



# United Public Employees of California, Local 792

*Serving Those Who Serve Their Communities*

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January 12, 2011

TO: Unit 028 employees

RE: UPEC UPDATE BULLETIN

Dear Unit 028 Employees,

The purpose of this update is to keep you informed on the progress of UPEC's involvement to become your Recognized Employee Organization (REO) for collective bargaining purposes.

On December 20, 2010, I received a letter from Steve Keil, Assistant to the County Executive, requesting to meet and discuss concerns the County has with the composition of the "proposed unit" (your current Unit 028). Mr. Keil identified two (2) positions the County felt should be "transferred to unrepresented Unit 060 due to their nexus to the County Board of Supervisors data base, County central budget and labor relations activities". The positions are in the class of Information Technology Analyst Level 1 and 2 and report to the Clerk to the Board of Supervisors. We set a meeting for December 28, 2010.

On December 28th, Steve Keil informed us that the correct unit placement for the two ITA positions should actually be Unit 070 (Confidential) due to the employee's access to the Board of Supervisor's labor relations activity. Additionally, both sides confirmed that employees labeled in this unit as "Confidential" receive an additional stipend of 5%. We agreed to take this information back to the Unit 028 employee representatives and the two affected employees for their input. We agreed to reconvene on January 11, 2011.

In preparation for our January 11th meeting, it was confirmed that Unit 028 representatives and the affected employees were in agreement to move the two employees from Unit 028 to Unit 070 - Confidential.

On January 5, 2011, I received an email from Steve Keil advising that the Stationary Engineers Union, Local 39 filed an "Intervening Petition" with the County to compete with UPEC Local 792 to be your Recognized Employee Organization.



This means that if Local 39 is able to secure at least 29 signatures from employees in Unit 028, their organization will appear on the election ballot as an additional choice to 'UPEC 792" and "No Representation" making it a three way ballot.

On January 11, 2011, UPEC Representatives, Unit 028 employee representatives and myself and two other UPEC representatives met with Steve Keil. Mr. Keil invited Local 39 to attend the meeting and we were joined by three of Local 39's staff representatives.

Mr. Keil brought us up to date on several bargaining unit changes that the County has been negotiating with other unions. This included the proposal to move our two Unit 028 employees out of the unit. However, a new twist was introduced. Mr. Keil told us that the two employees could be placed in either unit 70 (Confidential) or to a second but new confidential unit (without the 5% confidential stipend).

The County has the right to determine the composition of each unit. However, if the bargaining unit is organized, the County must meet and confer with the Union on such changes to the composition. If there is no agreement the Sacramento County rules call for a hearing with an arbitrator.

In order for us to move forward in the election process, the composition of the bargaining unit must be determined.

Both Local 39 and UPEC Local 792 agreed to remove the two positions from the bargaining unit, however, UPEC restated our position that the two Unit 028 employees must go to Unit 070 - Confidential which includes a 5% increase. This is what we were told on December 28th and what Unit 028 representatives and the two employees had agreed to. Mr. Keil felt he could provide a final decision on this matter by the end of the current week.

Once there is an agreement on the unit configuration, Local 39 has 15 days to collect the necessary signatures and turn them in to the County to qualify to be on the election ballot. UPEC 792 clearly understand that Unit 028 employees have the absolute right to choose the Union of their preference for Unit 028 representation but unless there is a sincere and substantial interest in Local 39 I hope employees will not casually sign a Local 39 petition because a contested ballot could lead to a delay in certification as your REO and without REO status there cannot be contractual protection against unilateral decisions by the County.

I will keep you informed of pending and future meetings and dates.

Sincerely,



CHRISTOPHER D. DARKER  
Business Manager & Secretary-Treasurer