



Letter from the President

by Joe Musolf, President

Dear PEA Colleagues,

It's been an active couple of months in PEA business. I'm pleased to share with you two positive, important updates: 1) a new Collective Bargaining Agreement with the City has been ratified; and 2) we have a new member of the PEA Executive Committee, School Negotiations Chair Mike Dosedel.

On May 16-17, 2023, City members participated in a vote regarding a new 2023-2025 CBA with the City. The majority of voters were in favor of ratifying the collective bargaining agreement (CBA). PEA and the City will now get the CBA fully executed and adopted, and in the next month or so we will see pay-rate increases and back pay reflected on our paychecks. There are a number of important changes to the terms of our employment in this new CBA, including cost of living increases, longevity pay, acceleration of step progression, expanded paid parental leave benefits, changes to bereavement leave, vacation increase for some members, elimination of 2 civil service rules pertaining to hiring processes, and a new performance pay provision for those members at the top step.

There is a lot to understand and absorb in this new CBA. PEA leadership is committed to ongoing education about these changes. Please contact me, or your Steward, or City Negotiations Chair Patty Lammers if you have any lingering questions. Speaking of Patty, I want to once again say THANK YOU for her effective leadership of the City Negotiations team and their extraordinary efforts to 1) gather negotiation priorities information from members, 2) firmly negotiating with those membership-identified priorities in mind, and 3) working tirelessly to educate City members on the contents of the Tentative Agreement prior to holding the ratification vote.

I also want to say THANK YOU to everyone who participated in the discussions and debate about the proposed terms. It is no surprise that our entire City membership did not unanimously agree on every term of the proposal. I respect the validity of concerns raised by many members regarding some of the terms. Nevertheless, I was proud to present the Tentative Agreement for discussion and a vote. I felt it reflected the priorities of the majority of our members.

I acknowledge that the performance pay provision is making some of our members nervous. That's a reasonable response. There is some bit of risk as we move forward

with more tightly defining the process. But I assure you that PEA leadership will be at the table every step of the way as the City and PEA work out the process. And, as is always the case, we'll be there to support you if there is any confusion or perceived inconsistencies in how this provision is ultimately executed.

Once again, THANK YOU so much for all the input that came from such a broad cross-section of our City membership as we debated the merits of this new CBA.

I am also pleased to announce the appointment of Mike Dosedel as your new Chair of the Schools Negotiations Committee. Mike has provided a brief introduction of himself elsewhere in this newsletter. As you may recall, we did not have any candidates for this position at our last annual election General Membership Meeting in October. PEA's bylaws allow for the Executive Committee to appoint a qualified member to an unfilled position until the next upcoming annual elections. Therefore, when Mike expressed interest, and we determined he met qualifications criteria, the Exec Committee took advantage of this bylaw provision and appointed him until the October 2023 elections.

The contract negotiations duties are certainly an important aspect of Mike's position. But, in my opinion, as important is his voice on PEA's Executive Committee. PEA now has two Schools employees on the Executive Committee (Secretary Bri Herrera is the other). Along with our excellent 3-person Schools Steward team, schools members are well represented.

Please remember that your Stewards (and me!) are just an email or a phone call away! We're here to help you. Don't hesitate to reach out. And thanks for all you do everyday to make our City and School District work so well.

Respectfully,
Joe

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.

Stewards & Executive Committee Meeting & Dinner

Wednesday, July 12, 2023

Location: Joseph's Grill
140 South Wabasha • 651-222-2435

Meeting: 5:30-7:00 PM

Dinner: 6:00-6:30 PM

Please plan to arrive before 5:30PM so we can order promptly and start eating around 6:00PM. 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 enjoy our meal together.

AGENDA:

1. Greetings & Introductions
2. Reports
 - a. Legal Counsel
 - b. President and/or Vice President
 - c. Treasurer
 - d. Personnel
 - e. City Negotiations
 - f. District Negotiations
3. Adjournment of Combined Meeting

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

Please RSVP by Thursday July 6, 2023 to sara.nurmela@ci.stpaul.mn.us

To request accommodations or ask questions about accessibility, please include a note with your RSVP email to sara.nurmela@ci.stpaul.mn.us to allow time to make arrangements if necessary.

The Corner

by Mike Wilde, Legal Counsel

One of the first maxims of labor law that I learned in enforcing and administering union contracts is “work now, grieve later.” The concept behind this pithy statement is that work assignments take priority over work disputes. It does not mean that a legitimate dispute will not be addressed. It simply requires that we first do the work that is being assigned then the process can be used to challenge the assignment. Arbitrators overwhelmingly enforce this principle when they examine whether an employee’s refusal to perform assigned work is justified. The one exception to this motto is genuine safety concerns that arise from a work assignment, especially if it is obvious to prove.

PEA members enjoy some protection against those job assignments that basically require the employee to fulfill higher roles. The protection from a promotion without pay is established in our collective bargaining agreements (CBA). PEA’s contracts with the City and with the St. Paul Public Schools have identical language. They can be found at Article 14 in the City’s CBA and Article 8 in SPPS’s. Officially these articles are labeled Working Out of Classification, but most people still refer to them as Out-of-title assignments (OOT).

Since the articles are exactly the same and comprised of only four sentences, it’s easy for me to review for better legal understanding. First sentence reads “[e]mployer shall avoid, whenever possible, working an employee in an out-of-class assignment for a prolonged period of time.” This allows PEA to argue for a temporary solution, rather than a prolonged OOT assignment. I usually consult people to avoid going longer than one-year. You’re not gaining seniority and if you’re doing the work you might as well eventually make it formal.

“Any employee working an out-of-class assignment for a period in excess of fifteen (15) consecutive working days shall receive the rate of pay for the out-of-class assignment in a higher classification not later than the sixteenth (16th) day of such assignment,” is next. So basically the start of the fourth week fulfilling the roles of the higher title requires compensation at the higher level.

The third sentence, where most of the disputes exist, reads “For purposes of this Article, an out-of-class assignment is defined as an assignment of an employee to perform, on a full-time basis, all of the significant duties and responsibilities of a position different from the employee’s regular position, and which is in a classification higher than the classification held by such employee.” If the employer disagrees with PEA’s enforcement of these articles, they usually argue one of three defenses, or a combination thereof.

First, they might claim there was never an official assignment. The logic being that without a written directive or a special meeting or announcement the assignment was never officially made. Second, it is sometimes said that the employee is not carrying out all of the higher duties or perhaps they are not doing it on a full-time basis. Both of these arguments are refuted based on the case-by-case facts available. Lastly, it is sometimes said that the duties being carried out are not limited to an existing higher classification. For example, the higher duties are claimed to be an amalgamation of duties from several classifications or ones that were never previously assigned to anyone. Each of these positions can be challenged, but it requires facts that support a logical rebuttal.

The last sentence in these identical articles reads, “[t]he rate of pay for an approved out-of-class assignment shall be the same rate the employee would receive if such employee received a regular appointment to the higher classification.” PEA has recognized this to mean that we are only considering pay rates. A different vacation package, insurance coverage, change in union coverage or any other contractual elements are not involved. This just covers pay rate for higher assignments.

If members have an out of classification assignment that seems like it is filling the duties of a higher title it is worthwhile to go through each of the four sentences and give a realistic self-assessment. If you’re comfortable with satisfying all the requirements, contact PEA so we can investigate that matter and see if your greater work can earn you greater pay.

PEA Approves New City Contract for 2023-2025

by Patty Lammers, City Negotiations Chair

PEA voted on our new 3-year contract that runs through 2025. The committee worked hard to bring forward an agreement that sought the best package for all members. Some of the highlights include:

- Cost-of-living adjustment (COLA) Increases
- Annualized Steps
- 50% increase to Deferred Comp
- Paid Parental Leave
- Longevity Pay
- Performance Pay

The vote passed with 82% approval. Thank you to all the members that completed surveys and attended info sessions. Thank you to the negotiations committee members for all of your work and dedication:

- Brian Balfanz
- Kathleen Conger
- Jean Filipkowski
- Liz Carey-Linskey

PEA Calendar of Events 2023

Wednesday, July 12 Board & Stewards Meeting, Joseph's (stewards, special committee members, & executive board)

Wednesday, October 11 General Membership Meeting, Mancini's

Meet Your New Schools Negotiation Chair

Michael (Mike) Dosedel – SPSS

I work for St. Paul Public Schools in the Research Evaluation Assessment Department. I am a Program Evaluator, and our office is on the 3rd floor of 360 Colborne, right next to Kelsey Curran (union steward). Stop by and say hi. I have been in this position for 1.5 years and previously worked as a special education teacher. In my home life, I love the outdoors, mountain biking, and chasing around my 1.5-year-old (Noel). Working as a special education teacher, I saw the value of unionization. Now in my current position, I am excited to be more involved in PEA and have a place to advocate for our members.

HELP WANTED! City LMCHI Representative

The PEA Executive Committee is looking for someone to represent PEA on the city's Labor Management Committee for Health Insurance (LMCHI).

LMCHI meetings are scheduled for the 2nd and 4th Tuesdays at 1:00, online.

Duties would include attending the LMCHI meetings, sending updates to the executive board, and providing updates at general membership meetings in April and October, and combined steward/executive board meetings in January and July. Position comes with dues waiver.

If you're interested or have additional questions, please reach out to PEA President Joe Musolf or Vice President Sara Nurmela.



Professional Employees Association

CITY OF SAINT PAUL & INDEPENDENT SCHOOL DISTRICT NO. 625

www.peaonline.org

Executive Committee

President	Joe Musolf <i>joemusolf@ci.stpaul.mn.us</i>	PED – 1400 City Hall Annex, 25 W. 4th St., 55102	651-266-6594
Vice President	Sara Nurmela <i>peanewsletter@gmail.com</i> <i>sara.nurmela@ci.stpaul.mn.us</i>	HREEO – 280 City Hall, 15 Kellogg Blvd. W., 55102	651-266-8974
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	Brianna Herrera <i>brianna.herrera@spps.org</i>	1930 Como Ave., 55108	651-744-1807
Personnel	Mary Henke-Haney <i>mary.henke-haney@ci.stpaul.mn.us</i>	1100 North Hamline Ave., 55108	651-248-6500
School Negotiations	Mike Dosedel <i>michael.dosedel@spps.org</i> <i>peanegotiations.spps@gmail.com</i>	360 S. Colborne St., 55102	
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)	<i>vacant</i>		
LMCHC (SPPS)	Laurie Niblick <i>laurie.niblick@spps.org</i>	360 Colborne St., 55102	651-603-4347
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>		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	JD Miller <i>jd.miller@ci.stpaul.mn.us</i>	1200 City Hall Annex, 25 W. 4th St., 55102	651-266-6730
Parks & Recreation	Adam Strehlow <i>adam.strehlow@ci.stpaul.mn.us</i>	1100 Hamline Ave N, 55108	651-632-2432
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	Pam Bookhout <i>pamela.bookhout@spps.org</i>	1930 Como Ave., 55108	651-744-5475
School District	Alexander Corey <i>alexander.corey@spps.org</i>	360 Colborne St., 55102	651-744-4387 work cell: 612-409-2869
Water	Sarah Brown <i>sarah.brown@ci.stpaul.mn.us</i>	1900 Rice St., 55113	651-266-1635