



CAPE CONTRACT NEGOTIATIONS FREQUENTLY ASKED QUESTIONS

The following are Frequently Asked Questions CAPE has received regarding the current state of contract negotiations for the two contracts that cover CAPE-represented employees with the County of Los Angeles. The two MOUs are the Fringe Benefits contract and the Unit contracts.

The purpose of this Fact Sheet is to educate and inform members. Please share with your colleagues.

Additional Questions? Contact your CAPE Business Agent at 626.243.0340 or email info@capeunion.org.

FRINGE BENEFITS MOU NEGOTIATIONS

Q: WHAT IS THE FRINGE BENEFITS MOU?

A: The Fringe Benefits Memorandum of Understanding (MOU) is a contract between the County and the Coalition of County Unions (CCU) that addresses the various benefits negotiated on your behalf with the County. These benefits include contributions to your health plans, retirement plans, mileage, vacation accrual, sick leave and more. This contract is negotiated through the CCU for which CAPE is a member. The CCU is comprised of 10 county unions, including the Association of Los Angeles Deputy Sheriff's, LA County Firefighters Local 1014, Operating Engineers, Probation Officers, Physicians and Dentists and more. To see a full list of members, visit <http://www.coalitionofcountyunions.com/memberdirectory.html>.

The Coalition negotiates with Los Angeles County as one body, representing approximately 28,000 union-represented County employees. The representative for CAPE to the Coalition is CAPE's president, Carlos Clayton. The Chair of the CCU is CAPE's General Counsel Blaine Meek.

To review the CCU's Fringe Benefits Contract visit www.capeunion.org/mous.

Q: WHAT IS THE STATUS OF THE FRINGE BENEFITS NEGOTIATIONS?

A: The CCU is still in negotiations with the County. The conversations are ongoing. CCU leadership have and continue to meet with the Supervisors and their staff. At issue is the County's proposals regarding its increase in contributions to employee health plans and other monetary bonuses.

Q: WHAT IS THE COUNTY'S CURRENT PROPOSAL FOR HEALTH PLAN CONTRIBUTIONS?

A: Currently (as of 1/11/2019) the CEO is demanding CAPE members accept an increase in contributions to their Choices health plans that are lower than what the County budgeted for in July.

The following are the percentage increases proposed. These are percentage increases to what the County already contributes to your health plans:



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2019: 1% in 2019; **2020:** 2%; **2021:** 2%.

In contrast, the CEO's recent agreement with SEIU 721 provides the following contribution increases to their Options health plan.

The Options increases are: **2019:** 1.5%; **2020:** 2%; **2021:** 2.5%.

The CEO is offering you LESS than SEIU 721 members, which is unprecedented.

Additionally, the CEO's contribution increase offer for your dental insurance is ZERO. So what the County pays toward your plan now is all you will be receiving. This is also what SEIU 721 received.

Q: WHAT ABOUT THE CASHBACK I RECEIVE THROUGH THE COUNTY'S ALLOWANCE?

A: As with the SEIU 721 deal, the CEO is proposing to cap the cashback employees receive through their cafeteria plan in the second and third years of the contract.

In 2019 there is no cap. In 2020, the cap is \$325 and in 2021 the cap is \$244. These are the same caps SEIU 721 members approved.

Q: WHY ARE THEY CAPPING THE CASHBACK?

A: This cap is due to a 9th Circuit U.S. Court of Appeals decision in *Flores v. City of San Gabriel* in which the court found that the cashback employees receive through their benefits plan is income and should be included in determining overtime.

Some CAPE members take home as much as \$600/month in cashback from their benefits allowance. The County wants to reduce the additional overtime costs by imposing this cap. They assume most members will spend all or at least up to those cashback limits on the various benefits available to them.

Q: SEIU 721 MEMBERS RECEIVED A \$1,000 BONUS. WHERE'S MINE?

A: The \$1,000 bonus SEIU 721 members received was a one-time bonus that was negotiated through their Options benefit. We like to call it a "signing bonus."

Plain and simple: The CEO did not offer this to the CCU. **They only offered a \$500 bonus to the CCU.** The CEO claims it would cause a \$20 million shortfall if they offered the same deal as SEIU 721 members received. The CCU disputes this claim.

Q: SEIU 721 MEMBERS ARE RECEIVING A 1% BONUS IN JANUARY 2020. ARE WE RECEIVING THAT?

A: No. The CEO has refused to offer a 1% bonus in January 2020 in the Fringe Benefits contract. When the CCU has proposed receiving both the \$1,000 bonus and the 1% bonus like SEIU 721's contract, the



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CEO has countered by lowering the healthcare contributions percentage. Again, the CEO claims that giving the CCU unions the same deal as SEIU 721 will cause a \$20 million shortfall. The CCU disputes this. The County has plenty of money to provide a fair contract that is at least equal to what SEIU 721 received.

Q: IN PAST NEGOTIATIONS, HAS THE COUNTY EVER OFFERED DIFFERENT PROPOSALS TO SEIU 721 AND THE CCU IN THEIR RESPECTIVE BENEFITS CONTRACTS?

A: NO. The practice has always been that of “pattern bargaining”: If the CCU settled the Fringe Benefits negotiations first, then SEIU 721 would receive the same deal. And vice-versa. But this time around, under CEO Sachi Hamai, the County is stepping away from these past practices. We see this as an attack on public sector unions with a desire to weaken us.

Q: SEIU 721 MEMBERS ARE RECEIVING AN ADDITIONAL HALF-STEP BONUS IN THE THIRD YEAR OF THEIR CONTRACT. HAS THE COUNTY OFFERED THAT TO US?

A: Yes. The CEO has offered CAPE the same 2.75% half-step bonus in the third year of the contract. **HOWEVER, IT’S IMPORTANT TO UNDERSTAND: Not every CAPE-represented employee will be eligible for this bonus.**

This bonus is only being offered to employees who are in their last step. Unless you are already in your last step or will reach your last step in the third year of the contract, you won’t be getting this 2.75% bonus. For Appraisers, this bonus will take place if you are already at or will reach your 11th step in the third year.

UNIT MOU NEGOTIATIONS

Q: WHAT IS A UNIT MOU?

A: The Unit MOU is a contract that focuses solely on specific classifications represented by CAPE. There are six bargaining units that CAPE represents, covering more than 200 classifications across Los Angeles County.

The Units are as follows: 131 (Appraisers) and 132 (Supervisory Appraisers); 501 (Engineers) and 502 (Supervising Engineers); and 511 (Engineering Techs) and 512 (Supervising Engineering Techs).

The Unit MOUs are negotiated by negotiating teams made up of CAPE member volunteers. For the contract negotiations, the negotiating teams are grouped by their respective non-supervisory and



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supervisory Units. For example, Units 131 and 132 negotiate together as a team. The same goes for 501 and 502 and then 511 and 512.

The Unit MOUs cover specific protections, policies and provisions for classifications covered under that Unit's MOU. This has customarily included salaries, bonuses and special pay practices, safety issues and more. You can review your Unit MOU via the CAPE website at www.capeunion.org/mous.

Q: WHAT IS THE STATUS OF THE UNIT NEGOTIATIONS?

A: The negotiating teams for all Units have declared impasse with the County. This is due to the CEO's refusal to negotiate fairly with CAPE on our economic proposals.

Q: WHAT WAS THE COUNTY'S LAST SALARY PROPOSAL?

A: The CEO offered CAPE a 7% salary increase over three years. The increases would take place on Oct. 1 of each year of the contract as follows:

2019 – 2%; 2020 – 2.5%; 2021 – 2.5%

Q: WHAT IS CAPE'S SALARY PROPOSAL?

A: As with any contract negotiations, CAPE aimed high in its initial proposals knowing that the County would negotiate the percentage we proposed down. However, the CEO started out extremely low in their first counter proposal, offering CAPE just 3% over three years (1% increases each year of the contract). The CEO eventually came back with their last offer of 7% over three years. CAPE is pushing for at least 9%, just as the sheriff's union and the firefighters union received.

Q: WHAT IS IMPASSE?

A: Impasse is declared when the two sides cannot come to an agreement and are essentially in a deadlock. Once the notice of impasse is accepted by the Employee Relations Commission the California State Mediation & Conciliation Service is notified and a neutral state mediator is assigned to our case.

Q: WHAT IS A MEDIATOR?

A: A Mediator is an independent experienced state employee assigned to a dispute between two parties. Their job is to suggest terms that would "bridge the gap" between the parties to reach an agreement. The state mediator is a free service.

Q: WHEN IS CAPE MEETING WITH THE MEDIATOR?



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A: CAPE will meet with the mediator once it receives data the union requested from the County. This data is important in presenting CAPE's case to the mediator to consider in reaching a settlement proposal.

Q: ARE ALL THE BARGAINING UNITS MEETING WITH THE MEDIATOR AT THE SAME TIME?

A: No. Units 131 & 132 will have their mediation session separate from the other bargaining units. The CAPE Board of Directors approved units 501 & 502 and 511 & 512 meeting together with the mediator. This is because their issues are similar.

Q: WHAT IS THE MEDIATION PROCESS?

A: The mediator will set up one day to meet with the parties. The mediator will meet with the County and the CAPE negotiating teams separately. The County and CAPE will not be in the same room. Each side will present their proposal and evidence backing up their position.

The mediator will take all this information and make suggestions as to terms that would settle the MOU. State mediators travel from one mediation session to another. So the mediator will be with CAPE one day, and the next day with another union or party.

Q: HOW LONG DOES MEDIATION LAST?

A: Usually, the mediation is only one day. If one of the parties want to meet again, the other party has to agree to it. If not, then that one day is the only day the parties will meet and the mediator will provide their suggestions as to terms that would settle the MOU.

Mediation could go for one day or it could go on for several days, weeks or even months. It depends on the parties.

Q: IS THE MEDIATOR'S SUGGESTIONS BINDING?

A: No.

Q: IF BOTH SIDES REJECT THE MEDIATOR'S OPINION, WHAT'S NEXT?

A: Both sides could agree to a Fact Finding investigation in which a Fact Finder is brought in to the matter. The Fact Finder is a third party arbitrator. Both parties pay half of the fees.

A Fact Finding is similar to a hearing in a court case. Both sides present their last proposal and the supporting evidence and documents (which has already been shared with the other party).



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The Fact Finder will issue a written report in 30 to 60 days making recommendations on what should settle the MOU. Like the mediator, the Fact Finder's recommendations are not binding. The parties can either adopt the recommendations or reject them.

Q: WHAT HAPPENS IF BOTH SIDES REJECT THE RECOMMENDATIONS?

A: The County would have the legal right to unilaterally enforce their "Last, Best and Final" offer for one year or walk away from the table. Walking away would mean no MOU and CAPE members would be working without a contract.

The two parties could also decide to go back to the table and try again.

Q: ARE THE INCREASES PROPOSED IN BOTH THE UNIT AND FRINGE BENEFITS CONTRACTS RETROACTIVE?

A: At this point, since CAPE and the CCU rejected the County's "Last, Best and Final Offer" the answer is no. But this can always change and be negotiated once both sides return to the bargaining table.

Q: WHY DON'T WE STRIKE LIKE THE TEACHERS?

A: Because a strike authorization vote has not been taken by the CAPE membership. The decision to strike is not made by the CAPE Board of Directors or its senior staff. It's a decision that is made by the membership.

A strike vote is only effective if the union's membership is on board. CAPE would need to get at least an 80% approval by its membership to strike. Anything less shows weakness.

It's important to note that the teachers went on strike almost two years after they started their negotiations with the school district. Their strike authorization vote took place in August. They continued to negotiate with the school district after that until they went on strike in January.

Q: WHY DON'T WE HAVE A SICK OUT?

A: Like a strike authorization vote, a large percentage of the membership must be onboard in order for the Sick Out to be effective. That's more than 1700 CAPE members in more than 200 departments across the County of Los Angeles calling in sick.

It's important to note that CAPE has in the past done sick outs and the County has required members to provide a doctor's note upon returning to work or face discipline.



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Q: WHAT CAN WE DO?

A: Be patient! Negotiations is not something that happens overnight. It is a process. CAPE started preparing for these current negotiations in the fall of 2017.

There are many things you can do as a CAPE member to keep engaged and active, including:

- **SHARE THIS INFORMATION WITH YOUR COLLEAGUES.** Particularly the ones who may not be that “union person” and doesn’t really participate or discuss negotiations or union matters.
- **OPEN YOUR EMAILS FROM CAPE!** We send negotiation updates to your HOME EMAIL only. If you’re not receiving emails at home, contact CAPE to update your information. The easiest way to do this is to re-sign your CAPE membership application. You can download the fillable PDF on the CAPE website here: <http://www.capeunion.org/sites/default/files/2018-CAPE%20Membership%20Application-FILLABLE.pdf>
- **JOIN OR CREATE A UNITY BREAK.** Holding a Unity Break brings everyone together to get updates on the negotiations and to end with a Unity Clap. It shows management – whether you’re in a headquarters or a field location – that you are united and support your union.
- **WEAR BLUE!** At least every Wednesday (when we have Unity Breaks across the county). But if you can wear it every day – do so. Just like the teachers wear red to show solidarity, we wear blue!
- **BECOME A DELEGATE.** CAPE delegates are the eyes and ears for the union. We have members working in more than 200 locations across Los Angeles County. CAPE delegates provide key support for the Field Staff. Contact your business agent or Field Representative Jessica Castro for details.
- **PARTICIPATE IN ACTIONS.** When we ask members to participate in an action, whether it’s coming to the Board of Supervisors meeting or phone banking, we need you! That’s strength in numbers.