



From the President's Desk

by Beth Ulrich, President

Thanks to all who turned out to the Spring General Membership meeting.

For those that were unable to attend, member Brian Balfanz presented to the membership that he believes that the City is not correctly applying the Fair Labor Standards Act (FLSA) in regard to overtime pay for members who work in classifications Grade 12 and above. We appreciate all of the member feedback generated by this claim at the meeting and afterwards. The PEA executive board received strong feedback both in support and opposed to the claim. The board had our monthly meeting in May and further discussed it as we have several times before.

The issue has been raised, by member Balfanz, whether all PEA members are legally entitled to time and one-half their regular hourly rate when working beyond 40 hours per week. Our labor contract with the City requires this 1.5x to be paid for Grade 11 and below. Classifications at Grade 12 and above are paid one hour of compensation time for every hour worked over 40 hours in a week (aka straight time).

Last year the U.S. Supreme Court ruled on an overtime case in *Helix v. Hewitt* and held that a high-earning employee is not compensated on a “salary basis” when his paycheck is based solely on a daily rate. The plaintiff was a day laborer on an oil rig who earned more than \$200,000 annually. Because the employer docked his pay when he didn't work, the Court held that he was not salaried; therefore, he must be paid time and one-half when working more than 40 hours in a week.

PEA's Executive Board on a consensus believe that the law is more nuanced than the application of this case. A review of the applicable regulations under the Code of Federal Regulations §541.710 (a) allows public employers to dock employees pay in increments of less than a day without employees being considered non-salaried (i.e. exempt from overtime) if it is done pursuant to the principles of public accountability. Also, PEA has a nearly 50 years of negotiations history with the City that has created sick leave, vacation, and banked compensation time all of which preserve a consistent paycheck even when we don't work. This is relevant to the FLSA application and something that the *Helix* day-laborer did not have.

On a practical note, there are consequences to consider in the event a disagreement equates to a large financial liability to the City. Members have expressed concern that their department will simply deny all hours after 40 per week or restrict schedule flexibility. Others have voiced concern about another attempt by City to go after overtime in negotiations so that an expressed salaried exemption exists and all city workers in PEA could be required to work excessively long workweeks with not even comp time or any benefit. This would be a huge loss.

Lastly, there is already an avenue for members wishing to pursue individual claims with the US Department of Labor. PEA cannot and will not stop anyone from exploring their individual rights. If you have more questions about the application of law, additional information on the FLSA can be found on DOL's website: <https://www.dol.gov/agencies/whd/overtime/laws>. If a member wishes to pursue an individual claim, they should contact the US Department of Labor: <https://www.worker.gov/actions-whd-claim/>

PEA decided not to pursue the claim on behalf of the full membership. However, if members contact their stewards or Executive Board, we can keep the discussion going through off-site meetings, more detailed newsletter article or an off-hours virtual meeting.

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

"If I should sell both my mornings and afternoons to society, as most appear to do, I am sure that for me there would be nothing left worth living for."

— Henry David Thoreau

This quote feels more fitting as we would approach Labor Day instead of Memorial Day. It leans into the value of leisure time a little, which is of no surprise considering Mr. Thoreau made it a point to spend ample time as a solitary recluse. We needn't go that far or to our own Walden's Pond to find leisure. However, it might help to remember that the American ethos since the industrial revolution is "more work is better." Without limit and resistance this is a very dangerous reality tunnel that society created over the last century.

An historical review can give us a glimpse of just how important the law is in limiting work demands. In 1840 President Martin Van Buren issued an Executive Order setting a 10-hour maximum workday at Government Navy yards. Shortly after the Civil War Congress mandated an 8-hour work day under federal statute for employees who work for the federal government. It took another forty years for the government to expand that 8-hour workday limit to all of the contracts it entered. It was using the large purchasing power of the federal government to change the playing field in the private sector where 10-, 11- and 12-hour days were common.

The limits on excessively long workdays and workweeks occurred in the same spirit and effort to create minimum wage levels and abolish child labor. Advocates and policy makers had to work overtime to combat repressive work demands – pun intended. And they passed many laws in the 1930's to combat our insatiable need to draw all we could out of the labor force in the insatiable growth of a young nation. Some of the landmark legislation include the Davis-Bacon Act, the Motor Carrier Act, Merchant Marine Act and the Walsh-Healy Act. All of these laws were aimed at improving labor standards.

It wasn't just the federal government, but states joined in to curb the demands of commerce. By 1921, there were minimum wage laws in thirteen states, plus Puerto Rico and the District of Columbia. There was one notable defeat of wage laws in 1936 when the U.S. Supreme Court overturned a New York state law in *Moorhead v. New York ex rel Tipaldo* that was intended to protect women and children from labor exploitation. That case however caused such fierce opposition that the following year President Roosevelt challenged congress to pass the Fair Labor Standards Act (FLSA). And on June 25, 1938, they did.

Work is what we do. But safeguards and limits help prevent work becoming who we are.

City Negotiations Update

by Patty Lammers, City Negotiations Chair

City wide Labor Management Committee (LMC) on Safety

The 1st step in this process is training for the committee members in May. It will be a joint training with Tri-Council, AFSCME and PEA. We will then work with HR to establish the committee and move forward the safety concerns raised during the contract process.

Performance Pay

Our contract states that performance-based pay will begin in 2025. City HR has been working to define the parameters around earning the 1,2,3 % increases. They presented us a draft and have they have stated that it will be ready by July 1 to imple-

ment. We know smart goals are included in the process. We provided information to members on SMART goals to better prepare you in your meetings with managers. We have been assured that all members will have goals that can earned the 3%, so if you already had your review for this year, then your manager will work with you establish a smaller set of goals that will allow you to still receive up to the 3% increase if you have reached performance pay level. Once we have the final documents from HR we will provide them to members so you can prepare and ask any needed questions.

If you have a question on the contract or performance pay, please feel free to reach out to me at patricia.lammers@stpaul.gov.

Meet your new Stewards

Alex Miller – SPSS

Alex is an Environmental Specialist with the Facilities Department at Saint Paul Public Schools. He coordinates fire safety, tree planting, and various safety projects throughout the district. When he's not out in a school building, you can find him at 1930 Como Ave. Outside of work, he likes hitting the gym, exploring the outdoors, and telling jokes in bars throughout the Twin Cities.

Sarah Gerdes – Libraries

Sarah Gerdes serves as a Community Services Manager for the Saint Paul Public Library (SPPL), overseeing a team of five Community Specialists who work with underserved communities (Black American, Hmong, Spanish speaking, K'Nyaw, and Somali). Prior to working for the city, Sarah worked in higher education and BIPOC centered nonprofits. She holds a MA in Organizational Leadership and a BA in Critical Studies of Race & Ethnicity and Communications.

Alex Klarich – OFS

My name is Alex Klarich – though I can be found in the City directory as *Alexandra* Klarich. I'm an Accountant on the OFS – Accounting and Reporting team. I've been with OFS since June of 2023 but I've worked for the City since September 2019 (beginning with the Police department and then moving to PED in 2021). I've been a PEA member throughout my entire City tenure and I'm excited to get more involved as a steward. I look forward to connecting with OFS PEA members – I can be reached via email or phone: Alexandra.klarich@ci.stpaul.mn.us or 651-266-6646. I'm also in the office on Tuesdays (City Hall – Room 110).

Derek Peterson – Police / Fire / Emergency Management / Public Health

Education/Work:

- Bachelor's Degree in Criminal Justice from UW- Eau Claire
- Associate Degree in Intelligence Operations from Cochise College, AZ (All the Military Intel people will know this school well)
- Intelligence Analyst (35F) for the Army National Guard for 8 years (Wisconsin and Virginia)
- FBI Name Check Program
- Army National Guard Counter Drug Task Force
- Currently assigned to the Gang and Gun Unit at the St. Paul Police Department

Daily Operations:

- All statistics related to firearms and firearm crimes
- Frequently support Specialty Units with intelligence gathering and reports
- Liaison to the ATF NIBIN program (helping investigators decipher the mapping of crime guns)

Personal:

- I always wanted to be involved in law enforcement. When I was young, I wanted to be a detective, so naturally I choose an education path that would lend itself to becoming a police officer. After joining the military, I quickly realized I loved the analysis part of my job more than anything else and pivoted my job search to Intelligence Analysis.
- St. Paul was a perfect landing spot for me. My family is heavily concentrated in the Eau Claire, WI area and has always been the place I consider home. Even though I only lived there for two and a half years while going to college, my immediate family always traveled to the area for major holidays and long summer breaks. My wife's family is from the St. Cloud area, so St. Paul is the perfect middle ground.
- My hobbies include woodworking, hunting, fishing, and board games.
- My two children make it hard to make much progress on my hobbies, but they are wild entertainment with my daughter being 3 and my son just turning 2. They both run the house and my wife and I are along for the ride.

Stewards, Staff, & Executive Committee Meeting & Dinner

Wednesday, July 10, 2024

Location: Shamrocks
995 7th Street West

Meeting: 5:30-7:00 PM

Please RSVP by end of day Monday July 8, 2024
to sara.nurmela@ci.stpaul.mn.us

Please plan to arrive by 5:30PM so we can order promptly. Dinner selections will be made from a limited menu including: burgers, sandwiches, and a salad. Black bean burgers and gluten-free buns available for our vegetarian & gluten free folks. Your dinner may include a non-alcoholic beverage of your choice.

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.

PEA Calendar of Events 2024

July 10 (Wednesday) Board & Stewards Meeting, Shamrock's
(stewards, special committee members, & executive board only)

October 8 (Tuesday) General Membership Meeting, Mancini's



Professional Employees Association

CITY OF SAINT PAUL & INDEPENDENT SCHOOL DISTRICT NO. 625

www.peaonline.org

Executive Committee

President	Beth Ulrich <i>beth.ulrich@ci.stpaul.mn.us</i>	PED – 1100 City Hall Annex, 25 W. 4th St., 55102	651-266-6689
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	Kelsey Curran <i>kelsey.curran@spps.org</i>	360 Colborne St., 55102	651-767-8115
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>	353 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)	Kathleen Conger <i>kathleen.conger@ci.stpaul.mn.us</i>	George Latimer Central Library 90 W 4th Street, 55102	651-266-7000
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>	Claire Huber <i>claire.huber@ci.stpaul.mn.us</i>	Libraries (SPPL) – 90 W 4th St., 55102	651-266-7475
Mailing Address	Professional Employees Association	PO Box 7333 Saint Paul, MN 55107-0333	

Stewards

Police, Fire, Emergency Management Public Health	Derek Peterson <i>derek.l.peterson@ci.stpaul.mn.us</i>		651-266-5725
CAO, DSI	Jean Filipkowski <i>jean.filipkowski@ci.stpaul.mn.us</i>	CAO – 500 City Hall, 15 Kellogg Blvd. W., 55102	651-266-6262
OFS	Alex Klarich <i>alexandra.klarich@ci.stpaul.mn.us</i>	110 City Hall, 15 Kellogg Blvd. W., 55102	651-266-6646
Libraries	Peter Borgen <i>peter.borgen@ci.stpaul.mn.us</i> <i>PeterBorgenUnionSteward@gmail.com</i>		651-695-3700
Libraries	Sarah Gerdes <i>sarah.gerdes@ci.stpaul.mn.us</i>		651-266-7482
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	Annie Ross <i>annie.ross@spps.org</i>	360 Colborne St., 55102	651-632-3777
School District	Pam Bookhout <i>pamela.bookhout@spps.org</i>	1930 Como Ave., 55108	651-744-5475
School Districtf	Alex Miller <i>alex.miller@spps.org</i>		612-437-2767
School District	vacant		
Water	Sarah Brown <i>sarah.brown@ci.stpaul.mn.us</i>	1900 Rice St., 55113	651-266-1635