



Local 17

WSDOT NW Region News

November 2012

What's the purpose of this newsletter?

This newsletter aims to keep Local 17 members in Northwest Region (including AWV, 520, Tolling, and other groups in NWR where Local 17 has members) informed about what is going on at your union. If you wish to contribute, please contact Union Representative Kristen Kussmann at kristen@pte17.org or (206) 328-7321, x110.

Arbitration Victory - Reduction in Force (RIF) Rights

A recent arbitration decision helps protect Local 17 members from being bumped by managers during a RIF.

On Sept. 8, Arbitrator Marvin Schurke ruled that a Transportation Planning Specialist 4 (TPS4) could not bump a Local 17 member Transportation Planning Specialist 3 (TPS 3). Management's action in "bumping" the TPS 3 and placing the TPS 4 in the position, therefore, violated Local 17's contract with the State of Washington.

Management had argued that its action was proper because a WAC (civil service rule) allows non-represented state employees in a RIF to bump into any position in their "class series." In his decision, Schurke said that the employer's interpretation is incorrect, as far as bumping into Local 17 bargaining-unit classifications.

The union argued that its contractual rights govern how nonmembers can become members of the bargaining unit, and that the collective bargaining agreement does not allow this sort of bumping.

Schurke agreed with the union, reasoning: "To justify the outcome it desires in this case, the employer would have needed to negotiate for and obtain the union's agreement on contract language explicitly giving non-represented persons a right to 'bump' into the bargaining unit. ... [T]he absence of such language from the parties' contract is fatal to the employer's case."

Kristen Kussmann, Union Representative, represented Local 17 at the arbitration. Other Local 17 staff and members also contributed to the arbitration including: Vince Oliveri, Natalie

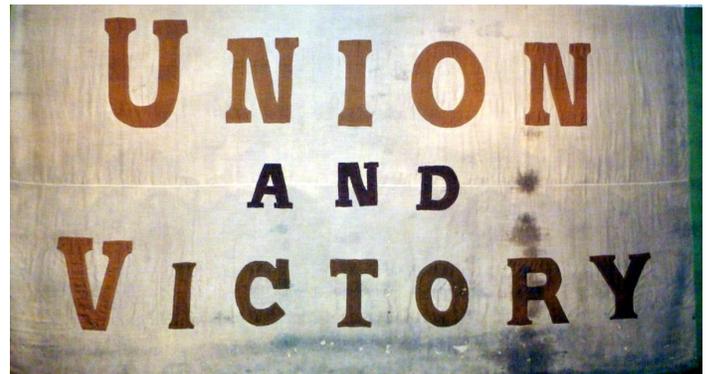


Photo of a banner used in a 1889 dock strike and later a 1912 transportation strike in the UK; from the People's History Museum, Manchester, UK.

Kaminski, Yoko Kuramoto-Eidsmoe, Steve Morgans, and the grievant, Maria Mayrhofer. Oliveri, Morgans, and Maryhofer provided testimony at the arbitration.

Kussmann said, "Local 17 members are the true winners here. This represents a victory in the midst of the reductions in force that are happening at WSDOT."

Grievant Mayrhofer said, "I not only brought this grievance forward for myself fearing future RIFs and future bumping, but for other Local 17 members at WSDOT. The possibility of being bumped by a non-represented employee impacts other members as well. It is very good that these rules are clarified."

A copy of the arbitration decision is on the Local 17 web site: <http://www.pte17.org/units/state/dot/engineers/index.php>

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Local 17 Demands to Bargain Design-Build Bundles

Local 17 and WSDOT representatives met on September 17 to discuss the bundling of design-build projects in Northwest Region.

The union asked WSDOT to rescind its decision to carry out these projects via design-build, particularly in light of projected RIFs, and also asked that management provide Local 17 information to assess the projects.

Local 17's team included union representative Kristen Kussmann and Local 17 members Chuck Smith (Everett), Jami Boutwell (I-405) and Jack Bolton (I-90). Ann Mitchell attended on behalf of OFM/LRO, along with WSDOT representatives Jeff Pelton, Jeff Carpenter and Lorena Eng.

Eng explained the state's decision to carry out the projects design-build. She said that WSDOT has experienced a high attrition rate, especially in design, in Northwest Region.

The projects cannot be delayed until regular staff are available, Eng said, because Transportation Secretary Hammond has made clear that projects must be delivered on schedule and not be pushed out to future fiscal years or biennia.

The projects in these bundles are shorter-term, Eng said, adding that WSDOT chose to contract out those projects, instead of contracting out the early design of future (longer-term) projects that have some minimal funding from the "seed" money in the 2012 supplemental transportation budget. WSDOT made the decision to contract out shorter-term work in order to be able to assign state staff to projects that are longer-term.

If you have input on this issue, please contact Kristen Kussmann (kristen@pte17.org, (206) 328-7321, x110) or one of the members of the Local 17 team listed above.



Image courtesy of WFSE/AFSCME

How you can help:

If you would like to help analyze these issues and provide input on contracting out, please contact Local 17 Research Director, Elliot Levin (elliott@pte17.org, 206-328-7321 extension 128).

What has my union done for me lately?

1. Won an arbitration limiting non-represented state employees from bumping Local 17 members in a RIF (see other side)
 2. Demanded that WSDOT bargain with Local 17 the bundling of a list of projects into four design-build contracts (see article above)
 3. Filed an unfair labor practice complaint against WSDOT for transferring Local 17 work at the 520 project outside our bargaining units without first bargaining with the union
 4. Protected Local 17 members' access to Commute Trip Reduction benefits (see July/August 2012 Insight, p. 10)
 5. Negotiated a master contract for the 2013-2015 biennium (subject to legislative ratification of the fiscal component).
New language would:
 - Restore the 3% salary reduction
 - Move all members who have been at Step L for six consecutive years to the new Step M
 - Require that job openings (permanent bargaining unit positions) be posted for 7 days
 - Clarify and expand bump rights for RES members
 - Further restrict WSDOT's ability to use non-perms to eliminate overtime for permanent members.
 - Expand the maximum time on internal layoff lists from 2 to 3 years.
 - Add other benefits in such areas as: shared leave, inclement weather, performance evaluations, reasonable accommodation, and layoff and recall.
- In these negotiations, your bargaining team fought off employer proposals to expand transition review and trial service periods and change the definition of how to qualify for shared leave.
- Additional information on these negotiations can be found here: <http://pte17statenegotiations2012.org/>

What can I do to support the union?

- Show your solidarity by posting a PTE Local 17 placard in your work area.
- Attend a chapter meeting or training.
- Sign up to receive email updates (on home email) from your union representative
- Sign up for Local 17's legislative blog at <http://pte17publicaffairs.org/>
- Consider becoming a steward or running for chapter office. (Contact your union rep for more information.)
- Donate to Local 17's Political Action Committee (PAC). (Note: No member dues go to the Local 17 PAC, which is entirely funded from donations.)
- There are many other ways you can make a difference in your union. Talk with other Local 17 members, chapter leaders, or your union rep for ideas.