

INTERNATIONAL UNION OF OPERATING ENGINEERS

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

IUOE Unit 12 Sonoma Developmental Center Groundskeeper is awarded over \$1,000 in make whole remedy – April 25, 2019

John Batchelder knew something was seriously wrong when his net take home pay was short over \$500.00 in December 2018. When the next pay warrant issued, the same shortage had to be more than a payroll error. Batchelder contacted the Facility's Human Resources Director to find out why he was, and continued to be, short on his take home pay.

Batchelder had been notified by CalPERS that the medical plan he had been on was no longer going to be offered, and that he would need to select an alternative plan during 2018 open enrollment, and that if he failed to select a plan, CalPERS would enroll him in the default plan that was the lowest cost offered. Batchelder did select a similar plan and turned his form in at the Developmental Center on the last day of open enrollment. Staff at the Developmental Center did not forward the information to CalPERS immediately, and only did so almost one month later.

CalPERS did automatically enroll Batchelder into a medical plan, not the one he selected, and not the one CalPERS identified as the default plan. Instead, he was enrolled into the highest cost plan, one that increased his premium contribution from \$346.64 to \$898.96 per month an increase of over \$550 per month.

Batchelder contacted Local 39 and explained the predicament and the Union filed a grievance with the Department of Developmental Services on his behalf alleging that the Employer had violated his right to select a plan of his choosing and did not have the right to unilaterally enroll him in a plan that caused and immediate economic hardship. The Department contacted CalPERS to find out how he had been enrolled in the high cost plan and try and have him moved to the plan he originally selected. Because the request to change plans was outside the open enrollment window, CalPERS would not allow any change without a qualifying event. Batchelder was left with no alternative but to file for retirement which was a qualifying event and was then enrolled in the plan he had selected in October of 2018.

The Department of Developmental Services agreed to grant the grievance and reimburse Batchelder for the excess out of pocket costs for the higher priced plan because the Department failed to timely transmit his form and failing to communicate with him before automatically enrolling him in a plan that he did not choose.

This was a very fast grievance process and a proper outcome because of the Union's assistance.

UNION STRONG!

Steve Crouch
Director of Public Employees