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June 29, 2017

Sent Via Email

Matthew Miller
AFSCME WSCCCE Council 2
P.O. Box 750
Everett, WA 98206
matthewm@council2.com

Re: City of Mill Creek – AFSCME Bargaining Issues (June 2017)

Matt,

Hello. This letter addresses several bargaining issues recently raised by you. Please let me know if you have any questions. Thank you and have a pleasant Fourth of July. 🇺🇸

AFSCME Bargaining Demands

The City has received the following bargaining demands from AFSCME:

- Demand to bargain the City's use of interns (RESOLVED).
- Demand to bargain allegations of skimming related to the unfilled position of Deputy City Clerk.
- Demand to bargain impacts stemming from the reorganization/transfer of Kim Mason-Hatt and Joanna Lee following the resignation of Sarah Steepy.
- Demand to bargain a reminder in the Mill Creek Monday Minute requesting employees refrain from conducting personal business, or from congregating near customer service areas, during paid working time.

While the City disagrees with many of the allegations accompanying your demands, it remains willing to meet at the bargaining table to discuss them. Given your team has refused to meet outside the presence of a PERC mediator, the City assumes any such discussions will take place only during scheduled mediation sessions. To that end, a list of these demands was provided to you during our mediation session on June 20. For those demands that have not been resolved, the City will defer to AFSCME and the PERC mediator as to when they will be addressed. If you feel I have missed any demands, please let me know ASAP.

AFSCME Grievances

AFSCME recently filed two grievances: (1) a “class action” grievance alleging a hostile work environment (received on May 9); and (2) a “class action” grievance alleging the City’s failure to post open jobs (received on May 16). Both of these grievances were denied by the City on procedural and/or substantive grounds. The City denied the hostile work environment grievance on May 18. The City denied the job posting grievance on May 24.

By letter dated May 30, you informed the City you disagreed with the grievance denials, but proposed holding the grievances in abeyance pending a meeting with City officials. By email dated June 16, you reversed course, threatening legal action against the City and explaining you had no intention of holding the grievances in abeyance. Last week I received a voicemail from you asking about re-filing the grievances. The City’s response is provided in the paragraphs below.

As for the hostile work environment grievance, the City’s denial letter invited AFSCME to re-file the grievance at Step 1 of the grievance procedure. Step 1 of the grievance procedure requires grievances to be filed with the employee’s immediate supervisor. Those employees alleging a hostile work environment may re-file with their respective immediate supervisor(s). As mentioned in the City’s denial letter, it cannot adequately process a grievance without knowing who the aggrieved employees are.

As for the job posting grievance, the City denied the grievance as untimely and on the merits. Although the grievance was required to be filed at Step 1 with an employee’s immediate supervisor, the City accepted service on HR Director Laura Orlando at Step 1 on a non-precedent setting basis. Should AFSCME wish to pursue this grievance, it may be filed at Step 2 with Ms. Orlando. The procedure is stated in Section 18.2 of the CBA.

By providing the guidance above, the City does not waive any of its procedural or substantive objections to these grievances. For example, the City maintains these grievances are untimely and fail on the merits. The City also disagrees with your assertion that it violated the CBA by denying the grievances without first scheduling a meeting. Step 1 of the grievance procedure states that an immediate supervisor may schedule a meeting “as necessary to resolve the grievance.” Thus, a meeting is not required at Step 1. The City did not find such a meeting necessary or appropriate when denying the grievances.

AFSCME Request for Meeting with City Officials

By later dated May 30, you proposed a meeting with City officials, including the City Manager, Mayor, and a member of the City Council, for purposes of “find[ing] common ground and rebuild[ing] an atmosphere of communication and partnership which everyone can help move the City in a positive direction to achieve the best for the City of Mill Creek.”

In your letter, you proposed holding any grievances in abeyance, presumably with the intention of a global resolution of issues between the parties. The City informed you it was amendable to such a meeting and proposed setting a date.

Since proposing a meeting, AFSCME has now threatened legal action against the City, filed an unfair labor practice complaint against the City (based on serious, salacious allegations against the Police Chief), and explained it has no intention of holding the grievances in abeyance. This remains true dispute progress at mediation, including a proposal from the City with favorable concessions to AFSCME. The City respects AFSCME's right to take legal action if it believes its rights have been violated. However, given the current environment of pending and threatened litigation, the City no longer believes such a meeting is appropriate.

Sincerely,

SUMMIT LAW GROUP PLLC



Peter Altman

cc: Rebecca C. Polizzotto, City Manager (rebeccap@cityofmillcreek.com)
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