



Letter from the President

by Joe Musolf, Interim President

Dear PEA Colleagues,

As many of you certainly know, in early July, then PEA President Regina Etoll accepted a new position in the City Attorney Office. Her new position is represented by a different bargaining unit, so unfortunately she's no longer a member of PEA. Regina resigned from the President position and, per our bylaws, as the elected Vice President, I have become your Interim President for the remainder of Regina's term.

I'm happy for Regina's opportunity to advance her career, but sad to see her leave our membership and the PEA leadership team. I encourage all of you to reach out to Regina and express your thanks for her service to our organization. And, if you join us at the upcoming General Membership Dinner and Meeting in October, we'll be sure to make space to do so collectively as part of the evening's program.

PEA elects its Executive Committee annually at our Fall General Membership meeting. Elected positions include President, Vice President, Secretary, Treasurer (these are referred to as "Officers" of the Association); and Chairpersons of three standing committees: the Personnel Committee, the City Negotiations Committee, and the School District Negotiations Committee. All positions have one-year terms, from January 1st thru December 31st. I am presently fulfilling the remainder of Regina's President term, through 12/31/22. The VP position is technically vacant, but the Executive Committee decided to leave it open until the upcoming elections. We will ask candidates for the VP position to be ready to assume the VP duties immediately upon election. All other Executive Committee positions will transition on January 1.

Please consider running for an Executive Committee position. Information about the nomination and election process is included elsewhere in this newsletter. I would be happy to visit with anyone who has questions about the roles and commitments. Also, PEA has many other opportunities to get involved. We always encourage participation in our Negotiations Committees. We'd love more help with new hire outreach and member engagement. And of course our Stewards would welcome your input and support in managing issues specific to your departments.

I hope many of you join us at the upcoming General Membership Dinner and Meeting at Mancini's Char House on October 25th. This is not only an important business session (elections!), it is also a wonderful opportunity to learn more about the state of affairs of our organization, and it's a great way to meet and socialize with colleagues across our two employer groups and across various departments.

It is an honor to serve as your Interim President. Please don't hesitate to contact me with any questions or concerns. And RSVP to the General Membership Dinner and Meeting!

Respectfully,

Joe

joe.musolf@ci.stpaul.mn.us

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.

The Corner

by Mike Wilde, Legal Counsel

Collective Benefit Received; Individual Refund Denied

This July the United States Court of Appeals from the Eighth Circuit ruled on two cases relevant to Minnesota's public unions. Both of the cases were decided in favor of the public unions, which seem to be a rare occurrence in this past decade. The cases have very similar facts. In both appellate cases the plaintiff-appellants were public employees who filed a lawsuit against their unions to recover the fair-share dues that were collected before the *Janus v. AFSCME* Supreme Court case of 2018.

You probably recall that Minnesota's Public Employee Labor Relations Act (PELRA) authorized public unions to collect fair-share dues from those employees in its bargaining unit who declined membership. The fair-share dues were specifically authorized under Minnesota statute §179.06. However, these fair-share dues were limited to the equivalent of the cost of regular membership dues, less the cost of benefits that were available only to members. There was another limitation. The fair-share dues could never exceed 85% of the regular members dues even if the union provided exactly the same benefits to members and nonmembers, alike.

PEA conducted business in a very simple and transparent way so as to avoid any fair-share fee conflict. First, we offered exactly the same benefits to nonmembers, including the general membership meals, gifts and door prizes that were funded exclusively through their dues-paying colleagues. Second, we avoided lobbying or political endorsement activities. This prevented any nonmember from claiming that PEA used fair-share dues for "ideological or political causes." The calculation was simple: PEA's fair-share dues were 85% of regular dues. That is \$27.20 per month.

The summer prior to the *Janus* decision PEA's fair-share members represented 22% of the employees in our bargaining units at the City and School District.

In 2018 the United States Supreme Court overturned 41 years of precedent established in its long standing *Abood v. Detroit Bd. of Education* from 1977. That case supported the notion that there are no "free riders" when the union is negotiating and representing for

the overall improvement of everyone's working conditions. Sadly, the *Janus* Court now gives permission for "free riders," by making it unconstitutional to deduct fair-share fees without first obtaining the employees' affirmative consent.

Two weeks ago the Eighth Circuit Court of Appeals rejected the fair-share members attempt to recover all of the dues that their unions collected before the *Janus* decision. In short, the Court said that the Minnesota public unions acted in good-faith when they relied on the Minnesota State statute. In addition, we had 41 years of Supreme Court case law to support us.

Like a lot of strategic litigation, these cases were not as much about recovering the monthly dues for five employees who felt they lost a significant amount of money. In fact, one of the plaintiffs was offered 100% of dues repayment plus interest by his former union, only to **reject** the settlement payment. No – It's not about a few thousand dollars in dues money. The purpose of the litigation is to further inflict economic injury on public unions. This is not conspiracy, but instead it is as clear as the groups that funded the litigation: The Center for the American Experience and the Freedom Foundation. They believe that collective bargaining is antithetical to the American way. I'm a bit unclear on how standing together and negotiating for improved conditions is un-American. Isn't *E Pluribus Unum* the very motto that represented the several colonies forming a "Union" of states to address their fate?

I guess if its threatening to power it should be labeled un-American.

The Court agreed with the Unions and said a reliance on the state law in place at the time was good enough. PEA now relies on *Janus* itself to allow our nonmembers to freely choose their membership status. If they decline and later want PEA representation, PEA will rely on our existing policy and their affirmative consent to pay for representation. It's the members reliance on the age-old principle that there is no free lunch.

PEA Calendar of Events 2022

*** DATE CHANGE ***

Tuesday, October 25 General Membership Meeting, Mancini's

See invite in this newsletter & be sure to RSVP

*** Nomination and Election Notice ***

Nominations and elections for the seven (7) executive committee positions will be held on **Tuesday October 25** during our PEA general membership meeting. This notice was also provided to all members through their Stewards in August 2022.

The incumbents below have informed the Board that they intend on running again in their same position or in a new position that will be vacated at the end of the term:

President – *Joe Musolf* (interim due to Regina Etoll’s resignation)

Vice President – *Sara Nurmela*

Treasurer – *Beth Ulrich* (incumbent)

Secretary –

Personnel –

Negotiations (SPPS) –

Negotiations (City) – *Patty Lammers* (incumbent)

Three (3) of the prior incumbents who decided to step down are Regina Etoll, Julie Kraus, and Vaughn Kelly from the President, Personnel Chair, and School Negotiations Chair positions respectively. Sara Nurmela has served as Secretary and is running for Vice President. Open positions will be filled through the October election.

Qualifications

Pursuant to the Constitution and Bylaws as ratified and amended at the April 2018 General Membership meeting, “*members are qualified to run for office on the Executive Committee or hold steward positions provided they have joined as a member in good standing one year before the election or appointment for the Executive Board or selection for a steward position and have attended at least one general membership meeting in the past 12 months.*” However, the Board has again voted to temporarily suspend the attendance qualification for 2022 (as underlined) because the COVID-19 pandemic has continued to interrupt regular meetings and prevented attendance. PEA wants to be inclusive to all members who would like to run for office.

Also stated in the Constitution and Bylaws “[e]ach nominee is encouraged to submit a short biography that will be submitted in the meeting notice and/or newsletter preceding the election meeting*. Qualified members that are nominated from the floor understand that they will not have had the opportunity to submit such biography for the meeting notice or newsletter.”

* If there are new candidates, a Special Election Newsletter will be sent out with submitted biographies if there are new candidates and they submit a biography by September 23. Otherwise the bios for many of the incumbents can be found at peaonline.org by clicking on Newsletter and Elections Special under 2021.

Nominations and biographies should be sent to Mike Wilde (mike.wilde24@gmail.com) or made through participation at the meeting. Nominations can be made for any position. Nonmembers cannot participate in the nomination process, election, or voting.

Diversity is important in the healthy functioning of all organizations. All members are encouraged to fully participate and consider running for office.

PEA's Fall General Membership Meeting & Dinner

Tuesday October 25, 2022 • 5:30 pm

Mancini's Char House
531 7th St W, St Paul, MN

5:30 pm – Registration & Appetizers

6:00 pm – Dinner

6:30 – Meeting

Agenda

- Introduction of Stewards and Executive Committee Members
- Approval of April 13, 2022 General Membership meeting minutes
- Board and Committee Reports
- Legal Counsel Update
- Elections
 - *only members attending the meeting may vote*
- Member Recognition
- Adjournment

Please RSVP by Friday October 14

to **joe.musolf@ci.stpaul.mn.us**

with your choice of entrée
steak, chicken, walleye or vegetarian
or any special dietary needs

Dinner is complimentary for members,
\$20 for non-members – cash or check accepted

Minutes from

PEA Executive Board meeting – April 13, 2022

Attendees: Nathan Aadland, Dennis Rosemark, Isaac Afwerke, Alexis Rossow, Anne Ahiers, Peter Rudrud, Lucy Angelis, Lianna Sanders, Brian Balfanz, Jolene Santema, Peter Borgen, Paul Sawyer, Shannon Broderick, Therese Scherbel, Sarah M. Brown, Warsame Shirwa, Jennifer Clark, Jerry Skelly (left before dinner), Kathleen Conger, Ryan Stanzel, David Crawford, Alexandra Swan, Kelsey Curran, Michele Swanson, Alexander Davison, Angela Tillges, Erin Dimond, Beth Ulrich, Derek Engelking, Austine Vaughn-Bergling, Regina Etoll, Ashley Verdeck, Jean Filipkowski, Bill Vos, Sarah Gerdes, Angela Vreeland, Terry Giinther, Erica Wacker, Sarah Haas, Iris Winter, Catherine Hemsworth, Sarah Zorn, Mary Henke-Haney, Joshua Hern, Mike Wilde, Xenia Hernandez, Johnny Howard, Scott Hvizdos, Henry Jerome, Jason Jones, Kaziah Josiah, Vaughn Kelly, Alexandra Klarich, Claudia Klinkhammer, Julie Kraus, John Larson, Pa Lee, Karl Mueller, Brigid Murphy, Joe Musolf, Laurie Niblick, Alexandra Nicome, Randall Niemeyer, Sara Nurmela, Brianna Nyquist, Jennifer Peredia, Derek Peterson, Jeanette Rebar, Jonathan Reisetter, Mary Rick, Angela Riffe, Justine Roe

Meeting called to order at 6:17pm.

Introduction of executive board, stewards, & special committee chairpersons.

Secretary's Report

Minutes from October 12, 2021 general membership meeting approved as written. Motion by Peter B, seconded by Jean F.

Treasurer's Report

March 2022 Month End Balance= \$109,204.91

February 2022 = \$ 111,040.77 (- 1,835.86)

March 2021 = \$ 107,452.83 (+ 1,752.08)

Funds are stable.

Legal Counsel Report / Update

Mike has been with PEA since 1994. A past president would start with fun facts –

Fun fact: Avg American checks their phone 334 times per day.

Since 2008 (13 years ago) the amount of PEA members from SPPS has about doubled.

In Minnesota, union dues cost range between \$650 to \$1400 per year. PEA's dues are less than 60% of the low range.

Negotiations upcoming in the schools and in the city. Patty L, city negotiations chair, is getting a jump on things. Vaughn K is working on putting a survey together.

PEA website is a valuable resource to find contracts and constitution and bylaws. peaonline.org

Committee Chair Reports

Personnel

As of April 14, 2021:

City – 282 total, 35 are non-members

SPPS – 105 total, 24 are non-members

Total: 387 represented, 59 are non-members

As of April 13, 2022:

City – 293 total, 36 are non-members

SPPS – 109 total, 20 are non-members

Total: 402 represented, 56 are non-members

School District Negotiations

A negotiations committee & sub-committee have been assembled. Have had one meeting so far. Will take next steps soon. A survey will be coming out in the next couple weeks. Looking to get input from all schools members, please keep an eye out for the survey. Reach out to Vaughn if you have any questions or feedback.

City Negotiations

The city has formed a negotiations committee. Keep an eye out for emails from the negotiations committee, and respond if needed. Patty worked to get a wide variety of folks from different departments to be on the committee.

LMCHI & LMCHC

An RFP that has gone out for health insurance – no real news to report yet.

Break for dinner.

New Business

Reminder to both schools & city members that there is a deferred comp match. \$600 yearly match for city, \$1450 yearly match for school district members. Regina attended a retirement gathering where the person talked about how important the deferred comp money was for retirement. Money will roll over if you leave employment with the city or school district. Don't leave free money on the table – be sure to take advantage of this benefit.

Question raised by Mary H-H, Parks steward: to think about – purpose of general membership meetings in person. What are goals and aims with meetings – how can meetings be more accessible for those that cannot be in attendance. Can we revisit how to do meetings and make them more accessible to members? There are some members that are unable to attend meetings in the current format/schedule. Is there a way we can separate more social meetings from business side of meetings? Especially if attendance is required for running for a position as steward or executive board.

Tonight's meeting has about twice as many folks in attendance as we had at zoom general membership meetings.

Suggestions: take survey, take comments, learn what issues are, discuss options at steward meeting. Find out why people aren't attending – what are the barriers?

Hybrid is an option, but there are logistical issues as well. Would need to have wi-fi availability, ability to monitor zoom, how to include folks if online.

Motion by Mary H-H: To form a committee to explore options to adapt meetings to make them more accessible. Seconded by Peter B. Accepted by majority of those in the room.

Question from a Parks member about bereavement leave – why does it come from sick time hours? Per Mike, it would likely have to be included with city negotiations to change it to a separate set of hours for bereavement. Vaughn mentioned that they made a change to bereavement time in the schools contract.

Newsletter articles are due April 22 – anyone can submit an article. Submit to peanewsletter@gmail.com

Meeting adjourned at 7:50pm.

A Note From the Outgoing Personnel Chair

by Julie Kraus, Personnel Chair

Hi all PEA members:

After 10 years of serving as your Personnel Chair, I have decided not to run in this year's election. Any PEA member in good standing is eligible to run for the open position. The Personnel Committee Chair is the liaison to the stewards. The Chair shall keep a roster of all members in good standing. The Chair is responsible for the dissemination of information to the stewards and for coordinating the election of stewards. The Personnel Chair shall have one vote on the Executive Committee. Here are some of the duties involved:

1. Maintain a current list of members, nonmembers and pending members.
2. Send new employee reports from HR to the Member Outreach Coordinator so they can contact the employee.
3. Send Welcome Email to new employees.

4. Email new PEA member's deductions forms to HR for processing
5. Send monthly reports to PEA Executive Committee, Stewards and Member Outreach Coordinators prior to each meeting.
6. Forward emails from Executive Committee to Stewards so they can then forward them to their respective members and nonmembers.
7. Coordinating the election of any new stewards.

You need to also be able to attend 12 monthly meetings a year (8 Executive Board only Meetings; 2 Steward/Executive Boards meetings and 2 General Membership Meetings). This position takes a person who likes detailed work. I hope you will consider running for this position. It can be challenging at times but very rewarding knowing you are a part of making your union stronger.



Professional Employees Association

CITY OF SAINT PAUL & INDEPENDENT SCHOOL DISTRICT NO. 625

www.peaonline.org

Executive Committee

President	<i>vacant</i>		
Interim President / Vice President	Joe Musolf <i>joemusolf@ci.stpaul.mn.us</i>	PED – 1400 City Hall Annex, 25 W. 4th St., 55102	651-266-6594
Treasurer	Beth Ulrich <i>beth.ulrich@ci.stpaul.mn.us</i>	PED – 1400 City Hall Annex, 25 W. 4th St., 55102	651-266-6689
Secretary	Sara Nurmela <i>peanewsletter@gmail.com</i>	HREEO – 280 City Hall, 15 Kellogg Blvd. W., 55102	651-266-8974
Personnel	Julie Kraus <i>julie.kraus@ci.stpaul.mn.us</i>	CAO – 400 City Hall, 15 Kellogg Blvd. W., 55102	651-266-8776
School Negotiations	Vaughn Kelly <i>vaughn.kelly@spps.org</i> <i>peanegotiations.spps@gmail.com</i>	1930 Como Ave., 55108	651-744-1682
City Negotiations	Patty Lammers <i>patricia.lammers@ci.stpaul.mn.us</i>	367 Grove St., 55101	651-266-5455

Staff & Others

Legal Counsel	Mike Wilde, Esq. <i>mike.wilde24@gmail.com</i>	545 7th St. W Saint Paul, MN 55102	612-227-8425
Member Outreach & Education Coordinator	Michelle Bergman Aho <i>michelle.bergman-aho@spps.org</i>	1930 Como Ave., 55108	651-744-2226
Member Outreach & Education Coordinator	Tim Buer <i>tim.buer@ci.stpaul.mn.us</i>	1225 Estabrook Dr., 55103	651-487-8271
LMCHI (City)	Karin Anderson <i>karin.anderson@ci.stpaul.mn.us</i>	CAO – 700 City Hall, 15 Kellogg Blvd. W., 55102	651-266-8765
LMCHC (SPPS)	<i>vacant</i>		
Newsletter	Sara Nurmela <i>peanewsletter@gmail.com</i>	HREEO – 280 City Hall, 15 Kellogg Blvd. W., 55102	651-266-8974
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
Mailing Address	Professional Employees Association	PO Box 7333 Saint Paul, MN 55107-0333	

Stewards

Police, Fire, Emergency Management Public Health	Warsame Shirwa <i>warsame.shirwa@ci.stpaul.mn.us</i>	367 Grove St., 55101	651-266-8593
CAO, OFS, DSI	Jean Filipkowski <i>jean.filipkowski@ci.stpaul.mn.us</i>	CAO – 500 City Hall, 15 Kellogg Blvd. W., 55102	651-266-6262
Libraries	Peter Borgen <i>peter.borgen@ci.stpaul.mn.us</i> <i>PeterBorgenUnionSteward@gmail.com</i>	Highland Park Library, 1974 Ford Parkway, 55116	651-695-3700
Libraries	Kathleen Conger <i>kathleen.conger@ci.stpaul.mn.us</i>	George Latimer Central Library 90 W 4th Street, 55102	651-266-7000
Libraries	Therese Scherbel <i>therese.scherbel@ci.stpaul.mn.us</i>	George Latimer Central Library 90 W 4th Street, 55102	651-266-7048
OTC / HREEO	Derek Engelking <i>derek.engelking@ci.stpaul.mn.us</i>	1200 City Hall Annex, 25 W. 4th St., 55102	651-266-6748
Parks & Recreation	Mary Henke-Haney <i>mary.henke-haney@ci.stpaul.mn.us</i>	1100 North Hamline Ave., 55108	651-248-6500
Parks & Recreation – Zoo & Conservatory	Anne Ahiers <i>anne.ahiers@ci.stpaul.mn.us</i>	1225 Estabrook Dr., 55103	651-487-8274
PED	Sarah Zorn <i>sarah.zorn@ci.stpaul.mn.us</i>	1100 City Hall Annex 25 W. 4th St., 55102	651-266-6570
Public Works	Bill Vos <i>bill.vos@ci.stpaul.mn.us</i>	900 City Hall Annex, 25 W. 4th St., 55102	651-266-6113
School District	Kelsey Curran <i>kelsey.curran@spps.org</i>	360 Colborne St., 55102	651-767-8115
School District	Brianna Nyquist <i>brianna.nyquist@spps.org</i>	1930 Como Ave., 55108	651-744-1807
School District	Jerry Skelly <i>jerry.skelly@spps.org</i>	360 Colborne St., 55102	763-422-9624
Water	Sarah Brown <i>sarah.brown@ci.stpaul.mn.us</i>	1900 Rice St., 55113	651-266-1635