



Insight

United Public Employees, Local #1
Affiliated with Public Employees Union, Local #1

September ~ October 2011

Fifth Issue

IHSS Social Worker Exonerated

By John Bonilla

In August of 2010 UPE member Tanya Kagan was terminated from her position as a Human Services Social Worker, Russian Language and Culture with the County of Sacramento in the Department of Health and Human Services, In Home Support Services Division. The allegations set forth were "Inexcusable Neglect of duty, Violations of Policies and procedures and Willful Disobedience". In reviewing the charges against Ms. Kagan, UPE Business Agent John Bonilla believed the County's ability to prove the allegations were going to be difficult to prove.

Ms. Kagan a 17 year employee of the county that, had no previous discipline actions taken against her. The employer alleged that Ms. Kagan did not complete the work that is required as a Human Services Social Worker, Russian Language and Culture. The employer further alleged that Ms. Kagan was dishonest by not working her full work shifts. The employer alleged this as a result of hiring a private investigator to conduct surveillance.

At the Arbitration hearing John Bonilla presented overwhelming evidence to counter the allegations made by the employer plus provided witness testimony as to the past practices that are performed in the In Home Support Services Division. The presentation of evidence and testimony was enough to persuade the Arbitrator to award in favor of our member thus returning her back to work, as the County could not demonstrate good cause for the discharge.

**BALLOTS FOR THE 2011 ELECTIONS
WILL BE MAILED TO YOUR HOME
December 8th &
Counted at the December 15th Stewards Council
Meeting**

MAKING IT RIGHT

By Mechele Dews

Several DHA ES members contacted their onsite UPE Stewards about not receiving their 5% differential for working in the MACFresh program. Stewards, James Starr and Joycelyn Wakefield, investigated and pursued the issue to DHA Human Resources. The DHA Human Resources Manager stated that it was a departmental error and the UPE members would receive the pay adjustment on their next paycheck. By adding this to their next pay check would cause this differential to be taxed at greater rate than what it would have been had it been on the original pay check. Knowing this, Steward Starr took further action and requested all the way to the DHA Director, Mr. Paul Lake for this to be issued on a separate warrant as soon as possible in order to avoid it being taxed at a higher rate. Mr. Lake apologized as it was not the intent of the department to "short change" our members and reassured Steward Starr that the DHA payroll staff would work on this immediately in order to get the members paid expeditiously.

Many thanks to UPE Steward Starr and UPE Steward Wakefield for their prompt attention they gave to this matter. Their quick response to this matter helped insure that our UPE members received their fair pay as well as not having to wait until the next pay cycle to receive their differential. UPE would also like to thank Mr. Lake in understanding the issue in its entirety and acting swiftly to resolve the matter.

If you as a member have questions about your paycheck or any other matter and are not satisfied with the explanation given by the appointing authority contact your onsite Steward if one is in your office. If you do not have an office Steward and would like to become a Steward please contact the UPE Union Office to get more details on becoming a Steward and help defend and protect yours and your co-workers workplace rights.

CERTIFICATION PAY

By Ron Slaven

UPE Local Union #1 is pleased to announce that the Certification Incentive Pay has successfully been negotiated for our members in the 005 and 008 bargaining units. I would like to personally thank the UPE Board Members who assisted in the process.

Certification Incentive Pay was designed to: Recognize personal and professional development in the workforce; Encourage employees to acquire skills that will enhance their success in County employment and; Prepare employees for career mobility (promotion or transfer to other jobs within the County).

Certification Incentive Pay will be available to regular County employees who occupy permanent positions in the bargaining units and classifications listed below. Temporary and emergency appointees, who do not have permanent Civil Service status, will not be eligible.

Certification Incentive Pay will be issued at 1.5%, 2.5% or 5%. However, the combination of Certification and/or Education Incentive Pay cannot exceed 5%.

CERTIFICATION CRITERIA:

Certifications, in general, are given for successfully completing a program, workshop or courses.

Accreditation

Certifications from a program accredited by one of the national accreditation associations; and/or Accepted for credit by an accredited institution; and/or American Council on Education (ACE) Military Programs credit recommendations; and/or Institutions accredited by the International Association of Continuing Education & Training (IACET); and/or

or
Certificates or classes approved by the Director of the Department of Personnel Services (a maximum of 5 semester units will be accepted under this criteria unless otherwise mutually agreed upon by the County and UPE that more units will be accepted)

Certificate programs must be work related, personal and professional development that would add value to the employee's job performance and/or prepare employees for career mobility (promotion or transfer within the County)

The certificate must be earned by the employee on his or her personal time, with the exception of ACE credit

The certificate is not a minimum qualification for the current position held by the employee

Employee must show proof of successful completion of classes and possession of certification:

Copy of certification and transcripts must be provided

Employee must provide proof of number of semester units, quarter units, continuing education units, ACE credits or hours:

1.5 quarter units = 1 semester unit

1.5 CEU's = 1 semester unit

Absent of other proof, 15 hours will be considered the equivalent of one semester unit or 1.5 CEU's

1 ACE credit = 1 semester unit

One or more certifications or types of units may be applied to meet the following payment qualifications:

<u>Semester Units</u>	<u>Percent Payment</u>
15-29 Units	1.5%
30-59 Units	2.5%
60 or more Units	5%

To find out more about Certificate pay and to see if you qualify for this differential contact your Business Agent or visit the UPE, Local 1 website at www.upel.org

Courts Seek Bump Back Rights for Unrepresented

By Cedric Porter

The Court is developing a policy to provide a mechanism that allows unrepresented Court employees the opportunity to return to the Court Office-Technical bargaining unit.

Who are these unrepresented Court employees? The Court has to identify the total number of unrepresented employees or their prior status in the bargaining unit.

What is the reason for the policy? The Court claims to have an interest in providing all employees an opportunity to have reemployment rights.

When is the Court's timetable for implementing its plan? The Court has yet to provide the UPE with a date of implementation?

Where are the unrepresented employees going to be assigned? The Court has not determined where these prospective bargaining unit employees will be assigned.

How is the Court planning to implement their policy and remain in compliance with the existing Contract? Well, this becomes the \$64,000 question.

The UPE Court Office-Technical Governing Board has held an initial meeting with the Court to address the impacts of this proposed policy on the bargaining unit. The UPE Court Office-Technical Governing Board asked several threshold questions that must be answered by the Court before the impacts to the bargaining unit can be identified.

The meeting concluded with a commitment from the Court to provide the requisite information to the Union. At this time, no subsequent meeting has been scheduled. However; the Court Office-Technical Governing Board has made this policy a priority and will keep the membership abreast of any new developments.

We understand that fighting for your jobs is why we exist, and we will make sure that the integrity of your negotiated terms and conditions continue to be respected and honored. Anything short of that will result in us enforcing your contract through the Grievance/Arbitration process.

As always, I must caution you to be mindful of the rumor mill and misinformation. If you have questions about what is going on with your bargaining unit, please contact your Board members. They will be able to update you, or guide you to the person who can answer your questions. Your best source of information is someone who at the discussion table, not someone who heard it at the water cooler. In closing, if you see me roaming around the Courthouse, stop and say hello.

Our Office Will Be Closed On The Following Dates:

Veterans Day ~
November 11th

Thanksgiving ~
November 24th & 25th

Christmas ~
December 23rd, & 26th

New Years ~
December 30th &
January 1st

Pre-Disciplinary "Skelly" Hearing

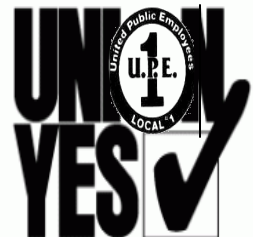
Unfortunately there are times when even a model employee makes a mistake or there is a misunderstanding with a supervisor. And often enough that honest mistake is then turned into a proposed discipline by the employer.

If you are given a Notice of Proposed Disciplinary Action you have ten (10) calendar days in which to respond. By responding to the Notice of Proposed Disciplinary Action you are enacting your right to a pre-discipline "Skelly" Hearing.

This fundamental right should be enacted to protect your due process rights as public employee.

If you fail to respond it is almost certain you will be immediately disciplined in the form of an Order of Disciplinary Action.

Do not take a Notice of Proposed Disciplinary Action lightly – if you receive one please contact your UPE, Local 1 Business Agent immediately (upon receipt) for a consultation on your matter.



Revised policies leads to grievance being filed at MSA

By Ron Slaven

As I tread into the murky waters of Sacramento County Personnel Policies, I have learned County Policies are inconsistent from department to department and often inconsistent within the same department. A few weeks ago I was noticed that “New Guidelines”, had been distributed to the Real Estate Division. Upon first review of the “New Guidelines” they appeared to be reasonable and for the most part they were. However, we had problems. First, some of the Guidelines were inconsistent with the Collective Bargaining Agreement. Second, the way some of the Guidelines were written they lend themselves to misinterpretation and in some instances the misinterpretation became inconsistent with the Collective Bargaining Agreement.

A grievance was filed, At the Step 2 level, we met with a County Representative to address the issues. It is our hope and expectation that the Grievance will be quickly and mutually resolved to the satisfaction of all parties.

If your Department implements new policies, guidelines, rules etc, you should immediately contact the Union and forward the information. In many cases, the County would be under obligation to Meet and Confer over the changes. As stated above – even if the policies appear to be fair, your Union needs to know what standards your being held to so that we can better represent you. In addition we need to have clear understandings so that we can ensure the supervisor and managers do not misinterpret policies and over reach in a discipline or denial of your vacation or sick leave. When you notice a change in policy that did not exist before, help us by calling your Agent so that we can question that policy to insure that no rights or benefit are being stripped away from you!

STEWARDS TRAINING IS OPEN TO UNION MEMBERS!

**You do not need to be a Steward
to
attend Stewards Training.
Check our website for dates ~
RSVP is required.
www.upe1.org**

AMUSEMENT PARK TICKETS

**Are no longer available
They will return next season
May 2012**

Welfare Non Supervisory

Governing Board-008

**Meet second Tuesday of
month/UPE 6:00 pm**

Court Office Technical Governing Board

**Meet second Thursday of
month/UPE 5:30 pm**

Board of Directors

**Meet fourth Tuesday
Of month/UPE 6:00 pm**

Court Professional Governing Board

**Meet second Tuesday of
month/Family Relations
Courthouse 12:00 pm**

Office-Technical

Governing Board-005

**Meet first Wednesday of
month /UPE
6:00 pm**

Stewards Council/Training

**Meet third Thursday
Of month/UPE 6:00PM**

UPE , Local #1

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Hours: 8:00 a.m. to 5:30 p.m.

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