 65, a fiscal analyst with the Employment Training Panel, said he opposes the fees because he thinks the CSEA is ineffective.

"I don't feel we're getting what we're paying for," said Connor, who pays \$42.75 a month. "There were five years running where there was no raise of any kind and no issue of it being made," he said. "You feel like the union is just hanging out with legislators."

Hard disagreed.

"Having the experience of negotiating with the Davis, Wilson and Deukmejian administrations, I know it takes a lot of hard work," he said. "I think the first offer we had from Gov. Davis was 1 percent, and it took a lot of vigorous activity among the members and staff of the union to raise it."

With so many non-union members in the unit now, the union may have its work cut out for it. The issue of fair-share fees has come before Bargaining Unit 1 twice in the last two decades, and both times fees were rejected.

But while the non-union members may have the advantage in numbers, those who are organizing the effort to rescind the fees have complained that the election process is tilted against them.

In an e-mail distributed to Unit 1 employees, the group complained that the outcome of the election will be won by a simple majority of those eligible to vote, rather than those casting ballots.

"With this rule, a person who does not vote has the same effect as casting a 'no' vote," said the e-mail sent by the group.

The group also is unhappy that the ballot makes no mention of "fair-share" fees but asks if the "organizational security provision" should be rescinded. "The statement uses contract language, which means the same thing, only it could appear to be vague to some people," the e-mail said.

Les Chisholm, regional director for the Public Employment Relations Board and in charge of running the election, said similar wording has been used in previous elections on the subject.

"This is language we've developed to try and have a clear but neutral statement of what the question is," Chisholm said. "We informed the parties of how we intended to word the ballot when we met with them."

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'Fair share' challenge fails again  
Thousands of nonunion state employees will continue to pay the fees  
Steven A. Capps

Bee Capitol Bureau

Thousands of nonunion state workers will be required to continue paying monthly union fees, officials said Monday in announcing the results of a key election challenge of the so-called "fair share" fees. The unsuccessful challenge came in Bargaining Unit 1, one of the state's largest bargaining groups and one with a history of rejecting the fees. The unit, one of 21 in California, covers 37,532 professional, administrative, fiscal and analyst employees in various state departments. Nearly two-thirds are nonunion.

While a majority of the employees who cast ballots in the monthlong election voted to rescind the fees, the election required a majority of all employees in the bargaining unit - not just those who voted - to rescind them.

So while 11,464 ballots were cast against the fees, compared with 8,349 cast to maintain them, the challenge failed because it fell short of the 18,767 votes constituting a majority of all employees, said Les Chisholm, regional director for the state Public Employment Relations Board, which ran the election.

In two previous votes on the fees - one in 1984 and another in 1991 - a simple majority of voters was required. Both times, the fees were rejected.

But those previous votes were not formal challenges of the fees, as was the case in the current election, and state labor laws did not require the higher vote threshold, Chisholm said.

"I understand why employees are upset and they think we changed something," he said Monday. "We didn't."

The California State Employees Association, the largest union of state workers and the one that represents Bargaining Unit 1, said the outcome of the election was gratifying.

"It sends a message to us that the members and nonmembers alike want to get on with the business of representing them in terms of pay, benefits, retirement, dealing with the significant health care cost increases that are going up in January," said **Jim Hard**, director of the association's civil service division.

The union had a lot at stake in the election. It has been collecting nearly \$1.5 million a month in "fair share" fees - about half of that from nonunion employees in Bargaining Unit 1 - as part of new labor contracts with the Davis administration signed last year.

The election had drawn the attention of the National Right to Work Legal Defense Foundation, which has filed three class-action lawsuits on behalf of nonunion employees in California who say the "fair share" fees are unfair.

Gene Brandenburg, a longtime state employee and member of the group that challenged the "fair share" fees in Bargaining Unit 1, said the outcome was disappointing but not surprising.

"We actually did win, but that's the way the election was structured," Brandenburg said Monday. "We got 27 percent more votes than the other side. Sounds like a landslide to me."

But while there is a 10-day period for challenging the election, Brandenburg said his group - State Employees for Democratic Choice - had no plans to formally protest the outcome.

"I'm a realist," he said. "We gave it this shot, and that's about it. This is the way society is moving, and there's no slowing it down."

Hard defended the state law requiring a majority of all employees in a bargaining unit - rather than just those who vote - to rescind the "fair share" fees.

"This is a provision of the state employer-employee relations act," Hard said. "There are aspects of it that some of our people don't think are fair, too, such as we members not being allowed to vote on excluding nonmembers from our contract benefits."

The fees were authorized in 1982 by legislation signed by Gov. Jerry Brown, a pro-labor Democrat, and became part of the contracts in 1983, just as the new Republican governor, George Deukmejian, was taking office.

In 1984, Deukmejian required that employees be given the chance to vote before being forced to pay the fees. In Bargaining Unit 1, the fees were rejected by a simple majority vote.

The fees were reinstated in 1991, but Gov. Pete Wilson, another Republican, also required that they be subject to a vote. Again they were rejected by a simple majority vote in Bargaining Unit 1.

The fees were reinstated last year in contracts between Gov. Gray Davis, a Democrat, and the unions. Davis did not put the issue to a vote, but opponents in Bargaining Unit 1 gathered enough signatures to force a vote. In such formal challenges, state labor law requires the higher voter threshold, Chisholm said.

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Tentative deal for many state workers  
Ed Fletcher

Bee Capitol Bureau

Nearly half the state's work force can begin mulling a contract offer from the Davis administration after union negotiators tentatively signed a deal late Thursday.

After months of deadlocked talks, the breakthrough for five key bargaining units of the California State Employees Association came one day after Gov. Gray Davis proposed carving more than \$2 billion out of the current state budget.

"I think the growing deficit weighed against getting a better offer," said **Jim Hard**, chief negotiator for the CSEA, which represents the bulk of the state work force.

In most cases, the administration's offer amounts to a 5 percent increase in employee salaries over two years. Before the raise takes effect, contracts must be ratified by union members and approved by the Legislature when it reconvenes in January.

Both sides acknowledged that the financial terms of this offer - facilitated by a state-approved mediator - vary little from what the state offered months ago.

Early in the contract talks, union officials had high hopes this would be the year they could negotiate marked improvement in state workers' contracts.

The CSEA and several other state unions held out for a better deal from the administration as the Legislature adjourned in September.

But the state's economic slide, hastened by the Sept. 11 terrorist attacks on the East Coast, took the wind out of union negotiators' sails.

A November 2000 budget forecast predicted a \$10.3 billion surplus, but the latest estimates predict a \$12.4 billion deficit heading into the next fiscal year.

The five CSEA units that reached tentative agreement Thursday represent more than 83,000 of the state's 175,000-person work force. Those units include state administrative, financial, and staff services personnel; educators; clerical workers; engineering and scientific technicians; cooks and janitors; and education consultants and librarians.

Workers still without contracts include state attorneys and administrative law judges, engineers, prison guards, printers, nurses, and medical and social workers.

Also without a new contract are state facilities operations staff members. Their negotiators brought a contract to members, but it was rejected.

The 5 percent pay increase tentatively reached Thursday would be achieved by allowing workers to take home money they would have been required to pay into their retirement accounts.

State officials say the two-year change would have no effect on employee pensions. Workers would stop paying half their normal contribution - equal to 5 percent of their salary - in the first year. In the second year, workers would take home the entire amount of their normal contribution. After the two-year contract, they would resume making pension-fund payments, with the 5 percent pay increase built into their base salary.

The state would make up pension contributions over a longer period.

Marty Morgenstern, director of the Department of Personnel Administration, which bargains on behalf of the state, said he was pleased to reach the tentative agreements with the majority of state workers.

Thursday's developments have sparked new talks with other bargaining units still without a contract, administration officials said.

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The Bee's Ed Fletcher can be reached at (916) 326-5548 or [efletcher@sacbee.com](mailto:efletcher@sacbee.com).

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## Letters

### CSEA vs. state workers

Re "Tough times for union," Nov. 1: The Bee's story on the dispute between CSEA and SEIU didn't quite capture the true story behind the internal struggle within the California State Employees Association.

CSEA President Perry Kenny characterized Service Employees International Union's New Strength Unity Plan as a power grab. He fails to mention that all of CSEA's rank-and-file delegates (except for him and perhaps another delegate) voted overwhelmingly to adopt the plan at the SEIU convention in May 2000.

In fact, at that convention Kenny signed a pledge to support the plan. His rapid turnaround occurred only when his CSEA co-delegates petitioned SEIU President Andy Stern to dump Kenny from the slate of candidates for the SEIU executive board.

The rank-and-file civil service division of CSEA has been trying to wrestle control over its own dues and resources away from the CSEA board of directors, which is dominated by retirees and supervisors. Imagine: supervisors and retirees having say over union matters that involve active state workers.

Kenny bringing this distracting issue up while we are in the midst of contract negotiations is another example of the type of leadership CSEA members have had to endure these past several years.

-Ed Perez, Sacramento

Member, CSEA, Local 1000, SEIU

\* \* \*

CSEA is not a union. It is an association of current and retired state employees. Kenny has cultivated the support of retired managers and antiunion elements by playing on their fears that the common state workers just might take ownership of their own organization.

Working to build a union and empower the rank and file is not Kenny's objective. He's not interested in helping unorganized, low-wage workers if it comes at the expense of his own agenda.

Most state workers support the contract campaign that the civil service division has mounted under the leadership of **Jim Hard**. The purple shirts are here to stay, and we know that we need SEIU for what we can do for each other. "Stronger together" is not just a phrase.

-Dave Hart, Davis

Chair, Bargaining Unit 11, CSEA, Local 1000, SEIU

\* \* \*

If Kenny is so convinced that members of Local 1000 identify more with the name CSEA, why couldn't we find any union members wearing the CSEA logo T-shirt? The only workers in the photos accompanying the article are workers at the nonunion factory producing union T-shirts. On the other hand, a union member at a rally that drew more than 4,000 members to the Capitol proudly displays the purple T-shirts bearing the SEIU logo. It identifies us with the rest of the labor movement.

What has Kenny done to fight for a good contract for workers? I've never see him at any of our actions; he's never participated in any of our campaign activities. In fact, he does his best to prevent members, staff, SEIU and activists from becoming involved. He has denied union leave for many union activists who had volunteered to work on the campaign, including barring them from parking at CSEA parking lot - a parking lot paid for by our union dues.

All I can see that Kenny does is use our money and resources to kiss up to our boss, Gov. Gray Davis, because he wants a job.

-Marangu Marete, Sacramento

\* \* \*

The article barely scratched the surface. It failed to mention the expulsions and lawsuits against union reformers, or the board's failure to recognize two votes for incorporation of the civil service division to give it the same independence as the Association of California State Supervisors, a CSEA affiliate.

Why would Kenny be "willing to risk" the breakup of CSEA? The answer is simple: Those in power want to remain in power, regardless of the consequences to CSEA members.

-Jim McRitchie, Elk Grove

\* \* \*

It is apparent from this article where our CSEA monthly dues are going. And it is way too much to pay for a T-shirt, especially since state workers have not had a decent pay raise in years.

Now CSEA will probably use more of our dues to fight the battle within its organization and state workers will continue to work without a contract.

I vote that we join the American Federation of State, City and Municipal Employees Local 3993, which negotiated a 22 percent increase over the next four years for BART employees, plus other extras.

-Sally Verdin, Sacramento

Anti-intellectualism

Re "Radio waves," R.E. Graswich, Oct. 31: So, anti-intellectualism is alive and well in the hinterland Sacramento as demonstrated by Graswich, the poor man's Herb Caen. I listen to KXJZ and have enjoyed the jazz, but I welcomed the change in the format because it offers an intelligent alternative to Rush Limbaugh, Dr. Laura and the glut of right-wing radio trash talkers.

And perhaps I missed the humor, but the suggestion that KXJZ interview Louis Armstrong and Ella Fitzgerald seems to miss the point that Louis Armstrong and Ella Fitzgerald are dead.

This from a writer who demonstrated in a past column that he doesn't know the difference between infamous and famous when he used infamous to characterize a local celeb without any explanation. Vocabulary lesson, indeed.

-Rod Kuehne, Carmichael

RT's student ID cards

Re "RT ID," Our Views, Oct. 29: The editorial's information was flawed about RT youth photo ID. Those were discontinued and included in the RT student ID. The ID card is needed to place a student sticker on them. There are too many schools with different types of student IDs. By having three colored ID cards, drivers know which sticker goes on each card.

Each transit agency has its own type of ID cards. That is why RT has its.

And there are no discrepancies in ID policy. It is clear and concise and fair to all passengers. I know about photo IDs because I'm the one who issues all photo IDs for RT.

-F. Umlor, Sacramento

Teacher training

Re "End emergency credentials, report recommends," Oct. 24: Coverage of a state task force report on teacher training, recruitment and retention ignored one of many reforms under way in California. Legislation signed by Gov. Gray Davis provides a multifaceted approach to teacher recruitment and incentives envied by many states.

At the center of the governor's plan to place a qualified teacher in every classroom is the California Center for Teaching Careers (CalTeach) and Teacher Recruitment Incentive Program (TRIP).

From January to September 2001, 8,400 teachers were recruited through a coordinated outreach, job placement and advertising campaign. Information describing incentives, loans and options for teachers has been distributed in California and 20 other states. CalTeach has actively recruited high school and college students and midcareer changers for the past four years.

In the last 18 months, more than 13,000 people attended CalTeach presentations; events on 96 out-of-state campuses resulted in 2,200 prospective teachers being added to the TRIP system in just eight months.

As an educator, I applaud actions by the governor and Legislature that build on successful high-quality teacher recruitment and retention policies and practices already in place.

-Nancy Sady Brownell, Sacramento

Director, CSU Institute for Education Reform and CalTeach

IRA and Protestant thugs

Re "Trimble finds himself - again - dealing with unionists not interested in a power-sharing government," Op-Ed, Oct. 31: Thomas Oliphant has written an excellent commentary. For those who think Ireland's violence is all perpetrated by the IRA, Oliphant reveals the truth that Protestant paramilitary groups have committed horrific crimes that have been downplayed, perhaps due to America's "special friendship" with Britain.

In the IRA's disarmament, it has taken a huge step in the right direction, but unless Protestant forces stop their own violent acts, there is no hope of peace in Ireland.

The photo of a Catholic schoolgirl and her father who narrowly escaped being victims of a Protestant bomb and the terror on their faces speaks volumes about those who piously denounce Gerry Adams and Sein Fein while continuing actions that equal or exceed the worst acts of the IRA in its darkest days.

Many of the targeted victims have been young children, and it's hard to sink lower than that. The hate-filled Rev. Ian Paisley is typical of the attitude of Protestant leaders toward Catholics.

-Dodie Harrigan, Sacramento

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Reviews split on union leader  
A CSEA rift draws attention to different bargaining styles.  
Ed Fletcher

Bee Capitol Bureau

Perry Kenny is either a hero or a heel - it depends whom you ask.

Ask supporters, and you'll hear that the three-term California State Employees Association president is a tireless and steady voice for state workers' rights.

Ask others within the organization, and you'll hear he's a teacher turned administrator whose timid tactics suggest he's more interested in keeping his position than standing up for state employees.

The fracture is so clean even Kenny suspects one would be hard pressed to find anyone close to the group without a strong feeling one way or the other.

"Some of the internal politics has become pretty nasty," Kenny said. "At some point, people have to decide."

This year's bargaining between the union - which represents 136,000 state workers, managers, supervisors, retirees and California State University employees - and the state highlighted the rift within the organization.

As talks wore on - without major gains to show for them - Kenny and Civil Service Division Director **Jim Hard** traded rhetoric over who was to blame. Then, while union negotiators were fighting for anything better than a 5 percent raise, the association board gave Kenny a 10 percent increase, bringing his annual salary to \$125,000 and igniting a firestorm of angry e-mails.

The criticism is nothing new. For years, Kenny has been fending off attacks from the more aggressive, militant forces leading the Civil Service Division - the largest unit of the organization.

To gain bargaining leverage, Civil Service Division leaders are more likely to call for a strike or attempt an impromptu meeting with the governor.

That's just not Kenny's style.

In this classic union struggle of old guard vs. new guard, some say it's ironic that though Kenny rose from the leadership ranks of the Civil Service Division, it's now the segment of the organization where he enjoys the least support.

Because Kenny maintains control of the organization with the support of retirees and supervisors, Hard says Kenny has no interest in bringing in more dues-paying rank-and-file members.

"He's out strictly for his personal position and has done everything to undermine member participation," Hard said. "He would just as soon that people drop out of the union because they get the 'fair share' money anyway."

Kenny flatly rejects the idea that the "fair share" fees - paid by state workers who don't belong to the unions - make him complacent about membership.

"That is just rhetoric," he said.

Hard says civil service membership is growing, as is its voting bloc, and that's bad news for Kenny.

Despite the distractions and negative energy that surround him, Kenny largely tries to ignore the rift within the organization - although he cites not solving it as one of his major regrets.

Kenny's two decades of union service began in the break room of Soledad State Prison. He began teaching at Soledad not long after the state began the collective bargaining process and the first negotiated contracts were signed.

"I read (the contract) in the coffee room and started saying, 'Well, management has to comply with these rules,' " Kenny said. "(Management) said, 'You have to become a job steward to tell us what to do.' "

"I said 'fine,' " Kenny recalled.

Kenny said it all happened quite naturally, having grown up around his father and uncles - all active union members.

It wasn't long after he became a job steward that he was asked to join the bargaining team. He went on to serve three terms as director of CSEA's Civil Service Division before being elected CSEA president in 1996.

The environment in which CSEA operates has changed dramatically during Kenny's years as president - from the openly hostile relationship with former Gov. Pete Wilson to a sometimes-troubled but workable relationship with Gray Davis, a governor members have long backed.

"(Davis) came to us when he was considered roadkill," Kenny said. "We were the first big group to get behind his candidacy for (the) governorship."

CSEA negotiators were only able to sign one contract in eight years under the Wilson administration, so when Davis was elected, many within the union were hopeful conditions for state workers would change rapidly and dramatically.

To the dismay of many within the organization, the Davis administration wasn't leaping to give them the increased benefits they'd long sought.

Despite voicing his support for increased benefits for state workers during the campaign, Davis said it might be "problematic" to give raises in the first year.

That situation made clear the philosophical differences between Kenny's statesmanlike style and the Civil Service Division's more fiery tactics.

"The leadership of the Civil Service Division was fully ready to picket the inauguration," said Andy Hsia-Coron, the Unit 3 bargaining chief and critic of Kenny. "That really drove Kenny over the edge because they wanted to be there in their tuxedos."

Before the inauguration, Davis found the money for raises, but that clearly wasn't the end to the sometimes-testy relations with the Democratic governor.

The CSEA has found that Davis - who once famously said that the Legislature's job is to "implement my vision" - is the stumbling block.

"It is not as friendly as it might be," Kenny said of the relationship with the Davis administration, but it's still an improvement over the relationship with the previous administration.

In 18 months, Kenny will attempt to foil his critics again as he asks the CSEA membership for a fourth term as president.

How the election will turn out is anyone's guess. The same faction has challenged his leadership in the past three elections.

Kenny denies suggestions that it is his ambition that has him seeking another term, but doesn't hide that he's not pining to return to teaching prisoners.

"I knew what I was doing going in. I've done what I wanted to do. And I want to keep doing what I do," Kenny said. "I understand how to represent."

\* \* \*

The Bee's Ed Fletcher can be reached at (916) 326-5548 or [efletcher@sacbee.com](mailto:efletcher@sacbee.com).

"Some of the internal politics has become pretty nasty. At some point, people have to decide."

Perry Kenny

California State Employees Association president

Sacramento Bee / Dick Schmidt

CSEA President Perry Kenny hands out flowers to workers at lunch hour Wednesday in the Department of Education headquarters.

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Letters

Split in the CSEA

Re "Review split on union leader," April 28: This article about California State Employees Association President Perry Kenny emphasized the stylistic differences between Kenny and other CSEA leaders. The differences are not so much of style as of substance.

Many are attracted to leadership positions in labor. Some have distinguished themselves by service to others, some by service to themselves. Kenny exemplifies the second group.

My history with Kenny extends back to Soledad Prison, where we shared a class and he began his labor career. I supported his candidacies. But Kenny soon evidenced a disturbing tendency to go to any lengths to neutralize challengers, most of whom were far more committed to making progress for state workers. This makes his desire to solve the rift in CSEA border on the delusional.

It was Kenny's Nixonian enemies list, purges and other abuses that gave birth to the Caucus for a Democratic Union. This movement has grown to the point where we anticipate in 18 months that we will be able to replace Kenny and make the substantial changes that state employees deserve.

- Andy Hsia-Coron, Sacramento

Chair Bargaining Unit Negotiating Council 3

Professional Educators and Librarians

CSEA, SEIU Local 1000

\* \* \*

The article did not adequately show the full degree of rancor that the Civil Service Division holds for Kenny. His accepting a significant pay raise while the membership has to go begging is morally reprehensible and reveals his true character as a self-serving person. He will receive a wake-up call soon when the CSD becomes separately incorporated. His dream of another term in office will turn out to be just that, a dream.

- Harold Elliott, West Sacramento

\* \* \*

Some of the information from the dedicated Kenny-haters was misleading. **Jim Hard's** concern about Kenny's pay raise fails to mention that, while CSEA has one paid officer (Kenny), the Civil Service Division has four. The four officers' salary, overhead and travel expenses cost the CSD \$330,898 in 2001. In addition, they put many of their personal supporters on union leave at a cost of \$1,693,691 that same year. That doesn't include bargaining team costs.

The "impromptu meeting" with the governor during bargaining was a planned sit-in. It did not advance the cause of the five units at the "master table" and possibly held back efforts of the four units who did not want to bargain in the old-time adversarial style.

As a member since 1972, first of the CSD and then the retiree division, I am tired of the half-truths and distortions coming from the CSD leadership. CSEA is a good organization, and the majority of us would like an end to this fighting and a return to civility and integrity.

- Barbara Wilson, Sacramento

\* \* \*

The article failed to mention that Kenny's 19 percent pay raise came on top of a 23 percent raise just two years ago. Also left out were his McCarthy-like tactics against political opponents, expelling them from CSEA and denying legitimate votes by CSD members to incorporate, as excluded employees did almost 10 years ago.

Kenny's delaying tactics have cost CSEA members a fortune and have consistently been found illegal when challenged in court.

Kenny's power base will be tested this August, when ballots for the state member's seat of CalPERS are mailed out to state employees. His protege, Steve Alari, was endorsed by CSEA's board. True to form, no opportunity was given to other candidates to be considered for endorsement.

Ironically, the majority of Alari's campaign funds will come from dues paid by members of the CSD. Yet the majority of that division's leaders have joined with progressive state employees in other unions to support Dr. George Diehr, a professor from CSU San Marcos. I hope The Bee will provide coverage of that important election.

- James McRitchie, Elk Grove

\* \* \*

Kenny is not a "union leader." As he so often points out, he also represents supervisors and retirees, who make up most of his support.

Kenny has led the CSEA board of directors on a campaign to weaken the CSD (the real union within CSEA that represents most rank-and-file members) by interfering in our contract campaign, suspending the membership of activists and refusing to honor the vote of our elected delegates to turn the CSD into a self-governing entity within CSEA.

We have been fortunate that the courts and the Caucus for a Democratic Union (a reform group within CSEA) have thwarted most of Kenny's attempts.

- Edwin Perez, Sacramento

\* \* \*

As a member of CSEA Local 1000, Civil Service Division, I am thoroughly disappointed and disgusted in the way Perry Kenny has treated the CSD-elected officers and reform representatives for many years.

The majority of CSD members are angry with the huge pay raise Kenny provided himself. The elected leaders of the CSD and their supporters have endured the wrath of Kenny's undemocratic reign for a decade. It is time that CSEA became a union.

I encourage each of you to know the truth by checking [www.unionspark.org](http://www.unionspark.org)

- Romer Cristobal, Sacramento

State vs. private managers

Re "Paying state managers," Your Views, April 21: Comparing state government managers with private enterprise, the letter writer wrote, "Corporate America has long recognized the critical role effective supervisors and managers play in achieving organizational goals." In corporate America there is financial accountability. If you don't produce or contribute to the bottom line you are out. In government there is no "bottom line," so there is very little, or no accountability.

Reflect on the recent software debacle with Oracle. And before that, the DMV software debacle, and before that the debacle involving the federally mandated software system to track child support fathers in default. Need I continue? Will any heads roll? Don't hold your breath.

- Bill Walters, Carmichael

State vs. private engineers

Re "Engineers' pact could slow highway construction," April 16, and "State prepares to redo pact with highway engineers," May 2: Daniel Weintraub's contention that the state engineers' contract violates the constitution is not supported by any court ruling and is contrary to several legal opinions. And his claims that state engineers have a monopoly on the work, that contracting out results in lower costs and that the agreement could slow highway work couldn't be further from the truth.

Proposition 35 gave the state the "choice and authority" to use a combination of state staff and private firms to deliver highway projects. This agreement achieves that goal by ensuring that when the work increases, a mix of state staff and private firms will complete projects on time and cost-effectively - just as voters intended.

Private engineering firms are complaining because they want state staff reduced so they get all the work, even though the Legislative Analyst has found that consultants cost taxpayers more and are generally less effective at delivering projects on time.

Ballot measures such as Proposition 35 need to be implemented consistent with the intent of the voters. That is exactly what this agreement achieves.

- Rick Tyler, Sacramento

President, Professional Engineers in California Government

Private air controllers

The April 21 article "Simon's '16 task forces': Big role in shaping policy," about the policy task forces assembled by Republican gubernatorial candidate Bill Simon, reports that transportation task force head Robert W. Poole Jr. "is credited with being among the first to propose privatization of the air traffic control system," as if this were a badge of honor or praiseworthy. It is neither.

Air traffic controllers hold the safety of air travelers as their sacred trust. We vehemently oppose privatization because it puts business motives and profits ahead of safety. It's a bad idea for any country, let alone the United States, which has the world's safest, largest and most sophisticated system.

The privatized systems in both Great Britain and Canada are both failing badly. The government has already bailed out Great Britain's system and the Canadian system's own chief executive says his company is facing a "major crisis" as it deals with a \$145 million revenue shortfall. Poole's privatization credentials should be rejected, not praised.

- Kevin McGrath, San Diego

Vice President, Western Pacific Region, National Air Traffic Controllers Assn.

#### Harvesting fair wages

Re "UFW clash with growers looming," April 24: The 1975 Agricultural Labor Relations Act, designed to assist unionized farm workers negotiate a living wage with growers, has instead fallen fallow on abundant harvest. Growers figured out a sweet deal stalling long enough on a United Farm Workers contract to beat out any labor agreement for a pay increase.

Growers' organizations are bursting their cheatin' hearts complaining about "rules" in Sen. John Burton's bill, which would require arbitration until a contract is agreed upon. The Farm Bureau legislative affairs director's vision of the California agricultural economy breaking under the magnitude of "imposed" contracts on growers is a surrealistic beaut. His further reasoning the Burton bill is unnecessary because the "labor law already compels the growers to negotiate in good faith" is an oxymoron.

Although the existing law requires that growers found avoiding contracts must compensate, how is such "proof" of the past practicable? The grower receives federal farm subsidies and business-tax reductions to cover contingencies, but the farm worker has no defense when a contract negotiation for a living wage defaults. Gov. Gray Davis should sign the Burton bill containing the core change to the labor law that rights this long-standing injustice.

- Lucretia Helmly, Sacramento

#### State energy supply

The May 2 article "Power plant boom stalls" addressed the outlook for proposed natural-gas-fired power plant additions to California's electricity supply. But there is more to the state's electricity supply story.

California already enjoys a diverse mix of renewables, including wind, solar, geothermal, biomass and small hydro, which represents about 12 percent of the state's electricity supply. Moreover, Gov. Gray Davis has endorsed the goal of increasing California's renewable electricity supplies to 20 percent by 2007. To this end, we added 35 new renewable projects, increasing electricity supplies by 139 megawatts. This year, we will add 15 new projects for another 103 megawatts.

The California Energy Commission helped to achieve these results by paying \$240 million in incentives to new renewable projects that produce electricity for consumers. The commission has also paid over \$80 million to homeowners and small businesses that install renewable energy technologies on their own premises.

Electricity from renewable technologies will improve California's energy diversity, help homeowners manage their power bills and provide environmental benefits that even the cleanest, most efficient natural gas power plant cannot provide.

- James D. Boyd, Sacramento

Commissioner, California Energy Commission

#### Logging environment

Re "Logging forests," Your Views, April 25: Offering no factual scientific proof, five letter writers attacked Chad Hanson, claiming "reduced canopy cover doesn't increase fire danger" and logging national forests is OK because "we still have plenty of critters."

Where is the scientific research supporting these assertions? Virtually every relevant scientific analyses specific to the issues raised support Hanson's position. Logging does reduce canopy cover (shading) and therefore does allow for the more rapid drying of forest fuels, significantly increasing risk of wildfires (Frameworks, SNEP, Beschta et al.). Furthermore, California's deep forest wildlife is in major trouble with many now missing across whole national forests.

Hanson really struck a nerve with his truthful writing, highlighting the public-lands but private-profits dichotomy pitting citizen against citizen. We should settle this. Logging - or, wildlife, clean water, recreation and fire-safe forests.

- James Woods, Penn Valley

#### CSU computer folly

Re "CSU computer project," letters, May 8: The California State University CMS debacle has the potential to dwarf the Oracle scandal that currently dominates The Bee's front page. No amount of positive spin can negate the fact that this multimillion-dollar software package was forced on our campuses, much to the detriment of our educational mission.

Without consultation of the parties most affected, Chancellor Charles Reed entered a noncompetitive, unbudgeted agreement with PeopleSoft that has required CSU campuses to give back millions of dollars that otherwise would have been spent to help teach students.

Contrary to what Vice Chancellor Richard West would have people believe, moreover, the CMS is nowhere near fully operational. Kudo's to Dan Weintraub for calling this matter to the public's attention. I hope to read more as the state's legislative audit uncovers more of the truth about Reed's latest folly.

- Michael D. Scott, Auburn

#### News conspiracy

Is there anyone else out there who thinks that it is more than a coincidence that right after the Oracle corruption scandal broke, yet another "smoking gun" against Enron is unearthed? While the media allow themselves to be manipulated by Gov. Gray Davis and the Democrats in the state Senate and Assembly, Davis is taking direct charge of the CHP - the same organization that recently raided Davis' technology czar's offices. Where is the hue and cry that our democracy is crumbling around us? All hail the corrupt triumvirate of Oracle, Enron and Davis.

- Jeffrey M. Groah, Sacramento

#### Death penalty

Re "California needs a moratorium on the death penalty," Op-Ed, May 1: Much fanfare has circulated about the release of the 100th prisoner from death row. Lest there be any confusion, release from prison is not tantamount to a declaration of innocence.

Of the celebrated 100, only a portion allege to be actually innocent; the others make claims of legal innocence. Legal innocence means an error in the trial or sentencing process allowed the defendant to escape punishment.

A total of 6,930 murderers have been sent to death row since 1973. Even if all 100 made the claim that they "didn't do it," that's still only 1.4 percent in almost 30 years -- a far cry from the 15 percent error rate asserted by the authors.

Additionally, Ray Krone, the illustrious 100th man, was not released from death row by DNA evidence. His death sentence was overturned in 1995 and he was retried for murder and sexual assault, convicted and sentenced to life in prison in 1996. He had been off death row for nearly six years when DNA testing showed he was not the murderer. A moratorium on the death penalty would have had no effect on Krone's case.

- Sue Blake, Sacramento

Public Policy Director, Criminal Justice Legal Foundation

\* \* \*

The article stated that marchers would deliver 85,000 signatures to the governor endorsing a moratorium on the death penalty.

It should be remembered that approximately 32 million other Californians did not sign the petition.

- J.F. Dewitt, Redding

\* \* \*

#### Letters Policy

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Judge rules in CSEA dispute  
Ed Fletcher

Bee Staff Writer

Sacramento County Superior Court Judge Joe Gray has ordered the reinstatement of the leadership of the California State Employees Association's Civil Service Division.

The court injunction returns **Jim Hard** and Cathy Hackett to their respective positions as division director and deputy division director of finance until the state Public Employment Relations Board can rule on a dispute between the association and the Civil Service Division - the organization's largest unit.

In May, association officials announced that Hard and Hackett would be removed from their positions for two years because the two used union funds and time to aid Hackett's unsuccessful Sacramento City Council campaign.

Hard and Hackett say the attempt to remove them was payback for other actions that ruffled CSEA's feathers.

It will be months before the issue before the Public Employment Relations Board is settled, officials said.

The California State Employees Association represents state supervisors, retirees and California State University employees.

**STATE OF CALIFORNIA  
DECISION OF THE  
PUBLIC EMPLOYMENT RELATIONS BOARD**



JIM HARD, CATHY HACKETT, RON  
LANDINGHAM, MARC BAUTISTA,  
ADRIENNE SUFFIN & WALTER RICE,

Charging Parties,

v.

CALIFORNIA STATE EMPLOYEES  
ASSOCIATION,

Respondent.

Case No. SA-CO-225-S

Request for Reconsideration  
PERB Decision No. 1479-S

PERB Decision No. 1479a-S

October 21, 2002

Appearance: Catherine Kennedy, Attorney, for California State Employees Association.

Before Baker, Whitehead and Neima, Members.

DECISION

WHITEHEAD, Member: This case is before the Public Employment Relations Board (PERB or Board) on a request by the California State Employees Association (CSEA) that the Board grant reconsideration of California State Employees Association (Hard, et al.) (2002) PERB Decision No. 1479-S (Hard, et al.). In Hard, et al., the Board reversed an administrative law judge's (ALJ) proposed decision. The Board found that it had jurisdiction to determine the reasonableness of CSEA's summary suspension procedures under section 3515.5 of the Ralph C. Dills Act (Dills Act)<sup>1</sup> and that its summary suspension of Ron Landingham (Landingham) interfered with Landingham's protected rights in violation of section 3519.5(b). The Board

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<sup>1</sup>The Dills Act is codified at Government Code section 3512 et seq. Unless otherwise indicated, all statutory references herein are to the Government Code.

also held that Landingham did not demonstrate the effect of his protected activities on the employer-employee relationship to show retaliation under section 3519.5(b).

After reviewing the entire record in this matter, including CSEA's request for reconsideration, the Board denies the request for reconsideration based upon the following discussion.

### DISCUSSION

PERB Regulation 32410(a)<sup>2</sup> allows any party to a decision of the Board itself, because of extraordinary circumstances, to request the Board to reconsider the decision. Section 32410(a) states, in pertinent part:

The grounds for requesting reconsideration are limited to claims that: (1) the decision of the Board itself contains prejudicial errors of fact, or (2) the party has newly discovered evidence which was not previously available and could not have been discovered with the exercise of reasonable diligence.

CSEA's arguments in its request for reconsideration will be addressed in the order raised.

First, CSEA claims that the Board misinterpreted CSEA's bylaws covering discipline of CSEA officers, thus creating a prejudicial error of fact. Article XIX, Section 1 of CSEA's bylaws provides:

These Bylaws shall be the supreme law of the Association, subject only to the Articles of Incorporation and the provisions of the laws of the State of California and the United States of America. Any inconsistent provision of the Policy File, or contrary act of the General Council, the Board of Directors, divisions/affiliate(s), or the officers, employees, or agents of the Association is void.

Article IV, section 1(d) of the CSEA Bylaws, Discipline, provides:

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<sup>2</sup>PERB regulations are codified at California Code of Regulations, title 8, section 31001 et seq.

Association officers and directors may be disciplined by the Board of Directors in accordance with rules established by the Board of Directors, which shall provide for, but not be limited to: causes for disciplinary action; prior notice in writing; right to counsel; written specification of charges; types of disciplinary action that may be taken; suspension during investigation; hearing prior to disciplinary action becoming effective; and right of appeal. (Emphasis added.)

CSEA Policy File, Division 10, section 1001.03, Suspension of Membership provides, in pertinent part:

When, in the opinion of the president, the actions of a member are such as to pose an immediate threat to the welfare of the Association, the president may summarily suspend the member until the procedure established in Division 10 of the Policy File is concluded. If written charges are not filed within 10 working days, the suspension is terminated.

Reading the above provisions together, we disagree with CSEA's assertion that the Board misconstrued CSEA's bylaws. CSEA Bylaws, Article IV, section 1(d) does indeed allow for suspension during investigation "in accordance with rules established by the Board of Directors." In the CSEA Policy File, section 1001.03, the CSEA board of directors set forth those rules, requiring "an immediate threat to the welfare of the Association" before instituting a summary suspension during investigation of a charge, but before hearing and due process. (Emphasis added.) Therefore, the CSEA Policy File, section 1001.03 implements the Bylaws, Article IV, section 1(d), rather than conflicts with it. As the Board properly concluded, there was no such showing of an immediate threat to the welfare of CSEA in the instant matter. Indeed, CSEA's suspension of Landingham, without evidence of an immediate threat to the welfare of CSEA, was inconsistent with the dictates of Bylaws Article XIX, section 1 and Article IV, section 1(d). As a result, CSEA has not shown a prejudicial error of fact in the Board's interpretation of CSEA's bylaws and policy file.

Second, CSEA alleges that the Board improperly used “motive” as a factor for its holding that CSEA interfered with Landingham’s rights. CSEA, unfortunately, misunderstands the Board’s holding. What the Board did is evaluate various factors in order to conclude that CSEA’s internal discipline policy as applied to Landingham was unreasonable in violation of Dills Act section 3515.5. Such factors included CSEA’s violation of its own internal discipline rules, as discussed above, and its animosity toward Caucus for a Democratic Union (CDU) as revealed by statements in its motion to dismiss. (Hard, et al., p. 21.)

CSEA further argues that the Board’s ruling contradicts its holding in California State Employees Association (Hard) (1999) PERB Decision No. 1368-S (Hard). In Hard, the Board, referring to the limitation in Service Employees International Union, Local 99 (Kimmet) (1979) PERB Decision No. 106, explained that it has “refused to intervene in matters involving the solely internal activities or relationships of an employee organization which do not impact employer-employee relations” (Hard, pp. 24-25) and that “PERB’s function is to interpret and administer the statutes which govern the employer-employee relationship, not to police internal relationships among various factions within employee organizations.” (Hard, p. 28.)

However, the Board has not surrendered its power to review internal union activities for which the Legislature has given the Board the power to act. In fact, the Board, in footnote 15, noted that the author of Hard stated that he “did not intend for the case to be used as a license to abrogate rights protected by the Dills Act.”<sup>3</sup> Such rights include reasonable membership and dismissal provisions for union members under Dills Act section 3515.5. In this case, the Board confirmed its authority to adjudicate disputes over the statutory rights of union

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<sup>3</sup>This quote is taken from Board Member Amador’s dissent from the denial of the request for injunctive relief in the present case.

members. In so doing, the Board cited precedent interpreting Section 3515.5 and parallel statutes under the Board's jurisdiction. (California School Employees Association and its Shasta College Chapter #381 (Parisot) (1983) PERB Decision No. 280 and California Correctional Peace Officers Association (Colman) (1989) PERB Decision No. 755-S (Colman).) Thus, under this analysis, Landingham has a protected right to reasonable internal disciplinary procedures and the reasonable application of those procedures.

The test for whether a respondent has interfered with the rights of employees under the Dills Act does not require that unlawful motive be established, only that some slight harm to employee rights results from the conduct. The standard for interference is as follows:

[I]n order to establish a prima facie case of unlawful interference, the charging party must establish that the respondent's conduct tends to or does result in some harm to employee rights granted under EERA. (State of California (Department of Developmental Services) (1983) PERB Decision No. 344-S, citing Carlsbad Unified School District (1979) PERB Decision No. 89; Service Employees International Union, Local 99 (Kimmitt) (1979) PERB Decision No. 106.)

Under the above-described test, a violation may only be found if the Dills Act provides the claimed rights. For example, in Clovis Unified School District (1984) PERB Decision No. 389, the Board held that a finding of coercion does not require evidence that the employee actually felt threatened or intimidated or was in fact discouraged from participating in protected activity. The failure of CSEA to establish or follow reasonable disciplinary procedures violates Dills Act section 3515.5 and thus interferes with Landingham's protected rights under Dills Act section 3519.5(b).<sup>4</sup>

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<sup>4</sup>CSEA disputes the applicability of Colman to this matter by stating that the facts showing an interference violation are distinguishable from the facts in this matter. According to CSEA, unlike Colman, Landingham's participation in CDU or his running for CSEA elective office is not a protected activity and should not have been the basis for a finding of

On this issue, CSEA is arguing in substance that the Board has made a legal, not a factual error, in interpreting Board precedent. Purported errors of law are not grounds for reconsideration. (Apple Valley Unified School District (1990) PERB Order No. Ad-209a (Apple Valley), citing South Bay Union School District (1990) PERB Decision No. 791a, p. 7, and State of California (California Department of Forestry and Fire Protection) (1989) PERB Decision No. 734a-S, pp. 2-3.) We therefore hold that the Board's reference to circumstances surrounding Landingham's suspension, in order to find interference with Landingham's protected rights under Dills Act Section 3515.5, does not constitute a prejudicial error of fact.

Third, CSEA argues that it was inappropriate for the Board to rely upon the Service Employees International Union (SEIU) hearing officer's report as evidence that CSEA's discipline of Landingham was unreasonable and that such reliance is prejudicial error,<sup>5</sup> citing Evidence Code 1200,<sup>6</sup> PERB Regulation 32176, and the CSEA/SEIU Affiliation Agreement found in CP Exhibit 27.<sup>7</sup> PERB Regulation section 32176 provides, in pertinent part:

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interference. Furthermore, Landingham was ultimately not deprived of his ability to run for elected office. (Note that in Hard, et al., p. 22, fn. 26, the Board disposes of this argument.) So, CSEA argues, there is no evidence of actual interference with Landingham's rights under the Dills Act. As stated above, under Section 3515.5, Landingham has a protected right to reasonable disciplinary policies or the reasonable application of those policies. Landingham's both potential and actual inability to run for union office at the time of the suspension as well as CSEA's failure to follow its own internal disciplinary procedures are evidence of the unreasonable application of CSEA's disciplinary procedures. Conversely, CSEA interfered with Landingham's protected right to reasonable membership and disciplinary procedures.

<sup>5</sup>Hard, et al., p. 19.

<sup>6</sup>Evidence Code section 1200 provides: (a) "Hearsay evidence" is evidence of a statement that was made other than by a witness while testifying at the hearing and that is offered to prove the truth of the matter stated. (b) Except as provided by law, hearsay evidence is inadmissible. (c) This section shall be known and may be cited as the hearsay rule.

<sup>7</sup>CP Exhibit 27 includes, among other documents, a letter from CSEA legal counsel to the SEIU hearing officer that under the Affiliation Agreement, SEIU had no jurisdiction to

Compliance with the technical rules of evidence applied in the courts shall not be required. . . . Hearsay evidence is admissible but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions.

We disagree that the Board's reliance upon the SEIU hearing officer's report was in error, let alone prejudicial error. This is the first time that CSEA has raised this issue, although the ALJ had alluded to this report in his proposed decision. In the proposed decision, the ALJ indicated that he would find CSEA's summary suspension procedures unreasonable under Dills Act section 3515.5 for the same reasons expressed by the SEIU hearing officer. Assuming that the report is hearsay under Evidence Code section 1200, it is only one factor, among others, considered by the Board in its finding that CSEA's summary suspension of Landingham was unreasonable. The Board also looked at the timing of the suspension, which occurred during the nomination period for candidates for CSEA office, the evidence of CSEA's animosity toward CDU, and the Board's finding that CSEA violated its own bylaws and policy file. The Board, on its own, merely reached the same conclusions as the SEIU hearing officer. Thus, the Board's reference to the SEIU hearing officer's findings is not inconsistent with the requirements of PERB Regulation 32176.

In addition, CSEA asserts that it challenged SEIU's jurisdiction under the Affiliation Agreement for investigations of compliance with CSEA internal dispute procedures. However, a reading of the Affiliation Agreement, as cited by CSEA legal counsel in its letter to the SEIU hearing officer, seemingly allows CSEA members appeal to the international president and/or executive board solely to determine whether or not CSEA has complied with its internal

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conduct an investigation, hearing or fact-finding involving CSEA's internal dispute resolution procedures, including discipline of its members. Also, included in Exhibit 27 is the SEIU hearing officer's report and a letter from CSEA President Perry Kenny to SEIU President Andy Stern, again disputing SEIU's assumption of jurisdiction in this matter.

dispute resolution procedures. (See CP Ex. 27.) Article 7, section 8 of the Affiliation Agreement states, in pertinent part, that “CSEA affirms that it has a responsibility to its members to ensure that . . . . It maintains democratic internal procedures.” Article 7, section 11 of the Affiliation Agreement provides in pertinent part:

INTERNAL CSEA DISPUTES. Notwithstanding the provisions of Article 3 of this Agreement, SEIU waives jurisdiction to adjudicate disputes arising within CSEA, including, but not limited to, those concerning election to office in CSEA or its subordinate bodies; grievances and appeals; discipline of its members; and granting or revoking its chapter charters with respect to those actions arising under the constitution and bylaws of CSEA.

SEIU hereby finds that CSEA’s Internal (sic) dispute-resolution procedures contained in its constitution and bylaws as they now exist are in substantial compliance with SEIU requirements of due process and fair play. CSEA retains the right to interpret and apply the provisions of its Constitution and Bylaws.

CSEA members may appeal to the International President and/or Executive Board solely for determination whether CSEA adhered to its internal dispute resolution procedures. The President and the International Executive board may uphold CSEA’s adherence to those procedures or may remand the dispute to CSEA for adherence to those procedures.

Arguably, these provisions are internally consistent and may be construed to allow SEIU to investigate and make a determination on a complaint by a CSEA member regarding whether CSEA adhered to its internal disciplinary procedures, and if not, remand the complaint to CSEA for compliance with those procedures.<sup>8</sup> Seemingly, all the SEIU hearing officer did

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<sup>8</sup>The SEIU hearing officer construed the Affiliation Agreement to reach a similar conclusion. He added that the history of the Affiliation Agreement would explain any possible inconsistency. This current agreement is the second negotiated Affiliation Agreement, as revised in December 1988. The 1988 revision added the language in Article 7, section 8 conferring authority to the international president to investigate a complaint regarding “the maintenance of democratic procedures.” It also added the language in Article 7, section 11, which allowed the international president, upon receipt of a complaint, to determine whether

in his report was to find the complaints to be legitimate and recommend postponing the suspensions. The SEIU hearing officer found, and the parties do not dispute, that the suspensions occurred before hearing and without a CSEA board of directors vote on each suspension. After investigation and hearing, the SEIU hearing officer concluded that the “summary suspensions of members prior to a hearing does (sic) not comport with democratic internal procedures and is not consistent with the CSEA bylaws.”

CSEA’s objections on this issue involve interpretation of legal documents and the rules of evidence. There is no issue of fact argued. Again, citing to Apple Valley, we therefore conclude that the Board’s reference to the SEIU hearing officer’s report does not constitute a prejudicial error of fact.

Fourth, CSEA argues that the Board’s sua sponte review of the ALJ’s reliance upon California State Employees Association (Hackett, et al.) (1993) PERB Decision No. 979-S (Hackett) constitutes a prejudicial error of fact. CSEA asserts that the Board’s citation to Mt. Diablo Unified School District (1984) PERB Decision No. 373b (Mt. Diablo) was inappropriate as that case is factually distinguishable from the instant matter. CSEA contends that since neither party excepted to or argued these issues, it had no notice that the Board wanted to “revisit” Hackett. If it had received such notice, CSEA contends that it could have clarified various “factual” errors, such as the Board’s inappropriate reference to the SEIU hearing officer’s report.<sup>9</sup>

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internal dispute procedures have been followed. According to the SEIU hearing officer, the international did not possess such authority in the original Affiliation Agreement.

<sup>9</sup>CSEA states that Landingham agrees with its view that SEIU lacks authority to adjudicate disputes arising out of CSEA’s implementation of its internal disciplinary procedures. In his testimony, Landingham acknowledged SEIU’s inability “to do anything other than do an investigation and issue a report, which it would send to the Board of Directors

According to CSEA, the Board, instead, could have requested oral argument under PERB Regulation 32315<sup>10</sup> for exceptions filed under PERB Regulation 32300, but did not. CSEA concludes therefore that due process requires reconsideration.

However, it is clear that Board precedent allows such “sua sponte” review. In Apple Valley, the Board held that a reversal of precedent by the Board does not constitute grounds for reconsideration.<sup>11</sup> The Board further held in Apple Valley that the Board is not constrained from applying legal analysis not urged by the parties, or from considering sua sponte legal issues not raised by the parties when necessary to correct a serious mistake of law, citing Mt. Diablo and Fresno Unified School District (1982) PERB Decision No. 208.

In addition, to avoid a “serious mistake of law,” the effect of which would derogate Landingham’s rights under the Dills Act, the Board properly distinguished this case from Hackett in finding that, unlike Hackett, there was no showing of immediate threat to the welfare of CSEA under CSEA Policy File section 1001.03. The argument that the Board’s sua sponte review creates a “prejudicial error of fact” is thereby strained at best. Under Apple

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[of CSEA] for their possible action.” (RT, Vol. I, 18-20.) It appears that Landingham’s understanding of SEIU’s authority therefore corresponds with that of the Board, described above.

<sup>10</sup>PERB Regulation 32315 provides:

A party desiring to argue orally before the Board itself regarding the exceptions to the proposed decision shall file with the statement of exceptions or the response to the statement of exceptions a written request stating the reasons for the request. Upon such request or its own motion the Board itself may direct oral argument.

<sup>11</sup>In Apple Valley, the Board was interpreting a previous version of PERB Regulation 32410(a), which included “newly discovered law” that “was not previously available or could not have been discovered with the exercise of reasonable diligence” as grounds for granting

Valley and cases cited, the Board has appropriately exercised its authority to engage in sua sponte review of the application of Hackett to this matter.

We therefore conclude that CSEA has not shown the existence of extraordinary circumstances either by proving that the decision in Hard, et al. contained prejudicial errors of fact or by meeting any of the limited criteria found in PERB Regulation 32410(a). As a result, the Board denies CSEA's request for reconsideration.

#### ORDER

The California State Employees Association's request for reconsideration of the Board's decision in California State Employees Association (Hard, et al.) (2002) PERB Decision No. 1479-S is hereby DENIED.

Members Baker and Neima joined in this Decision.

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reconsideration. The phrase "newly discovered law" has since been deleted from that regulation.

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Splinter group wins CSEA vote  
Ed Fletcher

Bee Capitol Bureau

After years of infighting, California's largest state employees organization installed a new slate of officers Monday.

J.J. Jelincic was elected Sunday to a two-year term as president of the 140,000-member California State Employees Association. Jelincic, a California Public Employees' Retirement System investor, ousted incumbent Perry Kenny, who has led the organization since 1996.

In a three-way race, Jelincic received 561 votes to Kenny's 340 votes. Gwen Patrick-Buie, who served as CSEA vice president, received 106 votes for president.

Jelincic promised a leadership team more connected to members.

"We are committed to being a member-driven organization that taps into the leadership, creativity and energy of state and university workers, supervisors and retirees to provide the best services to the people of California," Jelincic said in a prepared statement.

Kenny said he was "honored to have served" as president and would continue to look for ways to help retirees and active state workers.

Also elected Sunday were Paul Gonzalez-Coke as executive vice president, Blanca Rodriguez as vice president and Debbie Cotton as secretary-treasurer.

The election was a clean sweep for a slate of candidates sponsored by a CSEA splinter group, the Caucus for a Democratic Union, running against incumbents backed by Kenny.

Caucus members led by **Jim Hard** and Cathy Hackett have been pushing for years for a tougher approach toward bargaining. Hard and Hackett were re-elected Sunday to head the CSEA's Civil Service Division.

The split within the CSEA has been brewing for years. In 2000, Jelincic narrowly lost to Kenny.

A key issue for the two factions has been whether CSEA should continue its affiliation with the Service Employees International Union, which asked for more dues. Kenny called the request a "power grab" while Jelincic, Hard and others supported the SEIU.

The CSEA divisions include state workers, supervisors, retirees and California State University employees. While rank-and-file members formed the base of support for Jelincic and the caucus, Kenny leaned on retirees and others for support.

It remains to be seen whether the two opposing camps will come together as CSEA and other employee unions prepare for a new administration. During his election campaign, Gov.-elect Arnold Schwarzenegger pledged he would "renegotiate state employee union contracts to get a better deal for taxpayers" during his first 100 days in office.

Jelincic said he's ready to meet with Schwarzenegger.

"I look forward to helping the new governor better understand the critical services CSEA members provide every day to the people of California," Jelincic said.

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The Bee's Ed Fletcher can be reached at (916) 326-5548 or [efletcher@sacbee.com](mailto:efletcher@sacbee.com).

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Leader of state union is arrested  
Bee Capitol Bureau

Authorities arrested a state union leader Wednesday after he refused orders to stop passing out leaflets to state workers inside a West Sacramento government building.

The leaflets detailed budget negotiations between union heads and Gov. Arnold Schwarzenegger.

**Jim Hard**, 59, president of the Service Employees International Union Local 1000 and a negotiator for the California State Employees Association, was arrested on two misdemeanor counts: failing to obey a lawful order and distributing pamphlets without a permit, according to California Highway Patrol Commissioner D.O. "Spike" Helmick.

Helmick said state law requires permits to hand out literature inside state buildings. Otherwise, he said, "You'd have every group known to man going into buildings. There has to be some order."

Hard said his union's position is that its contract and state labor relations law allows representatives of state workers to distribute such materials indoors without a permit.

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#### Letters

#### Outsourcing California

Re "Outsourcing is good for America - and California," Other views, July 13: Columnist Daniel Weintraub asserted that California's government "should not be in the business of creating and protecting public-service jobs." If government shouldn't, why should we pay taxes?

The state should not outsource any jobs. Where is our government's loyalty - California and federal? Is it to U.S. taxpayer citizens or foreign countries, new and "illegal" immigrants?

Weintraub erroneously claimed U.S. excessive outsourcing helps our citizens get a huge benefit, while helping foreigners who in turn create demand for our products. Subsequent U.S. product demand does not outweigh negative consequences. Negatives include losses in employment, lower standards of living, stagnant wages and the loss of health benefits and retirement offerings.

A little outsourcing to foreign countries is understandable to promote U.S. product demand. But excessive outsourcing is giving it all away.

Assemblywoman Carol Liu rightly is preparing a bill to prohibit California from contracting with companies offering goods and services from outside the United States.

-Judy Ericson, Sacramento

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Weintraub hit the nail on the head when he said that outsourcing is good for California. California invests directly in foreign markets and, in return, those companies send jobs to California. In 2003, foreign direct investment was responsible for 713,500 jobs throughout California. California ranks first in the nation in the number of jobs created from foreign direct investment.

Protectionist legislation to limit outsourcing may result in trade retaliation and would hinder economic growth and job creation. That hurts workers.

-Brittney Blue, Sacramento

\* \* \*

Gov. Arnold Schwarzenegger promised to make California a job-creating machine. Weintraub wants to move the machine to Texas or Bangladesh.

Weintraub wants to outsource state jobs, which will result in lost income and sales tax revenue to the state from laid-off employees. Weintraub would force state workers onto unemployment, which would cost the state more money, as would retraining and job placement. And to what jobs?

Meantime, private contractors in other states and other countries would get the jobs and less experienced people would do the work, often at greater cost to the state. Think of the possibilities for fraud and profiteering. We've already seen examples of the failure of privatization in Texas, Florida, Virginia and elsewhere. We should not repeat those failures in California.

Finally, I would remind Weintraub that when the automobile replaced the buggy-whip industry, the result was more jobs at higher pay for workers.

-Jim Hard, Sacramento

President, SEIU Local 1000, CSEA

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Partisan politics that values special interests over the public's has reared it ugly head in California on the "offshore outsourcing" issue. Free trade has provided a major boost for California's economy, its workers, taxpayers and those who rely on state services. Erecting trade barriers invites retaliation and would slow the economy.

Twenty-five percent of our economy is based on trade. Export-supported jobs are more than 10 percent of California's private-sector employment. One in four manufacturing jobs is related to trade. And our reciprocal trading relationship with foreign partners resulted in their "insourcing" 713,500 new jobs here.

Contracting-out is not new; it is a key strategy being used globally to improve quality and cost. As the rest of the world becomes more competitive by strategically contracting, special interests in Sacramento are using fear to move 180 degrees in the other direction.

Spending resources effectively is a good thing. Consumers, workers and taxpayers benefit. It means lower prices in the marketplace; hiring more workers or providing better benefits; and saving taxpayer dollars and using the savings for Californian priorities - education, transportation and safety.

-Larry McCarthy, Sacramento

President, California Taxpayers Assn.

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Outsourcing is not good for California. Nearly 20 percent of the state's registered nurse positions are currently vacant because state compensation is far below that for similar R.N. positions in the private sector. As a result, the state is outsourcing R.N. jobs to private nurse registry agencies. The irony is that the state is paying these agencies more than double the state salary to provide contract nurses.

The Department of Corrections alone spent nearly \$64 million on medical registry contracts this past fiscal year. The Deukmejian report on the corrections system found that "costs for contracted health-care and pharmacy services are out of control." To make matters worse, the state spent more than \$20 million on overtime for R.N.s last fiscal year.

Outsourcing costs the state more to hire less knowledgeable and experienced private employees. There is much greater opportunity for fraud and profiteering. And that's a good thing?

-Sharlyn Hansen, R.N., Rancho Murieta

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I want to see The Bee become less expensive and feature better writing. Let's fire The Bee writers and use nationally syndicated columnists instead. Weintraub and other locals would lose their jobs, but the money the state would save by outsourcing jobs can be used to pay for unemployment benefits, retraining and job placement.

I sure would enjoy spending the dollars saved on a cheaper newspaper subscription, while others go through their "individual pain." Then again, maybe I would rather spend a little more and see my money helping my neighbors. No, that would be too compassionate.

-E. Schneidereit, South Lake Tahoe

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I've never read such a naïve accounting of outsourcing. Weintraub ignores the bottom line: America's hard-won workers' rights, salaries and, most important, working conditions are utterly bypassed in the foreign countries where the jobs are outsourced.

Granted, American labor has priced itself out of the world labor market, but in the future, political and social conditions may also rise in those countries so that multinational corporations will not be able to exploit workers anywhere in the world in coming generations.

Would Weintraub want his grandchildren to work in the above conditions so that he could enjoy "the breathtaking improvement in our standard of living"?

-Kathy Nader, Sacramento

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Outsourcing is what Weintraub calls it, but economists call it capital flight. First it was lesser-skilled jobs, now it is our high-tech jobs.

American workers helped to build these companies and American infrastructure supported their development. Now they are moving, not because workers in India and similar places can design Web sites and write programs better than Americans, but because the labor is cheap and there are no labor laws.

Is it a coincidence that most of the so-called "outsourcing" is going to lesser developed countries? Most of these countries have little to offer us in the balance of trade, other than cheap labor.

I'm a 60-year-old unemployed, disabled high-tech worker whose company went to India. Sacramento Employment and Training Agency wouldn't even retrain me because no one will hire a 60-year-old disabled worker.

"Outsourcing" may be great for places like India, where a software engineer can live on \$10,000 a year, but it leaves people like me out in the street - literally.

-Mary Ann Martorana, Sacramento

\* \* \*

Do we really want good-paying, high-skilled jobs sent overseas, leaving us to scrap for low-wage jobs without benefits?

We are in a job crisis in this country and state, the rhetoric of big business and conservatives notwithstanding. Real job growth has been nonexistent under the Bush administration, with a net job loss since taking office. The last administration to do this badly was Herbert Hoover's, and we all know how that ended.

Outsourcing is not good for America; it is not good for California; and it is certainly not good for anyone who wants to maintain a quality of life that delivers the American dream.

-Randy Bayne, Ione

Outsourcing for the dogs

Well, I guess that the city of Sacramento has reached that coveted plateau of full employment of its residents. Why else would the postmark of my dog license renewal be bearing the Irving, Texas, return address? I guess that it's cost-effective to outsource this to pay Texans to send renewal notices to Californians. There must not be available persons to do this in California, or at least it must be more cost-effective to provide jobs for Texans while we city residents or the state provide for unemployment benefits to unemployed Sacramento residents.

-Wayne Winters, Sacramento

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CSU workers get own local  
Custodial, health service and other employees form an independent SEIU unit.  
Rachel Osterman

Bee Staff Writer

In an effort to concentrate their voice and fight harder for higher education funding, 15,000 California State University employees will form an independent local beginning today.

Until now, they have been a division of the larger California State Employees Association, a kind of umbrella organization that represents 140,000 public workers and retirees statewide.

While the new Service Employees International Union Local 2579 will remain affiliated with the larger CSEA, the new group will gain greater control of its budget, lobbying efforts and organizing. Local 2579 will represent health services, administrative support, custodial and other workers at state university campuses. Professors are not part of the local.

"We're going to be stronger and more independent," said Pat Gantt, president of Local 2579. "This will make it easier for us to communicate and lobby for higher education."

In some ways, the incorporation into a separate SEIU caps a decades-long struggle within the state employees association that had activists battling top leaders for more autonomy.

Besides the 15,000 state university employees, CSEA also has 86,000 civil servants who work as counselors, accountants and inspectors, 5,900 supervisors, and 28,000 retirees under its umbrella.

It ranks as the largest state employees' labor group, directly ahead of correctional workers. Overall, the state employs about 316,000 people.

Over the last decade, activists in the civil service division fought the CSEA leadership for control of their dues, a battle that included allegations of censorship in union publications and complaints that top leaders failed to support worker rallies.

A year ago, the dissident group elected J.J. Jelincic, a former investment officer at CalPERS, as president.

A month later, the civil service division incorporated on its own, becoming **SEIU Local 1000**. Like the state university employees, it remains part of the larger state employees association but controls its budget and the direction of its organizing.

"The local has the ability to speak directly with the SEIU leadership," said Jim Hard, president of **SEIU Local 1000**. "It's quite a difference. We have access to research help, to organizers, so that state employees can get involved and take action to defend themselves. And in the federal arena, because so much state funding comes from the federal government."

It's no accident that the civil service workers - and now state university employees - are moving closer to SEIU, the fastest-growing union in the AFL-CIO and one of the most aggressive.

In a sign of renewed activism within the civil service union, said Hard, more than 20,000 state employees flooded the governor's office with phone calls during budget negotiations in the last session.

Gantt said he will use SEIU's network of activists to fight for higher education funding, something he said is both a social justice cause and a bread-and-butter issue for his members.

"The state university system is the main point of access for higher education for most of the middle class and working class," Gantt said. "SEIU members can identify with that and talk to their members."

Union activists said the formation of a new local will create a stronger organization.

"It's a step in our growth," said Kathryn Plunkett, a secretary at California State University, Bakersfield, and an officeholder in Local 2579. "Now we have more funds to grow our programs and be more responsive to our membership and all the employees that we cover."

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The Bee's Rachel Osterman can be reached at (916) 321- 1052 or [rosterman@sacbee.com](mailto:rosterman@sacbee.com).

Sacramento Bee / Randall Benton

Pat Gantt, president of SEIU Local 2579, said having a separate group will make it easier to lobby for higher education.

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Incumbent wins bid to run SEIU local  
Rachel Osterman

Bee Staff Writer

Jim Hard, president of Local 1000 of the Service Employees International Union was re-elected on Thursday, while his No. 2, Secretary-Treasurer **Cathy Hackett**, appeared to narrowly lose her bid to return to office.

The results, which could be challenged, cap months of campaigning for control of the state employees union, which represents 86,000 janitors, accountants and others, and is the largest affiliate of the powerful California State Employees Association.

Hard beat his opponent, Tom Flynn, 4,089 to 3,295, according to a CSEA spokesman. Hackett, a one-time Sacramento City Council candidate, lost to State Compensation Insurance Fund employee Kathleen Collins, 3,623 to 3,797.

In many ways, the election became a proxy fight over the future of CSEA, an umbrella organization representing four groups of current and former state workers whose interests sometimes clash. The four affiliates are the civil servants of Local 1000; 28,000 state retirees; 15,000 state university employees, not including faculty; and 5,800 mid-level supervisors.

For a full decade, a group founded by Hard and Hackett, among others, fought to gain control over CSEA. They won in 2003, electing ally J.J. Jelincic to the presidency of CSEA.

But from their leadership posts in Local 1000, Hard and Hackett continued to wage some of their old criticisms against CSEA: namely, that the umbrella group is structured undemocratically.

That caused feuding with their one-time ally, Jelincic, who says he believes Hard and Hackett are trying to sever Local 1000 from the other affiliates, threatening what he believes to be CSEA's greatest strength - its numbers.

In the contest for leadership of Local 1000, Jelincic financially supported Flynn. The rest of the challenger slate consisted of Employment Development Department employee Sara Prieto for vice president of bargaining, and correctional teacher Nick Martinez for vice president of organizing and representation. They lost to incumbents Ron Landingham and Marc Bautista, respectively, by just several hundred votes each.

Led by Hard, the incumbent slate argued that Local 1000 should have more autonomy from CSEA, especially when it comes to determining how its dues are spent.

"I think I have the support to continue to build the local strength," Hard said after the ballots were counted Thursday. The results "mean that Local 1000 is going to insist on its right to have control over its financial and staff resources."

Neither Hackett nor Collins could not be reached for comment.

Flynn, Collins and the other members of the challenger slate campaigned on what they called keeping the "CSEA family" together. They also made an issue of dues being directed to the SEIU and therefore, they said, out of California.

"We're kind of happy because we took the second position," Flynn said. "Now that Cathy's out of the picture, (the other side) is going to get a lot more opposition and a lot more scrutiny."

Ballots had been mailed to state worker households throughout the state, with candidates spreading their messages through phone banking, leafleting and advertising.

In a sign that the results may be challenged, both sides said they believe there were voting irregularities.

But another big battle in the divided organization looms: In October, delegates to CSEA's General Council will decide whether to re-elect Jelincic.

Flynn said his camp would have enough delegates to ensure Jelincic returns and, he said, keep CSEA together as it is.

Hard, meanwhile, would not directly answer whether he would try to organize opposition to Jelincic, but said: "I think that he should be called to account. And I'll be doing everything I can to make sure that happens."

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Machine snafu puts results of union election in doubt  
Rachel Osterman

Bee Staff Writer

Union officials representing state workers found themselves mired in electoral chaos this week after discovering a vote-counting machine apparently didn't tally hundreds of ballots, potentially reversing the outcome in several leadership races for Local 1000 of the Service Employees International Union.

After union leaders found an unusually high number of blank ballots in the election results announced May 26, they ordered a manual recount.

The statewide election, a hotly contested race for Local 1000's leadership posts, kept incumbent President Jim Hard in office but unseated the union's No. 2 official, Secretary-Treasurer **Cathy Hackett**.

By late Wednesday afternoon, union officials said they had finished counting the disputed ballots, but they didn't announce the results. And some involved in the process warned that the confusion could result in calls for an entirely new election.

"Even if the results of the recount are clear, it's not clear that they'll have any credibility," said J.J. Jelincic, president of the state CSEA, an umbrella organization that includes Local 1000. "Given the way this has gone, it's hard not to imagine a challenge."

The problems began with instructions on the mail-in ballots, which didn't tell the union's 86,000 members whether to fill in candidate bubbles with pencil or pen. Another problem: An illustration accompanying the ballot depicted a voter pushing through a punch-card ballot, even though the union abandoned that method in favor of an optical scan ballot for this election.

Many voters apparently chose pencil to mark their ballots. Some used green or red ink. But the optical scanning machine apparently failed to read many ballots in ink and often didn't pick up pencil-marked ballots, either.

The discrepancies could be enough to tip the balance in some of the closer races. At least 8,000 ballots were cast, encompassing a number of regional and statewide Local 1000 races.

According to the results announced last month, Hard beat opponent Tom Flynn for Local 1000's top post, 4,089 to 3,295. In that race, the machine registered 978 blank ballots.

Hackett, meanwhile, lost to challenger Kathleen Collins in last month's count by an even closer 174-vote margin, 3,623 to 3,797. In that contest, 930 blank ballots were reported.

Other close statewide races included vice president for organizing, Marc Bautista, who was re-elected by 3,861 to 3,611, according to the May 26 results. The machine registered 882 blank ballots in that race. And Ron Landingham was re-elected vice president of bargaining, winning 3,354 to 3,013, with 908 blank votes.

The voting snafu caught some of those who voted off-guard.

"As a teacher, you think you need a pencil," said Richard Rios, a Local 1000 bargaining representative and a teacher for the California Youth Authority. "I searched my whole house looking for a No. 2 pencil." Rios marked his ballot by pencil.

It was unclear how much the recount is costing Local 1000, both in money and morale.

Union officials, who first noticed the blank ballots soon after the election results were announced last month, hired 20 workers from a temp agency to do the manual recount.

In many ways, the election itself became a proxy for an internal struggle within the CSEA, a 140,000-member group that represents four affiliates of sometimes clashing current and former state workers.

In addition to the civil servants of Local 1000, the CSEA includes 28,000 state retirees; 15,000 state university employees, not including faculty; and 5,800 midlevel supervisors.

The incumbent slate of Local 1000, which included Hard, Hackett, Bautista and Landingham, argued that the affiliate should have more autonomy within CSEA.

The challenger slate, led by Flynn, a state Employment Development Department employee, warned that Local 1000's leaders sought to break up or weaken CSEA.

Flynn, who lost the election for the top post by 794 votes, said the aftermath of the voting process is "getting curiouser and curiouser all the time."

As for the current incumbent: "I'm very disappointed this problem arose at all," Hard said. "We want everybody's vote to count."

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The Bee's Rachel Osterman can be reached at (916) 321- 1052 or [rosterman@sacbee.com](mailto:rosterman@sacbee.com).

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Union completes recount  
Election winners didn't change from flawed machine tally.  
Rachel Osterman

Bee Staff Writer

After a week of manually recounting the ballots in a disputed election for a state employees union, labor officials Friday announced the results: The officers will remain the same as those declared winners after the use of an optical scanning machine that apparently failed to count hundreds of votes last month.

Jim Hard, president of Local 1000 of the Service Employees International Union, was declared the winner in the hand recount, which occurred two weeks after the initial election results were announced May 26. **Cathy Hackett**, the secretary-treasurer, still lost her seat to Kathleen Collins.

Results remained the same for Marc Bautista, who was re-elected vice president for organizing, and Ron Landingham, who was re-elected vice president for bargaining.

The problems stemmed from an optical scanning machine that apparently didn't read many ballots that were filled in with pencil or pens with certain ink colors. Instruction materials sent to voters with the mail-in ballots didn't fully explain what to use when filling out the optical-scan ballots.

After the results were announced, Local 1000 officials found hundreds of blank ballots that the machine apparently did not read. When union leaders decided to recount the results by hand this week, the confusion led to accusations that the election results - either way - couldn't be trusted.

But Paul Gonzalez-Coke, who served on the election committee, said Friday's results proved that the process was fair.

"We dealt with every problem," he said. "Our intent and our goal and our mission was to run a fair election, and we did that."

J.J. Jelincic, president of the California State Employees Association, with which Local 1000 is affiliated, criticized the recount earlier this week. He said Friday: "I don't doubt that the people they announced won, won."

Any challenge to the results must be filed within a week.

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The Bee's Rachel Osterman can be reached at (916) 321-1052 or rosterman@sacbee.com.

Jim Hard

The president of Local 1000 of the SEIU was declared winner in a hand recount after the contested vote.

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Union to vote again amid dispute  
A protest over funds in SEIU campaign leads to a new election for one post.  
Rachel Osterman

Bee Staff Writer

More than a month after ballots were first counted for leadership positions in a state employees' union, officials have called for another round of statewide voting, following complaints that union money was misspent on campaigning.

Members of Local 1000 of the Service Employees International Union will vote again on who should serve as secretary-treasurer. After the mail-in ballots were tallied in late May, the only statewide incumbent to lose was Cathy Hackett, who was unseated by State Compensation Insurance Fund employee Kathleen Collins, running with a slate of challengers.

The decision to hold a new election prompted cries of interference from Collins and her supporters.

The dispute is part of a larger battle brewing within **SEIU Local 1000** and its umbrella organization, the California State Employees Association, which represents roughly 130,000 current and retired state workers.

In one camp is Local 1000 President Jim Hard, Hackett and others. They argue that the local should obtain more autonomy from CSEA.

On the other side: CSEA President J.J. Jelincic, Collins and the other members of her slate, who believe the autonomy that Hard is seeking will threaten CSEA's viability.

In calling for a re-vote, an election protest committee said Jelincic used union-financed publications and supplies to effectively campaign against the incumbents.

"There was a lot of misuse of union funds," said Local 1000 member Dave Hart, who chaired the protest committee. "We thought it was pretty blatant."

He said the only statewide post on the ballot would be Hackett's secretary-treasurer slot because she is the only officer who lost her seat as a result of the alleged improper campaigning.

The challengers, in turn, described the accusations as politically motivated, saying that although Jelincic wrote in a newsletter that "the current officers of Local 1000 have decided that this is the time to have an internal fight," he also encouraged members to read the Web sites of both candidate slates.

"I don't think it's fair," said Collins, who said she is exploring legal options involving the re-voting. "The election protest committee they appointed is not impartial."

Hard, who appoints members to the committee, defended the process.

"This committee is a group of people that have very high integrity. They made their decisions on the information they received; they didn't make it on any other basis."

The move to hold another round of balloting comes after an earlier election snafu. Officials spent nearly a week recounting the original results by hand after the use of an optical scanning machine apparently failed to count hundreds of votes. The recount did not change election results in any of the statewide positions.

The second round of voting is scheduled to begin Aug. 1, with an Aug. 24 deadline for returning ballots, said election committee member Paul Gonzalez-Coke.

In addition to the secretary-treasurer position, members in some regions will also be asked to vote again on representatives for district labor councils.

One difference this time: All votes will be counted by hand.

"It's just easier," Gonzalez-Coke said.

The Bee's Rachel Osterman can be reached at (916) 321-1052 or [rosterman@sacbee.com](mailto:rosterman@sacbee.com).

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Union leaders arrested on trespassing charges  
Rachel Osterman

Bee Staff Writer

One of the top leaders of a state employees union and several labor representatives were arrested Wednesday as they sought to link a dispute about access to state buildings with the larger struggle between organized labor and the Schwarzenegger administration.

**Cathy Hackett**, secretary-treasurer of Local 1000 of the Service Employees International Union, was arrested on charges of trespassing and failure to obey a police order, along with five other union employees and activists.

All six tried, without success, to distribute union newsletters inside a restricted area of the state Department of Transportation building on N Street.

Under the union's contract and state law, the union is allowed access to its members at work sites, though such access may be denied for security reasons.

SEIU says Caltrans is violating the union's legal rights. The agency, however, says it's only following post-9/11 safety restrictions that bar nonemployees from entering the building without prior permission.

"It's the governor shutting us down, trying to silence us from communicating with our members," Hackett said after being released from Sacramento County jail. "We have a union contract that gives us the right to distribute literature to the workers."

Hackett and other union leaders were joined Wednesday members by two Democratic Assembly members - Mark Leno of San Francisco and Karen Bass of Los Angeles. Both showed their Assembly identification but were not allowed to enter the building.

"This is an ongoing assault on our state workers from the administration," Leno said, adding that he might request an Assembly hearing on the matter.

But a Caltrans spokesman saw the incident another way.

"It could be anybody showing an ID, really. How does a guard know?" asked spokesman Mark DeSio.

Wednesday's arrests come after two similar incidents at Caltrans buildings in Sacramento and Los Angeles earlier this summer, and also as tense state contract negotiations near deadline.

A spokesperson for Gov. Arnold Schwarzenegger's administration denied that limiting access to Caltrans buildings is an effort to block employee communications.

"The real issue is that we're in labor negotiations that aren't going well," said Lynelle Jolley, spokeswoman for the Department of Personnel Administration, which oversees contract talks.

Schwarzenegger spokeswoman Margita Thompson added, "We're not going to engage in a discussion about their (the union's) paranoid musings."

The Bee's Rachel Osterman can be reached at (916) 321- 1052 or [rosterman@sacbee.com](mailto:rosterman@sacbee.com).

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State employees narrowly re-elect officer in revote  
Rachel Osterman

Bee Staff Writer

**Cathy Hackett** won re-election Friday to her No. 2 post in the state employees union, following a disputed election in which the first round of balloting was thrown out.

Hackett edged out challenger Kathleen Collins for the post of secretary-treasurer of Local 1000 of the Service Employees International Union by a margin of 123 votes. The official count was 4,360 to 4,237.

Friday's announcement capped months of politicking in a union that has been fighting internal wars for years.

The first round of votes were counted in May. But after an optical scanning machine missed many votes, a team of workers recounted thousands of votes by hand.

The result: Three of Local 1000's four top officers were re-elected. The only one to lose was Hackett.

An internal protest committee then ruled that union funds had been misspent on campaigning and called for a second round of balloting for the secretary-treasurer's race.

Reached Friday, Hackett said she was pleased to win the election.

"I'm looking forward to the big fight we have ahead of us against the governor, and mobilizing state workers to take that on," she said, referring to a special election in which initiatives will decide issues such as teacher tenure and the use of union dues for political purposes.

Collins, an employee of the State Compensation Insurance Fund, was not available for comment.

One critic of the Local 1000 leadership said there should never have been a second vote.

"The basis that they used to throw out the first election simply wasn't sufficient. I believe they threw it out because Cathy lost," said J.J. Jelincic, president of Local 1000's parent association, the California State Employees Association.

Hackett responded that "every statewide election requires a lot of work."

The Bee's Rachel Osterman can be reached at (916) 321- 1052 or [rosterman@sacbee.com](mailto:rosterman@sacbee.com).

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Labor coalition re-elects leader  
CSEA avoids split by defeating slate from its largest union.  
Andrew McIntosh

Bee Staff Writer

Squelching fears of a potentially divisive labor feud before this fall's special election, state employee union delegates re-elected J.J. Jelincic as president of the California State Employees Association.

Jelincic coasted to an easy first ballot victory Sunday at the CSEA's biannual general council meeting in Anaheim. He first won the presidency in 2003.

His victory ended concerns that a slate of candidates backed by the Service Employees International Union Local 1000 would seize power and try to splinter the 74-year-old association.

When votes from more than 900 delegates at CSEA's convention were counted, Jelincic defeated his closest rival, Blanca Rodriguez, a former CSEA vice president, by a wide margin: 486-296.

Two other candidates trailed far behind: Tim Behrens won 134 votes, while Antonio Yanas had two votes.

"There was a clear message from the delegates, including from SEIU delegates, that they see real value in the association and they want to see it continue. We're happy with that," Jelincic said Monday.

The winners of three other CSEA executive seats also supported keeping the labor group unified, said spokesman Jim Mehlman. Those elected were Hylah Jacques, executive vice president; Donna Snodgrass, vice president; and Frank Luna, secretary-treasurer.

They defeated a slate of candidates backed by leaders of the Sacramento-based **SEIU Local 1000**, which has been feuding with Jelincic over control of the CSEA and the spending of union dues on political activities.

Local 1000 spokeswoman Cathy Hackett said that the unit's leadership was disappointed that its slate of candidates lost but "that won't stop us from fighting for a stronger union."

Among other issues, the two camps have been in dispute over more than \$1 million in dues payments from the local to CSEA. Later this fall, an arbitrator is expected to announce a settlement over those differences.

In the past, **SEIU Local 1000** President Jim Hard has said that his union, as the largest CSEA affiliate, should have a greater say in how its dues money is spent.

"It's not functional to have another entity control millions of your dollars," he told The Bee earlier this year. "Local 1000 (dues) pay for 80 percent of CSEA staff, yet we cannot direct those people to do anything."

The CSEA is an umbrella group for four unions representing current and retired state government workers, state university employees and midlevel supervisors. Its combined membership tops 133,000.

It is made up of **SEIU Local 1000**, which represents 86,000 state workers; a separate division representing 28,000 retired employees; SEIU Local 2579, which represents 15,000 California State University workers; and the Association of California State Supervisors, which represents 5,800 supervisors.

The Bee's Andrew McIntosh can be reached at (916) 321-1215 or [amcintosh@sacbee.com](mailto:amcintosh@sacbee.com).

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State union threatens big walkout  
Andy Furillo

Bee Capitol Bureau

California state government's largest union is threatening to walk off the job in the first state workers' strike in history if Gov. Arnold Schwarzenegger's administration doesn't come up with what labor leaders termed an "acceptable" contract offer.

Service Employees International Union Local 1000 officials warned of the job action at a noontime rally at the Capitol on Monday, where an estimated 2,000 purple-shirted teachers, nurses, clerical staff, administrative workers and others loudly expressed their willingness to walk out.

Chants of "Strike! Strike! Strike!" engulfed the west steps of the building while speaker after speaker revved up the crowd with calls for a \$400 million pay package for the 87,000-strong local - and no cuts in the union's health care and pension packages.

"This state doesn't work if we don't work," SEIU 1000 President Jim Hard told the crowd. "We have the power ... and now we're going to increase our actions and our pressure to get a good contract. The next step is to make sure this governor knows we're serious about calling the first-ever statewide strike of public employees in California history."

Monday's rally coincided with the union's push for a strike authorization vote from its membership. Officials from both SEIU 1000, the largest affiliate of the California State Employees Association, and the state Department of Personnel Administration say it is the first such vote ever taken by a state employees union in California.

The vote is scheduled to begin next week and run through June 11 among workers in nine state bargaining units represented by SEIU 1000. About 25,000 of the workers are posted in the Sacramento area.

Hard did not give a timetable on when the union might walk out if the membership authorizes a strike, nor would he say what bottom-line demands the state must meet to avoid the walkout.

Three state workers interviewed at Monday's rally said they are prepared to go on strike.

"You bet I'm ready," said California Department of Transportation employee Willie Cruz, one of about 25,000 SEIU 1000 members who live in the Sacramento area.

"We go to negotiations and they don't have anything for us, just blah, blah, blah."

"We're losing nurses because our pay is so low compared to the rest of our community," said Yvonne Chaffee, a registered nurse who works at the veterans home in Yountville.

"It's about time we showed our power," said Jonas Ekeroth, a loss-control representative for the State Compensation Insurance Fund who lives in Sebastopol.

DPA spokeswoman Lynelle Jolley said the state informed the union in a letter last Thursday that it was "ready, willing and able" to meet "at your earliest convenience" to make a new economic offer.

The union said the earliest it could meet with the state was May 22.

Contracts expired last June 30 for seven of the nine bargaining units represented by SEIU 1000. The other two expired in 2003 and 2004.

In its initial proposals to state workers in early 2005, the state asked for five-day furloughs in fiscal emergencies and major pension plan changes. One would have allowed state employees to voluntarily opt out of the state pension plan in exchange for more salary while another would enroll new workers in 401(k)-type programs in place of more expensive defined benefit plans.

The administration retreated in contract talks last month, however, pulling back on the opt-out and 401(k) proposals, said Michael Baratz, the lead negotiator for the union.

It is now asking for an added 2 percent pension contribution from employees, and for new employees, a payout based on an average of three years salary rather than a percentage of the highest single year, he said. Jolley would not detail the state's offer.

Schwarzenegger's budget writers so far have not included any money in next year's budget for pay raises, although that could change Friday when the Republican governor submits his revisions.

The union is asking for 5 percent, plus added hikes for certain categories.

"We will not accept cuts in our benefits, and we will not settle without a raise," SEIU 1000's vice president for bargaining, **Yvonne Walker**, told the crowd Monday.

The two sides also did not agree Monday on whether state workers' strikes are legal in California.

Jolley, the DPA spokeswoman, said they are illegal.

"They face loss of pay and other disciplinary action if they fail to report to work as scheduled," Jolley said.

SEIU 1000 officials, however, cited a 1985 state Supreme Court case affecting sanitation workers in Los Angeles County as opening the door to the action.

"The circumstances, if and when we need to do that, will determine that," Hard said.

Public Employee Relations Board General Counsel Robert Thompson said the University of California was able to head off a nurses' strike last year by obtaining an injunction barring the action because the union had not exhausted impasse procedures.

SEIU 1000's workers have not reached impasse on their contract talks, according to the DPA.

Thompson said there are "conflicting currents" in the sanitation workers' case outlined by SEIU 1000.

In the same case, the state Supreme Court ruled "there is no common law prohibition against public employee strikes," Thompson said.

The Bee's Andy Furillo can be reached at (916) 321-1141 or [afurillo@sacbee.com](mailto:afurillo@sacbee.com).

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#### Purple pension eaters SEIU would strike over perk

As of 2005, California was the only state in the nation that figured its pension payouts based on a state employee's highest single year of salary, instead of the average of an employee's final three years.

Because of this perk, which lawmakers approved in 1990, state government is paying an extra \$100 million in annual pension payouts, and local governments are paying millions more. As The Bee documented last year, state employees often maneuver to change jobs to take advantage of the perk, even if it means moving to another town.

As everyone knows, this payout perk is unsupportable. It creates perverse incentives for employees and costly obligations for taxpayers. That's why Gov. Arnold Schwarzenegger's administration has raised this issue in tense contract negotiations with the Service Employees International Union 1000, a purple-shirted labor group that represents 87,000 workers, including about 25,000 in the Sacramento area.

To ensure that California's pension system remains solvent, the administration wants employees to contribute an additional 2 percent to the system, and it wants payouts for new employees (not current ones) to be based on an average of the final three years of salary.

What is the reaction of the SEIU? It has threatened to call an unprecedented strike.

"We will not accept cuts in our benefits, and we will not settle without a raise," said **Yvonne Walker**, SEIU 1000's vice president for bargaining, in a rally last Monday.

Let's consider some history here: In 1990, the union bosses held up passage of a state budget until lawmakers agreed to the problematic perk. Now the union bosses are threatening a divisive strike if that perk isn't maintained indefinitely, regardless of its budget impact.

The SEIU has every right to push for salary increases to help state employees who are underpaid. But by clinging to a system that bases pensions on an employee's highest one-year salary, they risk hurting the state - and all state employees - in the long run.

Schwarzenegger should stand firm on this point, and the union's rank and file should ask themselves if they want to wage a risky strike over this unsustainable perk.

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Health costs on the table  
CalPERS talks watched closely by private sector.  
Gilbert Chan

Bee Staff Writer

In its campaign to slow rising health insurance rates, the California Public Employees' Retirement System is considering whether members should pay higher fees to see a doctor, stay in the hospital or visit an emergency room.

The giant pension fund also is looking at dropping HMO coverage in five rural counties and introducing a new plan that cuts out higher-priced doctors.

"They (the proposals) really are continuing on the direction that we adopted with the board. They should lower premiums," said Jarvio Grevious, CalPERS deputy executive officer for benefits administration.

As the nation's third-largest purchaser of health care behind the federal government and General Motors Corp., CalPERS has used its financial muscle to squeeze concessions from health plans providing coverage to the fund's 1.2 million state and local government members.

CalPERS' negotiations next week will be closely watched because the outcome will signal to U.S. companies what employers can expect to pay for health care in 2007.

Experts predict more moderate rate increases next year, coming in at an average of 7 percent to 8 percent nationally.

To avoid a spike in premiums, CalPERS is looking at a series of cost-cutting options, including raising co-payments for the first time in five years. The proposed changes could save up to \$64 million from current rates, officials estimate.

"We're working with the plans to try to find areas where the co-pays can be adjusted to encourage members to use more cost-effective services. It's not about getting members to pay more," Grevious said.

Union leaders, though, are balking at the proposed benefit changes and vow to press the issue when trustees act on the 2007 health benefits plan next week.

"These proposals are just another means of shifting the cost of health care from the employer to the employee without really looking at what is happening to drive up the cost of health care," said **Yvonne Walker**, a negotiator with the Service Employees International Union Local 1000, the largest union representing state workers. "As the cost goes up for co-pays, people will most likely hold off on treatment."

CalPERS officials are wrapping up talks this week with health plans and will meet behind closed doors with pension fund trustees Monday and early Tuesday. The board expects to ratify a final plan on June 21.

Some key changes on the table are:

Increasing HMO co-payments from \$10 to \$15 for physician visits. In 2005, seven out of 10 Americans had co-payments of \$15 or more, according to research by the Kaiser Family Foundation. Of those, a third paid \$15.

Requiring members enrolled in preferred provider organization plans to obtain prior authorization for expensive imaging procedures such as MRIs or CT scans.

Creating a PPO urgent-care network with a \$20 co-pay.

Introducing a new lower-cost Blue Cross of California PPO program that eliminates high-cost doctors. The plan would cut in half the number of physicians in the current network. But this option would be unavailable in Alameda, Del Norte, Marin, Placer and Solano counties because of the large number of Sutter Health providers that don't meet the health plan's pricing and quality standards for inclusion in the network.

Dropping HMO coverage in five rural counties: Colusa, Lake, Mendocino, Plumas and Sierra. State employees could qualify for a state-run rural health care program.

Replacing the HMO plan in Butte, El Dorado, Glenn, Mariposa, Napa, San Luis Obispo, San Mateo and Sonoma counties with a lower-cost point-of-service program.

In all, the proposals follow the fund's recent cost-cutting strategy that included establishing prices by region, steering members to generic drugs and dropping HMO coverage at 23 higher-priced hospitals, including 13 owned by Sacramento-based Sutter Health.

"Those (changes) are still reaping benefits," Grevious said. The smaller hospital network saved an estimated \$36 million in 2005.

Grevious declined to predict next year's health-care rates. But experts anticipate CalPERS' HMO rate increase to be around the 8.7 percent average adopted for 2006.

"CalPERS has definitely taken steps in the right direction. They're looking at some more aggressive cost-sharing to get up to the level of private sector employers," said Johan DeKeyzer, a health-care consultant for Hewitt Associates in Newport Beach.

In the private sector, many employers are offering incentives such as rebates for workers to enroll in preventative programs such as weight management. Others have introduced tiered co-payments for brand-name and generic prescription drugs.

"The cost shifting (to employees) is still increasing, although it is being done in a more strategic way," DeKeyzer said.

The Bee's Gilbert Chan can be reached at (916) 321-1045 or [gchan@sacbee.com](mailto:gchan@sacbee.com).

Sacramento Bee

Looking at co-pay proposals

HMO plan

Co-payments / Current / Proposed

Office visits / \$10 / \$15

Emergency room / \$50 / \$75\*

Hospital / 0 / \$250

Ambulatory surgery / 0 / \$25

PPO plans

Deductible / Current / Proposed

Emergency room / \$50 / \$75

Hospital (PERSChoice) / 0 / \$250

Hospital (PERSCare) / \$250 / \$250

\* Waived if admitted to hospital or emergency room observation.

Source: California Public Employees' Retirement System

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State, workers reach contract deal  
Pact averts possible strike by 87,000 public employees.  
Andy Furillo

Bee Capitol Bureau

State negotiators and California's largest state government employees union averted a possible strike by tentatively agreeing Saturday to a contract that will raise the workers' wages by an average of 7.5 percent to 9.8 percent over the next two years.

In addition, the 87,000-member Service Employees International Union Local 1000 maintained its current health care package for the vast majority of its members, while the state was able to change the pension formula for new workers hired beginning Jan. 1.

"It's a good deal," said SEIU 1000 Vice President **Yvonne Walker**. "A lot of hard work went into it, but in the end, it's a good deal for our members and it's a good deal for the state."

Lynelle Jolley, the spokeswoman for Gov. Arnold Schwarzenegger's Department of Personnel Administration, agreed.

"We like it," she said. "We think it's a fair contract. It recognizes the state's need to catch up in some areas and it recognizes the state's need to help employees restore some lost purchasing power."

The tentative agreement now will be submitted to the union's membership for ratification. No meeting dates have been set, but Walker said she does not anticipate any problems with the vote. The Legislature also must sign off on the agreement.

If Saturday's agreement is ratified, it would represent a major step in resolving what began as a year of labor uncertainty, with 18 of the government's 21 bargaining units either working without contracts or about to see their old ones expire.

SEIU 1000 represents nine of the 18 units, covering workers ranging from Department of Motor Vehicle clerks to janitors.

Saturday's deal followed almost three days of around-the-clock negotiations between the state and SEIU 1000 at the Holiday Inn in downtown Sacramento.

It came about five weeks after thousands of purple-shirted union members held a boisterous rally on the west steps of the Capitol, threatening to walk out in what would have been an unprecedented strike.

On Monday, the union announced that it had achieved 85percent support from its membership on a strike authorization vote. The announcement was followed later in the week by the nonstop talks that culminated in Saturday's agreement.

Under the terms of the deal, union members -- some of whom have gone three years without a raise -- will receive a \$1,000 one-time bonus upon ratification, the equivalent of a 2.3 percent increase over the SEIU 1000 average salary of \$43,000.

Another 3.5 percent pay raise will kick in on July 1, followed by a pay hike on July 1, 2007 between 2 percent and 4 percent, depending on the cost of living, according to the DPA's Jolley.

The deal also calls for "equity adjustments" in assorted job categories ranging from prison teachers and nurses to information technology workers and auditors.

Officially, the agreement would be for three years, retroactive to July 1, 2005, and extending to June 30, 2008.

Union spokesman Danny Beagle said that, including the equity adjustments, the deal will amount to a 12 percent to 13 percent overall raise compared with what he said would have been a 14 percent cut under "sunshine" proposals first laid out by the Schwarzenegger administration at the beginning of last year.

"We have come a long way," Beagle said.

SEIU 1000 members fought off a state challenge to their health care benefits for the most part, retaining the formula in which taxpayers will fund 80 percent of the premium for the union workers and their families. About 2,200 state teachers, however, will see the state's tab on their health care costs be converted from the 80percent formula to a flat-dollar equivalent.

In the face of rising health insurance and employer cutbacks across the nation, the retention of the formula for the bulk of its members would appear to represent a major union victory.

"We were able to do that by the increasing activity of our membership, and I've got to think it had something to do with the 85 percent strike authorization vote we took," Walker said.

State negotiators scored a victory, too, with the pension changes. Employees hired beginning Jan. 1. will be slated for retirement benefits tied to a three-year average of their highest salary rather than to a single "spike" year that will remain in effect for current employees.

DPA spokeswoman Jolley said "we're thrilled" to get that change. She said she does not know yet what cost savings might be associated with the pension reformulation.

Two other labor agreements covering attorneys and firefighters also have been hammered out during the current round of negotiating. Several more contracts are scheduled to expire next month, including those covering the state's correctional officers and Highway Patrol unions.

#### HIGHLIGHTS

Among other things, the tentative pact would:

Give workers a \$1,000 one-time bonus upon ratification.

Call for another 3.5 percent pay raise to kick in on July 1, followed by a pay hike on July 1, 2007, of between 2 percent and 4 percent, depending on the cost of living.

Call for "equity adjustments" in assorted job categories.

The Bee's Andy Furillo can be reached at (916)321-1141 or [afurillo@sacbee.com](mailto:afurillo@sacbee.com).

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Governor on the mend, running state  
He creates panel to tackle pension costs  
Schwarzenegger adopts a bipartisan approach  
Kevin Yamamura

Bee Capitol Bureau

Gov. Arnold Schwarzenegger will seek changes in how California funds its public pension obligations, particularly rising health care costs for its growing retiree base, according to an executive order he signed Thursday to create a bipartisan commission.

After the Republican governor's last venture into public pension revision failed in 2005, his aides promoted the new panel as a cooperative effort with Assembly Speaker Fabian Nunez and Senate President Pro Tem Don Perata, both Democrats with strong labor ties.

Under the executive order, a 12-member Public Employee Post-Employment Benefits Commission, with six gubernatorial appointees and six legislative appointees, will be charged with making recommendations by 2008 on how to pay for the state's soaring pension costs.

Finance Director Mike Genest estimated Thursday that the state's two pension funds would need to invest an additional \$49 billion right now to cover all of the state's public employees through retirement. In addition, the nonpartisan Legislative Analyst's Office estimated in February that the state needs to invest roughly an additional \$40 billion to \$70 billion to pay health care costs for state workers and University of California employees through their retirements.

Schwarzenegger in 2005 sought to solve the pension issue by backing proposals to shift new public employees to investment accounts. But he encountered a fierce backlash from employee unions, including law enforcement groups that charged he would cut benefits to widows of fallen officers. The governor has denied he would ever do that.

In an opinion piece in today's Bee, the governor said he made a mistake. "I backed a proposed initiative that was poorly drafted ... ." he said.

The governor remains open to any of the commission's recommendations, though he does not support new tax increases, said his communications director, Adam Mendelsohn.

Schwarzenegger signed the executive order from his hospital bed at Saint John's Health Center in Santa Monica, where he is staying until Saturday as he recovers from surgery to repair the right leg he broke in a weekend skiing accident. He did not address questions personally but issued statements through his press office.

"Promised pensions and health benefits are vitally important to state workers and their families, especially public safety officers who put their lives on the line everyday," Schwarzenegger said in a statement. "And they are obligations that must -- and will -- be paid by government. We must seek ways to meet these obligations while not harming other government programs and taxpayers or handing invoices to future generations."

Democratic leaders in 2005 opposed Schwarzenegger's pension efforts. Nunez and Perata on Thursday issued statements supporting the commission's formation, though Nunez warned against any attempt to move to an investment account system.

"It makes sense for a bipartisan review of our post-employment benefit system for the long haul," Nunez said in a statement. "But this should not be viewed by any stretch as an attack on a system that has performed well and provides economic security to hundreds of thousands of Californians or an indication of any interest in turning the system over to interests whose only concern is their profits."

The public employee unions that fought the governor's pension ideas last year said Thursday that they will cautiously await the new commission's recommendations.

**Yvonne Walker**, vice president of Service Employees International Union, Local 1000, said the growing costs in health care are the fault of the industry and not workers. She said SEIU will insist that public employees receive their health benefits and that the solution will ultimately require a systemwide reduction in health care costs.

A spokesman for the California Professional Firefighters, Carroll Wills, said his organization remains open.

"We all benefit from a full exploration of the issues, assuming, of course, that it's balanced and isn't driven by the same sort of agenda we saw in 2005," Wills said. "If it turns into a prelude of another 'Year of Reform,' all agenda-driven, then the response would be the same."

The state must assess its unfunded pension and health care liabilities by 2009 under new accounting rules set forth by the independent Governmental Accounting Standards Board. The new state commission will prepare a report by 2008 identifying all of the state's unfunded liabilities and providing

solutions to pay for them, according to the governor's executive order.

The state currently prepaids its public pension accounts, and Genest said that a \$49 billion gap to pay public employees through retirement is largely the result of the stock market decline earlier this decade.

The state pays for retiree health care on a pay-as-you-go basis, which currently costs an estimated \$1 billion annually. But that cost is rising faster than the rate of inflation due to skyrocketing health care costs and a growing retiree population as baby boomers leave the work force, said Jason Dickerson, principal fiscal and policy analyst with the Legislative Analyst's Office.

Dickerson said a rough estimate of the current shortfall in investment needed to cover the health care of all state employees is \$40 billion to \$70 billion. He said that gap could be closed by spending \$6 billion annually over the next 30 years.

But for a state currently spending one-sixth of that on retirement health care -- and facing a budget deficit of nearly the same amount -- finding the money will be difficult.

"There are two basic ways the state can deal with these liabilities: set aside more money or change the benefits," Dickerson said.

He suggested the state may ease into a prepayment system by doubling the current \$1 billion dedicated toward retirement health care costs.

The Bee's Kevin Yamamura can be reached at (916) 326-5548 or [kyamamura@sacbee.com](mailto:kyamamura@sacbee.com).

Sacramento Bee / Brian Baer

Gov. Arnold Schwarzenegger holds a video conference from his Santa Monica hospital bed Thursday with staff members at the Capitol. The governor, who is recovering from surgery on the leg he broke while skiing recently, discussed his order creating a bipartisan panel to study the state's soaring pension costs.

Duncan McIntosh / Press Office of Gov. Schwarzenegger

In a photo released by the Governor's Office, Gov. Arnold Schwarzenegger, in his hospital bed in Santa Monica, signs an order creating a panel to study state pension costs.

Sacramento Bee / Brian Baer

Members of the Gov. Schwarzenegger's staff, more used to meeting with him in person, rely on a video conference Thursday to discuss issues with him as he recovers from a broken leg.

Mike Genest

The state finance director said an extra \$49 billion is needed now to cover all state public pensions.

Fabian Nunez

The Assembly speaker said he favors a benefits review that doesn't endorse private accounts.

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DMV steering public to overhauled Web site  
Tony Bizjak

Bee Staff Writer

The state Department of Motor Vehicles, long infamous for making customers wait in line, now is urging them to go online.

Agency officials on Thursday launched a publicity campaign encouraging California drivers to avoid crowded field offices by using the DMV's reorganized Web site to register vehicles, renew licenses, buy specialized plates and even pay bills.

A \$200,000 billboard and radio campaign is part of a 3-year-old effort by the department to revamp its operations as a way to reduce public wait lines and deal with its own tighter budget.

"We're using technology to do business smarter," DMV Director George Valverde said Thursday at the south Sacramento field office during an unveiling of the agency's revamped Web site, [www.dmv.ca.gov](http://www.dmv.ca.gov).

A state legislative analyst's report three years ago found average wait times at DMV field offices -- already notoriously long -- had crept up to one hour and sometimes much longer.

With state budget cuts in effect, DMV officials have responded by increasing the number of possible transactions on the Internet.

The effort has shown positive results, agency officials said Thursday. Wait times at field offices have dropped to 20 minutes on average, with shorter waits for customers who make appointments first.

Valverde said he expects to lose another 100 staff positions in this year's state budget but said he is hoping the agency's "Save Time. Go Online." campaign will offer a boost.

**Yvonne Walker**, an official with the Service Employees International Union, Local 1000, warned, however, that service levels may not keep up, despite technology, if the agency loses more staff.

"People want actual service," she said. "There has to be a body there to process your paperwork."

Recent DMV data show increasing numbers of drivers using the agency's online offerings.

Online vehicle registrations went from 2.9 million in 2005 to 3.9 million last year. Valverde said his agency's goal is to top 5 million vehicle registrations online in 2007.

Agency officials also are urging drivers to set up appointment times on the Internet before they go to field offices. Last year, about 7 percent of people -- 2.4 million -- set up appointment days and times online before going to a field office.

Valverde said he hopes to be able to attract enough business online that the agency won't have to build more field offices. A new field office costs \$8 million to \$12 million, Valverde said. The DMV currently operates 170 field offices statewide.

The online approach isn't necessarily the fastest way for all customers, however, Bruce Simmons of Clarksburg found out this week.

Checking online about obtaining some personal documents, Simmons learned if he made his request via the Internet, the papers would have to be mailed. So he drove to the south Sacramento office instead, and waited 20 minutes to pick them up in person.

"I just didn't want to wait," he said.

Michael Lopez of Wilton also showed up Thursday at the south Sacramento DMV office after making a reservation via the Internet, and was pleasantly surprised by his quick visit.

"I wasn't here for five minutes," he said on his way out the door. "That's a lot better than before."

The Bee's Tony Bizjak can be reached at (916) 321-1059 or [tbizjak@sacbee.com](mailto:tbizjak@sacbee.com).

DMV

DMV data show more drivers are using the agency's online offerings, including vehicle registration and making office appointments.

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SEIU pick wins **CSEA** election  
New president, bylaw changes are expected to boost autonomy for union's four affiliates.  
Andy Furillo

Bee Capitol Bureau

The relationship between the California State Employees Association and its largest affiliate figures to improve as a result of balloting that took place over the weekend in San Jose.

Dave Hart, supported by the Service Employees International Union Local 1000, won the election for the **CSEA** presidency over incumbent J.J. Jelincic. Sunday's vote among the delegates to the **CSEA** general council favored Hart, 539-438.

SEIU 1000 won another victory over the weekend when the delegates approved bylaw changes that will shift power from **CSEA** to the affiliates. The voice vote by the delegates gave the affiliates greater degrees of autonomy long sought by SEIU 1000.

"I think it's a new day in **CSEA**," said SEIU 1000 President Jim Hard. "The combination of the election of Dave Hart ... and the package of bylaw improvements is going to make it very easy to work with all of the affiliates inside the association."

With 87,000 members, SEIU is by far the largest of the four affiliates that make up **CSEA**. The other three, which represent retirees, state supervisors and California State University employees, have a total membership of about 49,000 among them.

The weekend elections came at a critical time for public employees in California. A ballot initiative is circulating that proposes to substantially change the public employee pension system. The unions strongly oppose the changes.

SEIU 1000 also is facing an internal fight by employees in one of its bargaining units to rescind their "fair share" fee payments. If they are successful, the "fair share" employees, who are not union members but are required to pay fees every month for representation services they receive from SEIU 1000, won't have to pay the money anymore. The Public Employment Relations Board is preparing to set a date for a vote on the measure. If it passes, it could cost SEIU 1000 about \$12 million in revenues annually.

Meanwhile, the union's contract with the state expires next year, when the California budget is expected to be facing a multibillion-dollar shortfall.

Along with Hart, **CSEA** delegates voted in another SEIU 1000-backed candidate, David Okumura, as the board's new secretary-treasurer. The lone incumbent to retain her position on the **CSEA** board is vice president Donna Snodgrass.

Hart is a member of SEIU 1000's bargaining unit 11 that is made up of about 3,500 technicians like himself. He has worked to measure the California snowpack every year for nearly a quarter-century.

He said one of his immediate goals as president is to end the public bickering that has marked the relationship between **CSEA** and SEIU 1000 in recent years.

"This internal debate has been demoralizing to our members," Hart said. "I'm stopping all of that stuff. People can fight in meetings, but don't go public with it. People who don't understand the context can be very confused and demoralized by it."

Hart said he was supported by SEIU 1000 "because they wanted this internal sniping to end."

"We're burying the hatchet and moving on," he said.

Jelincic has been president of **CSEA** since 2003, when SEIU 1000 supported him for the job previously held by Perry Kenny. But shortly after Jelincic was elected with SEIU 1000 support, he found himself at odds with the union over his efforts to exert control over its management. He said the public portrayal of the conflict was overblown.

A former investment officer at the California Public Employees' Retirement System, Jelincic said he will have no problem going back to his old job, which he termed "a good gig."

He said Hart's election and the bylaw changes will make SEIU 1000 singularly responsible for whatever successes or failures the union generates.

"They've lost their ability to blame their problems on somebody else," Jelincic said.

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#### SEIU moves on after ballot

As dissidents fail to overturn 'fair share' fees, state workers union plans for new contract bargaining.

Andy Furillo [afurillo@sacbee.com](mailto:afurillo@sacbee.com)

Now that it has defeated a potentially costly insurgency, the leadership of California's largest state workers union faces a new challenge: unifying its membership ahead of upcoming contract and pension battles.

Service Employees International Union Local 1000 stood to lose \$12.5 million in revenue in the campaign to eliminate "fair share" fees in its largest bargaining unit. But the rescission campaign failed when less than half of the eligible voters mailed in ballots, the Public Employment Relations Board reported.

By state law, the rescission campaign needed the support of 50 percent plus one of the 44,187 employees in SEIU 1000's Unit One. Only 17,699 ballots were returned to PERB, however, in a month of voting that began Nov. 27. As a result, the ballots were not even counted, said PERB general counsel division chief Les Chisholm.

SEIU 1000 President **Jim Hard** said the defeat of the rescission campaign will allow the union to "focus on this huge and growing state budget deficit and our contract negotiations that are coming up quickly," as well as another challenge to its members' pension benefits.

"Unity in the upcoming budget and contract campaigns is critical," Hard said. "We're going to reach out to all those who have concerns and complaints and try to resolve them. We're all state employees who are affected by this. We need to come together and work for a new and fair contract."

The deal between the union's 87,000 members and the state expires in the middle of 2008. SEIU 1000, as well as other public employee unions, also is expecting to fight an initiative campaign next year that is seeking to reduce benefits for its future members.

Upset by an increase in union dues from 1 percent to 1.5 percent of their salaries, supporters of the rescission campaign obtained valid signatures of 13,000 Unit One employees to force the election. The unit, the largest in SEIU 1000, covers administrative, information technology and other state employees.

Despite the results, the organizer of the petition campaign, Lyle Hintz, said the effort "had some good, positive effects."

Hintz said that the union leaders agreed to submit a scheduled dues increase to a vote of the membership. In addition, Hintz said, the union, in the midst of his petition campaign, rolled back the dues "cap" from \$130 a month to \$90 a month.

"We think we did real good," Hintz said. "I think this shows that the rank-and-file is really upset with the union. Seventeen thousand people voting in a union election is a really outstanding return. Even though it wasn't successful in overturning the fees, it should be sending a strong message to the officers of SEIU 1000 that we've got some problems that need to be addressed."

Hintz, a retired Unit One member, said he is planning to protest the election results.

According to Hintz, some ballots had the voter's home address on one side and PERB's on the other and subsequently were delivered to the wrong destination. Moreover, Hintz said, some voters weren't able to cast their ballots within the 30-day election window.

Hintz said he also plans on challenging the state law that requires that rescission campaigns get the approval of half the unit's membership rather than half of the ballots cast.

Chisholm, the PERB official, said the results of the election will not be certified until any objections are resolved. He said that anyone who wants to contest the election has 10 days to file the protest.

Fair share employees are covered by contracts negotiated by the union and are required to pay fees for bargaining and other services provided by the labor organization, even though they are not members. In Unit One, the fees come to about \$73 a month for the fair share payers, or \$2 below the dues paid by union members.

SEIU 1000 officials estimated that fair share fees accounted for \$12.5 million of its \$44 million in revenue last year.

Call Andy Furillo, Bee Capitol Bureau, (916) 321-1141.

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Chain saw is wrong budget tool  
**Yvonne Walker**

**Yvonne Walker**, vice president for bargaining for the Service Employees International Union Local 1000, is responding to the April 4 editorial "No time for state raises / Holding the line at the top is just a start."

The editorial oversimplified the issue of compensation for state employees.

As the vice president for bargaining for the largest union of state workers, I recognize that the \$8 billion deficit is a huge problem that affects us all.

We are 92,000 state employees, but we are also 92,000 taxpayers and families who live in California's diverse communities. We're willing to help come up with creative, credible solutions to the deficit.

But California's long-term structural budget deficit cannot be solved by simplistic gimmicks such as pay freezes, 10 percent across-the-board cuts and accounting tricks.

State workers are an easy target particularly since our salaries are public information. But why not also look at more creative responses? Some long-term solutions require investment. Here are a few examples.

- \* Collect as much as \$1 billion of the \$8 billion in taxes that are owed but not collected, according to the Legislative Analysts Office.
- \* Fully implement prison rehabilitation reforms from Assembly Bill 900 and save up to \$684 million by reducing the percentage of ex-convicts who commit new crimes.
- \* Save \$100 million annually by reducing the reliance on outside contractors for information technology services, which -- according to the independent California Research Bureau -- cost 50 percent more than using state employees.

The state will not achieve fiscal stability with a chain saw; even the governor agrees that we have to "get very creative" to solve California's fiscal woes. Why can't the state follow the advice of the legislative analyst and save billions of dollars by closing the myriad tax loopholes such as those that protect yacht owners and oil companies?

We applaud The Bee reporters and columnists for examining wasteful state spending practices and poor planning by elected officials. We ask The Bee to dig deeper into the state fiscal problems and champion creative and credible solutions.

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Governor's right: Revamped lottery can boost revenue  
**Yvonne Walker**

Special to The Bee

As state employees, we were quite skeptical last year when Gov. Arnold Schwarzenegger first proposed leveraging the California State Lottery to help balance the budget.

In fact, we compared his first lottery proposal to a "pawn shop" in July 2007.

But after listening to veteran lottery employees talk about the agency's shortcomings, researching lottery performance in other states and consulting with industry experts, we have concluded that the governor is right to insist on overhauling operations and loosening regulations at the state lottery.

Before the state leaders decimate education, cut other critical state services and go to war with one another over raising taxes, California should exhaust every possible way to bring in more state revenue.

Our state lottery, as currently structured, is an underperforming asset that earns just over half the national per capita average for state lotteries. If restructured under new entrepreneurial management and allowed to offer more innovative games, the California Lottery could raise billions and reduce the pressure to cut state programs that serve children, seniors and the disabled, as well as keep our water pure and our streets safe.

According to 2007 statistics, California's per capita lottery revenue of \$98 is appallingly low compared with the national average of \$170 for state lotteries. The top-performing states, Massachusetts and New York, bring in \$699 and \$352 per capita, respectively. These revenue-leading states bring in more cash because they operate in a regulatory environment that better rewards entrepreneurial innovation.

Research by industry experts concludes that the lottery could increase its sales and profits by 70 percent to 90 percent in just 10 years by adopting the best operational practices used in other states combined with improved marketing and advertising.

Revenue can be increased by creating more-flexible rules governing prize payouts. Massachusetts has the highest sales per capita of any state-run lottery and also has the highest payout percentage. Nearly 72 percent of Massachusetts' lottery revenue is returned to players in the form of prizes. In California, only 53.9 percent of revenue is returned to players. By increasing the odds of winning through a better-designed payout structure and aggressively marketing those changes, California can increase ticket sales.

Lottery revenue also can be increased by lifting game theme and parimutuel game restrictions that currently hamper marketing. New York is free from both types of restrictions, and as a result, has higher ticket sales. For example, pari-mutuel rules that effectively limit the marketing of Keno kept ticket sales in California in 2006 below \$165 million. New York, which allows a banked-game version of Keno, sold nearly \$500 million in Keno tickets in 2006.

The success of the California Lottery depends not only on the regulatory environment, but also on the sales, marketing and gaming acumen of its top managers.

There is a revolving door in the leadership at the California Lottery, where the agency has seen 13 directors in the past 23 years (including one state manager who held the job twice). Most previous directors were career bureaucrats or political appointees with little or no experience in gaming before heading the lottery.

Longtime sales representatives tell us that the lottery's potential has been squandered by poor marketing and a lack of vision at the top. We commissioned a market audit by Independent Lottery Research, headed by former Illinois Lottery Director Michael Jones, that confirmed our members' findings about the lack of entrepreneurial leadership.

The lottery can be made more profitable by drawing in more players, shifting the customer base to more-affluent players with disposable income through changes in advertising, marketing and distribution strategies. This is exactly what's happened in Europe, where lottery focus on whole-population sales distribution (vs. targeting one income group) has resulted in greater profitability and more evenly distributed population bases.

ILR's research already suggests that, despite popular belief, those who play the state lottery have higher average incomes than those who do not (\$57,700 average annual household income for those who have played, and \$51,200 for those who have not).

The governor, the Legislature and, ultimately, California voters will decide on the exact details of any plan to restructure the lottery.

But we agree that the governor has the right idea -- making the lottery more profitable will generate more money for critical state services.

**Yvonne Walker** is the president of Service Employees International Union, 1000, the largest state employee union. It represents about 500 members at the California State Lottery.

**Yvonne Walker**

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State workers

Effort to boot SEIU gets new life

Union critic **Ken Hamidi** enlists United Law Center for decertification effort

Seeks to communicate with 95,000 union employees

Jon Ortiz Staff Writer

**Ken Hamidi** has been trying to break the grip of SEIU Local 1000 since 2007. Along the way, the Iranian-born Franchise Tax Board employee has won some admirers for his never-say-die spirit and for winning a landmark California Supreme Court case a dozen years ago. He's also drawn the ire and the ridicule of SEIU officials, who dismiss him as a self-aggrandizing blowhard and a buffoon.

Now he has renewed efforts to replace the union's exclusive representation of half of California state government's organized workforce with an association that he would head.

Hamidi says that he already has 6,000 of the 28,500 or so petition signatures he needs to put SEIU Local 1000's continued representation to a vote. He acknowledges that merely reaching nearly 100,000 state employees is a daunting task, but he thinks that he can find sufficient support if he is allowed access to state email.

"Four emails," he said. "That's all it would take."

This week Hamidi revealed that he has retained Roseville-based United Law Center, which specializes in consumer law, to knock down any legal blockades that SEIU or the government might erect to keep his campaign from communicating with employees about decertifying the union.

The announcement was significant for Hamidi, a sign that his rough-hewn fight with SEIU has a professional ally in a 13-lawyer firm that has taken on banks and insurance companies.

SEIU leadership isn't impressed.

"**Ken Hamidi** is a state worker who relies on televised theatrics, falsehoods and exaggerated claims to attack Local 1000," Local 1000 President Yvonne Walker said in an email to The Sacramento Bee. "Like his candidacy for governor in 2003 and for Local 1000 president in 2008, his 8-year-long campaign to weaken the union hasn't attracted any meaningful following."

Hamidi, 68, worked for Intel Corp. before he joined the Tax Board in 1999. In 2003, he won a landmark freedom of speech case that turned back the tech firm's charge that he illegally disrupted its business by sending negative comments about the company through its corporate email system.

The case went all the way to the California Supreme Court and garnered a measure of fame for Hamidi, who intensified the spotlight with media stunts. In one instance, he delivered 40,000 printed emails to Intel's Santa Clara headquarters via horse-drawn carriage to draw attention to the case. Unions, including SEIU, supported his cause for fear that a court-sanctioned email restriction could hamper their ability to organize.

As a state employee, Hamidi's job is covered by terms negotiated by Local 1000, but for many years he has been disenchanted with the union. Local 1000, he says, spends too heavily on political action and too little representing individual members. He questions how the union leaders spend the nearly \$62 million taken in annually from dues and fees.

And Hamidi cites a recent proposal, backed by Walker, that would pay stipends of up to \$100,000 to the local's president and three vice presidents on top of their union-reimbursed state pay and benefits.

"Will that add momentum to the decertification?" Hamidi said. "Absolutely."

Walker said the local's finances are "carefully reviewed by neutral, outside auditors who find our accounting sound and fully compliant with our policies." She said those findings then are verified by an independent arbitrator.

She has said the stipends are appropriate to the task of running a local that represents 95,000 state workers. The plan goes to a vote by the local's board in October.

"The question of a stipend for Local 1000 officers will be decided through the democratic process," Walker said.

SEIU Local 1000, like other unions, is legally required to publish an audited annual financial statement and distribute it to employees it represents. The report includes how much the local spends in dozens of categories, from contract negotiations and union activities to litigation and lobbying.

The figures don't delve into details, however, prompting some in the union to question how much dues money goes to things like trips, meals and entertainment for union executives. Hamidi wants a detailed audit of the books, and at least one other union member has sued to see receipts and other financial details.

According to independent arbitration statistics, nearly 6,000 state employees last year filed to opt out of paying fees to the local. Hamidi, who for years has encouraged members to stop funding the union, takes credit for what he says has been growth in the number.

Beyond that, Hamidi said he has a grass-roots network of roughly 1,000 disaffected state employees who no longer support SEIU and back his vision for a new organization that relies less on members and more on professional consultants to manage operations, bargaining and representation.

And like his battle with Intel all those years ago, he and Stephen Foondos, managing partner of United Law Center, believe the underdog movement is on the cusp of a beating a deep-pocketed entrenched organization on the merits of their argument.

"We're going to succeed," Foondos said. "I know what it's like to fight with the wealthiest people and win. We never give up."

Foondos said no one is paying for United Law's services, and that the firm is backing Hamidi because it believes in his cause. At the same time, United Law stands to gain business should Hamidi succeed because it would handle employee representation and collective bargaining for the new union. Currently, SEIU members handle those affairs.

"This is sort of a contingency, I guess," Foondos said. He committed to hiring more lawyers if needed.

Walker downplayed the United Law's entry into the fray as a bid to "replace a member-led team of member leaders and trained staff with a Roseville law firm with no experience representing public workers."

Replacing Local 1000 will not be easy.

Dumping an incumbent union requires petition signatures from at least 30 percent of all the represented employees, including those who are not dues-paying members who want to put their continued representation to a vote. A second petition with the same number of signatures is necessary to put a replacement organization on the ballot.

Assuming those hurdles are cleared, ballots go out to all employees covered by the union - 95,000 in this instance - with the incumbent organization and the challenger listed, plus a third option: "no representation."

The ballot entry with a simple majority of votes is declared the winner.

To that end, Hamidi and Foondos co-authored a Sept. 8 notice to Gov. Jerry Brown that a decertification campaign was underway and reminded the administration that the state cannot give preference to either side. The letter highlighted United Law Center's role and asked for, among other things, an executive order directing all state agencies to remain neutral, "unfettered access" to worksites, state email and other communication resources for campaign purposes, and to provide security during decertification gatherings.

Brown's Human Resources Director Richard Gillihan responded with a letter this week stating that while the state can't play favorites, it wouldn't allow carte blanche access, either.

And while the governor did not issue an executive order, the administration did send out a statewide memo to managers acknowledging it "received notice from an employee organization of its effort to decertify an exclusively recognized state employee organization." It also reminded agencies that they must "uphold the state's position of strict neutrality during a decertification effort" and that the state "could be exposed to allegations of unfair labor practice" should any manager take any action that shows bias.

The memo did not name SEIU Local 1000, Hamidi or his alternative organization. Human Resources spokesman Jim Zamora said the administration would have no further comment on the memo, but Local 1000 and Hamidi's camp both interpreted it as a response to the Sept. 8 letter.

After reading the memo, which explained that decertification proponents have the right to "meaningful access" to employees during "non-work time" in public areas, Foondos said, "This is good news. It shows that if they're denying access, they're violating their own policy."

Daniel Mitchell, a UCLA expert on public employee labor unions, said that the correspondence merely indicates that Brown wants to avoid being dragged into court by either side.

"This doesn't necessarily mean the administration expects (decertification) will happen," he said. "They just don't want some local supervisor doing something stupid."

Hamidi's Intel experience has informed his posture as a union dissenter. He has launched a website for his hoped-for union that urges members to file papers that allow them to stop paying union dues. The website also carries news about his lawsuit against Local 1000 over union dues, a quest backed by the National Right to Work Foundation staff. He also hosts a weekly public access show, Shout TV, that rails against Local 1000.

The relationship with the anti-union group has opened Hamidi to accusations that his battles with SEIU aim to dismantle public employee representation under the guise of improving it.

"The enemy of my enemy is my friend," Hamidi said, and denied accusations that he is a vessel for union-busting interests.

Whether his latest campaign has substance will be revealed soon. State law gives challengers a 30-day window to file their petitions. The window closes approximately seven months before a union's contract expiration date.

Local 1000's contract expires July 1 next year. That means Hamidi has from Nov. 2 to Dec. 2 to submit the 28,500 petition signatures to the Public Employment Relations Board, or he'll miss the deadline.

Jon Ortiz: 916-321-1043, @TheStateWorker

\$59.76 million Total SEIU Local 1000 expenses in 2013, according to the union's latest report

\$15.6 million Local 1000 expenses in 2013 for SEIU and other labor affiliates' meetings and activities

\$20.6 million Local 1000 spending in 2013 on bargaining, contract administration, employee representation, complaints, appeals and similar matters

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Staff union ratifies labor deal with SEIU  
Jon Ortiz Staff Writer

Administrative staff members who work for SEIU Local 1000 have ratified a contract with a small raise for senior employees, ending nearly four years of contentious talks. The deal left intact, however, cuts to retiree health benefits that Local 1000 had imposed last year on its employees, who are represented by United Auto Workers Local 2350. At the same time, the SEIU and other unions this year are confronting their own contract talks with Gov. Jerry Brown over changes to retiree health benefits.

Asked how many members voted for the agreement, Local 2350 President Joseph Jelincic said in an email that "a strong and clear majority of UAW members voted to ratify." He did not provide specifics.

SEIU Local 1000 did not immediately respond to a request for comment Thursday.

The agreement covers about 135 employees who perform everything from clerical work and legal services to public relations. It provides a 1.5 percent pay raise for employees at the top of their pay scales, beginning Saturday, Jelincic said.

The contract, he said, applies retroactively to Jan. 17 and expires on Sept. 30, 2017.

The agreement also prevents the SEIU from locking out workers during a labor dispute and forbids the UAW from striking. Most important, Jelincic said, the deal restores grievance arbitration through a neutral third party, a provision lost when the former contract expired in 2012. Since then, Local 1000's chief of staff had reviewed employee complaints.

"Regaining arbitration for disputes, after not having it for three years, nine months and 17 days, is significant," Jelincic said.

Relations between the two locals have been tense ever since Local 1000 split with an umbrella organization, the California State Employees Association.

The SEIU represents about 95,000 state employees and was the largest of the four affiliates in the CSEA. The others serve state retirees, state university support staffers and state supervisors.

But the four groups' interests often clashed, even as they pooled money and bargained with the UAW for staff contracts.

Several years ago, Local 1000 effectively pulled out of the CSEA, but the UAW continued to represent its support staff. New contract talks commenced. UAW rank and file rejected several offers, including some like the new contract.

Negotiations reached an impasse last year. The SEIU imposed terms. It axed its employer match for 401(k) contributions and stopped its health insurance program for retirees and their dependents. Instead, Local 1000 reimbursed up to \$600 per month for retirees' medical costs until they're eligible for Medicare. Dependents received no coverage.

The downgraded benefits prompted Jelincic to call Local 1000's position "hypocritical," since the union routinely resists cuts to state benefits and presents itself as a guardian of the working class.

The benefits concessions remain in the new contract, Jelincic said, but he still sees the agreement as a chance to change course with the SEIU.

"Hopefully we can have a more productive relationship with Local 1000 going forward," he said. "Time will tell."

Jon Ortiz: 916-321-1043, @TheStateWorker

Hopefully we can have a more productive relationship with Local 1000 going forward. Time will tell.

Joseph Jelincic, president, UAW Local 2350