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June 8, 2011

Dear Sisters and Brothers:

For over eighteen months, the Bargaining Team representing Los Angeles City Engineers and Professionals has worked tirelessly to negotiate a new contract with the City of Los Angeles. Late last week the City gave us a new contract proposal, which we are presenting to you for ratification.

**The Bargaining Team recommends a YES vote on this proposal.**

**Background**

Since we began bargaining, the City has tried to shift the costs of our health and retirement plans onto our shoulders. We have steadfastly rejected the City's plans. As a result, our bargaining process ended in "impasse" and a state mediator was brought in to help us work out our differences.

While we worked in good faith with the mediator, two recent important events changed the bargaining environment. First, in March, 2011, a California Court of Appeals rejected EAA's challenge to furloughs, saying that the city charter gives the mayor and City Council the power to decide whether furloughs are necessary (*City of Los Angeles v. Engineers & Architects Association, Los Angeles County Super. Ct. No. BS126192*). Second, the City said it would stop covering increases in the cost of retiree health care for its workers, leaving retirees responsible for making up the difference.

**Recent Developments**

As your bargaining representatives, we can't state enough that City Administrative Officer Miguel Santana has made no secret of his desire to curb our collective bargaining powers and shift the burden of City costs onto us. We do not believe Mr. Santana has bargained in good faith with us and we do not believe he has ever sincerely tried to work with us to reach a negotiated settlement in the interests of the City's residents and City Professionals.

As a result, we took our case to the City's elected officials. We spoke powerfully in front of the City Council and we petitioned the Executive Employee Relations Committee, comprised of councilmembers and the mayor, to hear our case.

Just a few days after the EERC meeting, the City issued a new proposal, which incorporated many of our contract demands.

**The City Proposal**

The proposal is for a four-year contract, ending on June 30, 2014. It can be renegotiated at either party's request after two years. Here are the highlights:

<http://www.seiu721.org>

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309 S Raymond Ave • Pasadena CA 91105-2607 • Tel (626) 463-0471 • Fax (626) 463-1053  
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42231 6<sup>th</sup> St W Ste 201 • Lancaster CA 93534 • Tel (661) 802-0977 • Fax (661) 974-7914

## **Economic:**

- Furloughs for all of our members end, effective June 6, 2011.
- We will receive a guaranteed 2% COLA (Cost of Living Adjustment) raise on July 1, 2011 and 3% COLA raise on July 1, 2013.
- Our retirement plan contributions rise by 4%, guaranteeing retiree health as a vested benefit (including all future costs) for members and their spouses.
- Language ensures that savings generated by the agreement will be used to mitigate layoffs and protect our jobs.
- We agree to take four consecutive unpaid days off during a citywide shutdown between Christmas and New Years. In departments that can't shut down, such as Criminology, members will receive four unpaid days off next to a paid holiday, when possible (for example, the week of Memorial Day).
- Members can accrue up to 240 hours of overtime. Departments may cash out accrued time at their discretion.
- Freezes step raises from July 1, 2011 through June 30, 2013.
- Provides for a minimum of four hours of call-back pay that includes travel time.

## **Joint Labor-Management Initiatives:**

- Establishes Joint Labor-Management Committees that give engineers a real voice on the job:
  - Power to review professional certifications.
  - Power to review engineering classifications and issue protocols.
  - Power to initiate conversations about increasing efficiencies and improving citywide engineering services.

## **Contracting Out:**

- Prohibits the City from replacing us with contractors.
- Contains new fast-track language allowing us to challenge outsourcing of our work to private contractors. This language is almost identical to the language found in all Coalition contracts.

## **Working Out of Class:**

- Requires higher rate of pay for employees who work out of class for more than fifteen days.

## **What Happens Next?**

A ballot has been included in this mailing. It is up to us collectively to ratify or reject the City's proposal.

If we ratify the proposal, its terms will go into effect immediately.

If we reject the proposal, we will return to a state of impasse. Please understand that our negotiation and mediation options have now been exhausted. **We also cannot legally continue to work under our old EAA contract.**

So what happens? The City will undoubtedly choose to "unilaterally implement" portions of its proposal. "Unilateral implementation" is a labor tactic under which the City can cherry-pick which items it wishes to apply to us for a period of one year. Following precedent, it would choose to unilaterally implement those items that are in its best interests.

We may be able to delay unilateral implementation by requesting that the City's Employee Relations Board appoint a fact-finder. The fact-finder would conduct a hearing to obtain both parties' positions on the disputed issues and issue a non-binding report. Once the report is issued, the City could take the option to re-open negotiations or move ahead with unilateral implementation. Of course, the bargaining unit members would have the right to strike (except for certain safety-sensitive positions).

## **Our Recommendation**

### ***THE BARGAINING TEAM RECOMMENDS A YES VOTE ON THIS CONTRACT.***

A wise person once said you could tell a good contract when both parties walked away from the table unhappy. It is true that we would have liked to see more economic gains from the City. But it's also true that the CAO has fought hard against the excellent language we now have in our contract that allows us to challenge outsourcing our work to private companies, prohibits the City from replacing us with outside contractors and allows us to use Joint Labor-Management Committees to open up the City's books and improve efficiencies in our workplaces.

Over the next few weeks members of the Bargaining Team and union representatives will be on-hand at worksite meetings to answer your questions and provide any additional information you require. We strongly encourage you to attend a worksite meeting and to ask questions. After all, this proposal affects your livelihood and your family.

The full text of the proposal and a schedule of worksite meetings can be found on the SEIU 721 website at [www.seiu721.org/cities](http://www.seiu721.org/cities).

Thank you for your time and support.

In Solidarity,

The SEIU 721 LA City Professionals Bargaining Team