

EA Members: The following email was jointly prepared and sent to management in response to the posting of PMA's class/comp study proposal.

Liz Bettencourt

From: Metra Ulloa

Sent: Wednesday, April 01, 2015 4:03 PM

To: Michael Baratz; Liz Bettencourt

Cc: Beau Goldie; Grant Lee; Jesus Nava; Jason Christie; Stanley Young; John Tucker; Tracy Hemmeter; George Cook; Merna Leal; ES Board

Subject: RE: DCCS Implementation Plan Communication

Michael,

I am writing on behalf of ES and with EA's concurrence. We are aware that the proposal was presented to PMA prior to the NYCU article. It should be emphasized that it is a proposal you submitted, and the meet and confer process is just beginning. We agree with the goal of open communication and transparency, and we do not believe this message achieved either of these goals. We do not take issue with the factual portion of the message that states,

"This past Thursday, March 19, was an important day for the district's Classification and Compensation Study as it marked the first day for meet and confer with the Professional Managers Association (PMA).

Representing the district was Grant Lee, DAO/HR; Angelica Cruz, Employment and Benefits Manager; Michael Baratz, Labor Relations Officer; Frank David, Program Administrator, Class and Comp; Laura Harbert and Paul Randhawa; Labor Relations staff; and Katie Kaneko from Koff and Associates. The PMA Representatives were Jason Christie, President; Gary Nagaoka, Vice-President, and Jim Crowley.

The results of the study were presented to PMA and the detail and process was explained by the consultant, Katie Kaneko. A tentative meet and confer follow up has been scheduled for April 1."

We have the following concerns about this message:

1. The message implies that the implementation is being negotiated with PMA. This tells the reader that PMA has agreed to the salary changes, and is only negotiating as to how they will be implemented; this is not accurate. This was the first time PMA has seen the proposal and they are awaiting information they need in order to evaluate the proposal. There can be no implementation plan without first coming to agreement on the compensation.
2. As the meet and confer process is just beginning, and PMA has not even had an opportunity to evaluate it, sending out the table before PMA has had this opportunity puts them in a bad spot, receiving questions that they cannot answer. We believe the expectation from the beginning of the study was that you would work with PMA on the message and cooperatively come out with a message that achieved your goal, without negatively impacting PMA. ES and EA will want time to review any proposal before similar messages go out.
3. After the meet and confer process, this table may end up being something completely different. We do not necessarily disagree with sending a version prior to the final, agreed upon document to get feedback, but the initial version prior to any evaluation by both parties is not acceptable for widespread distribution.

4. It is our understanding that the recommended salary includes the 1.5% increase agreed upon in the MOU for this upcoming July. This is not appropriate as it gives the impression that almost all PMA positions are getting a salary increase based on the results of the study. The comparison should be at equivalent times, if you are showing the current salary, then show the study recommendation without the salary increase (apples to apples, not apples to apples +1.5%). This comparison actually detracts from transparency.

Lastly, we would like to respond to a couple statements in your e-mail:

1. You stated that you “wanted to make sure all employees affected had an opportunity to review the proposal we made to PMA”. No employee has been affected. You have only presented a proposal and the meet and confer process has just started. In addition, as the table only contains the title and salary information, it really only applies to PMA, so it is unclear why this needed to be sent to all employees. Had the rationale for the changes been included, there may have been some relevance to all employees.
2. You state that “we hope that your comment that our communicating to employees without your support ...” *would be detrimental to our labor/management relationship...*” is not a threat...”. ES and EA believe your message was unclear and confusing, caused much undue concern among employees, and was sent out without providing PMA the appropriate notice and time to prepare. ES and EA want to avoid this situation. Our message was clear, we want the opportunity to review it, communicate with our members as their representatives, and provide feedback before an e-mail like this goes out. The comment that this type of e-mail would be detrimental to labor/management relations is not a threat, it is factual.
3. You also mentioned “our right to share proposals with employees”. When you share your proposals with the unions, you are communicating with employees. The unions are not some outside agency that doesn’t speak with your employees; our members are your employees. We have our internal processes to share your proposals with our members and meet with any who may be affected. We do not question your right to communicate with employees, but it should not attempt to usurp our representation process and it should be in a clear manner that doesn’t create unnecessary confusion. At the outset of these discussions so many months ago, we agreed that we would be partners in this study and that we all had interest in seeing it through to a final, good product. We worked on earlier communications together and we are expecting that we would do that going forward. This will help avoid any errors or confusion and allow us to be prepared for the questions that are likely to follow.

In summary, we believe including the proposal on this NYCU article caused undue confusion and concern and did not provide the appropriate comparisons and rationale that would make it relevant to all employees. ES and EA are highly concerned about how this article was sent out and wants to avoid these consequences when it is our turn to begin this process. Please let us know if you have any questions.

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