

**Walter Rice**

Associate Program Analyst

*"We want a strong contract with no takebacks."*

**Joy Allender**

Associate Government Program Analyst

*"I want my retirement secure and health benefits untouched."*

**Arnold Zuniga**

Associate Government Program Analyst

*"Continue to strengthen contract language that protects members' rights and benefits."*

**Kim Maun**

Staff Programmer Analyst

*"Stop outsourcing."*

## "We can't win a good contract without member participation"



*"The more members that fill out the bargaining survey, the more strength we've got for our contract fight."*

**Kim Lucero**, Workforce Services Trainer

In the first phase of our contract campaign, thousands of members across the state are filling out bargaining surveys and participating in "Listen-Up" meetings at worksites as we build momentum towards contract negotiations with the state beginning in May.

"We're collecting valuable input – directly from the members – to make sure their priorities are reflected at the bargaining table," said Cindie Fonseca, Local 1000 Bargaining Unit 3 chair. "We can't win a good contract without member participation."

In order to make sure the bargaining team hears from all the members, we are creating forums for member participation through hundreds of "Listen-Up" meetings throughout February. The 2008 bargaining survey is being passed out by stewards and District Bargaining Unit Representatives (DBURs) at worksites, was mailed to members, and is available online.

Listening to what matters to members care is the part of a three-phase strategy that will best prepare us for the biggest contract campaign in Local 1000 history.

### Phase two: follow-up with members

After our bargaining team has reviewed the surveys and the results from the "Listen-Up" meetings, the bargaining team members, leaders and activists will be reporting back out to the membership and will seek additional member input on our priorities for the upcoming contract.

"We're following up with members in key contract areas: wages, health care, retirement, classifications and workloads," said Yvonne Walker, vice president for bargaining

### Phase three: get ready to act up

The final step in winning a strong contract is the ability to demonstrate to the state and the Legislature that members are willing to fight for what they deserve. "Tell us exactly what you want in the contract, and then let's stand up together to make it happen," Walker said.

Members across the state are signing up to be part of Contract Action Teams as leaders and activists. Fill out a card today and commit to helping provide rapid, two-way communication between members and the negotiating table. We also will be sending delegations to "meet the boss", wearing stickers, lobbying legislators, sending petitions and other worksite activities that are necessary to ensure the state knows we are serious.

# KNOW YOUR RIGHTS

## YOUR UNION CONTRACT PROTECTIONS

### How to file an out of class grievance

#### Article 14.2 – Out of Classification Grievances

An employee is working “out-of-class” when they spend more than 50 percent of their time, over the course of two consecutive weeks, performing duties and responsibilities associated with a higher level existing classification.

Out-of-class claims not resolved at the department level may be resolved by the Department of Personnel Administration (DPA) provided there is substantial evidence that an employee is working out-of-class. Out-of-class grievances are among the most difficult to win in arbitration.

#### The Out of Class Grievance Process

Out-of-class claims must be made no more than 21 days (60 days in Unit 21) after the disputed work has ceased. If the out-of-class work is ongoing, the grievance is always timely.

A DPA Desk Audit is at the center of any work out-of-class claim. Before a grievance alleging out-of-class work can be filed, a Desk Audit must be completed. Use only the *definition* and *typical* task sections of your job specification. Duties that overlap may not be used in claiming out-of-class work.

Here’s what you need to include in your DPA Desk Audit form:

- List the duties that you feel are out-of-class work.
- Look for those duties in the SPB job specifications of the higher paid position.
- Look for those duties in your existing SPB job specifications.
- Determine whether those duties found *exclusively* in the higher paid specification are done more than 50 percent of the time over two consecutive work weeks.
- Provide evidence to support your claim, which include:
  1. Time sheets or other time keeping records.
  2. Work product reports illustrating time spent doing the work.
  3. Statements from supervisors and/or co-workers supporting your claim

#### How to take Action

When you have completed your DPA Desk Audit, contact the Local 1000 Union Resource Center. An analysis will be performed of your claim, and if it is determined to have merit we will work together to take action, first with your supervisor, and ultimately to a grievance.

For more information Article 14.2 – Out of Classification Grievances, review your contract by visiting [www.seiu1000.org](http://www.seiu1000.org)

## Local 1000 to DMV: Give us a break

Local 1000 members won a big victory Thursday as the Department of Motor Vehicles (DMV) settled an arbitration claim by agreeing to stop denying five-minute breaks to call center employees.

Just before the scheduled arbitration hearing, DMV attorneys agreed to a detailed eight-part settlement, written by Local 1000’s legal team, ensuring that employees in the DMV’s Sacramento Army Depot Call Center will be allowed a five-minute break after every continuous hour of computer work.

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***“We will continue the fight to enforce our contract – at individual worksites and across the state.”***

***– Yvonne Walker***

***Local 1000 Vice President for Bargaining***

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“We will continue the fight to enforce our contract – at individual worksites and across the state,” said Yvonne Walker, Local 1000 vice-president for bargaining. “DMV fought this and stalled. But our members kept up the pressure and we finally won.”

The arbitration win upholds a grievance Local 1000 filed against DMV and the Employment Development Department (EDD) on behalf of call center employees who were being denied the breaks specified in the Local 1000 contract.

Both DMV and EDD signed a settlement agreement on Feb. 23, 2006 that guaranteed call center employees the right to the five-minute break each hour. DMV refused to abide by that agreement. Local 1000’s legal team took the dispute back to the arbitrator for an enforcement hearing. The settlement came as about a half-dozen DMV employees were ready to testify about the department’s noncompliance.

### DMV call center manager ordered to retract earlier statements denying breaks

The settlement includes a stipulation that call center manager Bruce Allen will read a statement at an upcoming staff meeting, which says “Despite previous statements ... call center employees are entitled to receive a five-minute break...specified in the February 23, 2006 arbitration award.”

The arbitrator ordered that Local 1000 will be given 15 minutes to discuss the issue, on work time, without any management presence.

In addition, the arbitrator awarded two hours of paid administrative leave for all call center employees, to compensate for breaks that had been denied.

FOR MORE INFORMATION, CALL LOCAL 1000 TOLL FREE: (866) 471-SEIU (7348) or visit our website: [www.seiu1000.org](http://www.seiu1000.org)  
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**UNITING MEMBERS TO WIN**

