

**TECHNICAL EMPLOYEES ASSOCIATION**  
**REGULAR MEETING – November 12, 2003 (12 noon – 1 p.m.)**  
**Meeting Summary**

Board Members Present: Ken Madden, President  
Elizabeth Morgan, 1<sup>st</sup> Vice President  
Eric Mandel, Treasurer  
Patty Overby, Secretary

**Agenda:** Approved as submitted

**Roberts/Duncan Lawsuit (Ken Madden)**

TEA members should have received a copy of the Roberts lawsuit at home. The suit relates to County employees working a full 40-hour week being paid the same as County employees only working 35-hour week.

Several members said they had not received anything. Ken said that he and Eric Mandel would have copies at their desk if anyone wants a copy to review. A website is referenced listing names of employees they believe should be covered. Ken encouraged all TEA members to review this to determine if they should be included.

Another lawsuit has also been ruled on and that is the Duncan lawsuit, which is a claim of retro-payment back to 1998 for non-represented employees. These employees were told they would get the same back pay as represented employees once Class Comp was settled. There were budget problems and the Executive decided not to pay non-represented employees, breaking his earlier commitment.

Ken stated that both lawsuits have been forwarded to Jim Cline to review and respond with a legal opinion as to the affect on TEA members. Information will be included in the TEA Times.

**Open Enrollment for Transit TEA Members (Elizabeth Morgan)**

Employees should have received notification as well as the benefits and Flexible Spending forms from Human Resources. Both must be completed and mailed back to HR by November 19.

**WTD Brightwater Project Office (Ken Madden)**

Ken, Roger Browne, Eric Mandel and Jim Cline met with WTD management (Jack Erby, Christie True, Elizabeth Milestone and Gail Ohashi) last Friday to discuss TEA's concerns over the process for determining who will be located at the project office. There was agreement to address this via the interest based bargaining process and meetings between both parties. Dates for meetings have not been set

Eric Mandel stated management plans to set up this project office as early as June 2004. There are plans to begin in January with an interim office for staff next door to King Street Center. He also added that the consultant engineering design team would remain based in Corvallis, Oregon.

Discussion centered on:

- There have been project offices set up to deal with other construction projects. Why is TEA concerned about this? (Response: the Brightwater project office is not being set up solely for construction, is located in Snohomish County, and is a break from past practice which represents a change in working conditions which is bargainable. Some impacted staff may be unfairly burdened by this, and TEA is trying to represent its members' interests. We are committed to a "win/win" solution with management and are as interested as they are in ensuring the success of the Brightwater project. We recognize that this could be a positive change for some of our members as well.)

### **Contract Negotiations Update (Roger Browne/Elizabeth Morgan)**

#### WTD

The Negotiation Team met twice with management and the mediator in October and is scheduled to meet November 13 and 19<sup>th</sup>. A couple of issues have been TA'd. The primary mediator is back after having been gone five months. A letter has been drafted, addressed to the County Executive but not sent, protesting that the County has not been bargaining in good faith. The reason the letter has not been sent is because the Team felt there has been some minor movement on the County's part. The County is offering to maintain four current non-Class Comp job series classifications (engineer, construction inspection, project control and designers) similar to Transit. The overall offer is similar to Class Comp but offers less in some cases. TEA has argued to maintain current classifications rather than generic/broad categories, largely to be able to have more targeted (and advantageous) future salary surveys in Class-Comp updates, and to piggyback on the results of the Transit arbitration for similar job categories. The Team is working on reviewing and completing the Market Study for salaries to help in the justification. TEA is proposing a Project Management series. The Administrative series was previously agreed to by TEA and those positions are covered by Class Comp. Keeping our own classifications gives WTD employees some leverage for future piggybacking on arbitration settlement with Transit.

#### Questions included:

- Is this in compliance with personnel rules and policies? (Response: not wholly consistent with Class Comp).
- How do the proposed salaries compare to regional market rate? (Response: only comparison is to Class Comp, which was done six years ago and has not been updated).
- Why is TEA resisting taking the County to court? (Response: until the County implements a contract, TEA has nothing to sue the County on.)
- Why hasn't the letter been sent? (Response: the County has not responded to TEA's wage proposal – the Team wants to see what the next two sessions bring before taking this step. If further actions are recommended, it will be a concerted effort by WTD TEA members – not only the letter.)

It was moved and seconded to direct the Negotiating Committee to deliver the letter to County negotiators at tomorrow's meeting to initiate the process of bargaining in bad faith in accordance with King County Ordinance 11480.

#### Discussion included:

- ✓ Has Jim Cline been consulted? (yes)

- ✓ What is the definition of “bad faith” and how does TEA show this in the letter? (Ken stated this is hard but several issues have been referred to in the draft letter – such as not addressing TEA’s wage proposal and having three negotiators assigned – the latest only being a TLT).
- ✓ Another approach was suggested: at the next meeting inform the County that TEA is seriously looking into this action and anticipates sending a letter if no movement is made by the County.
- ✓ Has the WTD Negotiating Team made the County’s team aware TEA thinks they are bargaining in bad faith? (No – the team has pointed out several things it thinks the County has not addressed but has not directly told them.)
- ✓ Roger Brown said the Negotiating Team would like to see how the November mediation sessions play out first before sending the letter.
- ✓ Have there been any other instances the County bargained in bad faith? (Yes – the County Executive stepped in to fix it before the issue went all the way to the Council.)
- ✓ A member noted they think it is the purview of the Negotiating Team and Board to decide the most appropriate strategy – not the TEA members.

It was moved and seconded that the WTD Negotiating Team look closely at the definition of bad faith and if the team feels confident TEA has grounds for bad faith with King County, they should at the next meeting notify King County that TEA is poised to act if there is no movement.

The first motion was withdrawn.

It was pointed out that the TEA could give the Negotiating Team advice but not direct them. Ken stated we will let the two mediation sessions play out and let the Negotiating Team grapple with the discussion and advise given today’s discussion.

The second motion passed by a vote of 10 for to 3 against (only WTD members present voted).

Ken asked member feedback if a special meeting should be set early December to discuss Wastewater negotiations. It was unanimous by WTD members present to set such a meeting (time to be determined by the Negotiating Team and Board.)

Meeting was adjourned at 1:05.

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Patty Overby, Secretary