

# WAFWP



**Washington Association of Fish and Wildlife Professionals**

**Winter 2006**

## **President's Corner**

*by Steve Bell*

Grievances, disciplines, negotiations, arbitration and lawsuits filed under Unfair Labor Practices statutes. That about sums it up. Articles elsewhere in this newsletter provide greater detail. Given that we are a member-run union each volunteer's ability to serve is limited by the ebb and flow of other obligations (work, family etc.). Vice President Adam Couto and Habitat Program Board Member Pam Erstad recently resigned due to the demands of family obligations. Adam has offered to serve as a Job Rep. when needed and Pam has taken on the role of Newsletter Editor. We thank them for their past service and appreciate their willingness to contribute to the union while striking that difficult balance with family and work.

Bryan Murphie was moved from the Secretary to the Vice-President. The Secretary and Habitat Program Board positions are currently vacant. If you are interested in one of these positions please contact any board member for more information. We are particularly interested in finding a new Secretary ASAP.

Even the President has limits to his time. To deal with some of the large issues before us, five Committees have been created. Ruth Milner, Terry Jackson, Beau Patterson and Teresa Eturaspe have agreed to serve on the Reclassification Committee. Ruth Milner, Greg Schirato, Don Nauer, Russell Rogers and Derek Stinson have agreed to serve on the Exchange-Time Grievance Committee. Dave Kloempken, Don Nauer and Steve Bell comprise the Demand-to-Bargain Grievance Committee. The Oil Spill Team (OST) and Steve Bell comprise the OST Grievance Committee. Bryan Murphie and Steve Bell comprise the Contract Negotiation Committee. As always, the law firm of Garrettson, Goldberg, Fenrich and Makler PC is involved as needed in the Committees.

Many of you are accustomed to receiving updates from the Legislative Committee around this time of year. This Committee has not convened and probably will not convene this year because of other more pressing matters.

## **Fish Program - Exchange Time Liquidation Grievance**

*by Steve Bell*

WAFWP was contacted by several members in the Fish Program expressing concern about a directive to liquidate all exchange time. The union filed a class-action grievance on their behalf. On Dec. 8<sup>th</sup>, WDFW Fish Program AD, Lew Atkins, and Labor Relations Manager, Cindy Lerch, heard the grievance.

It appears some of the managers in the Fish Program misunderstood Mr. Atkins' directive. His intent was not to have all exchange time liquidated down to a zero balance, but to have all exchange time in excess of 80 hours be accompanied by a liquidate plan for use within 180 days. Mr. Atkins clarified this in a memo on Jan. 18<sup>th</sup>. His request was consistent with the Overtime and Exchange Time Accrual and Use Policy M1205 that has been in effect since 1994. The policy has not always been closely adhered to in all the programs, which may have resulted in some of the confusion. Mr. Atkins' willingness to hear our concerns and provide a clarification resolved the grievance in an expedient and efficient manner.

## **Biologist Reclass Update**

*by Rhonda Fenrich*

Pursuant to our directive from the membership at our last annual meeting we have participated in the Agency's request for a reclassification of the current biologist classifications by the Department of Personnel. WDFW did request a reclassification and put forward a proposal to the Department of Personnel. The Department of Personnel made several requests for additional information from WDFW in order to evaluate this request. Ultimately, the Department of Personnel denied the Agency's request for reclassification.

We have requested the information packet that was compiled by the Agency in support of its request for reallocation/reclassification. Once we receive this information we will be submitting our own request. Hopefully we can make some headway on this request and then can subsequently request adjustments for the remainder of our membership.

## Fish Program Update - Uniforms

by Russell Rogers

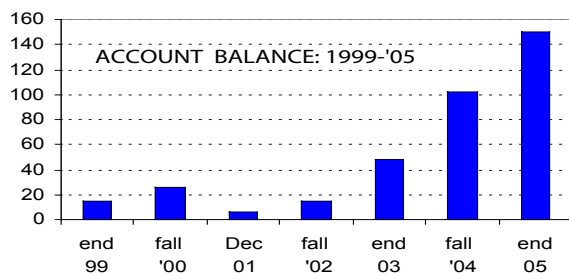
Uniforms – As many of you know, the Fish Program has lagged far behind other programs in providing appropriate uniform items to its field employees. Article 20 of the Collective Bargaining Agreement (CBA) provides that uniform apparel, as well as other items, will be furnished for those of us who work in the field. In the fall, I pressed the Fish Program to follow through with part of the bargain. As a result the Assistant Director sent a memo Fish Program employees in November inviting them to submit request for uniform apparel that they might need.

Those of you who put in a request at that time are probably wondering what has become of it. The Fish Program decided to hold all of the requests and submit them to the apparel provider as one large Order Payment in order to save money. The items should be available by the end of March.

Some people have expressed concerns to me that if they were to order uniform items, as provided for in the CBA, they would be penalized by losing other items in their project's operating budget. Uniforms should be provided to employees regardless of their particular project budgets. If your project funds can't pay for the uniform items, then it is the Fish Program responsibility to provide for it by other means. If you have asked for uniform apparel and have been denied, please let me know and I will see that all requests get honored in accordance to the CBA.

## Treasurer's Report

by Derek Stinson



We are going into '06 with a healthier bank balance than we've had in recent years due both to an increase in membership and the fact that we have not used the services of a lobbyist (Figure 1). A substantial 'war chest' is a union necessity in case we become embroiled in litigation. Figure 2 shows the major categories of expenditures for 2005. Legal representation accounts for our largest expenditure, with board compensation and travel reimbursement a distant second. Miscellaneous office expenses include printing, postage, telephone, and web site. The next category includes our bookkeeper and the certified public accountant who does our taxes and audit-like procedures. The Ann. Meeting category includes costs of the annual meeting as well as room rent for monthly board meetings.

## Class Action Status

by Steve Bell

The WAFWP Board has voted to advance the Oil Spill Team, Exchange Time/Schedule Change, and Demand-to-Bargain grievances to arbitration. Due to the Director's unsatisfactory response at the step 4 grievance, WAFWP has also filed an Unfair Labor Practice (ULP) with the Public Employees Relations Commission (PERC).

The alleged violation cited in the ULP is the employer's refusal to bargain. The relief requested is (1) an order requiring the employer to return to the *status quo* as of June 30, 2005. (2) an order requiring the repayment of all lost wages and benefits resulting from these unlawful changes. (3) an order requiring the employer to bargain any changes in mandatory subjects of bargaining.

As of press time for the newsletter, our attorney received a list of potential arbitrators from the American Arbitration Association. As I understand the process, the selection of an arbitrator is a little like selecting a juror. That process is currently underway along with the appropriate review of the arbitrator's resumes.

In the interim, Glen Christopherson, OFM Labor Relations, has been trying to mediate an agreement on the Schedule and Exchange Time grievance between the Union and the Director. Mr. Christopherson has indicated that he feels the two sides are not all that far apart. If he is correct, there is a chance that we may be able to settle this issue in the near future.

## Leaving a WAFWP - Represented Position? You Must Inform Payroll and Personnel

by Camille Speck

Please note that it is the employee's responsibility to notify Payroll and Personnel in writing, with an original signature, if you are leaving a WAFWP-represented position and need to stop automatic dues deductions from your paycheck. Letters must be addressed to your Personnel and Payroll Officers. If you leave the Coalition for a different bargaining unit, failure to notify Payroll and Personnel could result in you being charged dues for both unions. If you return to a WAFWP-represented position, you must complete an automatic dues deduction form within 30 days of the date of hire. This may be particularly important for people that will leave a permanent seasonal WAFWP-represented position for a non-represented temporary position, or if you take a non-represented temporary position during your career seasonal "off" period.

## 2006 ANNUAL MEETING

Please mark your calendars! The annual meeting is scheduled for **August 31** at the *Olympia Community Center*. Directions and specifics will be provided at the WAFWP website on the Special Events Calendar page and on a post card to be sent out in June or July. See you there!

## **Change in Meal Reimbursement Eligibility**

by Camille Speck

If you work weekends away from your duty station, or have field days that last more than 11 hours, this change affects YOU. Don't think you are eligible because you have an exemption to work outside the core hours/days? Read on...

According to our legal staff's interpretation of WDFW travel regulations, you can now claim taxable meals for ANY weekend or holiday work away from the official duty station, provided you have worked at least 3 hours that day. This change is a result of newly-defined schedules that require employees to work the core hours of Mon-Fri from 8 a.m. to 5 p.m. as outlined in a memo from Director Koenigs on June 24, 2005 and effective July 1, 2005. You can also charge for taxable meals if you work 11 hours or more, straight shift (field days), during the normally scheduled week. The Travel Desk has confirmed this interpretation, as have Region 6 Fish Management managers.

Even if your chain of command has granted an exemption for you to work outside the core hours of 8-5, Mon-Fri., you are still eligible to claim meals for working weekends, holidays and on days you spend more than 11 hours in the field. In addition, the exemption does not override your status as a scheduled 8-5, Mon-Fri. employee and applies regardless of whether or not you have an exemption to work outside of the core hours. The Director would need to make an official schedule change to make you ineligible, and, according to our legal staff, exemptions do not have this effect—even if the exemption is a global approval to work different hours/days.

Official station is defined per OFM: The city, town, or other location where the state official or employee's office is located, or where work is performed on a permanent basis. You cannot claim for meals if you have not left the official station, which includes the entire city or town as described above. In other words, if you are stationed in Olympia and your weekend work occurs in Olympia, you are not eligible to claim meals.

Official meal periods are:

6 – 7 a.m. breakfast • 12 - 1 p.m. lunch • 5 - 6 p.m. dinner

The rate for meals is based on the county where the work occurred. You can download a map illustrating various reimbursement rates throughout Washington state at: <http://www.ofm.wa.gov/resources/travel/colormap.pdf>

You can read the details and examples on page 4 of the most recent WDFW travel regulations, available on the intranet.

I encourage all of you to exercise your right to this reimbursement. This reflects part of the true cost of doing business under the newly-defined scheduled employee status.

## **Board Members Needed**

by Bryan Murphie, VP

Well, it is fast approaching that time of year again. Our annual elections are coming up and we need volunteers to run for office. Since our last election, we have had a number of board member changes. We welcomed Camille Speck (Member-at-Large), Russell Rogers (Fish Program), and Derek Stinson (Treasurer) to the board, while bidding farewell to Kirt Hughes (Treasurer), Pamela Erstad (Habitat Program), and Adam Couto (Vice-President). At the Boards request, I agreed to fill the Vice-President position, while sharing secretarial duties with Camille until a replacement can be found. The table below indicates the board member positions up for election/re-election this year.

<u>Position</u>	<u>Current Status</u>	<u>Term</u>
Vice-President	Filled, term ending	2006-2008
Treasurer	Filled, term ending	2006-2008
Secretary	Vacant	2006-2007
Member-at Large	Filled, term ending	2006-2008
Habitat Program	Vacant	2006-2008

Each term is 2-years unless otherwise indicated. The amount of time spent on union work varies with each position and on the availability of the board member. All time spent on union activity is paid by the hour, including mileage and expenses. Please contact me if you are interested.

## **Contract Negotiations**

by Bryan Murphie

Steve, Rhonda and I will be representing WAFWP during the next contract negotiation period, which begins soon. We are looking for ideas on issues that you think should be addressed in the new contract. Exchange time and work-schedule issues remain a priority. We are looking for other items that are important to you that we may not be aware of. Thus far, our list includes the following items in no particular order:

1. An increase in life insurance pay-outs for job related deaths.
2. Delegating immediate supervisor authority over vehicle usage.
3. Develop formal options for flex-time.
4. Provide time off for bereavement.
5. Extra pay for hazardous duty/flight/large-boat operators and others.
6. Evaluate telecommuting options.
7. Increase salary comparative to recent enforcement increase.
8. Develop increased salary adjustments for living in high-cost areas.
9. Job class retention.

Please, contact me or Steve Bell if you have other items to add.

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### Job Reps

Jeff Korth - Fish Program, Region 2 .....	
Lynda Hofman - Habitat Program, Region 2 .....	
VACANT - Habitat Program, Region 4 .....	
Terry Jackson - Habitat Program, Region 6 .....	
Dave Kloempken - Habitat Program, Region 6 .....	
.....	
Ruth Milner - Wildlife Program, Region 4 .....	
Julie Stofel - Wildlife Program, Region 4 .....	

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