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
November 29, 2018

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
Please refer to your bargaining unit's contract for specific information regarding employee grievance procedures and time frame requirements.

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.

(For grievance level reviews I through IV, continue on reverse.)
### GRIEVANCE REVIEW–LEVEL I

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<th>Level I Reviewer (Signature)</th>
<th>Response Date</th>
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**Reviewer's Printed Name and Title**

**Level I Decision**

- [ ] I concur and do not appeal to the second review level
- [ ] I do not concur and appeal to the second review level (State reason below)

**Grievant's Signature**

**Date Signed**

**Reason for Appeal**

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### GRIEVANCE REVIEW–LEVEL II

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**Reviewer's Printed Name and Title**

- [ ] Decision attached

**Level II Decision**

- [ ] I concur and do not appeal to the third review level
- [ ] I do not concur and appeal to the third review level (State reason below)

**Grievant's Signature**

**Date Signed**

**Reason for Appeal**

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### GRIEVANCE REVIEW–LEVEL III—DEPARTMENT DIRECTOR OR DESIGNEE

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**Reviewer's Printed Name and Title**

- [ ] Decision attached

**Level III Decision**

- [ ] I concur and do not appeal to the third review level
- [ ] I do not concur and appeal to the third review level (State reason below)

**Grievant's Signature**

**Date Signed**

**Reason for Appeal**

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### GRIEVANCE REVIEW–LEVEL IV—DEPARTMENT OF HUMAN RESOURCES

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**Reviewer's Printed Name and Title**

- [ ] Decision attached