



360 Performance Review

A series of constructive critiques of LLNS and SPSE-UPTE

SPSE-UPTE's New Skilled Trades Contract Promotes Run to Succeed

By William Smith, SPSE-UPTE President

Society of Professionals, Scientists and Engineers of the University Professional & Technical Employees (SPSE-UPTE's) Skilled Trades Unit and LLNS (Lawrence Livermore National Security) management have agreed on a new contract that runs from January of 2015 until December of 2019. Provisions in the contract slow, and may even reverse, the steady erosion of take home pay and other benefits, especially retirement benefits. Other provisions create a safer and more productive work environment.

General provisions in the contract promote better working conditions for all LLNS employees, including protection of take home pay. Our Skilled Trades employees have the right to bargain the effect of increases to employee pension contributions, reductions in 401K matching funds and other decreases in benefits. To maintain uniform benefits across the LLNL (Lawrence Livermore National Laboratory), LLNS management may agree to extend to all employees any offsetting gains negotiated by SPSE-UPTE's Skilled Trades Unit.

The contract also locks in other benefits. These benefits include paid holidays, vacation and sick leave accrual rates, and shift, holiday and on-call differential rates.

After nearly a decade during which LLNS has aggressively deferred maintenance to reduce operating costs, the contract puts in place procedures and requirements to moderate this policy and advance SPSE-UPTE's *Run to Succeed* campaign. Deferred maintenance, as we have pointed out in previous articles [see Monthly Memos of April and December 2014], has reduced our ability to support world-class science and engineering. Under the new contract, our Skilled Trades workers spend more time maintaining facilities and equipment and less time with the paper work and other duties associated with non-technical aspects of monitoring the adherence of subcontractors to federal, state, Department of Energy and LLNS health and safety regulations.

Our work place will be safer as provisions in the contract lower the risk of work place accidents. New limits on mandatory overtime enable workers to get adequate rest. An expansion of the SPSE-UPTE / LLNS Joint Management Safety Committee will provide workers more opportunities to share their knowledge of work place hazards and to address them directly with a broader cross-section of management. Better procedures for the locking and tagging out of

hazardous equipment is an example of a simple safety improvement that is surprisingly complex to implement and is best addressed by the expanded joint committee.

Cost of living raises throughout the contract term and prevailing wages mandated by the Davis Bacon Act will reverse the erosion of take-home pay for some Skilled Trades Unit members and slow the erosion for others.

Our Skilled Trades Unit contract encourages LLNS management to maintain current levels of benefits for all employees. You can support our effort to maintain take-home-pay and benefits for SPSE-UPTe members and non-members alike by joining us. To join, contact either SPSE-UPTe office manager Eileen Montano at spse@spse.org, SPSE-UPTe President William Smith at either smith324@llnl.gov, or 925/422-6378, or download a membership form from our website at <http://www.upte.org/local/spse/join/>.

Justice for All Requires A Contract for All

By Jeff Colvin, SPSE-UPTe Board Member

In addition to guaranteed wage increases and the provisions for enhanced safety and job security, the new Skilled Trades employment contract retains an important provision: all the due process rights and the “just cause” standard for discipline that all Lab employees once enjoyed as UC employees prior to the transition to private company management of the Lab in 2007.

The consequence of the loss of the “just cause” standard was recently highlighted for us in the decision in a grievance arbitration we handled for a non-skilled trades SPSE-UPTe member. In his written decision in this case the Arbitrator said the following.

“The problem with those arguments (the union arguments) is that each of them is applicable only where the standard against which to measure the disputed disciplinary action is ‘just cause’ or a similar standard. While each of these Union-argued elements may well have had varying degrees of merit when measured against the ‘just cause’ standard, and particularly so concerning whether the Laboratory has met all of the requirements for a finding of ‘insubordination’, they are simply not applicable where, as here, the standard which the arbitrator must apply is unlawful discrimination, harassment or retaliation.’ Put simply, there is nothing ‘unlawful’ in the Laboratory’s actions here.

“Likewise, the concept of progressive discipline argued as not followed by the Union is a concept arising within the above-described ambit of ‘just cause’ or a similar standard. The arbitrator has reviewed pertinent sections of the Laboratory’s Personnel Policies Manual, and can find no mention of that concept in those materials. Were this a ‘just cause’ matter, that element of the Union’s argument might well have at least some merit, in that this Arbitrator has in his

prior ‘just cause’ cases generally been an advocate of the positive elements of progressive discipline.”

In short, for those of us without a union contract that embodies the “just cause” standard, the Laboratory is free to treat us unjustly, as long as the treatment is not demonstrably illegal.

Since managers can treat employees unjustly, many will continue to do so, taking full advantage of the extra latitude private sector law gives them in dealing with non-unionized workers. Employees without a union contract have no say in the policies and procedures that govern their working environment, and every change that LLNS management has made to the employee conduct and formal complaint policies has left non-union employees with fewer and fewer ways to challenge unjust treatment.

SPSE-UPTE believes that an injustice to one is an injustice to all. The ultimate fix to workplace injustice is for everyone to be covered by a union contract. In the meantime, just being a dues-paying member of SPSE-UPTE, even one who is not covered by a contract, gives you some protection, since all our members have access to trained stewards to help them navigate the Lab’s labyrinthine formal complaint resolution process to address workplace issues. Many members find that this benefit alone is worth the modest price of membership. They understand that it makes no sense to wait until the house is on fire before going out to shop for homeowner’s insurance, and that preserving one’s job is as important as saving one’s house.

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Join Us

For four decades we in SPSE-UPTE have worked to make our Laboratory a better place to work by helping fellow employees and demanding fairness and transparency from Lab management. Our effort has never before been more important, and if you share this belief please go to <http://spse.org> and click on “Join Us.”