



# Professional Employees Association

CITY OF SAINT PAUL & INDEPENDENT SCHOOL DISTRICT NO. 625

[www.peaonline.org](http://www.peaonline.org)

**Professional View**

**January – March 2013**

## **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.

## **From the President's Desk**

*Submitted by Karin Anderson, President*

As I reflect on the activities of 2012, I celebrate our association's history and accomplishments. I am reminded of the steadfast leadership given to us by John F. Blackstone – as president, member, colleague, and friend. John will be missed.

As I look forward, 2013 brings with it hope and promise; also a time to build on PEA's legacy. As your new president, I'm looking forward in anticipation to the year. I am grateful for the opportunities that PEA has given me. I continue to have the privilege and good fortune to work with many board members, stewards, volunteers, and staff over the years.

The board members and stewards you have elected to serve you in 2013 are forward-thinking, thought-provoking, intelligent people who are intent on building PEA's organization with leadership, commitment, and service in order to meet our workplace challenges, today and into the future.

PEA is involved in a host of activities in addition to grievance handling and collective bargaining. I'm hopeful this publication, for instance, is a tool for building a strong association. I'd like it to help us, PEA members, know "who we are" and foster

values of assisting and advocating for one another in tough times. The AFLCIO web recently stated "Unions are about a simple proposition: By joining together, working women and men gain strength in numbers so they can have a voice at work about what they care about. They negotiate a contract with their employer for things like a fair and safe workplace, better wages, a secure retirement and family-friendly policies such as paid sick leave and scheduling hours. They have a voice in how their jobs get done, creating a more stable, productive workforce that provides better services and products." To meet our workplace challenges head on and address issues like negotiations, grievances, continued budget cuts, a slow economy, lay-offs, working more with less, not to mention new things like the City's TASS, SPPS's reorganizations, health screenings, and wellness coaches, PEA must continue to adapt; it's about people, our emphasis is always with our members.

If you have been a member for a while, I thank you for your continued confidence and support. If you are reading this, and somehow not a member, I encourage you to become one and see how you can benefit from this cooperative effort.

# The Corner

By Mike Wilde, Legal Counsel

At the risk of being redundant, I am republishing the substance of my most recent newsletter article because several members have again asked questions about their overtime rights. Rather than provide the entire article, with its historical background on overtime, I will simply rephrase the questions that have been posed by some of our members:

*If we are “professional” employees in a bargaining unit known as the Professional Employees Association (PEA), are we considered “exempt” from overtime under the Fair Labor Standards Act? How does this “exempt” status impact our overtime under the labor agreement?*

This is a fair question on an important issue. The best way to answer this question is to simply provide you an excerpt from the Wage and Hour Division of the U.S. Department of Labor according to its 2008 publication. It reads as follows:

## **Fact Sheet #17A:**

### **Exemption for Executive, Administrative, Professional, Computer & Outside Sales Employees Under the Fair Labor Standards Act**

#### **Other Laws & Collective Bargaining Agreements**

The FLSA provides minimum standards that may be exceeded, but cannot be waived or reduced. Employers must comply, for example, with any Federal, State or municipal laws, regulations or ordinances establishing a higher minimum wage or lower maximum workweek than those established under the FLSA. **Similarly, employers may, on their own initiative or under a collective bargaining agreement, provide a higher wage, shorter workweek, or higher overtime premium than provided under the FLSA.** While collective bargaining agreements cannot waive or reduce FLSA protections, nothing in the FLSA or the Part 541 regulation relieves employers from their contractual obligations under such bargaining agreements. *(emphasis added)*

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 done just that. They’ve built additional benefits on top of the minimum legal requirements.

For the City PEA members who are at Grade 11 or below the PEA contract states in Article 6.2 that the employee “shall receive overtime compensation” in accordance with FLSA. This language expressly identifies the worker (Grade 11 and below) and mandates overtime compensation as calculated in FLSA, which has a 1½ multiplier for work over 40 hours.

The City reserves the right to determine the “method of compensation,” which means the City can choose whether to pay these employees with compensatory time or the cash equivalent. This flexibility is allowed under Sec. 207(o) of FLSA provided the political subdivision (i.e. the

*The Corner continued on page 3*

City) establishes that flexibility pursuant to a collective bargaining agreement, which it obviously has done.

We have a long and established application of that language in preserving overtime at the 1½ rate for hours worked in excess of 40 per week. The City has never denied this application. Moreover, the City recently negotiated the caveat that the overtime is due only after 40 hours worked (not paid) to prevent an employee from collecting overtime in a week where he or she was absent part of the week on vacation, holiday or sick time.

PEA further negotiated clarifying language to this well-established benefit that prevented any supervisor from trying to carve out paid rest or lunch breaks from the 40-hour calculation. The City readily agreed to that added sentence and recognized at the bargaining table this benefit.

PEA members working for the City in grade 12 or above have a slightly reduced overtime benefit. It is also established in the express language of Article 6.2, but it only obligates the City to provide compensatory time or pay on a straight time basis. These higher paid classifications do not earn 1½ pay for their overtime, but instead earn straight pay or “comp time” on a 1-for-1 basis for hours worked in excess of their normal assigned work day or assigned work week.

PEA members working for the District earn overtime at the straight time rate described above for all of its classifications. I encourage you to visit our website ([www.peaonline.org](http://www.peaonline.org)) and review the July–September newsletter where this is explained in more depth.

### **Why Is This Issue Being Raised Now?**

Two developments have caused this to become a concern for all PEA members in the City. First, the City is implementing a new software system (COMET) that aims to more accurately measure the employees’ work time. This has raised several questions that will continue to be addressed in negotiations and in other forums. But it is fairly accurate to say that the City has long forged ahead in this endeavor without discussion with its employees, through their unions. Second, the City has made a disappointing and startling proposal in negotiations to eliminate our overtime pay.

Employees in the City are coming off two years worth of pay freezes. There have also been layoffs in two of the last three years. Nobody denies that employees are truly doing more work with fewer resources. Now the City wants to further reduce our compensation by allowing unlimited work hours with no additional pay. It’s too early to share details on what they are offering, but I can tell you that their first offer would not even buy a meal at a fast food restaurant as you head home after your extra, unpaid 10 hours on the job.

Your input is critical. Please contact your steward or a PEA officer with your thoughts.

## School District Choose Well, Live Well Program

For participation in this year's *Choose Well, Live Well* program, health assessments must be taken between January 14 and September 30, 2013. You must be enrolled in and complete a wellness plan by September 30, 2013.



### Attention City Members:

You are invited to attend a short meeting to discuss the city's new time keeping process (TASS).

The discussion will be limited to 30 minutes from 5:00–5:30PM, Wednesday, March 6 at Joseph's Grill.

Please be on time if you want to discuss your concerns.

## PEA Calendar of Events 2013

Wednesday, March 6, 2013 ..... Board & Steward Meeting, Joseph's

Tuesday, June 11, 2013 ..... General Membership Meeting, Joseph's



**Professional Employees Association**

CITY OF SAINT PAUL & INDEPENDENT SCHOOL DISTRICT NO. 625

[www.peaonline.org](http://www.peaonline.org)

Mayor  
Chris  
Coleman



# City of Saint Paul 2013 JourneyWell Program



**JourneyWell**  
by HealthPartners®

- 1** Between January 7 and January 18, 2013, schedule your February Health Screening date online.  
Take your health screening during the month of February.
- 2** Take your Health Assessment online between March 15 and April 30, 2013
- 3** Enroll in an online or phone coaching wellness program by June 1, 2013.  
Complete your wellness program by July 31, 2013.

## 2013 TIMELINE

JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY	
<div style="border: 1px solid blue; padding: 5px;"> <b>January 7-18</b> Schedule health screening         </div>	<div style="border: 1px solid blue; padding: 5px;"> <b>February 1-28</b> Take your health screening         </div>	<div style="text-align: center; font-size: 2em; color: white; background-color: #0070C0; border-radius: 50%; width: 40px; height: 40px; margin: 0 auto;">1</div>					
		<div style="text-align: center; font-size: 2em; color: white; background-color: #0070C0; border-radius: 50%; width: 40px; height: 40px; margin: 0 auto;">2</div>	<b>March 15–April 30</b> Take your Health Assessment				
		<div style="text-align: center; font-size: 2em; color: white; background-color: #0070C0; border-radius: 50%; width: 40px; height: 40px; margin: 0 auto;">3</div>	<b>March 15–June 1</b> Enroll in Wellness Program				
			<b>March 15–July 31</b> Complete Wellness Program				

Completion of all of the above will make you eligible to receive \$40/month into the VEBA/HRA if you elect Open Access health insurance in 2014.

 **JourneyWell**  
by HealthPartners®

[www.healthpartners.com](http://www.healthpartners.com)

**SUPPORT:** 952-883-7800 Twin Cities Metro Area  
1-800-311-1052 toll free

# Stewards & Executive Committee Meeting & Dinner

*Wednesday, March 6, 2013*

**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

**Reservations required:** RSVP to Karin at [karin.anderson@ci.stpaul.mn.us](mailto: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,  
President/Vice President Karin Anderson
2. Treasurer's Report, Annette Evans
3. Legal Counsel's Report, Mike Wilde
4. President's Report, Karin Anderson
5. Committee Reports
  - a. Personnel, Julie Kraus
  - b. City Negotiations, Paul Hogrefe
  - c. District Negotiations, David Peterson
6. Adjournment of Combined Meeting

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

**NEXT GENERAL MEMBERSHIP MEETING: June 11, 2013 at Joseph's Grill**

## 2013 Executive Committee

<b>President / Vice President</b>	<b>Karin Anderson</b> <i>karin.anderson@ci.stpaul.mn.us</i>	CAO – 750 City Hall, 15 Kellogg Blvd. W., 55102	651-266-8765
<b>Treasurer</b>	<b>Annette Evans</b> <i>annette.evans@spps.org</i>	SCHOOLS – 360 Colborne, 55102	
<b>Secretary</b>	<b>Brian Krawiecki</b> <i>brian.krawiecki@ci.stpaul.mn.us</i>	DSI – 375 Jackson St., Suite 220, 55101	651-266-9134
<b>Personnel</b>	<b>Julie Kraus</b> <i>julie.kraus@ci.stpaul.mn.us</i>	CAO – 400 City Hall, 15 Kellogg Blvd. W., 55102	651-266-8776
<b>School Negotiations</b>	<b>David Peterson</b> <i>david.peterson@spps.org</i>	SCHOOLS – 360 Colborne, 55102	651-744-8112
<b>City Negotiations</b>	<b>Paul Hogrefe</b> <i>paul.hogrefe@ci.stpaul.mn.us</i>	OTC – 210 City Hall, 15 Kellogg Blvd. W., 55102	651-266-6783

## Staff & Others

<b>Legal Counsel</b>	<b>Mike Wilde, Esq.</b> <i>mwilde8860@comcast.net &amp; mike.wilde24@gmail.com</i>	360 North Robert St., Suite 300, St. Paul, MN 55101	612-227-8425
<b>Newsletter</b>	<b>Sara Nurmela</b> <i>peanewsletter@gmail.com</i>	HREEO – 280 City Hall, 15 Kellogg Blvd. W., 55102	651-266-8974
<b>Webpage</b> <i>www.peaonline.org</i>	<b>John Larson</b> <i>john.larson@ci.stpaul.mn.us</i>	Libraries (SPPL) – 90 W 4th St., 55102	651-266-7044
<b>Office Address</b>	P.E.A.	360 North Robert St., Suite 300, St. Paul, MN 55101	



# Professional Employees Association

CITY OF SAINT PAUL & INDEPENDENT SCHOOL DISTRICT NO. 625

[www.peaonline.org](http://www.peaonline.org)

## 2013 Stewards

<b>CAO / OFS / HREEO / Mayor's Office / Council Res / HR</b>	<b>Regina Etoll</b> <i>regina.etoll@ci.stpaul.mn.us</i>	500 City Hall, 15 Kellogg Blvd. W., 55102	651-266-8726
<b>Fire</b>	<b>Paula Peterson</b> <i>paula.peterson@ci.stpaul.mn.us</i>	645 Randolph Ave., 55102	651-228-6203
<b>Libraries Full-Time (Central / MMC)</b>	<b>Susan Henry</b> <i>susan.henry@ci.stpaul.mn.us</i>	Saint Anthony Park Branch, 2245 Como Ave., 55108	651-642-0411
<b>Libraries Full-Time (Branches)</b>	<b>Kathleen Conger</b> <i>kathleen.conger@ci.stpaul.mn.us</i>	Rondo Community Outreach Library, 461 Dale St., 55103	651-266-7431
<b>LIBRARIES Part-Time</b>	<b>Charlene McKenzie</b> <i>charlene.mckenzie@ci.stpaul.mn.us</i>	Rondo Community Outreach Library, 461 Dale St., 55103	651-266-7419
<b>DSI</b>	<b>Fong Lor</b> <i>fong.lor@ci.stpaul.mn.us</i>	375 Jackson St., Suite 220, 55101	651-266-9098
<b>OTC</b>	<b>Gale Hawkinson</b> <i>gale.hawkinson@ci.stpaul.mn.us</i>	600 City Hall Annex, 25 W. 4th St., 55102	651-266-6781
<b>Parks &amp; Recreation</b>	<b>David Blessing</b>		
<b>PED</b>	<b>Craig O'Brien</b> <i>craig.obrien@ci.stpaul.mn.us</i>	1300 City Hall Annex, 25 W. 4th St., 55102	651-266-6695
<b>Police</b>	<b>Marsha Panos</b> <i>marsha.panos@ci.stpaul.mn.us</i>	367 Grove St., 55101	651-266-5781
<b>Public Health</b>	<b>Sue Butler</b> <i>sue.butler@co.ramsey.mn.us</i>	555 Cedar St., 55101	651-266-1321
<b>Public Works</b>	<b>Bill Vos</b> <i>bill.vos@ci.stpaul.mn.us</i>	900 City Hall Annex, 25 W. 4th St., 55102	651-266-6113
<b>School District</b>	<b>Lyla Griffin</b> <i>lyla.griffin@spps.org</i>	Purchasing & Contract Services, 360 Colborne St., 55102	651-767-8288
<b>School District</b>	<b>George Simon</b> <i>george.simon@spps.org</i>	360 Colborne St., 55102	651-767-8328
<b>School District</b>	<b>Jim Langevin</b> <i>jim.langevin@spps.org</i>	360 Colborne St., 55102	651-744-1818
<b>Water</b>	<b>Justine Roe</b> <i>justine.roe@ci.stpaul.mn.us</i>	1900 Rice St., 55113	651-266-1628