

INTERNATIONAL UNION OF OPERATING ENGINEERS

Craft-Maintenance Division State of California Unit 12
Locals 3, 39 & 501, AFL-CIO

IUOE Unit 12 Files Grievance Against The State For Hiring Approximately 130 Retired Annuitants Instead Of Active Employees – November 29, 2018

It's been a problem for some time, but now it has grown significantly worse. Instead of solely hiring "active" employees to perform Unit 12 bargaining unit work, the State has been hiring retired annuitants to perform our work which we believe to be in violation of Contract Section 18.3 Work Assignments.

It's not the Union's nor our member's fault that the State, in many cases, cannot hire employees to fill vacant positions. We have made the argument for the last three years, if you pay your employees more, you will not have as many vacancies and therefore, you will not need retired annuitants to occupy these hard-to-fill positions.

For whatever reason, the State continues to ignore the real problem of below market wages and the simple solution to remedy it.

The grievance was filed on November 29th directly with CalHR and is attached for your information.

UNION STRONG!

Steve Crouch
Director of Public Employees

INTERNATIONAL UNION OF OPERATING ENGINEERS

Craft-Maintenance Division State of California Unit 12
Locals 3, 39 & 501, AFL-CIO

November 29, 2018

***Sent via Certified U.S. Mail
7018 0680 0000 4696 8829***

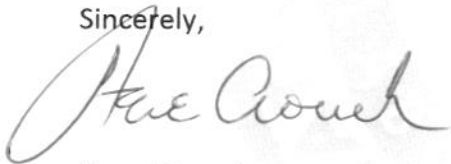
Pam Manwiller
Deputy Director of Labor Relations
CalHR
1515 "S" Street, North Building, Suite 500
Sacramento, CA 95811

Dear Ms. Manwiller:

The enclosed grievance is being filed at your level of review because it is a statewide grievance involving all departments employing Unit 12 members where there are retired annuitants performing Unit 12 work.

If you have any questions, please feel free to contact me.

Sincerely,



Steve Crouch
Director of Public Employees

Enclosure

SC:dd:IUOE#39/afl-cio

EMPLOYEE CONTRACT GRIEVANCE / COMPLAINT

STD. 630 (Rev. 9/2013)

BARGAINING UNIT NAME Bargaining Unit 12 Craft and Maintenance	BARGAINING UNIT NUMBER (Circle one) 1 2 3 4 5 6 7 8 9 10 11 <u>12</u> 13 14 15 16 17 18 19 20 21
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Please refer to your bargaining unit's contract for specific information regarding employee grievance procedures and time frame requirements.

GRIEVANT'S NAME International Union of Operating Engineers, Unit 12		HOME TELEPHONE NUMBER (include area code) 916-928-0399	
HOME ADDRESS (Number and Street) 1620 North Market Blvd.	(City) Sacramento	(State) CA	(Zip Code) 95834
DEPARTMENT All State Departments	DIVISION OR FACILITY	SECTION, BRANCH, UNIT, ETC.	
POSITION CLASSIFICATION Various Unit 12 Classifications	NORMAL WORKING HOURS	WORK TELEPHONE NUMBER (include area code)	

REPRESENTATION INFORMATION (Complete if applicable)

REPRESENTATIVE'S NAME Steve Crouch, Director of Public Employees	ORGANIZATION AFFILIATION I.U.O.E. Unit 12	TELEPHONE NUMBER (include area code) 916-928-0399
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GRIEVANCE INFORMATION

DATE OF ACTION CAUSING GRIEVANCE On-Going	DATE OF INFORMAL DISCUSSION WITH IMMEDIATE SUPERVISOR	DATE OF INFORMAL RESPONSE
GRIEVANCE DESCRIPTION (Clear, concise statement. Attach additional sheets if necessary.)		

The State of California is in violation of Contract Section 18.3 Work Assignments by using retired annuitants to perform Unit 12 bargaining unit work. The State is currently employing approximately 130 retired annuitants in unit 12 classifications.

SPECIFIC ARTICLE(S) AND SECTION(S) OF CONTRACT ALLEGEDLY VIOLATED 18.3 Work Assignments and any and all other applicable sections of the Unit 12 contract.
SPECIFIC REMEDY SOUGHT

1. That the State immediately cease and desist the use of retired annuitants in bargaining unit 12.
2. That the State make the Union and its negatively impacted members whole for this violation.

GRIEVANT'S SIGNATURE 	DATE FILED 11-29-18
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(For grievance level reviews I through IV, continue on reverse.)

EMPLOYEE CONTRACT GRIEVANCE / COMPLAINT

STD 630 (Rev. 9/2013) (REVERSE)


GRIEVANCE REVIEW--LEVEL I

DATE RECEIVED	LEVEL I REVIEWER (Signature) 	RESPONSE DATE
REVIEWER'S PRINTED NAME AND TITLE	TELEPHONE NUMBER (include area code)	


LEVEL I DECISION

<input type="checkbox"/> I concur and do not appeal to the second review level	<input type="checkbox"/> I do not concur and appeal to the second review level (State reason below)	GRIEVANT'S SIGNATURE	DATE SIGNED
REASON FOR APPEAL			

GRIEVANCE REVIEW--LEVEL II

DATE RECEIVED	LEVEL II REVIEWER (Signature) 	RESPONSE DATE	
<input type="checkbox"/> Decision attached	REVIEWER'S PRINTED NAME AND TITLE		
<input type="checkbox"/> I concur and do not appeal to the third review level	<input type="checkbox"/> I do not concur and appeal to the third review level (State reason below)	GRIEVANT'S SIGNATURE	DATE SIGNED
REASON FOR APPEAL			

GRIEVANCE REVIEW--LEVEL III--DEPARTMENT DIRECTOR OR DESIGNEE

DATE RECEIVED	DIRECTOR OR DESIGNEE (Signature) 	RESPONSE DATE	
<input type="checkbox"/> Decision attached	REVIEWER'S PRINTED NAME AND TITLE		
<input type="checkbox"/> I concur and do not appeal to the third review level	<input type="checkbox"/> I do not concur and appeal to the third review level (State reason below)	GRIEVANT'S SIGNATURE	DATE SIGNED
REASON FOR APPEAL			

GRIEVANCE REVIEW--LEVEL IV--DEPARTMENT OF HUMAN RESOURCES

DATE RECEIVED	DIRECTOR OR DESIGNEE (Signature) 	RESPONSE DATE
<input type="checkbox"/> Decision attached	REVIEWER'S PRINTED NAME AND TITLE	