



PROFESSIONAL VIEW

PEA'S NEWSLETTER FOR OCTOBER-DECEMBER 2008

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**WINTER 2008 PRESIDENT'S UPDATE**

**Submitted by David Peterson, President**

I have been PEA President from 2005 through 2008. I am not running for re-election as President, but hope to be elected to another PEA Executive Committee position. Meanwhile, another current PEA Executive Committee member is willing to run for President.

Serving as PEA President has been a very rewarding experience (not financially of course). We faced many challenges, and worked together to promote PEA and to create solutions for various dilemmas.

Elections will occur during the Winter general membership meeting. Mike Wilde is the nominations committee chair. Note that the new winter general membership meeting location at Black Bear Crossings on the Lake, Como Lake Pavilion.

Also, a special thanks to the most recent addition to PEA stewards, Salam Hamid for the Water Department PEA keeps moving ahead with the help of many volunteers.

An item to be summarized during the winter general membership meeting is the City mileage payment for PEA members. The current City bargaining agreement calls for \$4.00 a day plus \$.20 per mile. As of July 1<sup>st</sup>, the IRS raised the business rate for tax purposes to \$.585 per mile.

The Executive Committee has continued its schedule of monthly Tuesday night meetings at the union office. The agenda is dominated by committee reports, city or school district negotiation related topics, and the Legal Council Report on current grievances and other issues. Some of the other current activities and discussion:

Reviewing information from the City and the School District LMC Health Insurance meetings;

Discussed city job description changes and responded to the City Human Resources Department,

Setting the Winter General membership meeting agenda; and

Continuing to review progress on arranging the union office (because of the somewhat recent office move).

Again, thanks to PEA members for your support.

For more information about PEA check out:  
<http://www.peaonline.org/>

## THE CORNER

By Mike Wilde, Legal Counsel

**Nominations Committee** – Every year I am assigned to serve as the chairman of PEA's nominations committee. It is one of the easiest committees to serve as the Chair because it is also a committee of one. This leads to virtually no disagreements. But the purpose of the nominations chair is to notify members of our annual election of officers and to gather potential nominees to run for PEA's officer positions. In the past 10 years we have usually struggled to get members to add to their busy lives by serving on the PEA Executive Committee, which is made up of the officers. But this year there might be a few changes.

All members in good standing, excluding fair share members, are eligible to run for office. PEA will have one known vacancy as of January 1<sup>st</sup> and that is the position of Personnel Chair. So we will be guaranteed a new face and thus far a few people have expressed interest in that vacancy. If they keep their hats in the ring we will likely have a genuine election, rather than a unanimous ballot, at least for that office. But candidates can run for any of the seven offices, including President, Vice President, Treasurer, Secretary, City Negotiations Chair, ISD Negotiations Chair or Personnel Chair. Please notify me as soon as possible (612-227-8425) if you intend to run and make sure you RSVP to Vice President Kay Wittgenstein to attend our December 3<sup>rd</sup> Holiday meeting at the Como Park Pavilion where we will have the election.

**Arbitration hearing** – As you might know the open enrollment period in 2007 was a change for anyone who had participated in the City's open enrollment period in prior years. The previous selection process allowed for personal contact and dialogue with the City representative who conducted open enrollment in the employee's chosen area. But in 2007 the entire open enrollment system was accessed exclusively through on-line registration. Although on-line transactions have become common for most people nowadays, it does not mean they are not fraught with questions, confusion and mistakes. Indeed they are and it

has cost several of our members hundreds of dollars (actually \$1,200 for a few). Not only was a new enlistment method tried for the first time in 2007, but specific negotiated incentive dollars hung in the balance for our members who elected the new high deductible single coverage plan.

The City negotiated an incentive package to lure employees into the single coverage high-deductible health insurance plan. This was no secret. It was done as part of the Labor-Management Committee on Health Insurance (LMCHI), which includes all of the City's twenty-some bargaining units and the City's labor relations department and risk management staff. Because it was an overall savings for the City when single covered employees selected the high deductible plan, the City was willing to offer monetary contributions of \$100 per month to those employees who selected that option. The contributions were to be made to the employees into whatever health insurance account (HSA, HRA, VEBA or FSA) was eventually decided upon by the LMCHI, because no specific accounts had been settled on during negotiations.

The multiple parties discussed details and negotiated this matter exhaustively. The terms were finalized well before the open enrollment period. PEA even encouraged members to consider this benefit as an option because they could receive up to \$1,200 in contributions back from the City. This amount would go a long way toward offsetting any deductible that the member eventually paid throughout the year. But there was one aspect that we didn't expect ...

PEA negotiated the contribution benefit for our members. The benefit was never in doubt. However, the new on-line open enrollment process allowed employees to select the single coverage high-deductible plan, which provided the \$100/month contribution, but in a separate set of selection choices it also required employees to then establish a flexible spending account (FSA). These were two unnecessarily separate requirements in the computerized

enrollment process, despite the irrefutable fact that nobody would turn away benefits of \$1,200 per year that was the direct benefit of selecting the high-deductible plan.

PEA had at least five members who went through the open enrollment process, selected the high-deductible plan and then misunderstood the requirement to establish an FSA. So the City got its savings when these folks went with the high-deductible option, but since the account was not set up per the enrollment procedures our members lost the right to the contributions. We expected the City to acknowledge the error and the consequential loss to these individuals and correct the mistake by allowing the employees to correct the computer error. Unfortunately, the City became defensive and pointed to their educational

efforts. They have taken a position that the employees “should have known better” and they’re unwilling to correct this error. If the City made a payroll error do you think that we would try to protect our members’ unintended windfall? No! Honest mistakes happen. There is absolutely no reason why an employee would intentionally reject the creation of an FSA. But if they were confused or intimidated by the new process, they may have overlooked that requirement. PEA does not think that the City should refuse to honor the negotiated benefits. But this is where we disagree. That is why we are scheduled to take this dispute before an arbitrator on December 19<sup>th</sup>. Hopefully the arbitrator puts the “benefit of the bargain” back in the hands of the employees for whom it was negotiated.

### **PEA Calendar of Events**

#### **2008**

**Dec. 3** General Membership Meeting (with elections)  
Black Bear Crossings on the Lake – 5:30 PM  
(aka Como Lake Pavilion)

#### **2009**

**March 3rd** Combined Steward-Executive Committee Meeting  
Joseph’s Grill – 5:00 PM

**June 3<sup>rd</sup>** General Membership Meeting  
Joseph’s Grill – 5:30 PM

**Sept. 9<sup>th</sup>** Combined Steward-Executive Committee Meeting  
Joseph’s Grill -- 5:00 PM

#### **Ongoing**

The Executive Committee generally meets the first Tuesday of the month at the union office at 5:30.

## **General Membership Meeting Agenda**

### **Time & Place:**

PEA's general membership meeting will be held Wednesday, December 3, 2008, at Black Bear Crossings on the Lake (aka Como Lake Pavilion) in Saint Paul.

**Attendees will receive a Door Prize**

**5:30 Social time**

**6:00 sharp Dinner**

**6:30 Meeting**

### **Agenda:**

1. Introduction of stewards and executive committee members in attendance
2. Adoption of minutes from the June 4, 2008, General Membership meeting
3. Legal Counsel Update - Mike Wilde
4. Committee Reports
  - a. President (comments)
  - b. Vice President
  - c. Treasurer
  - d. Personnel
  - e. Negotiations (City)
  - f. Negotiations (School District)
5. Elections
6. Member of the Year award
7. Old Business
8. New Business
9. A chance to win 1 of 8 Target gift certificates
10. Adjourn

### **Reservations Requested**

RSVP to Kay Wittgenstein (651-266-1285 or [kay.wittgenstein@co.ramsey.mn.us](mailto:kay.wittgenstein@co.ramsey.mn.us)) on or before November 28, 2008. Please give your name, department, and dinner choice (chicken, steak, or fish). If you have special dietary needs please let Kay know when making your reservation.

Note: Only regular members may vote and participate fully in the Association. If you are a "fair share" member, please consider becoming a regular member today so you can become an active participant in your union.

**DRAFT Minutes for JUNE 4, 2008 General Membership Meeting**  
*The draft below needs approval from the Dec. 3 General Membership Meeting.*

**PEA GENERAL MEMBERSHIP MEETING**  
**Joseph's Grill, 140 South Wabasha**  
**June 4, 2008**

**MEMBERS PRESENT:**

**EXECUTIVE COMMITTEE:** David Peterson, President; Kay Wittgenstein, Vice President; John Blackstone, Treasurer; Karin Anderson, Personnel Chair; Paul Hogrefe, City Negotiations Chair; Maia Sierra, ISD Negotiations Chair; Brian Krawiecki, Secretary.

**STEWARDS:** Craig O'Brien, Frank Berg, Bill Vos, Susan Henry, Susan McMahon, Susan Myran, Paula Peterson, Marsha Panos, Kathleen Conger, Lisa Jones, 42 members and Mike Wilde, Legal Counsel.

**INTRODUCTION OF EXECUTIVE COMMITTEE MEMBERS AND STEWARDS:** Executive Committee Members and Stewards were introduced. First-time attendees Peter Panos, Jennifer Jannetto, Cindy Carlson, Sara Nurmela, Jim Giebel, Kurt Schultz and Kelly Hervin were recognized.

**MINUTES OF THE LAST MEETING:** The minutes of the December 5, 2007 General Membership meeting were presented. **MOTION** by David Weisberg to adopt the December 5, 2007 General Membership meeting minutes as presented. **SECOND** by Karin Anderson, **MOTION CARRIED.**

**LEGAL COUNSEL UPDATE:** Mike reviewed PEA members' health insurance options with the City's health insurance plans and the employee's requirement to create an Employer Flexible Spending Account if you want to have the City's \$1200 contribution available for qualified medical reimbursements. PEA is involved in a grievance with the City because at least one member did not create an Employer FSA for 2008 and is being denied the City contribution for medical reimbursements. Mike needs to know if there are any other members that are in this situation and should be included with this grievance.

**COMMITTEE REPORTS:**

**Vice President:** Kay has been attending the Labor Management Committee on Health Insurance (LMCHI) and informed members that the Open Enrollment for 2009 health insurance options will be done exclusively online. Kay opened the floor for comments and discussion to improve the Open Enrollment process using the Benefit Ready online program. Comments from the floor included having the City e-mail the employees back with a summary of their elections, making computers available during the Open Enrollment meetings and to have personal help available during the meetings. Mike would like to work with other unions to implement changes to clarify the Open Enrollment process. Information to help members complete the Open Enrollment for health insurance will be sent out through the PEA Stewards.

**Personnel:** Karin would like to thank the Stewards for good communications concerning new members and members leaving PEA.

Karin reviewed provisional and temporary employee status with PEA. Provisional employee in PEA titles pay dues and temporary employees in PEA titles do not pay dues. Out-of-title employees are represented by the union they came from and pay dues to the same union they came from.

**Treasurer:** John reported the PEA fund balance to be \$139,559.86 as of 5-31-08. Jill LeCasse has completed the 2007 Financial Audit. The 2007 Financial Audit report is available for PEA members to review.

City Negotiations: No report.

ISD Negotiations: No report.

OLD BUSINESS:

Deferred Compensation (403b) update: David reviewed the deferred compensation plans for the City and School District. The City matches PEA employees' deferred compensation contributions up to \$250 per year. The School District will match employee contributions up to \$1000 per year. Only about 40% of City PEA members and about 1/3 of School District PEA members are taking advantage of the deferred compensation program and the corresponding match. David proposed the PEA September meeting be open to the general membership to cover issues and concerns with deferred compensation.

Release a tentative Bargaining Agreement before a contract vote meeting: Paul presented arguments FOR and AGAINST releasing a tentative agreement before the vote meeting. The floor was opened for comments and discussion.

NEW BUSINESS:

Remuneration By-Law vote: Mike reviewed the proposed change to the Constitution and By-Laws of the Professional Employees Association, Inc. as published in the PROFESSIONAL VIEW, PEA'S NEWSLETTER FOR APRIL-JUNE 2008. MOTION by Kurt Schultz to move for adoption of the proposed changes to "ARTICLE VII Remuneration" of the Constitution and By-Laws of the Professional Employees Association, Inc. SECOND by Kathleen Conger. MOTION CARRIED.

Should PEA have a political contribution policy?: David opened the floor for comment and discussion for members' interest in a PEA political contribution policy. Comments from the floor included political contributions could jeopardize PEA's non-profit status and political contributions could polarize PEA members. There was no action taken to forward the development of a political contribution policy.

GIFT CERTIFICATES WERE AWARDED TO: Martha Hill, Jennifer Jannetto, Marian Heinrichs, Peter Panos, Corinne Juve, Barb Morin, Jodi Wallin and Kathy Korf.

ADJOURNMENT: MOTION by Kurt Schultz to adjourn. SECOND by Maia Serria. MOTION CARRIED.

### **Police Comments**

These 16 Police Comments were taken off actual police car videos from around the country:

- #16 "You know, stop lights don't come any redder than the one you just went through."
- #15 "Relax, the handcuffs are tight because they're new. They'll stretch after you wear them a while."
- #14 "If you take your hands off the car, I'll make your birth certificate a worthless document."
- #13 "If you run, you'll only go to jail tired."
- #12 "Can you run faster than 1200 feet per second? Because that's the speed of the bullet that'll be chasing you."
- #11 "You don't know how fast you were going? I guess that means I can write anything I want to on the ticket, huh?"
- #10 "Yes, sir, you can talk to the shift supervisor, but I don't think it will help. Oh, did I mention that I'm the shift supervisor?"
- #9 "Warning! You want a warning? O.K., I'm warning you not to do that again or I'll give you another ticket."
- #8 "The answer to this last question will determine whether you are drunk or not. Was Mickey Mouse a cat or a dog?"
- #7 "Fair? You want me to be fair? Listen, fair is a place where you go to ride on rides, eat cotton candy and corn dogs and step in monkey poop."
- #6 "Yeah, we have a quota. Two more tickets and my wife gets a toaster oven."
- #5 "In God we trust, all others we run through NCIC."
- #4 "How big were those 'Just two beers' you say you had?"
- #3 "No sir, we don't have quotas anymore. We used to, but now we're allowed to write as many tickets as we can."
- #2 "I'm glad to hear that Chief (of Police) Hawker is a personal friend of yours. So you know someone who can post your bail."  
AND THE WINNER IS....
- #1 "You didn't think we give pretty women tickets? You're right, we don't ... Sign here."

**2008 EXECUTIVE COMMITTEE**

PRESIDENT	DAVID PETERSON	SCHOOLS - 360 Colborne, 55102	696-9626
VICE PRES.	KAY WITTGENSTEIN	PHD - 555 Cedar St., 55101	266-1285
TREASURER	JOHN BLACKSTONE	WATER - 1900 Rice St., 55113	266-6324
SECRETARY	BRIAN KRAWIECKI	S&I - 8 E. 4 <sup>th</sup> St., #200, 55101	266-9134
NEGOTIATIONS			
CITY	PAUL HOGREFEOT/IS	- 210 City Hall, 15 W Kellogg, 55102	266-6783
SCHOOL	MAIA SIERRA	SCHOOLS - 360 Colborne, 55102	767-8269
PERSONNEL	KARIN ANDERSON	CAO - 750 City Hall, 15 W. Kellogg, 55102	266-8765

**STEWARDS**

CAO & OFS	REGINA ETOLL	500 City Hall, 15 W. Kellogg, 55102	266-8726
FIRE	PAULA PETERSON	100 E. 11 <sup>th</sup> St., 55101	228-6203
<b>LIBRARIES</b>			
CENTRAL	SUSAN HENRY	MMC, 2109 Wilson Ave., 55119	501-6305
PART TIME	SUSAN McMAHON	Highland Pk, 1974 Ford Pkwy., 55116	699-6756
BRANCHES			
FULL TIME	KATHLEEN CONGER	Highland Pk, 1974 Ford Pkwy, 55116	695-3700
S&I/HR	FRANK BERG	8 E. 4 <sup>th</sup> St., #200, 55101	266-9072
OTC/IS	LUCIE PASSUS	110 City Hall, 15 W Kellogg, 55102	266-6770
PARKS & REC	BRIAN TOURTELOTTE	300 CH Annex, 25 W. 4 <sup>th</sup> St., 55102	266-6414
P.E.D.	CRAIG O'BRIEN	1100 CH Annex, 25 W. 4 <sup>th</sup> St., 55102	266-6695
POLICE	MARSHA PANOS	367 Grove St., 55101	292-3781
PUB. HEALTH	SUSAN MYRAN	555 Cedar St., 55101	266-1210
PUB. WORKS	BILL VOS	700 CH Annex, 25 W. 4 <sup>th</sup> St., 55102	266-6113
SCHOOL DIST.	LYLA GRIFFIN	360 Colborne, 55102	767-8288
SCHOOL DIST.	LISA JONES	1001 Johnson Parkway, 55102	793-5561
WATER	JOHN BLACKSTONE	WATER - 1900 Rice St., 55113	266-6324

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