



MEA SPECIAL EDITION NEWSLETTER
CCSF Layoffs – How to Respond
One Week Moratorium – What does it Mean?
March 15, 2010

Municipal Executives' Association Question and Answer

On March 5, 2010, the City took the unprecedented step of issuing layoff notices to thousands of its employees. MEA is still reviewing the extensive layoff list; however, it appears that upwards of 90% of MEA-represented employees received notices. Because the City is acting with undue haste and insufficient planning, advising our members about what to expect and how to prepare continues to be extremely challenging.

Despite the City's actions, we urge our members to remain calm. MEA is taking an active role working with the Public Employees Committee (PEC), the Mayor's Office and DHR to work towards a citywide solution to the problem. **TO THAT END, THE PEC AND THE CITY HAVE AGREED TO A ONE-WEEK MORATORIUM ON THE LAYOFF PROCESS STARTING TODAY, MARCH 15, to facilitate a focused, fact-based dialogue on other options. That means that all deadlines associated with the layoffs will be extended for one week, although the actual sixty-day notice period remains unchanged.** Assuming adequate progress the moratorium may, upon mutual agreement, be extended.

At the March 1, 2010 Membership Meeting, held at the San Francisco Public Library, we presented initial advice to prepare members for receipt of the layoff notices. We summarized those points in our regular March Newsletter and have set a **Special Membership Meeting on layoffs for March 22, 2010 at 6:00pm, again at the San Francisco Public Library.** The notice for that meeting is attached. We anticipate providing additional direction to members at that time.

Most employee organizations acknowledge that *some* labor concessions are necessary to help bridge the estimated \$522.5 million budget shortfall for financial year 10-11 but we strongly believe other stakeholders must be part of the solution. To that end, we presented a "Framework for Agreement" to the Mayor and his team at a meeting held on Thursday March 11 (copy attached). Discussions around that framework continue.

The Mayor is asking that labor produce \$100 million in savings (\$50 million general fund), equivalent to approximately 6.25% per bargaining unit. The City's current position is that if the requested concessions are forthcoming, the proposed layoff plan to convert 40-hour positions to 37.5-hour positions will be rescinded. This does not mean that all layoffs will be rescinded, and some MEA positions may still be eliminated, but the vast majority of layoffs would not move forward.

MEA has made a broad information request to get additional information about the effect of the City's layoff plan on represented employees. The "information gap" is significant due to the sheer scope of what the City is trying to do and speed with which it is doing so.

MEA is very cognizant of the fact that its members have previously sacrificed to help the City. Over the last two years alone, MEA has agreed to provide budget assistance of more than 6% in various forms, more than any other group of employees. Still, we believe that our members recognize the difficult financial circumstance is that the City finds itself in, and as managers feel obligated to take a leadership role.

We have had multiple calls from members and among the typical questions presented, and answers we are giving, are as follows:

- *Is MEA presently bargaining with the City?*

No. Formal bargaining would require MEA to reopen its contract, which is presently binding on the City until June 30, 2011. **MEA declined to reopen** (as did every other union with a closed contract). It continues, however, to be engaged in high-level discussions with the City about the Mayor's request for labor concessions.

- *I received a layoff notice; now what?*

MEA does not believe the proposed 37.5-hour "part-time" workweek will be implemented and its overriding goal is to have *all such* layoff notices rescinded. MEA is working on a dual strategy of (1) preparing for a possible legal challenge, in the event one is necessary, but (2) devoting more energy to trying to reach resolution with the City. As our dual strategy continues, MEA's advice to members is to **cooperate with the City on its layoff procedures**. For example, if you are offered the "part-time" (i.e., 37.5-hour) equivalent of your present position, you should apply for/accept it, just in case MEA is unable to prevent it going into effect. We do suggest, however, that in completing any paperwork, members make the following notation:

"I sign this form under protest and without waving my right to union representation and any other legal rights under my collective bargaining agreement, Civil Service Rules, or the Meyers-Milias-Brown Act."

(MEA has already submitted the italicized language as an objection on behalf of all employees; but individual employee should do so too.)

- *What if I do not accept a new part-time position?*

Presumably, you will be separated from city service. And you would be entitled to severance pay per the MEA Memorandum of Agreement.

- *Why should I accept a new position until I know for sure that my existing position will be eliminated?*

Normally, employees would not be put in the position of applying for a new position until their existing position was definitely eliminated. However, because the City's layoff proposal is dependent upon no break in service (i.e., presumably, if the City's proposal is implemented, existing 40-hour positions would expire on Friday, May 7 and "new" 37.5 hour positions would begin on Monday, May 10), the City cannot wait until the elimination of any particular position is certain.

- *What if I am not offered a new position by the City?*

Unfortunately, there will be legitimate layoffs as part of the budget balancing process. You should contact MEA as soon as possible. Although the City retains the prerogative to legitimately layoff employees, it is still required to meet and confer with MEA about the impact of layoffs, and possible alternatives to layoff. MEA intends to require that the City comply with all of its bargaining obligations. Employees not offered new positions by the City would be entitled to severance pay.

- *What should I do about the survey I was sent to fill out regarding my position?*

Complete it. Again, MEA does not believe that the 37.5 hour workweek will go into effect. Nonetheless, employees should complete any surveys or forms necessary to ensure that the part-time version of their position is not offered to other employees.

- *Is the MOU's Wellness Program still available?*

Yes, for employees who choose to retire from city service on or before June 30, 2010.

- *What if I have already made a "voluntary" contribution to the City?*

MEA has objected in strong terms to the City dealing directly with any represented employee and soliciting contributions from individual managers. We understand that some employees may have already made some type of financial "contribution" to the City. Others may be considering doing so. Any concessions MEA makes will cover MEA represented managers unit wide. Questions about whether voluntary contributions will stand over and above any general concession will be subject to discussion with the City.

- *Will I be entitled to severance pay, if the layoffs go ahead?*

Yes assuming the layoffs are implemented. Notice itself is not sufficient to claim severance pay. The collective bargaining agreement clearly requires severance pay for employees separated from city service involuntarily. The city's proposed reduction in the workweek is premised upon a layoff from the full-time position. This qualifies as an involuntary separation. Therefore, MEA takes the position that all laid-off employees will be entitled to severance pay.

- *I was going to retire by June 30, 2010-- should I reconsider?*

There is no reason to reconsider a voluntary decision to retire before June 30. MEA continues to work though the issue of what is due to employees who do not accept a part-time position which could possibly trigger a severance entitlement. Obviously, our number one priority is to ensure the continuation of full-time positions for current and future employees of the City.

PEC Framework for Agreement:

Principle: Transparency

- All of the Departmental Budgets submitted to the Mayor must be made available to the PEC for review and analysis.
- The PEC's economist must have access to the City's financial records in order to validate the size and scope of the deficit.

Principle: Shared Sacrifice

- Every city employee and elected leader must contribute no less than the percentage contribution agreed upon between the City and the PEC unions.
- Billings from outside Contractors, vendors and others doing business with the City must be reduced by at least the same percentage as the PEC unions agree to produce.
- Contractor COLA increases will be suspended in 10-11 and 11-12.

Principle: Efficiency

- A review of purchasing protocol to ensure that the process is not circumvented, that socially responsible programs are served and that the system is timely and efficient.
- Plans to convene an independent audit of MTA hiring, spending and procurement practices will move forward.

Principle: Maintain Employment

- The total City workforce will be reduced by no more than ____positions through January 15, 2011 and reduced during the remainder of the fiscal year only if a deficit of _____ (budget trigger to be mutually agreed upon) is identified and verified. Any layoffs will occur only after meeting and conferring with impacted City employee unions over alternatives to additional job loss.
- The City will work with the PEC to examine and modify a number of current hiring practices including the use of Prop F employees and TEX positions.

Principle: Public Responsibility

- The Mayor agrees that increasing revenue is a desirable alternative to the continued reduction in City services and programs designed to serve and protect the health and welfare of City residents. Accordingly, he commits in good faith to examine revenue increasing ballot measures for November 2010, including those endorsed by the Labor Council and supported by the Board of Supervisors.
- Study recommended revenue measures for specific departments and compare SF fees to other neighboring cities and develop proposals as appropriate.

Principle: Fiscal Discipline

- Do not initiate new programs without indentifying a specific funding source.

Don't Forget: Special MEA Membership Meeting on Our Response to the Challenges Presented by the CCSF Budget – Monday, March 22, 2010

Meeting 6:00 to 8:00 pm, refreshments start at 5:30pm. Location: San Francisco Main Library Latino/ Hispanic Rooms A&B, 100 Larkin Street at Grove. **The Library is closed on Monday nights, so please plan to arrive before 6:00 p.m.** If you arrive after 6:00 p.m., you can enter at the far right door of the Grove Street entrance by calling the security office at 415-557-4357. **RSVP** early to staff@sfmea.com.

Agenda:

Labor Coalition Discussions
37.5 Hour Workweek
Report from MEA Budget Response Committee
Next Steps