



Modesto City Employees Association

FOR IMMEDIATE RELEASE

October 15, 2007

Contact:

Tom McCarthy, MCEA President
(209) 342-8107, TiggyMcC@aol.com

State board charges City of Modesto with unfair labor practices

Sacramento, California

A state labor board has issued three separate complaints against the City of Modesto, saying there is enough evidence to allow union charges that city officials committed unfair labor practices to move forward.

The complaints issued by the Public Employment Relations Board accuse the city of committing twenty separate violations of state laws protecting employees and labor organizations between December 2006 and May 2007. All of the alleged violations affect members of the Modesto City Employees Association.

The first complaint issued on June 8, and asserts city officials failed to complete an investigation into a hostile work environment complaint made in January after the complaining employee requested union representation during the investigation. The June 8 PERB complaint also states city officials interfered with union rights and twice refused to allow an employee to have union representation present during disciplinary meetings in April.

The second complaint issued on June 29, follows the city's notice to MCEA's president Tom McCarthy of his 10-day suspension. The suspension notice accuses McCarthy of "excess involvement" in union meetings with city management. The 5-page PERB complaint asserts city management interfered with the union's representation of its members, unilaterally changed city policy without giving advance notice to the union, did not confer with union leaders in good faith regarding employment terms, and discriminated against McCarthy by issuing the suspension notice in retaliation for his activities as the union's president beginning in January 2006.

The third complaint issued on August 28, and contends city officials interfered with the union's rights and disciplined an employee more severely for challenging the charges against him through a negotiated arbitration procedure.

City officials identified by name in the complaints are Nicholas Pinhey, Janice Stewart, Dan Wilkowsky, Kay Maksoud, and Tony Souza.

The two sides met unsuccessfully in August and again in September at the PERB headquarters in Sacramento to try to settle the three cases.

The city denies any wrongdoing in all twenty of the claimed violations.

The complaints are not sanctions, but rather are lists of allegations the union must prove to win sanctions against the city. Proof of the allegations and imposition of sanctions, if any, will be decided through several days of hearing before an administrative law judge at the PERB early next year.

MCEA is represented in the PERB complaints by Sacramento employment attorney Joe Rose.

MCEA is the city's largest labor organization representing about 440 city workers. MCEA workers have been working without a contract since late-July. On October 10, the city declared both sides to be at an impasse in contract negotiations. This is the second time in as many years the two sides have failed to reach agreement on a labor contract. In 2005, the city imposed a two-year "implementation document" after wage and benefit talks broke down.

Additional resources:

Modesto City Employees Association
www.mcea1.org

City of Modesto
www.ci.modesto.ca.us

Rose Law Firm, P.C.
www.joeroselaw.com

Public Employment Relations Board
www.perb.ca.gov