



► GSAF and other unions await FL Supreme Court ruling on 3% FRS contribution



► GSAF challenges MDC's additional 4% healthcare contribution



► GSAF/OPEIU offers members free Identity Theft Protection and Auto Towing

Volume: 1 Issue: 1 Year: 2012

# GSAF

## *gazette*

### A PUBLICATION FOR MEMBERS OF THE GOVERNMENT SUPERVISORS ASSOCIATION OF FLORIDA / OPEIU LOCAL 100

Welcome to GSAF's quarterly newsletter. **GSAF Gazette** provides you with the latest news about issues that directly affect our members. Visit our website and register at Twitter to get the latest updates

## 2012-Another Challenging Year! By Greg Blackman, GSAF president

The last several years have been a period full of benefit give-backs, salary reductions and political setbacks for public sector employees across the nation. Conservative politicians and disgruntled taxpayers have targeted municipal, county and state employees as the object of their dissatisfaction with government. Here in Florida, there have been battles at every negotiation and a proliferation of grievances and litigations. The GSAF has been at the forefront of fighting for the rights of its members. Last year, the GSAF joined with other public sector unions to sue the State Legislature over the forcibly

imposed 3% employee contribution to the Florida Retirement System. We won that case in trial court, the appellate court passed it on to the Florida Supreme Court. Oral arguments are scheduled to be made before the Justices in Tallahassee on Friday September 7<sup>th</sup>. The GSAF's General Counsel and President Greg Blackman was there on behalf of our members who were negatively impacted by the required contribution from their salaries. In January, the Miami-Dade negotiation impasse over the Mayor's (continued on page 3)



Government  
Supervisors  
Association of  
Florida—GSAF  
President,  
Greg Blackman

### GSAF attends OPEIU Orlando conference and conducts Union Representative training

OPEIU held its Southeast Educational Conference in Orlando from May 3-6. Many GSAF board members attended in order to gain additional training in Advanced Grievance Handling and Arbitration Contract Interaction and Discipline. The purpose of these sessions is to enhance GSAF's skills and capacity to effectively represent our membership. GSAF also held Union Representative training on Saturday May 19. This training was conducted by Linda Romero and provided an overview for members who volunteered to become Union worksite Representatives.



## Tonkinson Financial now offers a full range of retirement related financial services for GSAF members

Tonkinson Financial is a family owned business which offers a full range of retirement related financial services to GSAF members. Rick Tonkinson, the firm's principal, can meet with each member to review their retirement and investment plans, and make recommendations as to the best approach that the member and their family should take to meet their retirement financial targets. One common question relates to the FRS and the benefits and risks of its pension vs.: investment plan. Arrangements can be made to meet at the member's home, whether or not the member resides in Dade or Broward. Tonkinson can go so far as to provide a review of the member's personal and household budget at no cost to the member. Tonkinson is a Registered Investment Advisor, and a member FINRA, the Financial Industry Regulatory Authority and the Security Investors Protection Corporation. Tonkinson Financial and the broker/dealer they partner with have both won the J.D. Power and Associates Award, the only award in the State of Florida and a firm of their size.

**Here are examples of the range of services that they offer:**

- Early Retirement Planning
- Specific recommendations in your 401(k) plan based on your risk tolerance, investment experience, investment time frame, and investment objectives
- Hands-on guidance on how to rollover a lump sum pension and 401(k) plan into an IRA
- Educating you in practical financial concepts
- Developing for you an easy-to-understand and easy-to-live with budget
- Providing analysis of severance options
- Custom-tailored investment plans
- In-depth analysis of your current investments
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Click on their web address to get a complete overview of their company. Their website is at: [www.TonkinsonFinancial.com](http://www.TonkinsonFinancial.com), they can be reached at: 2398 South Dixie Hwy., Miami Florida 33133. Toll free, 866.323.8326 or 866.610.0042.



## Miami-Dade County recommends employee Benefits and Compensation changes

In the fall of December 2009 Natacha Seijas sponsored a resolution to establish a County Compensation and Benefits Review Committee. The Committee was established for a three year term and is charged with reviewing and making recommendations regarding fair and competitive salaries, benefits, compensation policies and to also provide suggestions regarding holding down compensation and benefits costs. Here is a brief overview and excerpts of the committee's findings.

**Health Plan:** MDC's current health plan does not have the same level of cost sharing as other public entities, meaning others pay higher insurance premiums, co-payments, deductibles etc. **Overtime:** Overtime should be calculated on a weekly and not daily basis which would result in a savings of 4.7 million to MDC. **Pay Supplements:** "The number, value and eligibility criteria for pay supplements should be reviewed to determine their relevance and necessity". **Longevity Bonuses:** "The practice of awarding bonuses based on longevity should be reviewed. Bonus awards, if any, should be tied to performance and cost savings generated by employees rather than years of service". **Off-duty Payments:** "The practice of making these (Off-duty) payments through MDC's payroll system should be carefully reviewed to determine the fiscal impact to the County and to the FRS." **Plan** "The pay Plan structure as well as the County's classification plan should be evaluated in order to provide a structure that is more responsive to changes in economic and fiscal conditions. In order for the Pay Plan to be sustainable, it should be structured with open pay ranges which would permit pay increases that combine merit and COLA pay and reflect the County's annual fiscal capacity for pay increases." **Senior/Executive Benefits and Compensation (Groups 1-3):** There are 419 employees who are classified as executives and enjoy participation in the executive benefits program. The value of this program is \$4.8 million, "Executive pay and benefits should be studied to ensure that jobs are appropriately compensated for the qualification and responsibility inherent in these positions". **Terminal Leave Provisions:** This relates to the payout of the 500 hours of annual leave and a percentage of accrued sick leave up to 1,000 hours based upon years of service. Currently employees with 30 years or more of service are eligible to be paid for all accrued sick leave hours, the report suggested: "A review of these payout provisions is indicated to ensure that this policy is consistent with current human resources practices".

### 2012-Another Challenging Year! (continued...)

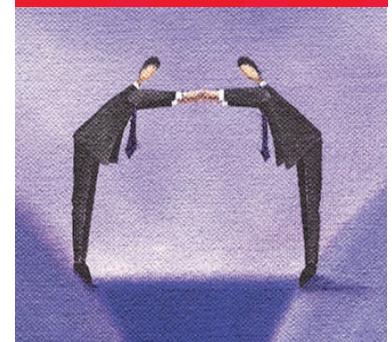
...when considering overtime and longevity bonus expenditures, could represent \$24.7 million in savings. It is also important to pinpoint that due to the County's fiscal conditions, employees have consented to a 4% contribution to the County's healthcare costs in lieu of a 5% salary reduction. We fully recognize that our recommendations must be discussed with union representatives and incorporated into the collective bargaining process. Further, we suggest that consideration be given to implementing some of these measures prospectively, (e.g. for new hires or for employees who have not vested in the benefit), when appropriate, so as to minimize the impact upon the current workforce". The committee vows to continue its studies in the upcoming year.

### GSAF to unveil new website, Twitter account

GSAF has been transitioned to a new website. The site is still in a testing phase as content is uploaded and refinements are made to its functionality. The contact information for GSAF and a listing of its board members and worksite representatives will be added. News releases, reports and Collective Bargaining Agreements will also be posted. The site address will: **local100.opeiu.org**, content will gradually be uploaded as we transition from the old site. Newsworthy items will be sent via our Twitter account which is: **@gsaflocal100** Cut and paste this link to see a You-tube video of how to sign up for twitter: <http://www.youtube.com/watch?v=Fp9fU9znZyw&feature=related> or go to Youtube and search: **twitter, how to follow someone , or twitter, how to use**

### New GSAF Membership Benefits!

Call us at: 800-592-6617



GSAF offers its members 13 benefits which are included in their dues. The latest benefits are our identity theft and auto towing programs. The towing program covers the member and everyone in their household. It includes roadside and lockout assistance, battery, tire and delivery of supplies. The Identity Theft Program provider assigns you a Theft Recovery Advocate, provides you with a Recovery Package, and notifies all three Credit Bureaus so that a fraud alert is placed on your file(s). An internal monitoring service scours the web for sensitive information about you being sold on the black market and you'll receive monthly reports and notifications are provided to law enforcement agencies if needed. These and 11 other benefits are offered in your membership benefits package so please take advantage today.



## Florida Supreme Court's ruling regarding 3% FRS contribution

*In March, a judge ruled that the State's 3% FRS contribution was a constitutional breach, the State of Florida filed an appeal and a ruling is expected soon...*

Jackie Fulford, a Leon County judge ruled that the State's mandate for an additional 3% FRS was an unconstitutional breach of its 1974 agreement with Public employees. The ruling applies to those employed before July 2011. Governor Rick Scott, cut salaries by 3%, eliminated cost of living adjustments, then shifted those savings into the State's general revenue fund. This was to offset the State's, municipalities and other's contribution to the FRS. The change saved the state \$1 billion during the 2011 legislative session and saved local governments \$600 million. Since the Governor has appealed the ruling, there will be an automatic stay. The next step is for the case to be appealed by the State to the 1st District

Court of Appeal in Tallahassee. After all appeals are exhausted and if the ruling is *not* overturned, the State would likely have to retroactively pay workers (with interest) what they've contributed since the law went into effect July 1, 2011. GSAF joined with other Unions to initiate this legal challenge. This is an example of how having a strong Union with sufficient membership and resources allows us to mount successful legal challenges. We will keep you posted about developments.  
*(Case update continued on last page...)*

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## GSAF Launches Membership Recruiting and Communications Campaign

**Communications:** In our travels to the worksites that we represent, one common suggestion is for enhanced communications with our membership. This publication represent the first of many steps in addressing that issue. Our new emphasis will also include a Twitter account where members can register and receive continuous updates issues which impact them. Other steps include updating our current website, and placing copies of news articles, reports and other documents on our website for easy access, coupled with a Twitter account. One thing we do need is for our members to provide us with feedback and content for news articles. Unfortunately a computer crash and the resulting loss of data delayed this publication.

**Membership Recruiting:** GSAF recognizes the urgent need to grow our membership to provide us with the resources to ramp up our presence and maximize our effectiveness. Other unions such as Fire Rescue, and Police have membership participation rates in the high 90% - our *actual* membership is only 35% of employees who are eligible to join! This hampers our capacity to be as effective as we could be and impacts the financial stability of GSAF. The employers in Miami-Dade, Broward and the we serve realize this and they act accordingly during contract negotiations

## 2012-Another Challenging Year (*continued...*)

(From front page) proposed 5% take-back (in addition to the previous 5% "health care" charge) boiled over into a fight before the County Commission. In the end, the GSAF won a reduction of the take-back to 4% and filed grievances challenging the Mayor's use of his veto to influ-

ence the final outcome of the impasse. The County counter-claimed that the union had no legal right to arbitrate the veto issue, but the GSAF won that part of the battle and the arbitration proceeded. Unfortunately, the Arbitrator found that although the words of the contract implied that the Mayor would not veto the

## WHY SHOULD I JOIN THE UNION?



**Please pass this on to those who are non-members!**

First off, most members don't know that their union dues are tax deductible!

Did you know the annual value of your merit raise can be 100-400% or more than the cost of your union dues.

Last year the Legislature considered several anti-union bills which could lead to the decertification of Unions in Florida? The cost of retaining a labor attorney for 90 minutes equals to your union dues for an entire year, plus your dues are tax deductible and include a benefits package of 13 benefits. Non-members who depend on members to carry them place a financial strain on GSAF since we have only 35% of eligible employees as members as compared to other unions which boast membership in the 90% range. The 3% FRS ruling is an example of GSAF pooling its resources with other unions to advance our collective goals.

**Your bi-weekly dues of \$20.18 equates to a daily cup of coffee!**

## **By Rick Cutshaw.**

Our Broward Contract Proposal Committee has worked tirelessly to put together a comprehensive proposal addressing all of the suggestions that we have received from the membership, plus a few suggestions that Committee members had. Our attorney will be scheduling meeting dates with the County in the next few days to begin negotiations.

The County Commission approved the FY 2012/2013 budget and set next year's millage rate at the public hearing held on Monday, September 10, 2012. The millage rate will be the same as last year but an increase in property values will increase the County's revenues slightly. The new budget didn't contain any job cuts this year, even though we had some positions eliminated in June as a result of reductions in grants from the State of Florida. The States' budget year begins July 1<sup>st</sup> which resulted in some reassignment of positions within the Human Services Department.

Management met with representatives of the four unions representing the County's fifty-two hundred employees to discuss implementing a new automated timekeeping system. The vendor the County has selected is Kronos, Inc., which has been in place and utilized at Water & Wastewater Services, since 1995. The County's current processes are primarily manual and paper based which leads to delays and occasional errors. It is hoped that the new system will be more efficient and will cut down on mistakes that result in incorrect and delayed payments. No date was given as to when the new system might be operational.



## **By Linda Romero.**

GSAF won all back pay, benefits and more importantly full back seniority for one of our members. The department failed his probation, violating his rights as a union member and a county employee.

On July 7, 2011 he was issued a letter informing him that he failed probation effective immediately. The department did not present an evaluation before or on the probationary date, violating a long standing county policy that automatically grants permanent status to a probationary employee if an evaluation is not submitted within the required time periods.

The Department violated their own Policy and Procedure Manual part of which states "...Under no circumstances will this date exceed the date that the employee is due to attain Permanent Status." The Department failed to enforce the due date of the probationary evaluation by presenting the evaluation a month after the probationary period.

The Department also violated the County's probationary period of 26 credible pay periods. According to the County's Leave Policy 00.02.02 "a credible pay period is a pay period in which the employee is in Pay Status for more than half the number of hours in the employee's regular bi-weekly work schedule." GSAF's member worked 56 hours, more than half of his credible pay period.

The Department also violated a settlement agreement between GSAF and the County that clearly defined the "creditable pay period".

## **By Otto Castillo, 1<sup>st</sup> V-President**

It is no secret that 2012 has been a demanding year for all of us! GSAF has been actively engaged in defending our members' rights in regarding multiple issues. During this year we have filed more grievances and represented more members with disciplinary actions. GSAF prevailed in many of these and they were either reduced or rescinded. We also collaborated with other unions on health insurance reform and attended the Charter Review Committee meetings. We spent countless hours interacting with departments that violated our CBA's (Collective Bargaining Agreements) and MOU's (Memorandums of Understanding). We attended meetings aimed at preventing the outsourcing of jobs, and provided input in lay-off procedures negotiations. As of the end of July, twenty-three grievances had been filed in Miami-Dade County alone, by comparison, during 2011 twenty-four grievances were filed for the entire year. These grievance included topics such as: 24-hours take home vehicles, the Mayor's veto as it regards negating an accord on the CBA, Furlough holidays, Lay-off procedures, Departmental declination of a re-class granted by the County's compensation section, and the list goes on and on! On the positive side, we worked on improving our communication with members by transitioning through to our enhanced web site: [gsaflocal100.org](http://gsaflocal100.org). Additionally, with the support of OPEIU we conducted an intensive internal organizing effort which has yielded positive results. We urge our members to attend our monthly membership meetings in order to stay abreast of these topics and other important matters. It is imperative that your officers remain well informed of your individual concerns and/or issues at all times.



## **By Walter Clarit, Treasurer**

As a County employee for 15 years, I have been a member of the Union from the onset of my employment. My first exposure with collective bargaining was through my Father's experiences at Eastern Airlines. He had always been a member of the Transport Workers Union (TWU) and I recall the union's advocating for decent benefits and salaries for its members. The Airline Deregulation Act of 1978 aggravated Eastern's precarious operating position, forcing Eastern into a competitive low-fare environment and aggressive competition with Delta. Its high cost of operations, and some would argue poor labor management relations and collaboration, put the airline at a decided disadvantage along with the energy crisis in the nineteen seventies. This lead to the eventual demise of the airline.

Looking back on it now my brother was instrumental in making sure that I joined the soon as I was employed by the County. The existence of GSAF is the only front line element that keep the balance between employees and employer in check, and this is something I believe that many of our non-members never take into consideration. GSAF, through arbitration and other actions have been able to save the jobs of many employees during the last few months. Having someone on your side as your advocate provides a feeling of security, especially during these times.

The most important thing to remember is that GSAF represents the most cost effective way to provide advocacy during good and bad times. Labor attorneys very often have to reference our agreements in defense of their clients. A labor attorney's fee for three hours equals your membership dues for an entire year.

## Update...Florida Supreme Court's ruling regarding 3% FRS contribution ...continued from previous page

**Saturday, September 8, 2012**

The Supreme Court had oral arguments Friday in a case that could determine if the State faces another \$2 billion budget hole next year, or state workers will see their salary cuts retained. This case is *Scott vs. Williams*, was filed by the Florida Education Association after lawmakers passed and Gov. Rick Scott signed into law a bill in 2011 that imposed a 3 percent tax on 623,000 teachers, police, firefighters and other government worker salaries to offset the state's investment into the Florida Retirement System. Lawmakers argued at the time that the change was needed to fill a \$3.6 billion budget gap and bring Florida in line with 47 states that require their government workers to contribute to their pension plans. The savings was then plowed back into the budget, not into the retirement fund. But Leon County Circuit Court Judge Jackie Fulford ruled in March that the pension changes were unconstitutional because the changes violated the contractual rights of the FRS employees, took private property without full compensation and impaired their collective bargaining rights. She ordered the state to halt the practice and reimburse workers with interest.

Attorney General Pam Bondi and Republican legislative leaders immediately challenged the ruling and continued collecting money from employee paychecks. It is now up to the court to decide, but a decision could take months. If the seven justices uphold the lower court ruling, state and local governments will have to reimburse active workers in the Florida Retirement System and cover the resulting hole in their budget. The state has already taken more than \$900 million from employees and are expected to take up to \$2 billion by June 30, the end of the state's current fiscal year. State economists have predicted that revenues appear to be meeting expectations and, for the first time in years, legislators may not face another year of belt tightening. If the court upholds the ruling, employees could see a 3 percent increase in their paychecks and cost-of-living adjustments could be resumed. Justice Charles Canady, appointed to the court by former Gov. Charlie Crist, seemed to sympathize with the state. "The whole state budget will be thrown out of balance," he said. The teachers union lawyer, Ron Meyer, argued that Canady was "making assumptions that are not part of the case here." He said it was unlawful for the Legislature to impose the change on employees currently working for state and local governments without winning approval for the change in collective bargaining negotiations. "We believe you can't change the game in the middle of the game," he said.

Arguing for the state was former Supreme Court Justice Raoul Cantero, now a lawyer from Miami. He cited a 1981 Florida Supreme Court case, *Florida Sheriff's Association vs. Department of Administration*, as the rationale for allowing it to change retirement benefits going forward and argued that if the lower court ruling is allowed to stand it "would handcuff the Legislature's response to changing financial circumstances." He said it would be practically impossible for the Legislature to negotiate with 11 state bargaining units and dozens more at the local level. Canady was not the only justice skeptical of the union's argument, however, during the 45-minute hearing. Justice Barbara Pariente also wondered how it could be lawful for the Legislature to increase retirement benefits without collective bargaining approval. "Why would the Legislature bind itself forever, no matter what the budget crisis was, to a plan that could not decrease benefits but only increase it?" she asked. Meyer responded that it was a policy decision lawmakers made in 1974 when they first agreed to make the FRS a non-contributory system. He said "they can't repeal a contractual right" retroactively but can only apply the contribution requirement to future employees. He also argued that the court should reject the decision from the 1981 court case. "The contract says you have a right to a non-contributory system and you can't take that right away," he said. The exchanges prompted Scott general counsel Jesse Panuccio to predict the high court will side with the state. "We think pretty strongly the law is on our side and this change will be upheld," he said.

By [Mary Ellen Klas](#), Times/Herald Tallahassee Bureau  
In Print: **Saturday, September 8, 2012**

# Information about your rights as a GSAF member.

## Areas in which GSAF will represent you at Miami Dade County

Pursuant to our Collective Bargaining Agreement (our contract) GSAF can represent their members with the following:

- Record of Counseling's (ROC),
- Disciplinary Action Reports (DAR),
- Evaluations,
- Reclass Actions (RCA), and many other issues.

### **ROCs and DARs:**

Although a ROC is not discipline, you are entitled to request union representation. You must *request* the representation. Management is required to give you 48 hours notice before you receive a ROC or a DAR. This provides you with time to request representation, however you must act immediately!

### **Request for an ROC to be marked “NO LONGER IN EFFECT”:**

After two (2) years, during which time an employee was *not* the subject of another DAR or a ROC, the employee may request that a ROC form to be stamped “No longer in effect”.

## These rules apply to *all* Union members:

**Under Federal Statutes, GSAF can provide you with representation as outlined in your Weingarten Rights.**

### **Weingarten Rights:**

If you are asked or required to attend a meeting during which you are asked questions regarding any incident, or if management asks you to write an incident report, you have the right under Federal law to request union representation. Management *does not* have to inform you of your rights to union representation; **YOU** have to ask for a **Union representative**: (see text of the law below)

**Rule 1:** The employee must make a clear request for union representation before or during the interview. The employee cannot be punished for making this request.

**Rule 2:** After the employee makes the request, the employer must choose from among three options. The employer must: (1) Grant the request and delay questioning until the union representative arrives and has a chance to consult privately with the employee; (2) Deny the request and end the interview immediately; or (3) Give the employee a choice of having the interview without representation or ending the interview.

**Rule 3:** If the employer denies the request for union representation, and continues to ask questions, it commits an unfair labor practice and the employee has a right to refuse to answer. The employer may not discipline the employee for such action.

