



Professional Employees Association

CITY OF SAINT PAUL & INDEPENDENT SCHOOL DISTRICT NO. 625

www.peaonline.org

Professional View

July – September 2012

Mission Statement

The Professional Employees Association is dedicated to bargain, administer and enforce labor agreements in a responsible, prudent and lawful manner for the overall improvement of members' working conditions, with emphasis on general advocacy, education and communication.

3rd Quarter 2012 Update

Submitted by Mike Wilde on behalf of John F. Blackstone, P.E, President

“Life’s challenges are not supposed to paralyze you; they’re supposed to help you discover who you are.”

— Bernice Johnson Reagon

This organization’s President and my good friend John Blackstone is in the midst of one of life’s challenges. With the self-confidence and sharing nature that John displays on a daily basis, he has allowed me to share his personal struggle with you in our PEA newsletter. In May, John noticed some shoulder discomfort that caused him to see his doctor. He was surprised when the tests led to a diagnosis of lung cancer.

John’s loving family and friends gave all the support and care one could hope for as John immediately began an aggressive treatment regimen. In the few months that have passed, John has had both hard news and reason for optimism. If you know John, then you know he is uniquely equipped to make the most out of both the facts and the inspiration. He takes his treatment very seriously and has never minimized the gravity of his diagnosis. This is now his top priority along with his family relations.

But it is extremely encouraging and uplifting to share recent developments. John has experienced resurgence in his energy levels and his doctor has

taken notice. In fact, John’s thoughts of retirement have been suspended as his doctor has approved him to return to work on a part-time basis.

Knowing John’s love of work and his great zeal for engaging with others, his return to work will definitely be another branch of his treatment. I’m sure St. Paul Regional Water Services is delighted that he is back and contributing, even if it is part-time for now.

Neither John’s response to his diagnosis nor his return to work has surprised me. But one thing really did stand out – John’s sincere concern for how things were going with PEA. John has great admiration for Karin Anderson, who has stepped up and served as interim President, and he has always expressed that sentiment. So it wasn’t that he worried about somebody messing something up. He’s also not a micro-manager; so he was not obsessively drawn to the details that unfolded in his absence. It was more.

John Blackstone’s attention to PEA, and all of its members, is a solemn dedication to serve other people. A serious illness and a worried family have not kept him from serving. Sure this makes him a solid president, but it makes him a great example of a human being more concerned for others than of himself. Thanks John.

President's Update

Submitted by John F. Blackstone, P.E, President

I was diagnosed with stage 4 non-small cell lung cancer on May 21, 2012. The diagnosis came as a shock and surprise to me and my family. I had been seeing a physician for fatigue and a pain in the back of my neck. The fatigue was attributed to a common urinary tract problem for men my age. I attributed the pain in my neck and back to a pinched nerve which has been a long term chronic problem for me. Swelling in my right arm required a CT scan which revealed a tumor which was causing a deep vein thrombosis, a blood clot. This was the first indication that there was a serious problem. I have been very diligent about screening for prostate cancer because my father died from that malady. Some things about lung cancer, there isn't any way to detect it, it might be called lung cancer but it can metastasize just about anywhere in my case on the right shoulder and adrenal glands, there are no nerve endings in the lungs so there is no sense of feeling, the lungs are large so a growth on the lungs unless it was very large would not impede normal body functions.

I have returned to work part time through August. I started a special targeted gene therapy on July 16. See <http://www.mayoclinic.org/news2012-jax/6839.html?rss-feedid=24>. Other than the loss of hair from two rounds of chemotherapy and a few pounds I feel normal. At this point in time I do not have any pain or other physical symptoms. I am beginning some very interesting nutritional, dietary and medical interventions to enhance my current protocol. See http://www.livingnaturally.com/retailer/store_templates/ret_about_us.asp?storeID=bc479621c8d24fc180d13eeaade583ae

This incident raised questions for me and my family particularly about the Public Employees Retirement Association of Minnesota (PERA). Bargaining units like ours, the Professional Employees Association, (PEA) have no involvement in the two major retirement systems, PERA and Social Security that most of us will depend on when we retire or become disabled. The PEA executive Committee has begun to consider what role PEA might play with members regarding PERA in particular. For example we had a PERA representative speak at the General Membership meeting in June.

The responses to my diagnosis from co-workers, friends, members of my congregation, Caring Bridge See <http://www.caringbridge.org/visit/JohnBlackstone> and family have been very supportive and beyond our expectations. We want everyone to know how much we appreciate their thoughts and prayers.

The Corner — Review Time for Overtime

By Mike Wilde, Legal Counsel

It's easy to see how a PEA member can become confused about overtime pay. There are some misconceptions about when it applies, whom it applies to and how to enforce the overtime requirement. This article is intended to answer some of the basic questions that members face with respect to overtime. But we need to start with a little history.

In 1938 President Franklin D. Roosevelt introduced sweeping new labor standards called the Federal Labor Standards Act (FLSA). The overtime rules enacted in the FLSA were designed to address two of the main problems Roosevelt sought to correct with his labor reforms - lack of jobs, and the exploitation of those who had jobs. Overtime pay regulations discouraged companies from overworking their employees in order to avoid paying overtime wages, and as a result encouraged additional hiring to make up for the fewer hours being worked by their existing employees. A company that had hired one worker to work 60 hours a week before the FLSA might, for example, hire two workers at thirty hours a week after overtime was mandated to avoid paying a single worker 20 hours worth of overtime wages. This is the dual purpose for which the law was designed.

The FLSA requires employers to pay employees 1½ times their hourly rate of pay for all time worked beyond 40 hours per week for most of its workers. However, many people, especially professional employees, are only familiar with the portion of the FLSA that cleaves all employees into two large groups: exempt and non-exempt. The majority of people, however, seem to misstate the law and rely either on their understanding of “professional” or they mischaracterize all salaried employees as professional employees.

Although there are a variety of errors in discussing FLSA's application, most people just say that professional employees are exempt from the law and therefore do not get overtime. Others make a similar distinction, but instead refer to salaried workers who are exempt. But both statements are incorrect as far as PEA members' overtime pay.

Remember, the FLSA is a mandatory minimum law that the employer cannot go below. In other words, it is the floor upon which all employment benefits are built. **If you have a union and a collective bargaining agreement, that agreement can build on the law. Both of our PEA bargaining units have just such language.** In the District, it states:

In unusual circumstances, a department head may grant employees who work more than [their normal hours of work, as defined above] compensatory time or pay on a straight time basis for the extra hours worked. The method of compensation shall be measured solely by the employer.

For the City members who are at Grade 11 or below the PEA contract simply states that the employee shall be paid in accordance with FLSA, which we know has a 1½ multiplier for work over 40 hours. For employees in grades 12 and higher it reads:

An employee working in a class title which is in Grade 12 or above and who, in other than normal circumstances, works more than their assigned normal work day or assigned normal work week shall receive compensatory time or pay on a straight time basis for the extra hours worked. The method of compensation shall be measured solely by the employer.

It is important to dispel a few misunderstandings. Nothing is overly cryptic about the phrases “In unusual circumstances” or “in other than normal circumstances”. First, the usual, normal or average workday is defined in PEA's contracts. The unusual or abnormal would simply be a departure from the defined day. Second, overtime is considered an exception to the regular work scheduled. These phrases protect the employer and remind the employee that overtime compensation is not a routine compensation that should be relied upon. Instead, it is for those relatively rare situations where the workload requires a PEA member to deviate from their defined work schedule.

Also, the FLSA has a specific provision allowing public employers to pay either cash or the cash-equivalent of paid time off (i.e. compensation

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time). That flexibility is not allowed for most private employers under the law. So PEA's contract language merely rephrases another portion of the law as it applies to our public employers.

Lastly, the issue of advanced authorization comes up on occasion. Several arguments can be made on both sides of the issue, but the dispute should probably be avoided altogether rather than analyzed. If the extra work is important enough for extra hours, request clear guidance from your supervisor. There is nothing sneaky about asking management if they prefer you accomplish the work and incur overtime or keep to your regular schedule and avoid overtime. Clear communication is truly preventative medicine.

If you are putting in hours and hours beyond the negotiated hours of work, please consider a few points. Your "donated time" will sooner create a resentful worker rather than a rewarded worker. Extra and uncompensated hours create inaccurate budgets because they misinform the directors of the costs-per-resource hours necessary for accurate forecasting. Long hours also lead to more mistakes. But how sincere will it sound if a worker claims that work performance slipped because for years he was overworked? If it is not defined early on then it becomes the new normal. Finally, unnecessarily long hours might be costing somebody else a good job. Just as FDR had intended, the 40-hour workweek protects you and it protects jobs.



ATTENTION: Please consider running for a PEA office!

At this time we are anticipating having an opening for PEA Treasurer on the ballot at the November 27th general membership meeting. If you are an accountant or have treasurer skills we highly encourage you to consider serving your union (and earning a monthly stipend for your service).

PEA welcomes all members in good standing to consider running for PEA Officer or Executive Committee positions. Please contact Mike Wilde at 612-227-8425 or by email (*Mike.Wilde24@gmail.com*) if you are interested and would like more information. Thank you!

PEA Stewards, please join the Board for Dinner & a Meeting

Wednesday, September 12, 2012

Location:

Joseph's Grill
140 South Wabasha
(651) 222-2435

Social Time: 5:00-5:30 PM
Meeting: 5:30-7:00 PM
Dinner: 6:00-6:30 PM

RSVP to Karin at karin.anderson@ci.stpaul.mn.us

Please plan to arrive before 5:30 pm so we can order promptly and start eating around 6:00 PM. Dinner selections will be made from Joseph's menu; your dinner may include a non-alcoholic beverage of your choice. The meeting will be suspended when dinner is served so we can all enjoy our meal together.

AGENDA:

1. Greetings & Introductions
2. Treasurer's Report
3. Legal Counsel's Report
4. Vice President's Report
5. Committee Reports
 - a. Personnel
 - b. City Negotiations
 - c. District Negotiations
6. Adjournment

The Executive Committee will hold a short meeting of the board following the adjournment of the Combined Meeting.

NEXT GENERAL MEMBERSHIP MEETING
Mancini's on Tuesday, Nov. 27, 2012

School District PEA Negotiation Update

By David Peterson, PEA District Negotiation Chair

The PEA district negotiation team has had four meetings with the School District, the latest being on July 16, 2012.

The main financial topics being discussed are the cost of living adjustment (COLA), longevity pay, and the District contribution amount for health insurance premium. Other considerations are professional development reimbursement, civil service rules, and job protection.

The current PEA collective bargaining agreement expired December 31st, 2011. However, most of the terms of the current contract remain in effect until the execution of a new contract.

The current District PEA negotiation team members are David Peterson, PEA Legal Counsel Mike Wilde, and former PEA Treasurer Maia Sierra.

The initial District PEA negotiation team also included former steward Marian Heinrichs (who was promoted), former steward Janet Yannarely (who also got a new district position), and Stacey Lackner (who moved on to employment with another school district). PEA appreciates the work of these former members, including the many years of participation from Marian and Janet.

It appears that being part of the District PEA negotiation team has a correlation with career advancement.

After the negotiation team reaches tentative agreement with the School District, then the School District PEA general membership votes on the proposal. If approved by the School District PEA general membership, the agreement is subsequently approved by the School Board at a monthly school board meeting.

After all approvals, the school district payroll department adjusts rates and issues appropriate back pay.

Feel free to contact me with any questions on the School District contract negotiations, or any other School District PEA matter:

David Peterson
PEA District Negotiation Chair
District phone: 651-744-8112
personal cell phone (*for urgent matters*):
651-447-0216



PEA Calendar of Events 2012

Wednesday, September 12, 2012 Board & Stewards Meeting at Joseph's

Tuesday, November 27, 2012 General Membership Meeting at Mancini's

Professional Employees Association

CITY OF SAINT PAUL & INDEPENDENT SCHOOL DISTRICT NO. 625

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Report to Membership since the last newsletter May 2012

Submitted by Page DeLong and Lucie Passus

Totals: 318 Members

City: 241 (48 are fair share)

Schools: 77 (13 are fair share)

Welcome New Members:

1. Alison D. Canty, Schools
2. Michael P. Christianson, Fire
3. Glen D. Pettit, OTC
4. Ryan P. Supple, CAO
5. Krista Denn, Schools
6. Bryan Morben, CAO
7. Bruce H. Fleischacker, Schools
8. David Gorski, HREEO
9. Heather Winkleblack, Fire

Departing Members (promotion, retirement, resignation or lay off):

1. Joan Hoover, OTC
2. Kimberly Carlton, DSI
3. Todd Gustafson, Schools
4. Robert Geurs, OFS
5. Penelope Simison, PED
6. Luis Pereira, PED
7. Shana Conklin, CAO
8. Luis Morales, HREEO
9. Brian Bell, CAO
10. Jessica Madole, Parks

2012 Executive Committee

PRESIDENT / VICE PRES.	KARIN ANDERSON <i>karin.anderson@ci.stpaul.mn.us</i>	CAO – 750 City Hall, 15 W. Kellogg Blvd., 55102	651-266-8765
TREASURER & SCHOOL NEGOTIATIONS	DAVID PETERSON <i>david.peterson@spps.org</i>	SCHOOLS – 360 Colborne, 55102	651-744-8112
SECRETARY	BRIAN KRAWIECKI <i>brian.krawiecki@ci.stpaul.mn.us</i>	DSI – 375 Jackson St., Suite 220, 55101	651-266-9134
PERSONNEL	LUCIE PASSUS <i>lucie.passus@ci.stpaul.mn.us</i>	HREEO – 280 City Hall, 15 W. Kellogg Blvd., 55102	651-266-8907
CITY NEGOTIATIONS	PAUL HOGREFE <i>paul.hogrefe@ci.stpaul.mn.us</i>	OTC – 210 City Hall, 15 W. Kellogg Blvd., 55102	651-266-6783

Staff & Others

LEGAL COUNSEL	MIKE WILDE, Esq. <i>mwilde8860@comcast.net & mike.wilde24@gmail.com</i>	360 North Robert St., Suite 300, St. Paul, MN 55101	612-227-8425
NEWSLETTER	SARA NURMELA <i>peanewsletter@gmail.com</i>	River Print (HREEO) – 375 Jackson St., West Tower, Suite B1, 55101	651-266-2875
WEBPAGE <i>www.peaonline.org</i>	JOHN LARSON <i>john.larson@ci.stpaul.mn.us</i>	Libraries (SPPL) – 90 W 4th St., 55102	651-266-7044
OFFICE ADDRESS	P.E.A.	360 North Robert St., Suite 300, St. Paul, MN 55101	

2012 Stewards

CAO / OFS / HREEO / MAYOR'S OFF / COUNCIL RES / HR	REGINA ETOLL <i>regina.etoll@ci.stpaul.mn.us</i>	500 City Hall, 15 W. Kellogg Blvd., 55102	651-266-8726
FIRE	PAULA PETERSON <i>paula.peterson@ci.stpaul.mn.us</i>	645 Randolph Ave., 55102	651-228-6203
LIBRARIES Full-Time (Central /MMC)	SUSAN HENRY <i>susan.henry@ci.stpaul.mn.us</i>	Saint Anthony Park Branch, 2245 Como Ave., 55108	651-642-0411
LIBRARIES Full-Time (Branches)	KATHLEEN CONGER <i>kathleen.conger@ci.stpaul.mn.us</i>	Rondo Community Outreach Library, 461 Dale St., 55103	651-266-7431
LIBRARIES Part-Time	CHARLENE MCKENZIE <i>charlene.mckenzie@ci.stpaul.mn.us</i>	Rondo Community Outreach Library, 461 Dale St., 55103	651-266-7419
DSI	FONG LOR <i>fong.lor@ci.stpaul.mn.us</i>	375 Jackson St., Suite 220, 55101	651-266-9098
OTC	GALE HAWKINSON <i>gale.hawkinson@ci.stpaul.mn.us</i>	600 City Hall Annex, 25 W. 4th St., 55102	651-266-6781
PARKS & REC	OPEN — looking for a volunteer		
PED	CRAIG O'BRIEN <i>craig.obrien@ci.stpaul.mn.us</i>	1300 City Hall Annex, 25 W. 4th St., 55102	651-266-6695
POLICE	MARSHA PANOS <i>marsha.panos@ci.stpaul.mn.us</i>	367 Grove St., 55101	651-266-5781
PUB. HEALTH	SUE BUTLER <i>sue.butler@co.ramsey.mn.us</i>	555 Cedar St., 55101	651-266-1321
PUB. WORKS	BILL VOS <i>bill.vos@ci.stpaul.mn.us</i>	900 City Hall Annex, 25 W. 4th St., 55102	651-266-6113
SCHOOL DIST.	LYLA GRIFFIN <i>lyla.griffin@spps.org</i>	Purchasing & Contract Services, 360 Colborne, 55102	651-767-8288
SCHOOL DIST.	George Simon <i>george.simon@spps.org</i>	360 Colborne, 55102	651-767-8328
SCHOOL DIST.	OPEN — looking for a volunteer		
WATER	JUSTINE ROE <i>justine.roe@ci.stpaul.mn.us</i>	1900 Rice St., 55113	651-266-1628