

Civil Service Commission
Thurs. July 16th, 2009

On May 21st, 2009, I appeared before this Commission to request an investigation into improper Job Classification and Discriminatory hiring practices in the Dept. of Public Works Solid Waste Division.

It was requested that I allow time for the Department of Public works to conduct an internal investigation.

On July 6th, 2009 I received a letter from the current Director of Public Works, Mr. John Presleigh; basically reiterating (practically verbatim) the Solid Wastes Superintendent; Brian Van Straten. Included in the letter was E.E.O.'s response. Carbon Copies noted to have been sent to this Commission. I am asking this Commission to focus only on the actions of the Department of Public Works and Personnel regarding my complaints. My issues with E.E.O. and their interpretation of Equal and Civil rights will now be separate issues not pertinent to this request.

Mr. Presleigh failed to include in his letter to me, all the 'complete' information regarding the Departments course of actions. Nor does he give any clear legal justification for allowing the actions of improper Job Classification and Discriminatory hiring practices to occur. He actually states: "Based upon my review of the issues you raised in your complaint, I find no evidence of violations of the prescribed County of Santa Cruz Civil Service Rules and/or County Personnel Policies, Regulations, and Procedures. "

Mr. Presleigh's "parroted" answer leaves me feeling that the County's policy seems to be that it is O.K. to allow the "fox to guard the hen house" and **THAT** fox has been taught to throw up smoke screens.

May I point out that "specifically" section III, parts C and D of the

*III. MINUTES - July 16, 2009
ATTACHMENT A*

Civil Service rules were not properly observed in the Departments actions? Placing an entry level positions description into the middle of an existing job description to “pad” the divisions budget and “Sneak” in employees who can pay higher Union Dues is EXACTLY why we have to have Oversight. And I believe this is one scenario the Civil Service Commission exists for. So that there is Transparency to the Tax Payer and Equality in the Workforce.

It seems that the Buzzword for this year is Transparency.

It also disturbs me that the copy of the letter to Ms. Scannagatta was never signed and automatically grants an “assumption of acceptance” which I find ethically improper on the behalf of the County. Mr. Presleigh also failed to include the letter in its entirety in his copy to me. His explanation of Personnels complete actions and interactions with this Commission are also incomplete.

The Union has failed to respond to this matter altogether, despite a separate letter to Gary Klemz and several phone calls. The Union’s lack of response and lack of ethics and integrity will be a separate issue which I shall handle through separate channels.

I hereby am requesting again, that this Commission investigate this matter, and place it on the agenda for discussion at the next meeting in August.

Thank you for your time,

Suzie Kriz
suziekriz@yahoo.com
526 Mission Street
Santa Cruz, Ca. 95060

831-247-7704

July 16, 2009

Chair Mr. Jack Gordon, Esquire
Santa Cruz County Civil Service Commission
c/o Laurie Hill, Risk Management
Department of Personnel
701 Ocean Street, 5th Floor
Santa Cruz, CA 95060

Re: Issues Currently Pending Before the Commission

Good evening, Commission Chair Gordon, Commissioner Potro, Commissioner Madrigal, Commissioner Taren and Commissioner Maxwell.

My name is Morgan Koch and I have worked for the County of Santa Cruz for almost nine years and have been fortunate to be a resident of Santa Cruz County for over 20 years.

I apologize for not bringing forth an issue or issues to work with at the last Commission meeting in May, but for some reason I thought that the issues brought up in the Agenda Attachment entitled: "Frequency of Regularly Scheduled Commission Meetings" were going to be discussed by the Commission that evening and I was planning to make comments on that attachment as the Commission discussion proceeded. Perhaps the Commission addressed the main issue of this attachment: "Should the Commission meet more frequently?" by voting to try out a two month on, one month off schedule to see if that may more effectively assist the Commission in fulfilling its mandate to oversee the Personnel Department's administration of the civil service system. Hence, my assumption now is that no further discussion is at least currently required on this issue.

However, my understanding is that several other unresolved issues still remain before this Commission. Perhaps I do not have a full understanding with regard to this Commission's role in addressing and hopefully resolving these issues, but I would like to respectfully remind the Commission that these issues still remain unresolved and the citizens of Santa Cruz County would be well served if at least one of these issues were dealt with and resolved at each of the forthcoming Commission meetings including this evening's Commission meeting. These issues currently are:

- 1) The County's nepotism policy. This policy only addresses supervision (i.e. you can't supervise your spouse) but does not address hiring (you CAN hire your spouse, as long as someone else supervises him/her). It has been respectfully submitted to the Commission that this policy should be changed to address circumstances where there is influence over the hiring

IV. MINUTES - July 16, 2009
ATTACHMENT B

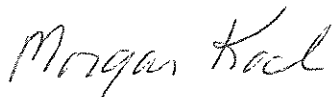
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process so that a spouse, friend or family member recuses themselves if either hiring or supervision of a spouse, friend or family member is involved.

- 2) There is a culture of fear among county employees that if you protest an action by department management or even your supervisor, you will forfeit opportunities to be considered for promotions or vacancies. A statement from this Commission with regard to this issue -- with input from labor organizations -- would be one important step forward in effectively addressing this issue and in providing a more supportive work environment for all county employees.
- 3) As the Grand Jury clearly concluded, the whistleblower program doesn't work for personnel-related issues. It doesn't protect the identification of people who complain and no one follows up on complaints. They're just handed over to the department head where the complaint came from. During this interim period imposed by the Board, there is an opportunity to further discuss and find ways to improve this important program.
- 4) Although the Civil Service Commission now meets somewhat more frequently it continues to function mainly as a review board for disciplinary actions; it does not in general oversee the civil service system even though that is its mandate. It has been respectfully submitted to the Civil Service Commission that it should meet monthly on a regular basis to carry out all of its responsibilities. Perhaps a discussion of the Civil Service Commission's mandate and role would provide another issue worth considering during these meetings.

I would respectfully submit to this Commission that these issues are well worthy of the Commission's time and consideration each time they convene until they are satisfactorily resolved for the benefit of all concerned.

I thank you for your time and remain respectfully yours,



Morgan Koch
Santa Cruz County Employee & Citizen

An Appeal To:
County of Santa Cruz Civil Service Commission

May 21st 2009

From: Suzie Kriz

Disposal Site Maintenance Worker

County of Santa Cruz, Dept. of Public Works, Solid Waste Division.

Thank you for hearing me. The attached exhibits will further explain this problem. We thank the Civil Service Commission and hope that they provide an impartial and fair remedy to this.

Exhibit "A" Request to Cease and Desist...." May 7th 2009
A basic request for the Governing Bodies of the County of Santa Cruz to put a halt to the unfairness and Discrimination in my Division.

Exhibit "B" May 14th 2009 letter to SEIU with more "Details" regarding the "Union's" Deceptions and Unfair Labor Practices.

Exhibit "C" A copy of a recent schedual for the Solid Waste Division showing "C&D" as a separate Job Class.

Exhibit "D" An outline of the "Misrepresentations " in the Disposal Site Maintenance Worker Job description.

Although I personally am available for questions at 831-247-7704, For the sake of my colleagues, I request all formal response in writing.

suziekriz@yahoo.com

526 Mission St, Santa Cruz, CA 95060

VI. Classification
Complaint

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Internal Request to Cease and Desist Violations of Federal Labor Law

Presented to:

Supervisors of the County of Santa Cruz, CA
Directors of the Department of Public Works
Santa Cruz County EEO
Local Chapter Heads of SEIU
And "Concerned Citizens"

Presented by: Suzie Kriz, Disposal Site Maintenance Worker

Representing Self and Reserving the Right to include Colleagues in future Class Action.

This is hereby a **Formal Written Request**, for the County of Santa Cruz AND S.E.I.U. to be held Accountable for; and Cease and Desist all ongoing Unfair Labor Practices of Job Discrimination and herein outlined "Violations" of the Federal Equal Employment Opportunity Laws under the Provisions set forth by Title VII of the Civil Rights Act of 1964 which prohibits Employment Discrimination and the Equal Pay Act of 1963 which requires Equal Pay for Equal Work.

These "acts of discrimination" and Violations of Equal Pay for Equal Work, have been "intentionally" allowed to go on for more than 3 years despite verbal complaints from the rank and file. These inequities and disregard for Policies and Law have created workload and safety issues throughout the Solid Waste Division.

They have also created general, ongoing morale problems and an overall feeling of unresolvable "Friction" between myself and my Supervisors.

(2)

The following pages outline how these violations of Federal Labor Law occur within our Division.

This request is also an attempt to have the Governing Bodies and Policy Oversight Committees of the County of Santa Cruz and S.E.I.U to reconcile these deplorable oversights prior to the upcoming Budget Hearings as this may change the complexion of our Divisions budget.

I request in return, a formal written response on the actions and remedies that will be taken, including copies of any and all "Letters of Apology" to all who have been "affected". If these actions and remedies are not in compliance with Federal Labor Laws, I reserve the right for litigation.

EMPLOYMENT DISCRIMINATION

All references herein are pertaining to the Job Class and Title of : **Disposal Site Maintenance Worker** for DPW Santa Cruz County.

The Solid Waste Division has implemented two "distinctly different groups" who are both working under the same **Job Title**, in the same **Job Class**, and receiving the same compensation in the same **Pay Scale**.

One group is "coddled" and shown "Preferential Treatment" by not being required to fulfill all of the job duties as described per the **Disposal Site Maintenance Worker** job description. This group is "blatantly" separated out as "Special" and referred to as "C&D" by Staff, and therefore, for the sake of clarity, I will also refer to them herein, as "C&D".

May 14th, 2009

To: Gary Klemz, Representative of SEIU 521.

Separate, and in addition to my May 7th 2009, Request to Cease and Desist..." given to the Governing Board of the County of Santa Cruz; of which you have a copy, I would like to convey the following additional information on behalf of myself and several of my colleagues, which may give the current chapter of SEIU a greater understanding of their "Past Representative Actions" in these matters.

I wish to preface this with, I "personally" acknowledge, that formal Litigation through a 'Contingency' or 'Pro Bono' Labor Law Firm, may create a situation which would place an additional "Financial Burden" on our Employer, the County of Santa Cruz, and SEIU, during a time that could best be described as: "an over-all depressive situation of economic recession".

As a tax payer in this County, in all fairness, I feel morally and ethically obligated to give all parties involved a "reasonable" amount of time in which to offer remedy and compensation.

Therefore, my "personal" intent at this time, is to allow both the County and SEIU a **Fair and Reasonable** amount of time to acknowledge that you are both in receipt of our request, and that you are diligently working towards "fixing" this problem.

I herein, hope to provide SEIU with the "basic" information to provide the "basis" that you may need to work from, in your negotiations with the County of Santa Cruz, while moving towards fair remedy and compensation that we trust you are currently proceeding with in this matter.

We feel that SEIU has taken advantage of our good faith and

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confidence that we have placed in SEIU as our Bargaining Representative.

We believe that the Dues we pay (and have all paid in the past) to SEIU are in 'Consideration' for SEIU to fairly, prudently and with Justice; bargain on our behalf. Further, in paying our Dues, we are trusting that SEIU communicates with us, and considers our opinions and views and protects our Civil Rights, and it is our distinct belief that by paying these Dues, our opinions and rights are being considered and upheld, in good faith, at all times.

In essence, we believe our Dues to SEIU are like paying Insurance. We believe it is a collective "fair exchange" of compensation for SEIU's proclaimed knowledge of the Law and their agreement to protect our Rights that, SEIU has led us to believe they will provide.

Regarding our opinions and our Rights, we have many issues besides the above mentioned one, which we should "Meet and Confer" separately on. As I personally, am on the 'Committee' to Edit and Revise the M.O.U. for the next "Contract" negotiation, (Which I might add , an M.O.U. is not an ACTUAL contract and it bothers me personally that SEIU refers to it as such, when telling members of the bargaining unit that we are "Protected by Contract") , I shall save those issues for an Agenda inclusion at a regular future Union Meeting.

Right now, because this particular matter involves the immediate attention for the benefit, well-being and working conditions of so many other employees, I personally want to focus only on this one issue.

It appears that "Someone" in SEIU, was (and still is) responsible for co-creating; with "Someone" representing the County of Santa Cruz, a Deceptive Job Description. This deception began

around the time of the date of the last Revision to the job description of Disposal Site Maintenance Worker. This deception was created without regard to; or without discussion about, the possibilities that the changes would intentionally cause Discrimination and Disparity in the Solid Waste Division.

No where in the Disposal Site Maintenance Worker job description does it even **imply** that there are clear, separate job duties or a separate Standard of Performance or even a separate group of workers called "C & D" (short for Construction & Demolition Worker) .

Although it is not quite apparant yet, as to HOW SEIU has condoned this Disparity, the Solid Waste Division claims that SEIU "authorized them" to arbitrarily and at their own discrimination; randomly, hand select individuals to work under this "Separate Title", allowing them different hours of operation, no requirements for Special License, Skills or Knowledge or even the having the requirements to perform the regular daily job duties of Disposal Site Maintenance Worker.

In essence, the Solid Waste Division claims that SEIU "Bargained" for this Disparity. This does not excuse the Solid Waste Division from acknowledging that there IS a Disparity or from Violating the Law, nor does it shift the blame Legally to SEIU. We however, acknowledge that both parties are separately and equally at fault, and therefore, shall separately and equally be held liable in separate future actions if needed.

(Please see 29 CFR Ch. XIV (7-1-06 Edition) 1620.23 Collective bargaining agreements not a defense.)

This disappoints ALL of us greatly, I have to admit, that some are more angry than others. I however, trust that SEIU and the County of Santa Cruz have, at this point, realized that a mistake has been made, and have realized that many employees in the Solid Waste

Division are aggrieved. I have pointed out to some of my colleagues, that although SEIU "As an Entity" is certainly responsible, the Local 521, because they came in at a "Chaotic" time prior to our last "contract negotiations", may not have been in charge of, or directly responsible for this "particular mistake" and should therefore be given a chance to show their ethics and integrity, as our Current Representatives, and have a fair and reasonable amount of time to "make it right".

I personally feel certain that SEIU 521 has now been made duely aware of the problem as a whole. We now are trusting that SEIU 521, as our current Bargaining Representative, will be diligent in their cooperative attention with the County of Santa Cruz, towards remedy, apology and compensation.

In your considerations please note that the Title of "C&D" is clearly reflected as a separate "Job Class" in all posted monthly scheduals and daily duty assignments. The Employees whos' daily assignments are to **ONLY** work in the "C&D" area, will even tell you they are not required to work as Maintenance Workers because they are "C&D".

Other Employees in the Division (including some Supervisors) actually believed (and therefore led the rest of us to believe) that "C&D" was a separate Job Class for a very long time. It wasn't until certain employees inquired about the wage scale because they actually considered applying for the job because it "was so easy"; that we then, (after searching under several possible job descriptions) found out, that the workers at "C&D" were "actually" hired as Disposal Site Maintenance Workers. This is when many people became angry for many different reasons that we could "separately " discuss.

The position of "C&D" is clearly a separate Job Class with a separate Job Title. The limited duties which they perform can be Paritied to the title and Job Class of **Resource Recovery**

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Worker or Resource Recovery Sorter, or Sort-Line Worker.

Within the State of California, in both the Public and Private sectors of the surrounding Counties of Santa Cruz; the Prevailing Wage for these Job Class positions which are Equal to the Skills, Knowledge, Effort and Responsibility of "C&D"'s current limited duties, begins at the standard Minimum Wage and goes up to \$16.00 per hour for Lead Positions.

It appears to many of us, that the only possible explanation as to "Why" this separate Job Class was allowed to come into the Solid Waste Division under the job description of Disposal Site Maintenance Worker was so that SEIU could receive more Dues based on a higher Wage Scale. It is shameful that our Bargaining Representatives would do this.

Within the Disposal Site Maintenance Worker job description there is also evidence that an attempt was made to "Pad" the job description for even more "Feather-bedded" Union Dues in the future.

In specific; throughout the Solid Waste Division, the Construction Demolition area is, and always has been, (since its inception,) referred to as "C&D". The Recycling Area, is and always has been, referred to as either "Grey Bears" or "The Recycling Area".

Simply drive around the Buena Vista Landfill Facility and note the Signage which directs the Public, or randomly "ask" any Employee how to get to "Recycle" or how to get to "C&D" if you need proof in the differences.

It is no secret, as it has been openly talked about by the leaders of the Solid Waste Division for quite some time, (at the very least, since the Disposal Site Maintenance Worker's took over the job duties of "Greenwaste's 'Contract' to pull and place" the Grey Bears 40 yd. Recycle bins, once the "new and improved" California

Grey Bears Recycling Center opened) that the long term “Eco-park” plan would be; to have the Disposal Site Maintenance Workers **ALSO** take over the entire Grey Bears “Contract” of assisting customers in the “Recycling Area” as well.

We believe, that particular future “Eco-park” plan was reflected in the implied “added” language pertaining to **anything** to do with the word “Recycle” within the Disposal Site Maintenance Workers current job description . The current language “Implies that “Recycle” is an area that we are currently responsible for overseeing or operating, while IN FACT, we are, at this time, **CLEARLY NOT.**

We believe this is simply further evidence that, during the Revision of this job description, there was a “Willfull Intent” to OPEN and leave the “door open” to replace the California Greybears with “Union Workers” in this higher Wage Scale, in order to obtain even more Union Dues **AT** this higher Wage Scale in the near future.

The fact, that neither the Solid Waste Division nor SEIU have required “C&D” to perform the full responsibilities and job duties with fairness and equality to the other employees who hold this Job Class and receive this Wage Scale, creates a situation of **Discrimination and Disparities** with the other employees in this particular Job Class **AND** those employees in the Job Class known as Heavy Equipment Service Workers, who also are required to have Special License and Certificates, and more Knowledge and Job Skills than “C&D” **JUST TO KEEP THEIR JOBS!** and yet... somehow... in ALL their assurance to have “Equal Opportunity” they still receive **less** pay.

This action further creates Discrimination and Disparities for **ANY** other Job Classifications within the Solid Waste Division who **all** have to uphold Job Performance Standards by fulfilling **all** of the duties required of them in **all** of **their** job descriptions.

From all outward appearances, in addition to all the Inequities and discrimination to all employees who have been “discriminated against” in the Solid Waste Division, it seems that sadly, even the actual crew of “C&D” have been also “deceived”.

We do not believe that the Solid Waste Division nor SEIU can claim ignoranance of any possible Inequities or Disparities that their decisions could cause. Precedence for acknowledging Disparities and Inequities are paramount, in full relationship to determining all Job Classification and Payscales, in all existing and past bargaining transactions and agreements between SEIU and the County of Santa Cruz. SEIU aside, the County’s own CAO and her entire office; (according to a recent Santa Cruz Sentinel Artical) recently received a wage increase based on ‘Parity’, which implies that the County of Santa Cruz, periodically compares the amount of compensation in their job duties for what is fair and prevailing wage standards, regardless of any “Bargaining Units”.

It is quite clear, that job descriptions and wages, are routinely based upon demonstating the “Equal Comparison” of groups who perform simular job functions, based on the Skills, Knowledge, Effort, Responsibility and/or Special License or Certificate, that it takes to perform the specific job as other “Equal” groups in the same or surrounding Counties.

We request that SEIU and the County of Santa Cruz both adhere to all previously “Displayed” standards in your actions of determining a fair Remedy and Compensation for this blatent Disparity and Discrimination.

As per my previous request, please submit all formal response to this particular matter in writing. And thank you for your time and attention to this matter,

\$uzie Kriz

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Misrepresentations of the Job Description of:

Disposal Site Maintenance Worker

1. Under Definition:

(a.) In addition to building and ground maintenance; Maintenance Workers are daily assigned to Trucks and Heavy Equipment for many duties, including the "Support" of the operation of the C&D Sort Line. C&D can not operate the Sort Line Conveyor without the daily assistance of Maintenance Workers, Operators and often Lead Operators and Supervisors, whose skills and expertise are necessary to "place items on the sorting line belt" with an excavator, adjust, move and empty the C&D bins with Roll-off Trucks, push the C&D "pile" with loaders or even keep the dust down and fill their water misting tank using a Tanker Truck.

(b.) We DO NOT "assist customers in the recycling area". That is California Grey Bears Contract of responsibility.

(c.) We work on the sorting line only if C&D are short staffed, or on Sundays and Mondays when they are not there. Especially Mondays because we have to assist the Hope Services Crew who daily perform the same Job Duties as C&D, with the same effort, yet who get paid less. Hope Services work Monday through Friday, while C&D work Tuesday through Saturday. I understand that Hope Services are "Contract" workers and NOT County employees, yet, these individuals are hard, enthusiastic workers even though they are Mentally and Emotionally challenged, and provide THE SAME SERVICES THAT C&D DOES, They should receive Equal Pay for Equal Work even with their Disabilities.

In essence, the description should read that we "Back-fill" for C&D in the same way that we "Back-fill" for the Cashiers and the Heavy Equipment Operators. This is implied in all daily duty assignments.

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2. Under Distinguishing Characteristics:

(a.) the use of the word “and” implies that the job duties apply to everyone in this Job Class. No where does it indicate that a separate position exists who are randomly “Hand-picked” to not uphold all of these duties.

3. Under Typical Tasks:

(a.) Maintenance Workers are **REQUIRED** to perform all of these duties **AND** additional various “Other” duties.

(b.) The **ONLY** tasks that C&D are **REQUIRED** to perform, are to hand sort Construction Demolition material from piles on the ground or to work on the Sort Line doing the same thing. And they do this along side of the Hope Services Crews who **ALL** have the same tasks.

(c.) Where the words “work on recycle sort line” are... Everything after this up to the “:” before “Inspect trucks” should be eliminated. This is redundant “Padding” and not applicable to the bulk of the duties that are performed.

All Solid Waste employees at both facilities are required to perform basic routine, Pre-Trip Maintenance and clean-up for every **thing** they operate or every **area** they work in during the course of **ANY** day. The details of which are not illuminated upon in their respective Job Descriptions as it is here.

Every Solid Waste Employee provides direction and instruction on how to use the facility to customers **EVERYDAY!** The details of which are not illuminated upon in their respective Job Descriptions as it is here.

And as previously mentioned in Definition 1. (a.) the Recycle Area is contracted to the California Grey Bears.

Under Special Requirements/Conditions:

(a.) The Solid Waste Division argues that the separate Job POSITION of C&D is described and can be justified by, the terms of “ some positions may require that within six months from hire, possession of a valid class B driver license.”

In conclusion, C&D is a separate Job Classification with a separate Job Title. Workers are “randomly” selected and given preferential treatment. The hiring of Maintenance Workers who are required to perform more of the workload and uphold all of the job standards is arbitrary. And Discriminatory. The Solid Waste Division randomly chooses. For example: Of 3 Maintenance Worker’s who were hired in the last 3 years; 1 was NOT made to get a Class B liscence within 6 months to keep her job, nor made to perform Cashier Duties and was made “C&D”.

DISPOSAL SITE MAINTENANCE WORKER

Job Specifications

Class Code: MW6 Analyst: KM/TC/LM	Date Originated: 11/88 Date Revised: 6/93 5/94 2/02 3/06
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SANTA CRUZ COUNTY

DEFINITION

Under general supervision, perform building and ground maintenance; monitor and adjust landfill gas equipment; operate and maintain heavy equipment; compute and collect fees from refuse haulers; measure, inspect and weigh refuse to determine refuse quantity and type; assist customers in the recycling area and work on the sorting lines; and perform other work as required.

DISTINGUISHING CHARACTERISTICS

Disposal Site Maintenance Workers perform maintenance of landfill buildings and grounds, work on sorting lines, and perform the duties of Cashier-Disposal Site on a rotational basis, as needed. This classification is distinguished from Cashier-Disposal Site by the former's responsibility for building and ground maintenance, and working on sorting lines. This classification is distinguished from the classification of Heavy Equipment Operator in that the latter classification operates heavy equipment as the primary task.

TYPICAL TASKS

Perform building and ground maintenance, including litter pickup, brush and weed cutting, minor building repair, cleaning drainage ditches, maintaining public access roads, moving wind screens and repairing fences and other site facilities; operate tank trucks, backhoes, loaders, scrapers, bulldozers, compactors and other heavy equipment as directed; perform routine maintenance and minor repairs on pumps and equipment; install and monitor methane systems and make adjustments; work on recycling sort line sorting and separating recyclable recycling materials into individual categories; conduct basic sorting line maintenance and clean-up; place items on sorting line, conduct basic conveyor or sorting line maintenance and clean-up; direct traffic and assist customers in the recycling area; clean-up recycling area; provide direction and instruction to customers wishing to recycle at the County landfill; inspect trucks and vehicles hauling refuse to determine type, weight and volume of material; compute and collect fees; operate cash register and issue receipts; total daily fee receipts and refuse amounts; prepare bank deposits; and, provide information and direction to the public regarding proper dumping, recycling materials and restricted hazardous materials.

EMPLOYMENT STANDARDS

Knowledge:

Working knowledge of:

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- The use of building repair and ground maintenance hand tools and related equipment.

Some knowledge of:

- Basic recordkeeping or cashiering and basic arithmetic.
- The routine maintenance and operation of trucks and other light equipment.
- Vehicle and heavy equipment safety practices.

Ability to:

- Perform heavy physical labor which involves frequent bending, pulling, pushing, lifting and carrying, such as lifting sacks of mulch, stacking hay bales, loading equipment tires into semi-trailers, shoveling, placing items on sorting lines, and pulling self onto equipment.
- Perform minor building repair and maintenance, such as painting, cleaning rain gutters and replacing doors.
- Operate a cash register or other computing equipment.
- Make simple arithmetic calculations.
- Accurately and consistently identify refuse loads and calculate fees.
- Establish and maintain cooperative working relationships with others.
- Learn to operate heavy equipment used at landfill sites.
- Learn to maintain and regulate pumps.
- Lift items weighing up to 75 pounds.
- Walk for up to eight hours while performing tasks such as picking up litter.
- Hear and distinguish various sounds, such as voices of co-workers in noisy environments and the sound of operating equipment.
- Distinguish colors, such as color-coded medical waste bags.
- Follow oral and written instructions.
- Organize assigned tasks and work independently.
- Act in a courteous and diplomatic manner with members of the public.

Training and Experience:

Any combination of training and experience which would provide the required knowledges and abilities is qualifying. A typical way to obtain these knowledges and abilities would be:

One year of experience which has included maintenance of buildings or grounds.

Special Requirements/Conditions:

License Requirement: Upon hire, possession of a valid California class C driver license; some positions may require that within six months from hire, possession of a valid class B driver license.

Other Special Requirements: Alcohol and drug tests will be administered to all candidates prior to final selection for positions requiring class A or B driver licenses upon entry and to employees in positions requiring these licenses, as mandated by Department of Transportation federal regulations. In addition, all candidates must provide specific employment history for up to the past ten years for all jobs they have held which required operation of a commercial motor vehicle.

Incumbents are required to work weekends and holidays. Physically and mentally capable of performing the essential functions as summarized in the typical tasks section of this job description.

Special Working Conditions: Exposure to variable temperatures and weather conditions; confined spaces; heights, such as on fences and equipment; high levels of noise; strong, unpleasant odors; infections which might cause chronic disease or death; dust and silica dust; allergenics, such as stinging insects and poison oak; vibration, such as when operating heavy equipment; and the possibility of experiencing burns, bodily injury, exposure to non-ionizing radiation, and contact with toxic substances or chemical irritants.

PREVIOUS CLASS TITLES: Senior Disposal Site Worker

Bargaining Unit: 43

EEOC Job Category: 07

Occupational Grouping: 41

Workers' Compensation Code: 0399

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The other group, who have the same job title, and payscale are **REQUIRED** to fulfill **ALL** of the described job duties and various other duties in order to pass their probationary periods and **KEEP** their job. This group works under different hours of operation, are held to a "Higher Standard of Performance", required to possess Special License and utilize more knowledge and skill to fulfill the job description and shall herein be referred to as "Maintenance Workers".

Under Title VII, which is the Civil Rights Act of 1964 and the ADA which is the Americans with Disabilities Act of 1990 **AND** the ADEA which is the Age Discrimination in Employment Act of 1967, it is illegal to discriminate in any aspect of employment including:

compensation, assignment, or classification of employees;

This is also reflected in the County's own Policies.

The Solid Waste Division is **Discriminating** against the Maintenance Workers because they are required to uphold a **Standard of Performance** to fulfill ALL Job Duties, possess more outstanding knowledge and Certifications, fulfill many more responsibilities, and work in more stressful situations under more hazardous conditions than C&D.

Maintenance Workers must possess a minimum of a Class B License with Tanker Endorsements to regularly perform their daily assigned duties. C&D does not.

Maintenance Workers must possess Skills and Knowledge regarding overall Operation procedures and Maintenance Knowledge while C&D does not.

C & D comes in for work an hour later than the Maintenance Workers and therefore cannot perform any opening duties. C & D leaves an hour later (After we are already closed) and basically sit

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around during that time.

C&D receives the same Compensation without upholding the same Standard of Performance or Responsibilities.

Maintenance Workers **ALSO** perform C&D's regular duties by overseeing and operating the Construction Demolition area every Sunday and Monday, when C&D have their days off. Maintenance Workers can and **DO** perform all of the functions of C&D when the crew is not there or they are simply short-staffed.

Maintenance Workers also backfill for the Cashiers and Operators **AT BOTH SITES** when necessary, which the C&D crew does not.

The C&D crew is not required to work at the Ben Lomond Transfer facility at all.

This is all **ASSIGNMENT DISCRIMINATION.**


By creating separate and **unequal** Job Duties for "C&D" and still giving them the same Job Title and same PAY, (and to add insult to injury; **BETTER DAYS OFF!**) **IS COMPENSATION DISCRIMINATION!**

Without requiring C&D to obtain their Class B License or mandating that they learn to perform the many other Duties and Responsibilities which the job requires, they are given:

"Preferential Treatment".

Not being **REQUIRED** to learn and perform all aspects of the job description is **ASSIGNMENT DISCRIMINATION!**

I would like to acknowledge that there is one "Partial" exception.

 has learned how to safely operate the Dump

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Truck, the Backhoe, the Integrated Tool Carrier and the smaller 4-in-1 Loader which helps with the workload of the Maintenance Workers. She is the **only** one of the current 5 "C&D Team" members who came to the position with a Class B license. She does not have a Tanker Endorsement and doesn't want to re-take the test to get one, so she still cannot perform all the Duties of the Job . I believe she can be trained though.

By their "own admissions" other members of C&D don't want to get their Class B license because they will be DRUG tested. I personally am **NOT** comfortable having to rely on co-workers who have basically admitted to doing DRUGS.

I would even go so far as to point out that this "LEGALLY" constitutes an "Unsafe" working environment for the rest of us and creates a liability to the public.

Not requiring C&D to be drug and alcohol tested like the Maintenance Workers or Operators; I feel is **Negligence** on the behalf of the County. Because C & D are still allowed to operate County Vehicals on a Public Facility and they are responsible for the safety and well being of the HOPE Services crews while working on the Conveyor Line, and they can operate forklifts around personal and County vehicals.

(They do have their forklift Certificates so they can operate them when and where they need to).

Not only as an employee, but as a tax paying citizen of this County, I regard this as "Safety Issue" and request action.

I believe that it is perfectly legal to hold Public Employees accountable by Drug/Alcohol testing. Tests for the use of illegal substances is not considered a "Medical" examination. It can be required as a stipulation for ANY employee who operates any vehical owned by the County for liability purposes.

I believe , to not uphold C & D to the same “Standard of Performance” as the Maintenance Workers or other Solid Waste Employees who have to fulfill ALL of their job description duties is CLASSIFICATION DISCRIMINATION!

Safety issues aside, Discrimination is a LEGAL ISSUE and I am hereby requesting that the County of Santa Cruz and SEIU both comply with the law, here and NOW and HEREAFTER.

“Equal Pay for Equal Work.”

Refer to the Equal Pay act of 1963, and Title VII of the Civil Rights Act of 1964

“... workers will be given equal pay for equal work in the same establishment.”

Comparable Factors such as skills, effort and responsibility decrees comparable pay.

The Factors that are used in determining ‘Equality of work’ in the LAW are:

SKILL : Which means: “ skills that are required to perform job duties”

EFFORT: Which means: “the amount of physical or mental effort to perform the job duties”

RESPONSIBILITY: Which means “The degree of accountability required in ones job duties”

WORKING CONDITIONS : 2 factors: 1 Physical surroundings, like temperature, fumes, noise and ventilation. 2 Hazards

ESTABLISHMENT: Which means: If a central administrative unit hires employees, sets their compensation, and assigns them to work locations, the separate work sites can be considered part of one establishment.

Consider the following only a rough draft list of these determining factors. I am sure that with more time and thought and the input of my fellow Maintenance Workers we could add more inequities to these lists for you; should you feel the need to investigate this further.

Skill

Maintenance Workers possess many more Skills and “Specialized” knowledge than C&D in the following ways.

Maintenance Workers are required to have their Class B permit right after hire, and obtain their Class B License with Tanker Endorsements within 6 months of hire to pass their probationary periods and keep their jobs.
C&D is not.

Most landfill Maintenance Workers have been trained with the California Department of Forestry and have their current CDF operators cards, and have dealt with fires and other emergencies on and off site. C&D does not.

Maintenance Workers are required to know the working variables for the safe operation of several different kinds of Trucks and Heavy Equipment to perform a variety of jobs, at either site such as loading, transporting, dumping, pushing, smashing, grading, compacting, burying or loading on conveyor belts any variety of materials such as garbage, concrete, asphalt, carpet foam, sheetrock, dirt, recycled plastic, & metal. C&D does not.

Maintenance Workers have the experience and skills to work with

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large amounts of material stock piles such as metal, dirt, brick, plastic, sheetrock, asphalt or concrete and can determine the special characteristics needed for the safe handling of each material type even while the public is moving around and about them. C&D does not.

Maintenance Workers must possess safe working knowledge of construction and carpentry tools, and how to use them for framing, decking, sheetrock, plaster, painting and making concrete forms and mixing and pouring concrete. They also need knowledge and skills with power tools such as skillsaws, reciprocating saws, drills, nail guns and neumatic hammers and wrenches. C&D does not.

Maintenance Workers must be familiar with landscape, irrigation and erosion control, using such tools and equipment as The Hydroseeder, weedwackers, blowers and chainsaws. They must also be able to have the physical ability to move and transport: two-man augers, asphalt tampers, lawn mowers, large bulky bales of hay and mulch, and bags of fertilizer and seeds. C&D does not.

Maintenance Workers are required to fill the position of **Cashier Disposal Site** during staff shortages and have applicable knowledge and the skill of implementing; any updates or changes to the computer program, prices or County policies. C&D does not.

Maintenance Workers have to know the duties of **Disposal Site Operator** to backfill for those staff shortages as well. C&D does not.

Effort

The Physical effort of a maintenance worker's job is way more

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varied and mentally stressful than C&D's everyday experience.

C&D's routine daily assignments are to hand sort recyclables on a sort-line or hand sort out of "Dumped" piles on the ground. This involves a lot of repetitive arm movement, bending and stretching. Maintenance Worker's also perform this task during staff shortages, and on Sundays and Mondays when C&D have the day off. And do many other things which involve greater strength and flexibility.

On any given day, depending on the Season and special projects needed, Maintenance Workers (in addition to performing other daily needed operations) may perform ditch digging, tree trimming, branch hauling, stacking hay and mulch bales, clearing gutters, snaking clogged plumbing on one's hands and knees, Stenciling and striping the parking lots, digging out mud and dead critters from under the scales while hunched over in a space that is about 3' high, Climbing up and down (often slippery) ladders to check Leachate and Condensate tanks and the big ladder to check the Portland Cement in the Posi-silo, loading 50 lb. bags of Betonite into an auger to load and Mix the Posi-machine, clean garbage from the tracks on the Heavy Equipment using heavy breaker bars, push vehicals off the scales when they are non-operable. Lift and load Mattresses, Tires and T.V.s. for shipping out and.....welll... this list could go on and on....

C&D's routine daily assignments are to sort recyclable construction material from piles on the ground or on the moving conveyor on the sort-line and throws these items into bins and on rare occasions, when asked, will help out with T.V.s Tires and Mattresses. (Except for ██████████ who actually offers to help us out with our workload when their "Area" has nothing else of significance to do).

Responsibility

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More Responsibility automatically comes along with possessing the Special License, Extra Skills, Knowledge and Effort that it takes to be a Maintenance worker.

A considerable amount of responsibility.

Skill and knowledge of operating the Trucks and Equipment alone, branch off into the responsibility of many more safety issues and the safe handling of possible "Hazards" that can occur. It also branches off into many more variable and "Various" duties which can be performed and associated with each "separate" truck or piece of equipment. Not to mention the increased workloads that are assigned because of the abilities to perform the Duties.


One responsibility Maintenance Workers have is to open the gates in the morning and ready the landfill for the public. This means turning any signs to re-direct traffic or "Spotting" the first vehicles into a line-up when a regular cashier/spotter is not available. This also means picking up any garbage, recycle (including tires or wet & "Stinky" mattresses) or hazardous materials which can be left at any of the gates overnight. These duties are included at both sites.

C&D cannot even perform these functions because they keep "Different Hours" of Operation.

Maintenance Workers daily operate large Vehicles and Heavy Equipment in close proximity to the General Public, which makes them responsible for the safety and well being for the Public in ways that C&D has never known.

Maintenance Workers have to responsibly be on the look-out for small children and pets, and be "ever vigilant" for small cars that "Whiz" around when they might be Loading a Sheetrock or Fines, or E-Waste Truck. C&D may watch out for the public but not while

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operating equipment. (Oh...except for )

When backfilling for the position of Cashier Disposal Site during staff shortages, Maintenance Workers are responsible for keeping track of and accounting for: Thousands of Dollars of the County's money which has to be accounted for "to the penny". C& D does not.

Maintenance Workers are required to oversee and be responsible for the safety and well being of County Jail Crews, and Sheriff's Work Release Crews. C&D does not.

Maintenance Workers have to know how to safely operate a 3400 Gallon Water Tanker to carefully wet the roads without spraying the public, and fill any one of 4 site water tanks, and know how to utilize the pumps and pony motors properly to load the concrete Posi-machine. C&D cannot even drive the truck.

Maintenance Workers are required to know how to safely operate that same 3400 gallon Water Tanker (or anyone of the different Water Trucks we have) as a "Pumper Truck" to load, haul and dispose of leachate and condensate. C&D are not.

Maintenance Workers are responsible for the safe operation of the pumper truck while driving through sometimes very tight areas, with other very large vehicles such as utilizing the Watsonville Cities Sanitation closed circuit dumping station or when using their open drain system. And in doing so they have to be very careful and aware of wet surfaces and to know when to dodge the wind blown "solids" coming off of the overhead 'processed solids conveyor' in the open drain dump site. C&D cannot even drive the truck.

Maintenance Workers are required to routinely test and record the Ph levels of the leachate and condensate. C&D are not.

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Maintenance Workers are responsible for knowing how to safely inject leachate and condensate back into one of the injection wells on site without blowing off a "Wellhead". C&D is not.

Maintenance Workers are responsible for knowing how to safely Drive the Flatbed Hydroseeder. C&D are not.

Maintenance Workers are responsible for knowing how to maintain and operate the Hydroseeder including service to the pony motor. They are required to know how to mix proper applications of erosion control fertilizer, seed and flower mixes and apply them safely with regard to the public and fellow employees. C&D is not.

Maintenance Workers are responsible for knowing how to safely operate a Roll-off Truck and pull and place 20, 30, and 40 yard bins both onsite and off site, all the while watching for loose dangerous loads and low wires. C&D is not.

Maintenance Workers are responsible for knowing how to safely make off-site deliveries using either a Roll-off with a bin or flatbed attachment or even with the Dump Truck in sometimes very remote and "Tight" places. They may also haul rubble and sheetrock from the Ben Lomond Transfer site to Buena Vista. Or haul other recyclable materials, or deliver Trucks for outside service to different vendors. C&D does not.

Maintenance Workers are responsible for knowing how to safely operate the Bucket Truck and safely utilize it for various duties such as, but not limited to, tree trimming, gutter cleaning and pressure washing at both sites. C & D is not.

Maintenance Workers are responsible for knowing how to safely operate and maintain the Sweeper Truck. C & D is not.

Maintenance Workers are responsible for knowing how to safely operate a Dump Truck. ~~_____~~ at C&D can do this, the others at

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C&D cannot.

Maintenance Workers are responsible for knowing how to safely operate the Excavator to perform work at the C&D area or load the outgoing hard plastic trailers or foam trucks. And in the past, (and hopefully again in the future) handle the recycled carpet piles. C&D is not.

Maintenance Workers are responsible for knowing how to safely operate the backhoe. ██████ at C&D can do this, the others at C&D cannot.

Maintenance Workers are responsible for knowing how to safely operate the D6 Dozer for operating the Posi-Machine. C & D is not.

Maintenance Workers are responsible for knowing how to safely operate the Integrated Tool Carrier and be responsible for the safe use of its attachments. ██████ at C&D can do this, the others at C&D cannot.

Maintenance Workers are responsible for knowing how to safely operate the smaller CAT 4-in-one loader. ██████ at C&D can do this, the others at C&D cannot.

Maintenance Workers are responsible for knowing how to safely operate the large Garbage loader. C&D is not.

Maintenance Workers are responsible for knowing how to safely operate the D5 Dozer for moving and shaping the sheetrock, concrete and asphalt piles. C & D is not.

Maintenance Workers are responsible for knowing how to safely operate the Posi-Machine and all the pony motors associated with it, including the Auger motors for the Bentonite and the Concrete.

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[REDACTED] at C&D have in the past, on a couple of occasions “mixed and shot” Posi... but it is not a duty they are EXPECTED to fulfill. Because neither of them can drive the tanker truck to load the water first.

Working Conditions

Because of their greater workload and responsibilities with more various work scenarios, Maintenance Workers have a greater degree of exposure to noxious fumes, concrete and betonite dust, the general weather related elements and other possible hazards than C & D.

Some examples are:

Maintenance Workers are are responsible for dealing with “hand-picking” the wind blown litter around both entire sites. This also involves the clean-up and disposal of dead animals and birds.
C & D is not.

Maintenance Workers are are responsible for dealing with “Stinky” Leachate and Condensate which can sometimes have a Ph lower than 4 and it gets on our clothes.
C & D does not.

Maintenance Workers are often assigned to clearing the build up on drainage headwalls and storm drains and open clogged ditches and roof drains and gutters in pouring rain. C&D are not.

Maintenance Workers are responsible for cleaning up Oil and other possibly hazardous ‘messy-garbage” spills around either site.
C & D is not.

Establishment

Maintenance Workers must be able to go from one site to another on a moments notice for staffing purposes. Each facility has its own set of variables in working conditions, lunch and break hours and job duties on any given day. C&D is not required to go to Ben Lomond at all.

There was a short time when there was a lot of Over-time available where certain C&D members were offered "overtime" so that they could "Spot the garbage" for the day up at the Ben Lomond Transfer Station, but in doing so, they performed no real "Physical Labor" or any of the actual daily duties of the Disposal Site Maintenance worker while on site.

Possible Remedy Scenarios

Our Solid Waste Division will only become more effective, more efficient and more streamlined with highly skilled team players by eliminating the separate and Un-Equal job duties assigned to those certain Disposal Site Maintenance Workers known as C&D.

With the stress of the current economical situation, it is sad that we must loose ANY of our current team as they are ALL wonderful people. But I feel we must look out for the Public's interest and and the interest of a co-hesive working "team" and see them as Employees.

Because SEIU has created a L. I. F. O. system to work with for "Lay-off" purposes, and with the upcoming budget cuts, we face loosing other "Key", more highly skilled, and knowledable "team-playing" employees while keeping the lesser effective and "duty-issolated" group of C&D. In effect we are keeping our Liabilities and cutting our Assets. With this business practice it is NO

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WONDER the COUNTY is in the Red! How do you account for practices like this publically?

This is not about the "Actual" people who work as C&D. It's about their "collective" elite beliefs and behaviors. They believe that they don't HAVE to do the things the Job Description requires because that is Not what they were "hired" to do.

For quite some time, this has caused animosities among the other employees, including the Shop Service Workers who get paid LESS than the Disposal Site Maintenance Workers and are also required to have a Class B license and HazMat Certification. They have working knowledge of all the Trucks and the variables of servicing every piece of Heavy Equipment. And they service them daily, regardless of weather conditions. They are required to change heavy tires and climb up and down wet slippery surfaces with long air lines and oil hoses.

They are upset that they get paid less than C & D, when they too are required to have a "Special License", (including a Haz Mat certificate) and more Knowledge and Skills.

No matter what complaints to our Supervisors we have all continually expressed; about the un-fairness or discriminatory practices that are being adhered to here, the problem remains unresolved.

We now realize that the whole premise of creating "C & D" in the way that it was implemented, may be illegal per State and Federal Labor Laws, and that we may have strong grounds for a "Class Action Suit" as remedy. This has a lot of people "thinking" in a different direction now.

Einstien said " You cannot solve a problem with the type of thinking that brought you to it."

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I suggest that we first collectively “think” our way out of this mess using the Law and the County’s own policies to fairly, and decisively arrive at a remedy with the least amount of pain possible.


In doing so, my intent and goal is to retain Employees who are assets.

I believe there are at least 2 options from here to work with and I am willing to negotiate and/or entertain other ideas.

OPTION 1. Require the C&D members to **IMMEDIATELY** comply with Drug testing and obtain their Class B permits within one month and have their license within 6 months like the rest of us. Per the Equal Pay for Equal work act, an employer cannot lower ones wages, so the only option is to have the C&D comply with the full existing Job Description.

I believe that with this option, it is probable that some people of this group will automatically quit, either because of Drug Testing or because they know they can’t “Physically” handle the job.

This may still have a “positive” outcome for our Division in that it could leave openings for either one of our other Maintenance Workers whom we are possibly loosing. This may even create enough “Space” to hire back one of our other “Skilled” employees currently facing cuts in a higher class. Either way, by making C & D “Equal” to the rest of us, **WE** will **STILL** have more reliable and cross-trained co-workers to equally share in the workloads and whom we can trust to be safe.

OPTION 2. Designate C&D as failing to meet job requirements by obtaining their Class B with Tanker Endorsement, and performing all of the other described duties; after have been given the “choice” for over 3 years to do. (Although on this option, I think  should somehow be given a chance

since she does have a Class B and a "Work Ethic".)

This option would get it over fast which usually leads to being the the most "Pain-less" approach for everybody concerned.

Keeping [REDACTED] and dropping the rest of C & D would leave 4 Disposal Site Maintenance Worker positions as 'Gone'. Since we need to get rid of 2 Maintenance Workers per the "Budget" this option could "Automatically" (And in the interest of the best use of Public Funds) save the two most qualified individuals (who are on the chopping block right now); from being "CUT". These individuals are [REDACTED] and [REDACTED]. AND even more Win/Win for the County Taxpayers and our Division... we could actually hire back our "Operator" [REDACTED] who we face loosing. [REDACTED] is a team-player and a "Hell-uva" Operator. And he is FULLY qualified to perform all Maintenance Worker duties. We could also hire on our "Transfer Truck Driver" who we face loosing. This would be [REDACTED] who is an AMAZINGLY skilled woman.

Both [REDACTED] and [REDACTED] "Shirley" have Class A license, are "Skilled" operators, and are completely qualified to do the Disposal Site Maintenance Workers job. I have asked both of them about how they would feel in taking a lower class position or cut in pay, and they have expressed to me that they are both interested in, and willing to work in a lower class; JUST to HAVE a job.

As SEIU is part and parcel to creating this disparity within this Job Class, I will be meeting with them separately, and therefore will not be seeking their representation, guidance and/or approval on this particular matter as I feel they are in Conflict of my Interest.

I also reserve the Right for separate litigation with SEIU on these matters with the possible inclusions of "Feather-bedding" with regard to Union Dues and knowingly creating a situation which may prove to be a "Misappropriation or Misuse of Public Funds".

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I also request that the Governing Board of the County of Santa Cruz formally **remind** SEIU that they; in their representation of employees with the County, **MUST** ethically and responsibly consider, in their execution of representative actions and decisions; the obligations they have **AS OUR REPRESENTATIVES** to uphold the County's Personnel Policies as well as State and Federal Labor Laws, now and in the future.

I am embarrassed, disturbed and disheartend, by the fact, that my Department and my Union would show such intentional reckless indifference to the County's own **County of Santa Cruz Equal Employment/Affirmative Action Policy**, let alone State and Federal Statutes and/or consider the feelings of their actual Employees or the impact which the consequences of their actions may have on them.

I expect full attention to detail and remedy in this matter in a quick and timely fashion, with all responses in writing.

Time and Date Stamped E-mail is permissable and prefered as it saves paper.

Thank you for your attention,

\$uzie Kriz on this day of May 7th, 2009

E-Mail

suziekriz@yahoo.com

Telephone:

831-247-7704

Address

526 Mission Street

Santa Cruz, Ca. 95060

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County of Santa Cruz

DEPARTMENT OF PUBLIC WORKS

701 OCEAN STREET, ROOM 410, SANTA CRUZ, CA 95060-4070
(831) 454-2160 FAX (831) 454-2385 TDD (831) 454-2123

JOHN J. PRESLEIGH
DIRECTOR OF PUBLIC WORKS

July 2, 2009

Suzie Kriz
526 Mission St.
Santa Cruz CA 95060

Subject: Letter of May 7, 2009

Dear Ms. Kriz:

In your letter of May 7, 2009, to the "Directors of Public Works", you expressed concerns about the classification of Disposal Site Maintenance Worker. Your allegations regarding Equal Employment laws and the Equal Pay Act were referred to the Equal Employment Opportunity Office and their response letter is attached (attachment 1). I have reviewed your letter and have investigated your complaints regarding the classification and the operational issues you have raised. This is my response to your letter.

In 2002, Public Works requested a classification study for five new positions approved by the Board of Supervisors to staff the new Construction and Demolition Waste Recycling Program. The County Personnel Department performed the study analyzing the position duties, knowledge and abilities required, and training and experience necessary to meet the minimum qualifications. In consultation with our department, the Personnel Department determined that the existing classification of Disposal Site Maintenance Worker met these requirements with minor revisions. One of the revisions was to change the driver license requirement to read "some positions may require that within six months from hire, possession of a valid class B driver license" as only Disposal Site Maintenance Workers who drive commercial class vehicles and equipment need a class B license.

In January of 2002, Public Works concurred with Personnel's classification. On January 17, 2002, in accordance with General Representation M.O.U. article 21.1, Personnel sent the revised Disposal Site Maintenance Worker job specification to SEIU for review. (See attachments 2 and 3: memo dated January 17, 2002 and the MOU language.) The County responded to some questions SEIU posed, but SEIU raised no objections to moving forward.

In accordance with County Code section 2.46.080, on April 25, 2002, the revised Disposal Site Maintenance Worker job specification was submitted and approved by the County of Santa Cruz Civil Service Commission. (See attachments 4 and 5: Civil Service Commission Meeting Notice and minutes for April 25, 2002 with the summary of classifications approved at that meeting.)

You also expressed concern about the hours of operation for the Construction and Demolition (C & D) Debris Resource Recovery section at the Buena Vista Landfill. The hours of operation were established to coincide with the Heavy Equipment Operators' daily schedule and to cover the peak C & D intake periods.

C & D debris begins arriving at the Landfill on Monday and increases throughout the week and typically tapers off on Friday. The current schedule for the C & D crew working Tuesday through Saturday provides sufficient staffing during the peak periods of the week to manage the incoming volumes of C & D debris properly, and allows Saturday as the catch up and cleanup day to prepare for the following week

C & D crew's daily shift schedule from 8:30 a.m. to 5:00 p.m. is congruent with the Heavy Equipment Operators' shift. Buena Vista Landfill gates open at to the public 7:30 a.m. and close at 3:30 p.m. This schedule allows an hour of C & D materials to build up before the C & D crew starts the sort line and ground screening recovery operations. Also, starting at the same time allows for the Heavy Equipment Operator assigned the excavator to feed the C & D sort line system throughout the course of the work shift.

Based upon my review of the issues you raised in your complaint, I found no evidence of violations of the prescribed County of Santa Cruz Civil Service Rules and/or County Personnel Policies, Regulations, and Procedures.

The County has contracted with Service Employees International Union Local 521 to be the exclusive bargaining representative for all employees in "permanent" (i.e., budgeted) positions within the General Representation Unit. I encourage you to work through your union to resolve work issues that cannot be resolved by discussing with your supervisor or manager.

Yours truly,

 7/2/09
JOHN J. PRESLEIGH Date
Director of Public Works

Attachments enclosed

Copy to: Neal Coonerty, Chairperson, Board of Supervisors
Civil Service Commission ✓
Equal Employment Opportunity Office



COUNTY OF SANTA CRUZ

PERSONNEL DEPARTMENT

701 OCEAN STREET, SUITE 310, SANTA CRUZ, CA 95060-4073
 (831) 454-2600 FAX: (831) 454-2411 TDD: (831) 454-2123
 MICHAEL J. MCDOUGALL, PERSONNEL DIRECTOR
 AJITA PATEL, DEPUTY DIRECTOR

July 2, 2009

Suzie Kriz
 526 Mission Street
 Santa Cruz, CA 95060

CONFIDENTIAL

RE: your complaint of employment discrimination

Dear Ms. Kriz:

On May 5, 2009, during a training I presented, you gave me a draft copy of your complaint relating to the classification and job duties of the disposal site maintenance workers in the Department of Public Works (DPW). On May 6, 2009, we spoke over the phone and discussed your main allegation: the Solid Waste Division is discriminating against some of the maintenance workers because they are required to perform all the job duties, possess more knowledge and certifications, have many more responsibilities, and work in more stressful situations than the Construction and Demolition (C&D) maintenance workers in the same classification, who receive the same pay. Because you informed me that the difference in job duties are not related to a protected status, (i.e. age, race, sex, etc.) I explained that your complaint did not fall with the purview of Equal Employment laws, and the EEO Office would not be able to address your specific concerns. I recommended, and you agreed, to submit your written complaint to your union, SEIU, and the Public Works Director to allow them an opportunity to respond.

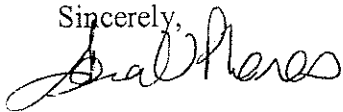
On May 7, 2009, you submitted a written complaint to DPW, the Board of Supervisors, SEIU, and our office. On May 13, 2009, Neal Coonerty, Chairperson of the Board of Supervisors, sent a letter informing you that DPW is reviewing your complaint and will respond once their review is complete.

On July 2, 2009, DPW responded to your complaint, outlining the relevant operational and personnel issues regarding the classification and job duties of the disposal site maintenance workers. Our office also reviewed your written complaint because you alleged that the different job duties and requirements are violations of Equal Employment Opportunity laws and the Equal Pay Act. You allege that because the C&D maintenance workers receive the same amount of pay as the non-C & D maintenance workers without performing the same level of work and without being subjected to the same requirements, the non-C& D maintenance workers (the group that you belong to), are being discriminated against by the department. As discussed earlier, in order for EEO laws to apply, the discrimination must be based on a protected status. You had indicated to me that the discrimination is not based on a protected status group, and nothing in the written

complaint shows that the groups of workers are being treated differently because they belong to a particular protected status. Nevertheless, I reviewed the ethnicity, sex and age of all the disposal site maintenance workers and found that the two work groups both include women and men, different ethnicities and people over and under 40 years of age. Neither group was made up of one particular sex or ethnicity. The majority of both groups have employees over the age of 40, another protected group. Finding no evidence that your discrimination claims are based on a protected status, I have determined that your allegations are not within the purview of the EEO laws, the Equal Pay Act and the EEO policies of the County of Santa Cruz.

Please feel free to contact me at 454-2935 if you have any questions.

Sincerely,



Ana Ventura Phares
Sr. Personnel Analyst
Equal Employment Opportunity Office

cc: John Presleigh, Public Works Director
Neal Coonerty, Chairperson, Board of Supervisors
Civil Service Commission

*sent to
1/17/02
Mailed
1/18/02*



COUNTY OF SANTA CRUZ

Personnel Department

701 OCEAN STREET, SUITE 310
SANTA CRUZ, CA 95060

TELEPHONE: (831) 454-2600
FAX: (831) 454-2411
pec TDD: (831) 454-2123

MEMORANDUM

TO: Leslie Scanagatta, SEIU Field Representative
FROM: Gerald L. Dunbar, Deputy Director
DATE: January 17, 2002
RE: Job Specification Revision

Leslie

On September 18, 2001 the Public Works Department went to the Board of Supervisors with a request for a new Construction and Demolition Waste Recycling program. They were granted six new positions, one Heavy Equipment Operator, which was already classified, and five new positions to be determined. We have revised the job specification, with the help of the department, for the Disposal Site Maintenance Worker to reflect the duties of the new positions.

We are recommending the attached changes be made to the Disposal Site Maintenance Worker job specification.

Pursuant to Article 21.1A of our Memorandum of Understanding, we are forwarding our recommendation to you for your review. If you concur with this classification recommendation, please sign below and return this letter to me. If no response is received by close of business on Friday, February 1, 2002, I will assume that you are in agreement with our recommendation and will reclassify the position. My fax number is 454-2411.

If you have any questions, please call me at 454-2937.

SEIU Representative

County Representative

_____ Date

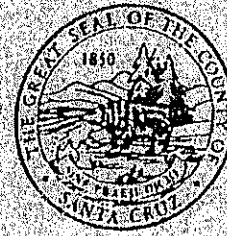
Gerald L. Dunbar 1/17/02

Gerald L. Dunbar Date

MEMORANDUM OF
UNDERSTANDING

FOR THE
GENERAL REPRESENTATION
UNIT

COUNTY OF SANTA CRUZ



SEIU LOCAL 415



September 15, 1999 through September 13, 2002

5411

- C. If the matter cannot be resolved by the Department Head, it shall be referred to the County Safety Officer for resolution. The County Safety Officer shall investigate and act within the limits of his/her authority on identified potential hazards in a timely manner. The County Safety Officer shall forward his/her findings to the County Administrative Officer for action as s/he deems appropriate.

Additionally, the Union shall appoint four representatives to meet with the County Safety Officer each month regarding the County Safety Program. Committee meetings shall be monthly at mutually agreed times and places unless there is an agreement not to meet. Activities may include, but are not limited to, accompanying the Safety Officer on safety inspections, reviewing reports on hazards and injuries, reviewing health and safety practices, developing advisory programs and services on safe work practices, recommending health and safety training programs, and making recommendations on the above matters to departments and/or the County Administrative Officer.

Upon request, the County shall provide CAL OSHA Log 200 to the Union and other information that is reasonably available and nonconfidential on work-related injuries and illnesses. In the event of emergency conditions posing immediate danger to the health and safety of county employees; the County Safety Officer will arrange for immediate release time for the chair of the Health and Safety Committee or other designated committee member to meet jointly with the County Safety Officer at the specific work site.

There shall be a Union/Management Task Force, effective January 1, 1992, to address the areas of ergonomic concern related to employee use of computer work stations. The Task Force shall be comprised of 3 management representatives, with SEIU Local 415 providing 3 representatives to serve on the Task Force.

The County further agrees, pending issuance of CAL/OSHA standards in relationship to video display terminal (VDT) use, to accommodate a female employee who provides a doctor's certification of pregnancy, and further provides a doctor's certification that the employee's use of a VDT would be disabling in relationship to this pregnancy. Accommodation may include relief of VDT assigned responsibilities or a disability leave without pay.

ARTICLE 21 CLASSIFICATION ACTIONS AND SALARY PROTECTION

21.1 CLASSIFICATION ACTION

- A. The County shall notify the official Union representative regarding appropriate classifications whenever the County intends to classify, reclassify create, modify, and/or abolish classes or class specifications existing in or appropriate to the bargaining unit represented by the Union. The Union shall respond within ten working days of the notice. The time limit for response may be extended upon request. Upon request, both parties shall meet and mutually share information, excluding work products, with regard to the classification study. Upon request by the Union, up to four hours of release time per month shall be granted for two bargaining unit employees for work on classification actions.
- B. On a first come, first served basis, up to 25 unit employees may submit requests for a classification review of their positions during the month of January of each year. The employee's request shall be accompanied by a Position Description Form (PDF) and a listing of the duties which the employee believes are beyond the scope of his/her class specification. The appointing authority shall review and respond in writing to the employee's request within thirty calendar days. If the appointing authority believes that a review is appropriate, the request will be forward to the Personnel Department and, after consultation with the Personnel Department will inform the employee in writing within two weeks when a study is scheduled. If the appointing authority does not believe a review is appropriate, s/he will provide reasons in writing. The employee's request for a classification study does not require the approval of the employee's supervisor.

21.2 UNIT ASSIGNMENT

The County agrees to consult with the Union on the assignment of new classes to bargaining units subject to timely notification to the Union of intent of unit assignment by the County, and timely response to that notice by the Union. It is agreed that this provision supersedes subsection 181.7C of the Employer-Employee Relations Policy section on Establishment of Representation Units.

21.3 SALARY PROTECTION

- A. Overfill Status.

When an occupied regular or limited term position is reclassified downward, the probationary or permanent incumbent shall retain the salary of their former class by being placed in an overfill status for a period not to exceed five years from the effective date of reclassification. The provision of overfill status is a protection device which is intended to reduce the impact of downward reclassification upon compensation and class seniority. While in an overfill status, the incumbent employee shall be eligible for step advancement, general salary adjustments and



County of Santa Cruz

CIVIL SERVICE COMMISSION

701 OCEAN STREET, SUITE 310, SANTA CRUZ, CA 95060-4073
 (831) 454-2600 FAX: (831) 454-2411 TDD: (831) 454-2123

CIVIL SERVICE COMMISSION AGENDA NOTICE OF PUBLIC MEETING

Location: Board of Supervisors Chambers
 County Government Center
 701 Ocean Street, Fifth Floor
 Santa Cruz, CA 95060

Date/Time: 5:30 p.m., Thursday, April 25, 2002 closed appeal hearing, continued from April 11;
 5:45 p.m., Thursday, April 25, 2002(NOTE: **SPECIAL DATE!!!**), quarterly meeting

A regular meeting of the Civil Service Commission has been set for 5:45 p.m., Thursday, April 25, 2002 at the County Government Center, Board of Supervisors Chambers, 701 Ocean Street, Fifth Floor, Santa Cruz, California.

This agenda is to invite you to participate in a public meeting of the Santa Cruz County Civil Service Commission. Please review the agenda for items of interest to you. You may come to the meeting and speak, or you may send a letter which will be considered at the meeting. The letter should be addressed to the Personnel Director or Chair of the Civil Service Commission and reference the agenda date and specific items of interest to you.

AGENDA

1. Call To Order
2. Attendance
3. Approval of Minutes – Meeting of January 17, 2002
4. Additions and Corrections to Agenda
5. Oral Communications
 - a. Secretary's Report
6. Old Business
7. New Business
 - a. Consider Title Change for Human Resources Agency Administrator
 - b. Consider Title Change for Health Services Agency Administrator

8. Reports
 - a. Delegated Classification Actions – Approve
 - b. Employment Services Division Workload Report – Accept and File

9. Correspondence Items
 - a. Copy of Board of Supervisors approval of Annual Report of the Civil Service Commission dated January 22, 2002
 - b. Copy of March 11, 2002 Letter of Supervisor Jeff Almquist correcting of term of office for Commissioner

Adjournment

Next Quarterly Commission Meeting: Thursday, July 18, 2002

The Commission will receive Oral Communications prior to regularly scheduled action items. Any person may address the Commission on any item of interest to the public, before or during the Commission's consideration of the item, restricted to three minutes per individual, provided that no action shall be taken on any item not appearing on the agenda. Commissioners may choose to follow up at a later time, either individually, or on a subsequent Civil Service Commission agenda.

Meeting Announcement

The County of Santa Cruz does not discriminate on the basis of disability, and no person shall, by reason of a disability, be denied the benefits of its services, programs or activities. The Board of Supervisors Chambers are located in an accessible facility. If you wish to attend this meeting and you will require special assistance in order to participate, please contact John Laird at 454-2939 (TDD number 454-2123) at least 72 hours in advance of the meeting, to make arrangements.

Action Items Will Be Heard According To The Agenda Schedule

JL
CSCAagendaApril02

SUMMARY FOR QUARTER ENDING MARCH 2002

DEPT	ORIGINAL CLASS	NEW CLASS	ACTION
Ag Comm	New	Ag Biologist Aide	New Position
Auditor-Controller	Sr Accounting Tech (1FTE)	Sr Accounting Tech (0.5FTE)	Dept Request
Auditor-Controller	Accounting Tech (0.5FTE)	Sr Accounting Tech (1FTE)	Dept Request
Child Support (CS)	CS Interviewer I/II	Dept'l DP Coord	Upward Reclass
Co. Court-Recorder/Elections	Clerk III	Elections Coordinator	Upward Reclass
Co. Court-Recorder/Elections	Elections Coordinator	Program Coordinator	Upward Reclass
General Services	Accountant II	Dept'l Admin Analyst	Upward Reclass
HRA	New	Sr HS Analyst	Alternately Staffed
HRA	EWII/EWIII-Med-Cal	EWII/EWIII-Med-Cal	Alternately Staffed
HRA-Public Guardian	Snr Social Worker-Est Mgt	Social Worker II	Alternately staffed
HSA-Admin	Environ Hlth Director	Sr Dept'l Admin Analyst	Downward Class
HSA-Clinics	Account Clerk	Snr Account Clerk	Upward Reclass
HSA-Medical Srvcs	Clerk II (0.5FTE)	Medical Assistant (0.5FTE)	Upward Reclass
HSA-MH	Clerical Supervisor II	Admin Services Officer I	Upward Reclass
HSA-Medi-Cruz	Sr Account Clerk	Sr Acct Clrk/Acct Clrk/Acct Crk Trnee	Alternately Staffed
Planning	Typist Clerk II	Typist Clerk III	Upward Reclass
Public Works	New	Displ Site Main Wrkrs (5 pos)	New Positions
Sheriffs	New	Sheriffs Security Officer	New Position

Civil Service Commission Minutes
Thursday, April 25, 2002

The Civil Service Commission held a quarterly meeting on Thursday, April 25, 2002 in the Board of Supervisors Chambers, 701 Ocean Street, Santa Cruz, California.

ORDER OF BUSINESS

1. Call To Order: The meeting was called to order by Chair Pat Pfremer at 5:35 p.m. and immediately adjourned to the noticed closed session (continued from April 11, 2002) – Magaard demotion appeal.

2. The Commission reconvened at 5:45 for their regular meeting.

Attendance: Commissioners Present: Judy Jones, Cheryl Zozaya, Pat Pfremer, Jack Gordon, and Jerald Terry.

Others Present: Laurie Hill and Gerald Dunbar of the County Personnel Department.

3. Approval of Minutes. Motion to approve the minutes of January 17, 2002.

Motion: Jones

Second: Zozaya

Vote: 5-0

4. Additions and Corrections To Agenda. There were none.

5. Oral Communications. No members of the public addressed the Commission.

- a. It was noted that Commission Secretary, John Laird, had a scheduling conflict for this meeting and that Laurie Hill was acting as secretary.
- b. Secretary's Report. Laurie Hill read John Laird's report to the Commission:
 - i. There were no pending appeals of disciplinary matters at the time.
 - ii. The three year contract with SEIU for the General Representation Unit expires in September, and negotiations are scheduled to start in late spring. Other units will come up for negotiation this year also.
 - iii. The Commission's Attorney contract maximum has been met and a contract amendment for an added \$1,000 has been processed.
 - iv. Cost of transcriptions has exceeded the \$1500 budget, however encumbrances from prior years can now be cancelled and the funds transferred and made available to cover costs for the remainder of this year.
 - v. The Civil Service Rule changes approved by the Commission at the last meeting relating to the DOT drug testing program are scheduled for the Board's May 7 agenda.

6. Old Business. The Chair stated that the Commission's request for a report from the County's EEO Officer was discussed and postponed to the next quarterly meeting due to schedule conflicts. The Commission provided several general questions regarding the EEO investigative process to forward to the EEO officer in preparation for the next meeting.

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7. New Business.

7a. The title change for Human Resources Agency Administrator, recommended by Personnel, was presented to the Commission. There was a motion for approval. Mr. Dunbar clarified for Commissioner Terry that there was indeed an incumbent and that, no, the name change would not trigger another probationary period. There was a brief discussion as to the meaning of exempt status in this circumstance.

Motion: Terry
Second: Jones
Vote: 5-0

7b. The Title change for the Health Services Administrator as recommended by Mr. Dunbar was approved.

Motion: Jones
Second: Zozaya
No discussion
Vote : 5-0

8. Reports. 8a. Delegated Classification Actions. It was moved that this report be approved. Chair Pfremer asked Mr. Dunbar about the difference in activity in the report. Mr. Dunbar replied that as the County approaches year end, classification issues are requested to be channeled through the budget process.

Motion: Terry
Second: Gordon
Vote: 5-0

8b. Employment Services Division Workload Report. It was moved that this report be accepted and filed.

Motion: Terry
Second: Jones
Vote: 5-0

9. Correspondence Items. Items listed on the agenda were noted.

10. Update. The Chair mentioned a meeting conflict for Commissioner Terry for the July 18 quarterly meeting. The Commission requested that meeting be changed to July 11.

Adjournment. There being no other business or public comment, the meeting was adjourned.

Respectfully Submitted,



Laurie Hill
Acting Commission Secretary

SUMMARY FOR DELEGATED CLASSIFICATIONS - July 2009

DEPARTMENT	ORIGINAL CLASS	NEW CLASS	ACTION
Sheriff's Office	Detention Nurse Specialist II/I	same	Combine two vacant half-time positions (.50 FTE each) to create a full-time position (1.0 FTE)
Sheriff's Office	Sheriff's Lieutenant	N/A	Update Job Specifications

VIII a.