

News Update



Representing Public Employees in City of Colusa, Sutter and Yuba Counties



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APRIL 2009

SCEA St. Patrick's Membership Appreciation

By Office Manager Anna Anderson



Left picture: Local #1 General Manager, Larry Edginton; The Parker Group's Director of Sales Bruce Fairchild and UPE, Local #1 (location-Sacramento) Executive Director Ted Somera. Right picture: SCEA members enjoying the corned beef luncheon.



We would like to thank the volunteers that helped to make the St. Patrick's Membership Appreciation Luncheon a success. We had 197 tickets in the door prize drum. Kudos to Robert Ahu, David Armstrong, Terry Barber, Ben Harper, Stick Harrell, Mindy Higgins, Tod Littlefield, Kurt Schoenwald, Lorie Thomas, Ginny Tolliver, Sydney Vergis, Alice Victorino, Anne Westlake (and the two ladies with Anne) and Alice Williams-Root. We would also like to thank the Local #1 staff

that came to help with the event, which included General Manager Larry Edginton, UPE Executive Director Ted Somera and BCEA Office Manager Eloise Herman.

As I looked around the room, I saw a lot of smiles and staff received many compliments on the food. I think the attendees enjoyed the decorations and music. It is always fun to have a theme.

Bruce Fairchild, Director of Sales of The Parker Group was

on hand with some informational flyers to distribute to the membership and to answer questions. The flyer contained a list of voluntary benefits that Local 1 members may participate in through payroll deduction, electronic funds transfer (EFT), or on a direct bill. If you are interested in life insurance, pet insurance, disability, cancer insurance, etc. you can contact Bruce at (800) 655-3161 or go to www.parkerbenefits.com for

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By Executive Director
Gary Stucky

Advice on Representation-Just the Facts

One of the many benefits of being represented by the Union is representation on disciplinary matters. S/YCEA Local #1 staff is trained to

properly investigate the facts related to the charges leading to discipline and evaluate whether there are sufficient grounds to support the charges, determine

if the employer has complied with procedural and due process rights and evaluate if there are mitigating

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First Amendment Rights

By Executive Director Gary Stucky

Sometimes public employees become confused regarding their rights to free speech. Courts have essentially held that a public employee's speech is not protected under the First Amendment of the U.S. Constitution if such speech is made pursuant to the employee's official duties. The basis for the Court's position is that when the employee acts in his/her official capacity his/her obligation to the employer's interest outweighs their

individual right to free speech.

In a recent case involving a building code inspector working for the City of Blanchard, Oklahoma the 10th US Circuit Court of Appeals, *Thomas v. City of Blanchard, 2008*, ruled that a lower court erred by not granting a trial and found that the city's interests didn't outweigh the worker's right to free speech. This case helps shed light on the fine line that divides

a public employee's rights in this area.

In this case a building inspector, Mr. Thomas was fired. His firing occurred shortly after he complained publicly when he learned that the city clerk's office had signed and completed a certificate of occupation for a home constructed by a local builder who was also the mayor. Mr. Thomas also threatened to report the matter

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National Professional Secretaries Week and National Secretaries' Day were created in 1952 through the work of Harry F. Klemfuss of Young and Rubicam. Klemfuss recognized the importance and value of the position to a company or business. His goal was to encourage more women to become administrative assistants (called secretaries at the time). Using his skill and experience in public relations, Klemfuss promoted the values and importance of the job of administrative assistants. In doing so, he also created the holiday in recognition of the importance of administrative assistants.

The official period of appreciation/celebration was first proclaimed by U.S. Secretary of Commerce Charles Sawyer as "National Secretaries Week," which was held June 1-7 in 1952, with Wednesday, June 4, 1952 designated National Secretaries Day. The first Secretaries' Day was held in that year by the International Association of Administrative Professionals, with the support of an association of corporate groups. In 1998, the name of the holiday was changed to better represent the full range of administrative positions.

In the United States, "Administrative Professionals Day®" is a registered trademark with the serial number 75898930. The registrant is the International Association of Administrative Professionals. This piece was brought to you by BigDates.com (Thoughtfulness Made Easy).

Amusement Park Discounts

By Office Manager Anna Anderson

What your Union has available at this time:

- Discovery Kingdom—*Everyone pays the kid's price. (\$29.99)*
- Gilroy Gardens Family Theme Park—*Save \$10 starting 4/4/09*
- Great America—*Save \$10 starting 3/29/09*
- Legoland—*Save \$8*
- Monterey Bay Aquarium—*\$2.00 off regular admission*
- Ripley's Believe It or Not! - *\$3 off regular admission \$1 off (ages 5-12)*
- Roaring Camp Railroads—*Save \$2 on*

Adult/Child admission

- San Diego Zoo—*\$8 off the Best Value Ticket*
- San Diego Wild Animal Park— *\$8 off the Best Value Ticket*
- San Francisco Zoo—*One free child admission with one paid adult*
- Seaworld—*Save \$6 on single day admission or get two days for one*
- Turtle Bay Exploration Park—*Half off adult admission with purchase of one full-price admission*
- Universal Studios—*\$8 off general*

admission

- Winchester Mystery House—*Save \$3 on each Estate or Mansion Tour*

These are discount coupons. Please call for the package and review them for any restrictions. This is not a full listing, only the most popular. For more information go to our website at www.sycea.org.

No park or travel tickets are available yet. We will let you know when they are available and the prices. We will only sale tickets Monday through Thursday.

SCEA St. Patrick's Membership Appreciation



SCEA Site Reps Sydney Vergis and Mindy Higgins help on the serving line.



S/YCEA, Local #1 Executive Director Gary Stucky



SCEA Director Robert Ahu & Local #1 Business Agent Marie Clark

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more information.

Melissa Messer, Resident Sales Representative of Liberty Mutual (auto and homeowners insurance) had a booth and disseminated information along with a chance to win a prize in the Leprechaun car

race. Winner Steven Buckwalter from the Housing Authority had the best time. His time was just 16 seconds! He won a set of portable ipod speakers.

A list of the winners for the door prizes is on Page 7 of this newsletter. Members are always encouraged to give feedback by

emailing us at Local1@sycea.org. Also, when we are planning these events, we often have your Site Representatives go back to the workplace with information and hope that members will comment on any conflicts or problems so that they can be corrected prior to the event.

First Amendment Rights

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to the Oklahoma State Bureau of Investigation (OSBI), because the certificate of completion was fraudulently produced prior to final inspection.

Even though it was Mr. Thomas's duty to inspect and provide a final inspection report, the 10th US Circuit Court of Appeal concluded that while it was his job duty to conduct the final inspection that he had no obligation or responsibility to report fraud to the OSBI. His speech in this regard was protected under the First Amendment. The Court did not end its analysis on this point,

the Court further looked at whether Thomas' speech was a matter of public concern, which would provide further guarantees of protection or involved a personal matter, which would not be protected. The Court found in Thomas' favor on this issue, finding that the idea of the mayor pulling some strings to secure approval of the house that had not yet passed final inspection was clearly a matter of public concern. The Court also found that the city's interest in promoting efficiency of its services did not outweigh Thomas' interest in speaking out on the issue.



The Court then turned its attention to the question of whether Thomas' speech may have been the motivating factor for his firing. The city attempted to argue that regardless of whether the speech was protected that Thomas' disruptive behavior and threatening manner at the City Council meeting where he made his intent clear was sufficient grounds to fire him. Apparently it was a close call on this point. However, the Appellate Court ruled that the lower court erred in granting the city judgment on this issue and stated, "the question was not whether his speech was accompanied by

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Compensation for After-Class Study

By Executive Director Gary Stucky

The Fair Labor Standards Act (FLSA) requires an employer to compensate an employee for all hours worked. Sometimes employees are required to attend training seminars over the course of several days. If an instructor providing the training directs employees attending the training to read or study material prior to the next day's training session, is the employer liable for compensating the employee for the time spent reading or studying?

Section 3 of the FLSA defines "employ" as including "to suffer or permitted to work."

29 U.S.C §203(g) see also 29 C.F.R §785.11. This rule applies to work performed away from the premises or the job site, including work performed at home. "If the employer knows or has reason to believe that the work is being performed, you must count the time as hours worked." 29 C.F.R. §785.12.

If an employer requires an employee to attend a training seminar, the employer is responsible to know what hours the employee will be engaged in the training and whether or not the employee will be

required to read or study material during non-classroom time. Whether the employer actually knows does not affect their liability to compensate employees for the time spent reading or studying after-hours if the instructor(s) at the training so direct. However, the Department of Labor recognizes the right of the employer to place limitations on the amount of time spent engaged in this activity.

The FLSA provides a test to determine whether or not training is mandatory.

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First Amendment Rights

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disruptive behavior or made in a disruptive manner, but whether the government's legitimate interests provide a sufficient justification for controlling his message." The Court further summarized that it is not for them to decide based upon the facts before them whether Mr. Thomas' termination was justified but rather for a

jury to decide based upon a more complete record.

According to the U.S. Constitution, "The First Amendment limits the ability of a public employer to leverage the employment relationship to restrict, incidentally or intentionally, liberties employees enjoy in their capacity as a

private citizen; however, employee speech that is made pursuant to employee's professional duties is not accorded First Amendment protection."

*Paraphrase from the
Quinlan - Employee
Terminations Law
Bulletin*



Driving Under the Influence

By Executive Director Gary Stucky

Are you aware that driving under the influence (DUI) is not just applicable to alcohol? You may also be cited for a DUI if you have either illegal drugs or legal prescription drugs in your system, which impairs or affects your ability to drive. When you get behind the wheel of a car, it is so important to remember that it is not just alcohol that can affect your driving,

but also the prescription/nonprescription drugs that you may be taking. Other substances besides alcohol affect our abilities. So please remember to ask your pharmacist and/or doctor if the prescribed drugs or over the counter nonprescription drugs could affect your driving abilities. Below is some information that may be helpful to understand the California laws

related to DUIs.

What does "under the influence" mean?

The **most common understanding** of the term is when a person starts to stumble and fall, lose coordination, have slower reaction times, lose the ability to process information, experience visual

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Compensation for After-Class Study

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Participation in training programs would not be counted as hours worked if all the following criteria are met:

- Attendance is outside the employee's regular working hours;
- Attendance is in fact voluntary;
- The course, lecture, or meeting is not directly related to the employee's job;
- The employee does not perform any productive work during such attendance.

Training is not voluntary if in fact it is required. However, it is also not voluntary if the employee is led to understand or believe that his/her current working conditions or continuation of his/her employment would be adversely affected by non-attendance. Also, training is directly related to the employee's job if it is intended to assist or allow the employee to perform his/her job more effectively rather than training that would potentially prepare the employee for

The employer has the power to enforce the rules required by FSLA and must make every effort to do so.

another job or provide new or additional skills. Most public employers exceed this minimum requirement by the law.

The employer has a duty to exercise its control and to ensure that work is not being performed if they do not want such work to be performed. The employer cannot knowingly allow such work to occur and benefit from it without compensating their employees.

7th Annual Crab Feed 2009

By Local #1 Business Agent Satomi Cadena

The 7th Annual Crab Feed 2009 proved to be another success. We were able to raise \$3993 toward the Local #1 Political Education Committee fund. Although this is not quite as much as years passed, we believe a good time was had by all and in the end, we came out ahead. Local #1 comfortably accommodated 143 paying

attendees. With the help of member and unit donations as well as prizes donated from our vendors we were able to give away over 40 individual prizes. The Grand Raffle Prize was a 42" Flat Screen TV.

Thank you to all the volunteers and staff who made the event a success and everyone who attended!



Local #1 Political Education Committee raised \$3993 at Annual Crab Feed in Martinez for 2009.

Driving Under the Influence

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impairments or go through personality changes.

However, under California [Vehicle Code Section 23152 \(a\) the law defines DUI as: "It is unlawful for any person who is under the influence of any alcoholic beverage or drug, or under the combined influence of any alcoholic beverage and](#)

[drug, to drive a vehicle."](#) The key words here are "... any alcoholic beverage or drug, or under the combined influence of any alcoholic beverage and drug..." Currently you are legally under the influence of alcohol when driving a vehicle if your blood/alcohol level is 0.08 percent or more, by your body weight. However, subjective eyewitness accounts of your conduct, ability to control a

vehicle while driving, speech, control of physical motor skills and mental alertness, can be sufficient to hold you accountable for your actions. So if you are not sure of your ability to operate a vehicle or friends/family are cautioning you based upon their observations, please do not take a chance.

**REMEMBER: Be safe!
Do not drive while you are impaired.**

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PAUL KATZ SCHOLARSHIP

DEADLINE MAY 11, 2009



Eligibility:

Applicant must be child or grandchild of an active member of Public Employees Union Local One or the Contra Costa County Retired Employees Association having Qualified for graduation from a public high school effective June 2009. In addition, the Applicant must have a cumulative 2.5 grade point average (on a 4.0 scale) or equivalent to qualify. Scholarship Award is \$500.00.

General Criteria:

Applicants must meet the following criteria:

- Be a U.S. citizen or permanent resident.
- Provide a record of community service on a volunteer basis and/or employment providing related community services.
- Plan to enroll (verifiable) as a full-time undergraduate student at an accredited two or four-year college or university.
- Provide three personal character references from people not related to you.

Mandatory Written Exercise: *Provide an essay of 500 words explaining:*

- Why are you interested in applying?
- What have you learned through your experiences by providing volunteer or paid service and why it is important to society in general?
- What are your career goals?

How to Apply: *Send your application with all requested documentation to:*
(To obtain an application: go to our website, www.peu1.org, or call 1-800-585-0054)

Paul Katz Community Activism Scholarship
Public Employees Union, Local One
P.O. Box 6783
Concord, CA 94524

All entries must be postmarked on or before May 11, 2009 to be considered eligible for selection for a Scholarship award for September 2009

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SCEA, St. Patrick's Membership Appreciation

March 19, 2009

WINNERS OF THE DOOR PRIZES LIST

Prize	From	Winner
Sunsweet Dried Fruit Gift Box	SCEA	Hector Romero, PW Building/Maintenance
4 Piece BBQ Set	SCEA	Beverlee Brown, Social Services
4 Piece BBQ Set	SCEA	Michael Oswood, PW Road/Sign Division
Emergency Roadside Kit	SCEA	Paulette Roguski, Social Services
Pet Set Ensemble	SCEA	Linda Sarvis, County Clerk Recorder's
Mr. Pickle \$10 Gift Certificate	SCEA	Maria Terry, Treasurer/Tax Collector's
Mr. Pickle \$10 Gift Certificate	SCEA	Stephanie Marler, Social Services
1 doz. Cookies Gift Certificate	The Cookie Tree	Alberto Franco, Fleet Management
1 doz. Cookies Gift Certificate	The Cookie Tree	Marcella Dagnino, Social Services Fiscal
4 Piece Glass Square Canisters	SCEA	Marisa Ford, Auditor's Office
Glass Circleware 2 piece Host Set	SCEA	Michael Hodges, Jr., Fleet Management
3 Bill Blass Scented Candles	SCEA	Resham Rai, Child Support Services
34 Piece Homeowners Tool Kit	SCEA	David Patrick, Mental Health-Child Staff
Jelly Belly Candies	SCEA	Yvonne Jackson, Health Department Clinic
Velvet Tuberosa Body Lotion	SCEA	Patricia Priest, Child Support Services
Warm Vanilla Sugar Body Lotion	SCEA	Terry Barber, Child Support Services
Coconut Lime Verbena Body Lotion	SCEA	Kimberly Hicks, Agriculture Department
5 Piece Evolv Pliers	SCEA	Surjeet Takhar, Social Services
1 Blue Bazaar Chair	SCEA	Anna Palermo, Health Department
\$20 Movie Gift Certificate	SCEA	Sheri Amoruso, Courts-Criminal Division
\$10 Starbucks Gift Certificate	SCEA	Kathy Ferguson, Community Services
\$10 Starbucks Gift Certificate	SCEA	Raul Chavez, Housing Authority
Kobalt 20 oz Hammer	SCEA	Cheryle Cozad, Courts-Criminal Division
25' Komelon Green Measuring Tape	SCEA	Peggy Breaux, Protective Services
12 Piece Kobalt Screw Drivers	SCEA	Dennis Howard, Children's System of Care
1 Blue Hanging candle stand w/glass	Consumer Credit Counseling	Dana Denham, Health Department
1 Green Hanging candle stand w/glass	Consumer Credit Counseling	Ken Weldin, Building/Maint.
1 Blue Hanging candle stand w/glass	Consumer Credit Counseling	Mary Michaelson, Social Services Fiscal
Decorative Chest	Anonymous Gift	Margot Seaton, Social Services
Decorative Rooster	Anonymous Gift	Joy Denham, Health Department

718 Bridge Street
Suite A
Yuba City, CA 95991

Phone: 530 674-0185

Fax: 530 674-0477

Email: Local1@sycea.org



Site Rep Alice Victorino at the St. Patrick's Member Appreciation

Calendar of Events — April 2009

YCEA Membership Meetings — A bulletin was distributed to your workplace on April 1, regarding meetings on **April 8, 9, and 10** at various locations.

EASTER *Sunday* April 12

YCEA Site Rep Meeting — *Tuesday at noon* April 14

Held at the S/YCEA Association Office - Site Reps attend

SCEA Board of Directors' Meeting— *Monday at noon* April 20

Held at the S/YCEA Association Office—Board members attend

Local #1 Board Meeting – *Tuesday at 7:30 pm.* April 21

Held at Local #1 Martinez Union Hall - Local #1 Board members attend

Administrative Professional's Day *Wednesday* April 22

YCEA Board of Directors' Meeting – *Wednesday at noon* April 22

Held at the S/YCEA Association Office—Board members attend

Advice on Representation

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circumstances that should be considered. Our investigation begins with interviewing the involved member to determine his/her understanding of the circumstances and facts related to the charge(s). This information creates the framework for a more complete investigation.

We are not here to judge you, but in order to give you the best representation we can, we need to know all the relevant facts before we complete a more thorough investigation and definitely, before we appear with you before management. S/YCEA Local #1 always encourages honesty when responding to charges or questioning by management, but administrative proceedings do not provide

protection against self-incrimination. Furthermore, the way facts are produced may influence how management interprets the information and judges the employees motives.

It is also important to remember that you have the right to representation before charges are issued against you, when management is first interviewing you about the matter. It is critical that you exercise your right to representation before you agree to be interviewed by management. The way a question is asked can make a difference in your response. Staff is trained to make sure management's questions are framed properly and not misleading or open-ended.

We are here to counsel you, advise you and be your advocate. We offer advice and recommendations that are based upon our training, knowledge and experience. We provide the advice that we believe is in your best interest. Ultimately, it is your decision whether you follow our advice and hopefully benefit from our experience.

If you are called into a meeting with management, you have a right to know the purpose of the meeting. If the meeting is to question you on a matter that may lead to discipline or the purpose of the meeting is to discipline you (reprimand, suspension or dismissal), you have a right to have Union representation present.

Be sure to protect your rights!

