



# COUNTY & CITY

# EMPLOYEE

AFSCME AFL-CIO

Vol. 22 No. 2

<http://www.council2.com>

Summer 2007

## NEWS IN BRIEF

### Move to Olympia office is complete

Council 2's Olympia staff completed the move into their new offices at the beginning of May.

The building is owned by Council 2. The union also owns its buildings in Everett and Spokane.

The Olympia office's telephone numbers remain the same, but the new address is 2102 Carriage Drive SW, Building G, Olympia WA 98502.

"It is a new building that I think will serve our members well," says Staff Representative Kathy Brown.

"It has a conference room that can accommodate small meetings, has improved parking and has a more central location to the union's service area."

### Receive news when it happens — by e-mail

To receive fast-breaking Council 2 news, send us your home (not your work) e-mail address.

You will receive notification of events, newsletters and matters of importance to members.

Send your home e-mail address to: [c2everett@council2.com](mailto:c2everett@council2.com) or complete the form on our Web site, [www.council2.com](http://www.council2.com).

## INSIDE

### New retirement bill in detail

— Page 3

### This union was, well, union-made

Page 4

## Pension gain: Best in 20 years

The most significant improvement in local government employees' pensions in at least 20 years has been signed into law by Gov. Christine Gregoire.

The new law will benefit all PERS retirement participants. But the benefit that will affect Council 2 members the most

is the lowering of the retirement age for career employees from 65 to 62.

"Council 2 was a lead on the legislation and has been working on it for years," says Council 2 President/Executive Director Chris Dugovich. "Change doesn't always happen as quickly as you hope it will, but our efforts were certainly rewarded

this year. These are really significant changes."

The new law puts an end to gain sharing, the term for a provision that stipulated that when the state pension investments gained more than 10 percent

See PENSIONS, Page 3

## Skagit Transit workers end up winners

For years, employees of the Skagit County Transit Union (local 176-T) felt management was favoring non-represented workers at their expense. But now they have ended up winners with the largest contract settlement in Council 2 in at least the past 15 years.

"This is a major victory," says Bill Keenan, Council 2 director or organizing. "It shows that a team effort, along with persistence and pressure, can pay off in the end."

"Much of the credit in this case must go to Vinnie O'Connor, the Bellingham-based staff representative who led his team into this great settlement."

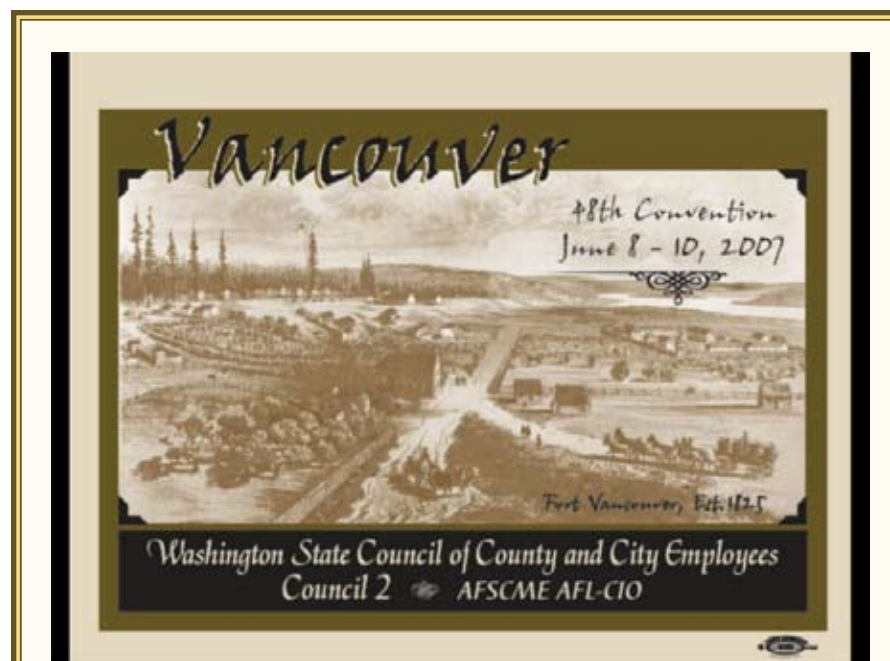
The workers will receive the equivalent of 6, 5.5 and 5.5 percent increases in income over the next three years. Of this, 3 percent represents a salary increase in the first year and 2.5 percent for each additional year as a result of a survey, and 3 percent annual cost-of-living increases.

In addition, medical benefits remain the same and a floating holiday has been introduced.

The contract was approved by a margin of 31 to 1.

"A member came up to me after the vote," says O'Connor. "He said he never had been a big supporter of unions, but anybody who could get him a raise of more than 5 percent is a good union. I told him to thank his union president Mike

See SKAGIT, Page 4



## It's convention time

More than 350 delegates from across the state are expected to attend Council 2's 48th biennial convention to be held at the newly opened Hilton Hotel in Vancouver, Washington June 8 through 10.

The convention sets the direction for the union over the next two years. In addition, the convention will include well-known speakers and work-

shops. Among the topics to be featured will be an explanation of the new pension legislation approved in the last legislative session and tips on negotiating contracts and enforcing them after they are in place.

A reception will be held on the evening of Friday, June 8 and a dinner-dance on the Saturday evening. Events will be concluded by noon on Sunday, June 10.

## Council 2 files unfair labor charge

When the 30 employees of the Willapa Counseling Center voted in February by a two-to-one majority to join Council 2, management clearly disliked the decision.

So much so that they fired a member of the organizing committee, leading Council 2 to file an unfair labor practice against the director of the center.

The private non-profit center is located

in Long Beach and serves Pacific County. Its employees consist of mental-health

### She said, Donald Trump-style, 'You're fired'

specialists, registered nurses, case managers and clerical support staff.

The employees first tried to join Council 2 in early 2001, but they lost the election by one vote. That election was held against the background of a heavy anti-union campaign waged by the employer.

See UNFAIR, Page 4



# Harry Laube was the ideal union representative

**CHRIS DUGOVICH**

Harry Laube — a real friend, former local union president and long-time staff representative — passed away this past December.

I met Harry on my first day of employment with Council 2 back in April of 1982. Harry was formally retired, but he had been coaxed into returning to work to fill in and help the new kid along.

You couldn't have asked for a better individual to learn about how to survive as a staff representative than Harry Laube.

Harry was hired by the Bellingham Water Department in the early fifties and over the years became increasingly active in Local 114. His first position was serving as treasurer in 1958, a position he occupied until he became president in 1966. He ushered in the new era of collective bargaining that began in 1967 and was subsequently hired by Council 2 as a staff representative in 1969.



**Harry Laube**

he was everywhere at one time or another.

He knew everyone and everyone knew Harry who seemed to have the perfect characteristics to handle this profession. He enjoyed it and nothing ever seemed to remotely bother him.

Harry retired in 1979, but continued to work for Council 2 on a temporary on-again-off-again

**There was never more of a gentleman who was liked, enjoyed and respected by all.**

status well into the nineties. Those part-time assignments were usually not the easiest or the most desirable, but Harry was someone you could count on to complete the job.

His patience and his good nature carried him through some of the most difficult assignments filled with difficult people.

Harry resided in Bellingham with his wife Mary Ann. He enjoyed meticulously caring for his yard and had a strong interest in flying and airplanes. On occasion you could catch Harry riding his bicycle through the streets of Bellingham. He exercised regularly before it was the thing to do!

Among the staff he certainly was a favorite. He was a friend who, with his expertise as a mechanic, helped me keep an old pick-up truck running to the next local union meeting. He was always around with great advice and all of it was helpful.

Harry suffered a severe stroke about a dozen years ago from which he never recovered. It's been a while since all of us were able to enjoy his company. However, in all the years Harry was around there was never more of a gentleman who was liked, enjoyed and respected by all.



*Letter from the President*

# Arbitrator rules that laid-off employee be reinstated

An arbitrator has ruled that a City of Tacoma employee be reinstated following her layoff in July 2006.

He ordered, too, that she receive back pay from the date of her layoff and all her benefits be restored.

The employee, who worked as a computer systems programmer for the Tacoma Economic Development Department, was among a group of workers laid off when several positions were eliminated in 2005. The positions were eliminated following a request by the City that departments reduce their budgets for the fiscal year 2005-06. The department's director, Ryan Petty, told the arbitration hearing he had tried to avoid laying off any employees to meet the budget cuts, but had been unable to do so.

He said the grievant was selected for layoff because the City was buying new equipment, including servers from IBM, which would mean a reduction in the work required

from the grievant.

The City waited until 2006 to lay her off because a new agreement came into effect in May 2006. A previous agreement had required that the City not lay off any permanent employee.

Council 2, which represented the employee at the hearing, argued that the employee had received grandfathered status in terms of a clause included following a grievance settlement in 1995. The union further argued that the contract provided city-wide bumping rights. Otherwise, the bumping language would be meaningless.

Testimony was presented to show that the negotiated intent of the contract language was to give City-wide bumping rights. In addition, the union contended that the grievant was entitled to bump the least senior grandfathered person among those employees subject to the grandfather clause.

The City argued that the grand-

father clause did not apply to the grievant. They also denied that City-wide bumping rights were covered by the contract.

The arbitrator, Michael H. Beck, agreed with the union's contention, ruling that the grievant was entitled to the bumping rights contained in the agreement and that the bumping rights were City-wide.

He ordered that she be given the opportunity to bump the least senior grandfathered person in terms of the agreement, that she was entitled to back pay from the date of her layoff until the date she was reinstated and that back pay should include the restoration of all benefits she had lost as a result of the City's violation of the agreement.

This was a victory for all employees covered under the Local 120 contract with the City of Tacoma.

Senior Counsel Audrey Eide represented Council 2 in the hearing.

# City's attempt to reclassify workers rejected

The Public Employment Relations Commission has turned down an attempt by the City of Yakima to reclassify eight Public Works crew leaders as supervisors. The reclassification would have meant that the employees would have been excluded from the Local 1122 bargaining unit.

In his April 24 ruling, PERC Hearing Officer J. Martin Smith found that the six sewer maintenance and two pretreatment crew leaders had responsibility for lead worker duties, but did not possess the type of supervisory authority that would exclude them from the bargaining unit.

The hearing resulted from a petition from the City of Yakima for clarification of a bargaining unit

represented by Council 2.

Smith dismissed the arguments raised by the City in its petition, ruling that:

- The crew leaders could not be classified as supervisors based on a recent change in the wording of the grievance procedure.
- Administrative duties performed by the crew leaders — such as approving time cards in the absence of the sewer maintenance supervisor and handling requests for paid time off for sick leave — do not rise to the level of significance that would denote supervisory duty.
- Participation by crew leaders on hiring boards and interview panels did not make them supervisors.
- Sharing of evaluation duties meant they were lead, but not

supervisory, employees.

- The record did not establish that the crew leaders had the authority to discipline employees.
- The difference in pay for their positions was not enough to conclude that supervisory status had been created.

"A careful reading of this record reveals that the sewer maintenance crew leaders have been assigned lead duties, but not supervisory duties," Smith said. For the most part, he added, the supervision derived from the sewer maintenance supervisor. "The crew leaders have responsibility but no independent authority to make personnel decisions," he added.

Legal Counsel David Kanigel appeared for Council 2.

## COUNCIL 2 EXECUTIVE BOARD

### OFFICERS

**Chris Dugovich**, President/Executive Director  
**Ron Fredin**, Vice-President  
**Judy Johnson**, Secretary/Treasurer

DISTRICT ONE	DISTRICT TWO	DISTRICT THREE
<b>Roger Moller</b> , Local 109 (Snohomish County) <b>Lee Lehman</b> , Local 1849 (San Juan County) <b>Gerri Delisle</b> , Local 109-E (Snohomish County) <b>Patty Goins</b> , Local 1811-CA, Snohomish County	<b>Doug Peterson</b> , Local 21 (City of Seattle) <b>Kathleen Etheredge</b> , Local 2617 (City of Kent) <b>Michael West</b> , Local 2084-SC (King County Superior Court)	<b>Patti Cox</b> , Local 3787 (Pierce County Library District) <b>Conni Uhinck</b> , Local 1308 (Kitsap County) <b>John Ohlson</b> , Local 120 (City of Tacoma)
DISTRICT FOUR	DISTRICT FIVE	DISTRICT SIX
<b>Kevin James</b> , Local 275 (Grays Harbor County) <b>Dennis Finegan</b> , Local 618 (Thurston County)	<b>Tracy Ross</b> , Local 307-VC (City of Vancouver) <b>Bill McEntire</b> , Local 307-CO (Clark County)	<b>Carol Travis</b> , Local 874-H (Prosser Memorial Hospital) <b>Yvette Lewis</b> , Local 1122 (City of Yakima)
DISTRICT SEVEN	DISTRICT EIGHT	DISTRICT NINE
<b>Chris Wood</b> , Local 1476-AC (Asotin County) <b>Pam Fitzgerald</b> , Local 1191-W (City of Walla Walla)	<b>Tom Trarbough</b> , Local 492 (Spokane County) <b>Dave Hanshaw</b> , Local 270 (City of Spokane) <b>Amie Swenson</b> , Local 1553 (Spokane County)	<b>Robin Ricks</b> , Local 433 (City of Coeur d'Alene)

## COUNTY AND CITY EMPLOYEE

Official publication of the Washington State Council of County and City Employees

AFSCME, AFL-CIO  
 Published quarterly



President/Executive Director.....Chris Dugovich  
 Address.....P.O. Box 750, Everett, WA 98206-0750



# Northshore Local rights a wrong

For a few years, commissioners elected to the Northshore Utility District had contracted with one of their fellow commissioners on a paid basis to represent them in legal issues.

Members of Local 1024, who work for the utility, believed the practice was wrong.

Surely, they said, the situation created a conflict of interest. Hiring someone to provide the board with advice and to represent them was acceptable, but employing one of their own members to do so failed to provide the unbiased outside perspective that was needed.

Working with Council 2, Local members approached the commission, politely suggesting that the situation be re-examined. The board rejected the suggestion.

Because the board had fought to keep the members from organizing under Council 2 some 10 years ago, negotiations between the board and union members has not always been easy. As a result, Council 2 and the local members decided to take another route.



**Gov. Christine Gregoire signs into law a bill that bans commissioners from appointing one of their own members to serve as a consultant. With the governor are, from left, Steve Lindstrum, Council 2 Deputy Director Pat Thompson, Cherie Lheureux, Richard Karschney and Michael Holte.**

They put together a bill to make the practice illegal. The measure was passed with bipartisan sponsorship during the last legislative session. It did not even have one opposing vote. Gov. Christine Gregoire signed the measure in mid-May.

"The Local officers really stepped up to

the plate," says Council 2 Deputy Director Pat Thompson. "They had seen something that was not right and they fixed it." He also paid tribute to State Auditor Brian Sonntag for his advice and assistance with the measure.

The union continues in negotiations

with the commission and has filed an unfair labor practice against the district, alleging bad-faith bargaining practices.

The president of Local 1024 is Richard Karschney; the vice president is Michael D. Holte and the secretary-treasurer is Cherie D. Lheureux.

## Measures boost transportation and health income

Since Tim Eyman slashed car tabs to \$30, local governments have been strapped to keep up with our state's growing transportation needs.

The move has meant fewer jobs for our members and less money for wages and benefits. The restriction also hampers the economy by limiting responsible growth.

Now a bill (ESHB 1858), sponsored by Rep. Bill Fromhold (D-Vancouver) will allow local government councils to add an additional \$20 to fund Transportation Benefit Districts that would boost local and regional transportation needs.

### Health system funded

Our state's local government health system also took a big hit when Eyman's

I-695 passed. The Legislature voted \$20 million in addition to the current backfilling money to help fund health districts.

The funding is insufficient to meet the growing needs of our system, but will provide help. Karen Kaiser (D-Des Moines) sponsored the measure (E2SSB).

### Negotiation time extended

SB 5251 will allow local government

bargaining units to negotiate contracts for up to six years. The current limit is three years.

The Senate Chair of the Labor and Commerce Committee sponsored this bill with a bipartisan list of senators. The measure will provide unions and employers a voluntary option to enter into longer agreements if they see it as beneficial.

### PENSIONS, from Page 1

for four consecutive years, Plan 1 and Plan 3 participants shared in those gains. But it replaces that with the most significant pension improvement in decades.

Since 1977, most Council 2 members have been required to work until age 65 regardless of their years of service. When they retired earlier than that, they faced a penalty of 3 percent for every year they left before 65. The provision applied even after employees had put in 30 years of service.

The new law provides no penalty for retiring at 62 or later with 30 years of service. (See final bill summary on right.)

"These new provisions are a significant improvement for career employees and will provide a realistic option for our members who find themselves working in jobs that are not conducive to working to age 65," says Council 2 Deputy Director Pat Thompson.

He says a great deal of thanks should go to the bill's prime sponsor Rep. Bill Fromhold (D-Vancouver). Joining him in the bill were Representatives Steve Conway (D-Tacoma) and Jim Moeller (D-Vancouver).

Also deserving a great deal of credit, Thompson says, are Senate Majority Leader Lisa Brown (D-Spokane) and Speaker of the House Frank Chopp (D-Seattle). "Your calls and e-mails to these legislators to thank them would go a long way in showing your appreciation for their efforts," Thompson adds.

Other retirement bills passed by the State Legislature in the 2007 session:

#### Dual membership (HB 1264)

This bill affects all state retirement systems and plans, excepting LEOFF Plan 1 and the first-class city employee retirement systems for Seattle, Tacoma and Spokane. The bill changes portability of public retirement benefits in

## Retirement plan changes in detail

The Legislature passed a modified version of House Bill 2391 that will remove the gain-sharing distribution (if any) after Jan. 1, 2008 and replace it with the following:

#### For PERS and TRS Plan 1 retirees:

Beginning July 1, 2009, a cost-of-living adjustment of 40 cents a month, for each year of service, less the 2008 gain-sharing increase to the COLA. The adjustment cannot decrease the annual amount of the COLA or exceed 20 cents a month for each year of service.

#### For PERS, TRS and SERS Plan 2 and Plan 3 members:

A member with 30 years of service who has reached age 62 will be able to retire with no reduction in benefits. The current and new reductions are:

Retirement Age	Current Reduction	New Reduction
55	30%	20%
56	27%	17%
57	24%	14%
58	21%	11%
59	18%	8%
60	15%	5%
61	12%	2%
62	9%	0%
63	6%	0%
64	3%	0%

This will be effective for PERS Plan 2 and 3 members July 1, 2008 and for TRS and SERS Plan 2 and 3 members September 1, 2008.

Any member who retires under the new reduction factors cannot return to work for a public employer, without forfeiting his or her pension, until age 65. That includes any work performed under a personal service contract, as a temporary or project employee, or under any other similar compensated relationship with a public employer.

#### Choice of Plan 3 Membership

Newly hired (July 1, 2007 and after) TRS and SERS members will have 90 days to choose between Plan 2 and Plan 3.

#### Final gain sharing distribution (if any) will occur January 2008

If the average rate of investment return over the previous four fiscal years is more than 10 percent, one half of the excess return will be paid out in a gain-sharing benefit on January 1, 2008. This will be the final gain-sharing distribution.

If a court of law should decide the repeal of gain sharing is invalid, any member who qualifies for early retirement but has not yet received a benefit under the provisions of the new law will be subject to the reductions for early retirement that were in place before passage of the new law. Additionally, if the court reinstates gain sharing, any new SERS or TRS members hired after that action would no longer have a choice between Plan 2 and Plan 3 and would be mandated into Plan 3.

these ways:

- **Reportable compensation** — Allows compensation that is reportable in dual member systems to be included in the calculation of all dual members' benefits, except in the Washington State Patrol Retirement System.

- **Indexing** — Adds LEOFFF Plan 2 to the plans able to combine service under portability to receive indexing of the term-vested benefit for members with at least 20 years' service.

- **Service Cap** — Removes the "maximum benefit rule" for dual members having fewer than 15 years of service in one capped plan and service in one uncapped plan.

#### Expanding/Indexing \$150,000 death benefits (HB 1266)

This measure standardizes the \$150,000 benefit for all systems by extending eligibility to include death from occupational disease or duty-related illness. It also addresses the refund of contributions a PERS Plan 2 member's survivor may receive.

If the member leaves eligible employment after earning 10 years of service credit and is subsequently killed while in uniformed service to the United States and while participating in *Operation Enduring Freedom*, Persian Gulf, or *Operation Iraqi Freedom*, the refund is increased from 100 percent to 200 percent of the accumulated contributions in the member's account.

#### Purchase of temporary duty disability service credit (HB 1261)

This bill standardizes the temporary duty disability provisions for members of PERS, SERS, TRS, PSERS and LEOFF Plan 2 to allow the purchase of up to 24 consecutive months of service credit for each period of temporary duty disability.



# This marriage was union made

**D**oug Cook was relaxing in the pool at the Paris Hotel, the site of the 2002 AFSCME International Convention, which he was attending as a representative of Local 618-T (the Thurston County Roads Department). He swam up to a woman sitting at the side of the pool and they struck up a conversation.

"As luck would have it, Cindy also was a convention attendee," recalls Doug. She was president of a local in Erie, Penn., for which she had served as an officer for 20 years and, like Doug, was single.

Before long they found they had much in common, with union activities among them.

"The entire week we had a great time, seeing each other every once in a while," says Doug.

After the convention adjourned and it was time for Doug to head home, they exchanged telephone numbers and said their goodbyes. "I stayed there for a few more days and he called me at the hotel," Cindy recalls. "Then I knew our friendship was real."

Three months later they arranged to meet in Las Vegas, where they vacationed together. By Thanksgiving, Doug was in Erie, meeting her family. Cindy remembers the fun they had. "We had a blast and my family loved him."

They met in Las Vegas three times that year.

As the friendship grew, and because both loved the warm weather, the couple considered finding employment in Las Vegas — "because there was no way I was going to live in the state of Washington," says Cindy. In 2003, they spent the month of July in Las Vegas, but decided the cost of living was getting out of control.

Over the next two-and-a-half years



**Cindy and Doug Cook: Union made in a union**

they met every six to eight weeks in either Washington or Pennsylvania.

In 2004 they were back together for the next AFSCME convention in Anaheim, Calif. For the next three years, during her visits to Washington, Cindy helped Doug host his Local hospitality night at the legislative weekend in Olympia. The hosting provided Cindy the opportunity to meet new AFSCME members in Washington.

In late 2005, after a year filled with anxiety as she tried to make up her mind, Cindy relented. She would move to Washington State to be with Doug. After

working for the City of Erie, Penn. for 29 years, she was not only giving up her job, but also leaving her family.

In late December 2005, she began working at the Washington State Department of Ecology and is now a member of Council 28.

She has no regrets. "It has been the best move we both could have made," says Cindy. "It has worked so well."

On February 19, 2006, they were married — in Las Vegas, of course.

They plan to attend the next AFSCME convention. After all, that union was a source of their union.

# SW Wash. Locals mull labor-management committee

**A**t least six Southwest Washington Council 2 local unions are looking into the prospect of creating a regional Labor Management Committee similar to the South Puget Sound Labor Management Committee located in the Olympia area.

The Southwest Washington locals — based in Kelso, Longview, Cowlitz County, Three Rivers Regional Wastewater Association's treatment plants and Wahkiakum County — are: 1262-CO, 1262-CL, 1557-PW, 1557-W, 334 and 334-w.

The South Puget Sound Labor Management Committee, founded 20 years ago in the Olympia area, provides specialized training for union members and stewards as well as supervisors and managers through workshops that are held throughout the year.

The training includes professional development and enrichment skills, tools for conflict resolution and instruction on building employee confidence.

The committee also provides full-time access to an Employee Assistance Program for its members.

Already almost 2,000 employees in 10 Council 2 locals have access to the training, which is offered by the South Puget Sound Labor Management Committee.

These locals include employees for Thurston County, the City of Lacey, the City of Olympia, CAPCOM (911) and LOTT Alliance.

Other organizations that form part of the committee are the City of Tumwater, the Thurston Regional Planning Council and three Fire District groups.

But Council 2 forms the largest single group of the 2,250 represented in the committee.

"The committee has been so successful that others are now wanting to create a similar committee for their own area," says Council 2 Olympia Staff Representative Trina Young.

"The committee provides high-quality training at a reasonable cost because each organization pays a fee to be part of the programs. Several high-quality trainers provide the instruction."

The next step in the exploratory process will be to ascertain whether grant funds are available from the Federal Mediation and Conciliation Service, Young said.

She emphasized that the efforts to expand the program to Southwest Washington are still in an early exploratory phase.

## UNFAIR, from Page 1

"The election held this year also took place against the background of a heavy anti-union campaign, which included mandatory meetings at which misinformation about the union was distributed," says Bill Keenan, Council 2's director of organizing.

Following the election, a member of

the main organizing committee, Mary Gardner, a registered nurse, was fired.

"It was a scene reminiscent of the television show, *The Apprentice*," says Keenan.

"The center's director, Christine Hearth, called Mary into her office and, without any documentation or explanation, said,

Donald Trump-style, 'You're fired.'

"She gave her no time to discuss it. She told her to leave immediately."

As a result, Council 2 filed unfair labor charges against Hearth on March 20.

The National Labor Relations Board is in the process of undertaking a full investigation into the charges.

## SKAGIT, From Page 1

Barrett and the other members of the bargaining team, who worked on his behalf."

The negotiations were boosted by an unfair labor practice charge that Council 2 filed against the Transit Authority during the negotiations. The charge came against

## 'Any union that can get a raise of more than 5 percent is a good union'

the background of a trend by management to treat non-represented employees different than the bus drivers and para-transit drivers, giving them better benefits than those that the union members had received in the contracts they had bargained.

As a result, Council 2 had earlier negotiated a "me, too" clause. The clause stipulated

that they also would receive income or medical benefits offered to other workers should those terms be better than those they had received. The clause expired a year before the expiration of the Council 2 members' contract.

"About a day after the clause expired, non-represented employees received huge pay increases, ranging from 2 percent to as high as 21 percent," Keenan says.

Their action prompted the union to file an unfair labor practice charge. The basis was anti-union animus.

In the charge, Council 2 pointed out the disparaging treatment its members had received over a period of several years. The charge was dropped in the wake of the contract settlement.

O'Connor adds that relationships with management have improved since the settlement. "When I first got here, I could not talk to the employer," he adds. "By getting the staff working together at the table we now have a good working relationship with management."



**Mike Barrett, president of Local 176-T (Skagit County Transit Union), at the wheel of his bus.**