



## The Corner

by Mike Wilde, Legal Counsel

Welcome to the long awaited 2020! Forever it has beckoned from the future and promised us clarity. Of course the numerical year alone has the connection with perfect vision, as measured by the 20/20 vision that those of us over 40 likely have surrendered years ago. But before looking ahead we might look around us and see what has happened to the interests of the working middle class recently.

These are just objective resources for you to consider when you wonder whether working people's interest are being considered. All of these developments have occurred in the last three years:

### Worker safety

- Rolled back enhanced safety standards for offshore oil drilling (<https://www.npr.org/2019/05/03/720008093/trump-administration-moves-to-roll-back-offshore-drilling-safety-regulations>)
- OSHA enforcement falling – focusing on easier/quicker investigations rather than more complex (and impactful) investigations – also failed to fill vacant inspector positions – number of fatality/catastrophic inspections increasing, suggestions these accidents are becoming more common, yet OSHA continues scaling back meaningful enforcement (<https://www.nelp.org/publication/workplace-safety-enforcement-continues-decline-trump-administration/>)
- Weakened the Improve Tracking of Workplace Injuries and Illnesses rule to allow large employers to merely submit injury summaries, rather than detailed info – makes it harder to effectively monitor the most egregious workplace safety violations/violators (<https://www.vox.com/policy-and-politics/2019/1/29/18197346/trump-labor-electronic-injury-reporting-rule>)

### Attacks on unions

- Reversed Obama-era NLRB rules from 2014 which made it easier to classify workers as employees/harder to misclassify them as 1099s – by reversing this rule, it is now easier for employers to misclassify workers as independent contractors, which prevents them from forming unions (because 1099s aren't eligible to do so), as well as denies them overtime and other labor protections (<https://www.bloomberg.com/news/articles/2019-01-25/companies-empowered-by-nlr-to-declare-more-workers-contractors>)
- Johnson Controls decision – makes it easier for employers to decertify lawful unions – employer may withdraw union recognition even if majority of employees still support union – previously had to give the union time to shore up support – now employers can withdraw recognition if a simple majority of employees sign dissatisfaction petition against the union, even if workers change their minds between signing the petition and the actual withdrawal from the CBA (<https://onlabor.org/once-again-the-trump-nlr-has-placed-employer-interests-above-workers-rights/>)

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### 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.

## Labor violations

- 2017 Trump repealed 2014 Fair Play & Safe Workplaces Executive Order requiring employers to report OSHA and labor violations for last three years, making it easier for companies with a history of labor violations to still win federal contracts (<https://www.constructiondive.com/news/fed-watchdog-wants-dod-to-have-better-insight-into-contractors-safety-reco/550792/>)

## Nominated anti-worker activists to highest levels of power

- Neil Gorsuch wrote the majority opinion in the *Epic Systems* case, which allows ERs to force EEs into mandatory arbitration and give up their rights to file class action lawsuits against the ER – effectively denying 60,000,000 workers their right to use the judicial system to adjudicate workplace and labor violations (<https://thinkprogress.org/neil-gorsuch-lashes-out-at-american-workers-cfaf9930ddf1/>)
- Nominated Eugene Scalia as Secretary of Labor – management attorney with a long history of opposing workers and fighting for corporations – fought against health & safety regulations, retirement security, and collective bargaining – opposed fiduciary rule for financial advice, costing workers \$17B/year in conflicted financial advice – opposed ergonomic rules and opposed rules requiring employers to provide protective equipment, forcing employees to pay for safety equipment personally – opposed consumer protections under Dodd-Frank financial reform (<https://www.epi.org/blog/why-eugene-scalia-is-the-wrong-person-for-the-job/>)

## National Labor Relations Board

- The following points come from: <https://www.epi.org/publication/unprecedented-the-trump-nlrbs-attack-on-workers-rights/>
- NLRB has acted on 10/10 wish list items for the Chamber of Commerce
- Stocked NLRB Board with two management attorneys; General Counsel is also a former management attorney
- Has so far left both Democratic seats on the NLRB Board **vacant**, so right now it is only run by Republicans
- Reversed NLRB precedent in 12+ cases in favor of employers, never in favor employees – never sought public input thru amicus briefs, reversing longstanding NLRB policy

My hope is that 2020 and beyond helps rebuild a solid middle class. Rose colored glasses? Perhaps.

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## Professional Employees Association

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CITY OF SAINT PAUL & INDEPENDENT SCHOOL DISTRICT NO. 625

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

*Please join the Executive Committee  
and fellow members for*

*PEA's*

## *General Membership Meeting & Dinner*

**Wednesday, April 8, 2020**

Joseph's Grill  
140 Wabasha Street South  
Saint Paul

**5:30 p.m.** Check in and Social Time

**6:00 p.m.** Dinner – Fajita buffet

**6:45 p.m.** Meeting

*Please RSVP to [justine.roe@ci.stpaul.mn.us](mailto:justine.roe@ci.stpaul.mn.us)  
\$20 for Nonmembers (payable at the door)  
Dinner include a non-alcoholic beverage of your choice*

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### Agenda

- Introduction of Stewards and Executive Committee
- Adoption of minutes from the October 3, 2019, General Membership meeting
- Legal Counsel Update
- Executive Committee Reports
  - President and/or Vice President
  - Treasurer
  - Personnel
  - SPPS Negotiations
  - City Negotiations
- Old Business
- New Business
- Adjourn

Everyone is welcome to attend the dinner and meeting, but only members may vote and participate fully in PEA. If you are not a member, please consider becoming a member today so you can be an active participant in your Association.

## PEA Negotiations with SPPS

*Vaughn Kelly, City Negotiations Chair*

We'd like to extend a huge thanks to our PEA members working at Saint Paul Schools for providing guidance on upcoming negotiations via the recent survey! With a response rate over 75%, we've been given broad sight into our members' collective experience. The next step in our negotiations process is to turn our gaze the other way; to meet with SPPS Human Resources and begin to see the District's strategy for supporting our members over the next couple years. Toward that end, a contingent from the Negotiations Committee will be meeting with HR soon (currently scheduled for February 5). At that point, we will also try to develop at least an outline schedule for continued negotiations. In all likelihood, as that schedule plays out and the information base grows, we'll be reaching back out to our members for additional input. In the meantime, please feel free to reach out to any of the following people, who will be meeting directly with HR on your behalf:



Charlie Colvin, Negotiations, LMCHI	651.283.9705	charles.colvin@spps.org
Madeline Ramirez, Negotiations	651.744.3470	madeline.ramirez@spps.org
Vaughn Kelly, Negotiations Chair	651.274.6166	vaughn.kelly@spps.org
Mike Wilde, PEA Legal Counsel	612.227.8425	mike.wilde24@gmail.com

Again, thank you very much for your contributions thus far!

We look forward to continued collaboration.



## PEA CALENDAR OF EVENTS 2020

- Wednesday, January 8 ..... Board & Stewards Meeting, Joseph's  
(stewards & executive board only)
- Wednesday, April 8 ..... General Membership Meeting, Joseph's
- Wednesday, July 8 ..... Board & Stewards Meeting, Joseph's  
(stewards & executive board only)
- Wednesday, October 14 ..... General Membership Meeting, Mancini's

## City Negotiations Update

Joe Musolf, City Negotiations Chair



Hello City PEA Colleagues,

I hope you'll find this brief update and explanation about our contract negotiation process helpful.

As I'm sure most of you are aware, PEA City employees are now in our third and final year of a three year "Collective Bargaining Agreement between the City of Saint Paul and Professional Employees Association" (available for your reading pleasure at PEA's and City HR's websites). The Agreement is in effect through 12/31/20, but will continue to be in effect beyond that date until it is modified or replaced. Sometime in the later months of this year, PEA and the City will formally indicate our desire to negotiate a new contract, and we'll settle on a negotiation process and timeline.

I've been involved in this process twice, as a volunteer participant with PEA's City Negotiations Committee. By your vote, I now serve as Chair of this committee (and participate as a member of PEA's Executive Board). PEA Vice President Justine Roe served as City Negotiations Committee Chair in the two previous negotiation rounds, and PEA President Regina Etoll has been an active committee participant for many years. PEA's Legal Counsel, Mike Wilde, has also been at the negotiation table for many years. So, there's a lot of contract negotiation experience at our disposal.

Ultimately, the negotiation process culminates in PEA and City Labor Relations folks sitting down across the table from each other and hashing out our positions.

I expect, as in past years, both sides will request some changes to various aspects of the Agreement, and we'll push and pull during a series of meetings and to find some mutual acceptable result. Only a couple of us from PEA will be at the table, along with Mike Wilde.

Obviously, the big issue on everyone's mind regarding contract negotiation is wages. We'll certainly ask for and fight for wage increases. But there are other issues governed by the contract that affect us in profound ways that might also be points of negotiation. Our contract governs such things as night differential, vacation, severance pay, and employer deferred compensation match, just to name a few.

Our negotiations priorities should reflect the desires of our general membership. To that end, I've been passively maintaining a list of issues that have been brought to my attention over the past two years. I'll be organizing a volunteer committee now to assist me in a more active process of soliciting ideas and concerns for the membership, and then sorting through those issues and prioritizing.

With help from the Stewards, I'll send out more information about ways in which you can participate in the committee and/or make your ideas and concerns be heard.

As always, feel free to contact me with any question or concerns.

### A quick heads up about new benefits debit card *(for city employees)*

121 Benefits is a great company, and debit cards are a very convenient way to access your FSA funds immediately, directly from your account.

#### **But be sure to keep your receipts when you use your debit card!**

Keep all receipts/statements in a handy spot for debit card purchases. Note that the FAQ from the 121 Benefits website instructs you to keep any itemized statements or explanation of benefits.

<https://www.121benefits.com/participants/faqs/>

If a receipt or documentation is needed you will receive notification from 121 Benefits. You may be asked to provide receipts many months after the debit card transaction. If an employee is unable to provide documentation for the debit card charge, you will have to reimburse the plan.



## Minutes from

### PEA General Membership meeting — October 3, 2019

*Attendees:* Karin Anderson, Brian Balfanz, Jeremy Berger, Mary Ann Berglund, Lora Boehlke, Pam Bookhout, Peter Borgen, Shannon Broderick, Timothy Buer, Martha Burckhardt, Michael Christen, Babalola Coker, Charlie Colvin, Kathleen Conger, David Crawford, Amando Dickerson, Jeremy Erickson, Josephine Geiger, Jim Giebel, Salam Hamid, Laura Haynssen, Jean Hehn, Katie Hemsworth, Jenna Hernandez, Kara Hirdman, Johnny Howard, Robert Huntley, Sarah Jenkins, Henry Jerome, Tony Johnson, Kelsey Johnson-Kaiser, Patty Lammers, John Larson, Cha Lee, Shawn McDonald, Will Menkhaus, Mike Michaud, Menaka Mohan, Bridget Morales, Tanvir Noor, Dennis Rosemark, Peter Rudrud, Paul Sawyer, Sue Sevlie, Asha Shoffner, Claire Simonson, Leslie Spring, Michelle Swanson, Angie Tillges, Song Vang, Zong Vang, Bill Vos, Angela Vreeland, Tricia Wehrle, See (CJ) Yang, Tou Yang, Sarah Zorn, Regina Etoll (President), Vaughn Kelly (School District Negotiations), Julie Kraus (Personnel Chair), Joe Musolf (City Negotiations), Sara Nurmela (Secretary & Newsletter Editor), Justine Roe (Vice President), Mike Wilde (Legal Counsel)

Meeting called to order at 6:14pm.

Introduction of stewards and executive committee members. Thank you for all of your hard work for PEA.

#### Secretary's Report

Minutes from April 4, 2019 general membership meeting (as printed in the Q1 2019 newsletter) approved as written. Motion by Kathleen Conger, seconded by Karin Anderson.

If any edits are needed please let Sara Nurmela or a board member know.

#### Legal Counsel Update

Mike told a story about growing up in a family that was part of a union. He then went to school and studied labor law. PEA took a chance on hiring him, and has been his longest client. Mike's wife Tammy Wilde passed away in July, and was always supportive of PEA and Mike's involvement with our union. His experience with PEA has been nothing but rewarding. He appreciates the support from everyone that has been there for him over the past few months.

Everyone that comes into a professional title in SPPS or city is in PEA. Benefits have been negotiated since 1976. All benefits have been negotiated except the contract does have a "just cause" provision for new employees. New employees are on probation for a year. There have been times where the department or Human Resources has asked to extend probation for an employee.

Out of classification pay — both contracts have a provision that says if you are working out of title for an extended period of time (about 15 days) you will be paid for working in that title. It is a contractual provision, and if it is happening to you, call your steward or an executive board member.

Stewards have an ever-changing role – if you have an issue, call them. There is no real handbook for being a steward, but they should be knowledgeable about the contract and PEA. In addition, Mike is available as a resource as well.

## **President's Update**

Regina said that the executive board and members are very thankful for everything Mike does and has done for PEA. Tammy was very attentive, wonderful, and helpful with VEBA and LMCHI issues.

## **Treasurer's Report**

In Beth's absence, Regina gave a treasurer's report.

Last year PEA had an end of September 2018 fund balance of \$96,458.74.

This year at the end of September 2019, \$96,796.19 — balance is almost identical, which means that the union's funds are holding steady.

## **Committee Chair Reports**

### **Personnel**

October 2018 – 290 full time and regular members

October 2019 – 317 regular members

55 nonmembers both in 2018 & 2019

2018 – 354 total represented

2019 – 382 total represented

### **School District Negotiations**

Vaughn has a negotiations committee mostly assembled – first meeting is next week Wednesday.

### **City Negotiations**

We have another 14 months of our current contract, it runs through December 2020. On January 4, 2020 – 2.75% raise.

Some people have already expressed interest in joining the negotiations committee.

First meeting will be in January 2020. More info to come in spring of 2020. Please let Joe know if you have particular issues that you would like the negotiations committee to consider.

## **Subcommittee Updates**

### **Member Outreach & Education Coordinator**

Jeremy Berger – has been and will be meeting with new employees about PEA and bringing them a gift packet. Packets include newsletter, steward info, sign up sheet, copy of contract, Caribou gift card, and battery backup. Feel free to send him an email if you have any questions or comments.

### **Labor Management Committee Health Care Committee — LMCHCC (School District)**

Charlie Colvin has stepped up to represent PEA at the school district LMCHCC meetings.

The Saint Paul Federation of Teachers and a bargaining unit from Teamsters elected to leave the health care contract, which would have resulted in a 4 million dollar penalty. The LMCHCC was successful in having them delay leaving the contract and avoiding the penalty. Charlie assisted in this effort and met with the school board multiple times. The good news is that they are sticking with their health care contract, and the LLMCHCC group has agreed to work together to make things better for all the bargaining units. Charlie looks forward to continuing to work with this group.

Regina thanked Charlie for stepping up and helping out with the issues over the summer.

### **Labor Management Committee on Health Insurance — LMCHI (City)**

Karin Anderson is PEA's representative on LMCHI for city employees, they meet twice a month.

There's a lot going on. Committee is strongly supported by management and unions. A lot of things are changing in 2020. After December, claims will no longer be submitted to cielostar. At the end of the year, be sure to look at your accounts and if there are issues contact HR right away.

121 Benefits will be handling claims in 2020. Karin said they are very professional. Debit card for flex spending funds will be returning in 2020. VEBA will be moving to different management as well. May be able to move that money into different funds or investment. You will have your own account and be able to know and manage your own funds.

The wellness program is also changing in 2020. Many of the same wellness items will be part of the program next year.

There is the potential that if a federal tax is not implemented, that insurance could cost less.

### **President's Report**

Regina reminded everyone to be aware about city employee Open Enrollment is from October 14 through October 25.

Schools open enrollment and October 23 – November 1. Be sure to go to employee self-service and make sure that your address and phone number is listed in the system. Schools will be sending reminders to employees using this contact information. (Including snow day notifications.) There is a 40 page interactive benefits book on your intranet site. You can contact [benefits@spps.org](mailto:benefits@spps.org) with questions, they will respond faster if you use your school email account.

Deferred comp is another benefit that PEA negotiates for in both contracts. \$500 match for city benefits, \$1250 match for school district employees. Be sure to take advantage of this benefit.

### **New Business**

No new business from the floor.

### **Elections**

PEA is one of the most democratic organizations that Mike has ever worked for. We posted in the newsletter and in emails asking if any wanted to run. No one has stepped forward.



There are attendance requirements that must be met – must have attended at least one general membership meeting in the past year. Mike requested any nominations from the floor for each of the following positions, but there were no additional nominations.

Position — candidate(s)

Positions running unopposed, no nominations from the floor — approved by acclamation by members present at the meeting.:

President — Regina Etoll

Vice President — Justine Roe

Treasurer — Beth Ulrich

Secretary — Sara Nurmela

Personnel — Julie Kraus

School District Negotiations Chair — Vaughn Kelly

City Negotiations Chair – Joe Musolf

### **Member Recognition**

Almost 20 years ago PEA started a member recognition award. This year PEA faced a large issue with the health insurance in the school district. We were very fortunate that Charlie Colvin not only took on the task, but led a misfit group of employees in this issue. There was no help book, he just did it. That's what leadership and advocacy is. He did this work for other people. His colleagues also endorsed him for this award. He was successful in turning around the teacher's union in their decision to leave the health care contract. Congratulations Charlie on being the recipient of the PEA John Blackstone Member of the Year award.

Charlie is very thankful and honored to receive the award, and said that he helped out because it was the right thing to do. He has an incredible sense of mission working for the school district.

Meeting adjourned at 7:46pm.

**Don't forget to RSVP**

**for the April 8 General Membership Meeting**

email your RSVP to Vice President Justine Roe at  
[justine.roe@ci.stpaul.mn.us](mailto:justine.roe@ci.stpaul.mn.us)



# Professional Employees Association

CITY OF SAINT PAUL & INDEPENDENT SCHOOL DISTRICT NO. 625

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

## Executive Committee

<b>President</b>	<b>Regina Etoll</b> <i>regina.etoll@ci.stpaul.mn.us</i>	CAO – 500 City Hall, 15 Kellogg Blvd. W., 55102	651-266-8726
<b>Vice President</b>	<b>Justine Roe</b> <i>justine.roe@ci.stpaul.mn.us</i>	WATER – 1900 Rice St., 55113	651-266-1628
<b>Treasurer</b>	<b>Beth Ulrich</b> <i>beth.ulrich@ci.stpaul.mn.us</i>	PED – 1400 City Hall Annex, 25 W. 4th St., 55102	651-266-6689
<b>Secretary</b>	<b>Sara Nurmela</b> <i>peanewsletter@gmail.com</i>	HREEO – 280 City Hall, 15 Kellogg Blvd. W., 55102	651-266-8974
<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>Vaughn Kelly</b> <i>vaughn.kelly@spps.org</i> <i>peanegotiations.spps@gmail.com</i>	1930 Como Ave., 55108	651-744-1682
<b>City Negotiations</b>	<b>Joe Musolf</b> <i>joe.musolf@ci.stpaul.mn.us</i>	PED – 1400 City Hall Annex, 25 W. 4th St., 55102	651-266-6594

## Staff & Others

<b>Legal Counsel</b>	<b>Mike Wilde, Esq.</b> <i>mike.wilde24@gmail.com</i>	545 7th St. W Saint Paul, MN 55102	612-227-8425
<b>Member Outreach &amp; Education Coordinator</b>	<b>Jeremy Berger</b> <i>jeremy.berger@ci.stpaul.mn.us</i>	645 Randolph Ave., 55102	651-228-6257
<b>LMCHI (City)</b>	<b>Karin Anderson</b> <i>karin.anderson@ci.stpaul.mn.us</i>	CAO – 700 City Hall, 15 Kellogg Blvd. W., 55102	651-266-8765
<b>LMCHC (SPPS)</b>	<b>Charlie Colvin</b> <i>charles.colvin@spps.org</i>	1930 Como Ave., 55108	651-744-6309
<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> <a href="http://www.peaonline.org">www.peaonline.org</a>	<b>John Larson</b> <i>john.larson@ci.stpaul.mn.us</i>	Libraries (SPPL) – 90 W 4th St., 55102	651-266-7044
<b>Mailing Address</b>	<b>Professional Employees Association</b>	PO Box 7333 Saint Paul, MN 55107-0333	

## Stewards

<b>DSI &amp; Police</b>	<b>Brian Balfanz</b> <i>brian.balfanz@ci.stpaul.mn.us</i>	367 Grove St., 55101	651-266-5531
<b>Fire, Emergency Management, CAO, OFS</b>	<b>Patricia Lammers</b> <i>patricia.lammers@ci.stpaul.mn.us</i>	367 Grove St., 55101	651-266-5455
<b>Libraries</b>	<b>Peter Borgen</b> <i>peter.borgen@ci.stpaul.mn.us</i> <i>PeterBorgenUnionSteward@gmail.com</i>	Highland Park Library, 1974 Ford Parkway, 55116	651-695-3700
<b>Libraries</b>	<b>Kathleen Conger</b> <i>kathleen.conger@ci.stpaul.mn.us</i>	George Latimer Central Library 90 W 4th Street, 55102	651-266-7000
<b>Libraries</b>	<b>Therese Scherbel</b> <i>therese.scherbel@ci.stpaul.mn.us</i>	George Latimer Central Library 90 W 4th Street, 55102	651-266-7048
<b>OTC / HREEO</b>	<b>Luke Vang</b> <i>luke.vang@ci.stpaul.mn.us</i>	600 City Hall Annex, 25 W. 4th St., 55102	651-266-6789
<b>Parks &amp; Recreation</b>	<b>Mary Henke-Haney</b> <i>mary.henke-haney@ci.stpaul.mn.us</i>	1100 North Hamline Ave., 55108	651-248-6500
<b>PED</b>	<b>Sarah Zorn</b> <i>sarah.zorn@ci.stpaul.mn.us</i>	1100 City Hall Annex 25 W. 4th St., 55102	651-266-6570
<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>Jim Engen</b> <i>jim.engen@spps.org</i>	360 Colborne St., 55102	651-767-8346
<b>School District</b>	<b>Brianna Nyquist</b> <i>brianna.nyquist@spps.org</i>	1930 Como Ave., 55108	651-744-1807
<b>School District</b>	<b>Jerry Skelly</b> <i>jerry.skelly@spps.org</i>	360 Colborne St., 55102	763-422-9624
<b>Water</b>	<b>Sarah Brown</b> <i>sarah.brown@ci.stpaul.mn.us</i>	1900 Rice St., 55113	651-266-1635