

BAAQMD Employees' Association

375 Beale Street Suite 600

San Francisco, CA 94105



"Final EA Board Meeting Minutes approved by the BAAQMD EA Board on January 4, 2023"

12/21/2022 Special EA Board Meeting

1. Meeting called to Order (6 board members constitute a quorum).

- a. Roll Call (starts at 1205 pm)
 - i. Jimmy Cheng (Steward)
 - ii. Jack Connor (Vice President)
 - iii. Joseph Muehleck (Steward)
 - iv. Richard Lam (Recording Secretary)
 - v. Kennieth McKellar (President)
 - vi. Raymond Salalila (Steward)
 - vii. Chris Coehlo (Corresponding Secretary)
 - viii. Julius Li (Steward)
 - ix. Monte DiPalma (Steward)
 - x. Andrea Academia (Treasurer)
 - xi. Grace Leung (Steward)

- b. Absent
 - i. Raseam Wroten (Steward)

2. Potential Litigation on Distributed Workforce Policy

- a. Background on the DWP edit
 - i. Editing process is ongoing between Sharon and DWP Workgroup
 - ii. The end-product may not be acceptable to the EA
 - iii. If that happens, John Chiladakis state that there has been no policy in place yet. If emergency order is lifted, then everyone would be back to work if agreement cannot be reached.
 - iv. This meeting is to strategize what EA should do next.

- v. Our attorney suggests us to file a complaint to Public Employee Relation Board (PERB) on Unfair Labor Practices, but then we will need to build a case.
- vi. One way to do that is to reach out to Air District employees.

b. Discussion and Comments

- i. Chris: We will have a hard case going to PERB. The DWP is not in place fully. This policy is conditional on Governor's emergency proclamation. If we go down on this path, we may be digging ourselves into a hole.
- ii. Jack: Forced return to office (with or without DWP) is a change in working condition.
- iii. Julius: Without the DWP in writing, this is going to be an uphill battle.
- iv. Monte: Many state workers are reporting back to office (at least hybrid).
- v. Jack: Jack Broadbent signed an administrative instruction to implement the DWP in October 2021.
- vi. Kenny: Sharon has the final veto power on the DWP edit. The Air District is trying to skirt around the work of DWP. Attorney is drafting on the letter, and plan on sending it out on Friday.
- vii. Monte: Maybe ask John and Sharon why the emergency order is requiring everyone working remotely? (Everyone agrees that this is a good question to ask, will bring that up to the attorney).
- viii. Chris: Concerned about going the PERB is not a good way to go, maybe should work on getting the policy to our satisfaction.
- ix. Raymond: DWP is supposed to be a working document and can be changed in the future.
- x. Kenny: Emergency order is supposed to be lifted on Feb 28, 2023. We can file an injunction to delay the return to office from happening.
- xi. Monte: public transit option is sparse
- xii. Jack: Main point on the meeting: what to do if the DWP edit fell apart.
- xiii. Chris: PERB violation as the only option?
- xiv. Ray: Employees that came onboard don't even have their own desks.
- xv. Monte: Work to come up with an agreement that the EA can go with. Use the injunction as a fallback. Many new hires joined under the assumption of DWP was in place.
- xvi. Andrea: Wondering how urgent it is to make the decision.
- xvii. Kenny: Need to find out about the timeline. Need to prepare to file the PERB charge. Right now, need to get everything in place, instead of waiting until the 11th hour.
- xviii. Chris: PERB charge may take a year to process. Maybe we should threaten district with the PERB charge.
- xix. Monte: Maybe wait to see how it goes with the Remote Work Taskforce process and the next board meeting. Also reach out to Air District to ask why Feb 28 is the cutoff date.
- xx. Chris: Be prepared for another emergency meeting in January and February after the Remote Work Taskforce meeting.
- xxi. Jack: We can't file PERB charge before the District commits a violation. We need to figure out the timeline for the preparation (probably mid- to late-January).

- xxii. Kenny: Attorney is going to semi-retire January 1st. Dave will be transitioning out, while Sarah will become our new attorney. Will be working with Dave and Sarah on this.
- xxiii. Chris: Like Monte's suggestion on asking the Air District on the motivation behind the date of Feb 28, 2022. But be prepared for further actions.

3. Sharon misuse of Benevolent Leave Fund

- a. Kenny: Sharon used 66 hours of benevolent leave fund, signed off by Sandy Crockett. She is not an employee since she drafted her own contract. Our attorney is looking into it. This will be a charge against the Board. The attorney said that there is no benefit in doing this, as this will create more enemy for the EA.
- b. Monte: The admin code said that you must be an employee to receive the benefit of benevolent leave fund.
- c. Kenny: The EA has the right to file a charge to the Board.
- d. Monte: Maybe consult with Judy from HR.
- e. Jack: First step is to ask Judy about this and go from there.
- f. Kenny: Should write a side letter to exclude LTE from receiving the benefit of benevolent leave fund.

4. Performance Review

- a. Kenny: make sure everyone gets their step increase within 30 calendar days.
- b. Monte: Maybe send out an email to everyone and ask them to check their step increase.
- c. Jack: Give John Chiladakis a head-up before sending out the email so that we can keep a good relation with John.

5. Adjournment

- a. Meeting adjourned at 108 pm.

Approval:

Kennieth McKellar, President



Richard Lam, Recording Secretary