



15728 Main Street, Mill Creek, WA 98012

Administration 425-745-1891

Police 425-745-6175

All Other Departments 425-551-7254

Via Electronic Mail Only

kimm@cityofmillcreek.com

May 24, 2017

Kim Mason-Hatt
Union Representative, AFSCME
City of Mill Creek

Re: AFSCME Class Action Grievance

Dear Kim,

The City received a "class" grievance, dated and received May 16, alleging the following:

Job openings not being "posted" internally to current employees per the contract. While the positions are posted for the public online, staff needs to actively seek job openings which are buried in a list as a link called "Career Center" on ADP. If the opening isn't announced staff doesn't know to open that link.

The grievance alleges a violation of Section 17.2 of the 2013-2016 CBA:

Section 17.2 All bargaining unit positions that are going to be filled, shall be posted internally for at least six (6) working days to allow any interested employees in the bargaining unit to apply. All employees in the bargaining unit who apply for a vacancy and who meet the minimum qualifications shall be granted an interview for the position.

The City notes the grievance was filed with the City's HR Manager, Laura Orlando. Step 1 of the grievance procedure stated in Section 18.2 requires the grievance to be filed with an immediate supervisor, not a department head such as Ms. Orlando. Regardless, the City accepts the filing of this grievance with Ms. Orlando on a non-precedent setting basis.

Procedurally, the grievance is denied as untimely. Section 18.2 requires a grievance to be filed "within fifteen (15) working days of the alleged contract violation." The City recently posted for three open positions: (1) Accountant, (2) Communications & Marketing Coordinator, and (3) Seasonal Maintenance Aides. On April 4, AFSCME emailed the City and referenced a violation of Section 17.2 related to these job postings. The 15 working day period specified by

Section 18.2 expired on April 25. The grievance was not filed until May 16. The grievance is therefore rejected as untimely.

Substantively, the grievance is denied on the merits. As mentioned above, AFSCME originally contacted the City on April 4. That same day, Laura Orlando responded and reminded AFSCME the job postings were posted on the Career Center section of ADP. Ms. Orlando offered to schedule a meeting to discuss this and provide instruction to employees: "Also, if you'd like me to come to a union meeting or other staff meeting and go over this I would be happy to. Just let me know what I can do to assist." Instead, on April 5, AFSCME business representative Matt Miller emailed Ms. Orlando with a proposed solution:

Would a solution be a memo sent to all employees stating that there is [sic] has been a change to job postings at the City of Mill Creek and provide guidance to the employees about how to locate the job postings? It would be helpful if the memo all announced the open positions that are posted currently.

Would that be possible?

Ms. Orlando complied with Mr. Miller's request and sent an email to all staff that same day:

Announcement to employees:

Please take note of some recently posted job openings here at the City. We are recruiting internally and externally for the following positions:

Accountant
Communications & Marketing Coordinator
(2) Seasonal Maintenance Aides

You can always find up to date recruitment information via the ADP Home Page in the "City News & Info" section. Just click on the link that says "Career Center" to see any current openings. We welcome employees to pass recruitment information along to qualified friends, family and acquaintances that would be interested in working here.

Applications are accepted through our ADP Career Center, assessable through the portal and on the Mill Creek website.

The job postings on the Career Center section of ADP remained up for at least six (6) working days. The grievance is therefore denied because the City complied with Section 17.2.

Although the grievance is denied for the reasons set forth above, I encourage the AFSCME leadership to share with Joni Kirk, Director of Communications & Marketing, ideas and recommendations for communicating information it feels would be pertinent to its membership.

Sincerely,

A handwritten signature in blue ink that reads "Rebecca C. Polizzotto". The signature is fluid and cursive, with a large initial 'R' and a stylized 'P'.

Rebecca C. Polizzotto
City Manager

Cc: Matt Miller
Greg Elwin
Laura Orlando
Peggy Lauerman
Joni Kirk