



**CALIFORNIA NATIONAL GUARD
LABOR MANAGEMENT COUNCIL – FORUM
Minutes
8 February 2012**

Management Representative attendees:

COL Robert Spano – Chair
COL Michael Herman – Vice Chair
Col Nathaniel Reddicks – Deputy Adjutant General - Air
COL David Shaw – Army COS
Col Randall Ball – 163rd Wing Commander
Col Marilyn Rios-146th Vice Wing Commander
COL Barbara Nuismer – Camp Roberts Facility Commander
COL Laura Yeager – State Aviation Office
LTC Nicole Balliet – Camp San Luis Obispo Facility Commander
LTC Andreas Garza – Director, State Personnel
LTC Mark Morita – Surface Maintenance Office
LTC Kimberly DeRouen - HRO
Mr. Kevin Park – Deputy HRO
SGM Larry Ellsworth – JFHQ/GA
MSgt. James Patton – Labor Representative Specialist

Union Representative attendees:

David King – President, ACT Local 109 (129th RQW)
Michele Massu – Shop Steward, ACT Local 109 (129th RQW)
David Tomamichel – President, ACT Local 118 (144th FW)
Steve Renteria – Vice President, ACT Local 105 (146th AW)
James Williams – President, NAGE Local R12-120 (162nd CC)
Daniel Ramirez – Shop Steward, LIUNA Local 2163 (LBCSMS)
Oscar Zavala – Shop Steward, LIUNA Local 2163 (LBCSMS)
Brian Lawson – Shop Steward, LIUNA Local 2163
Claudia Gambaro – Shop Steward, SEIU Local 1000 (Mather)
John Simmons – Shop Steward, SEIU Local 1000

- The Welcome and Opening Remarks were given by the Chair, COL Robert Spano:
 - COL Spano reemphasized the TAG's full support of the Labor-Management Council (LMC) Forums.
 - COL Spano reemphasized Executive Order 13522, established by President Obama, to create labor-management forums to improve delivery of government services. The order is to establish a cooperative and productive forum of labor-management relations throughout the executive branch.
 - COL Spano reemphasized the purpose of the forums which to research, study, discuss, and recommend possible solutions to mutual issues affecting labor-management relations for the betterment of the CNG.
 - COL Spano reemphasized the scope of the forum-The scope of the LMC addresses issues and functions affecting the performance and efficiency of operations at the CNG. Our intent is to improve performance, efficiency and maintain a cooperative forum to reduce issues that affect relationships between labor and management. The scope of the LMC is not intended to address collective bargaining agreements, contract enforcement, or active grievances with the Department.
 - COL Spano reemphasized that it is beneficial for labor and management to come together to find ways to work as a team.
 - COL Spano reemphasized the importance to increase forum participation.
- MSgt Patton reemphasized the "Ground Rules":
 - a. The LMC Forums will be held each quarter.
 - b. LMC members will be notified of the Date, Time, Location, and Agenda five (5) days prior to the forum.
 - c. Recommendations growing or developed out of the forums are not binding on the parties.
 - d. Recommendations developed by the LMC do not relieve the parties of their responsibilities under 5 USC Chapter 71, or applicable Collective Bargaining Agreement
 - e. No grievances shall be discussed and no bargaining shall take place.
 - f. Topics that could lead to grievances may be discussed.
 - g. Information by the unions or management in the Forum may not be used/shared by the parties outside the LMC. Such information must be respected in the spirit in which the information was shared.
 - h. Each person wishing to speak shall be recognized by the Chair before speaking.
 - i. The Chair shall recognize a motion from any party to table a topic for further study.

- j. All decisions made by the LMC, by itself and/or its subordinate entities shall be arrived at by the process of mutual consensus.
- k. Each topic shall be discussed fully and action reached before proceeding to another topic or tabled. Where mutually satisfactory decisions are not reached, the topic shall be cancelled, reverting to its proper place in the labor-management relationship; for instance-grievance procedures, negotiations etc.
- MSgt Patton gives the floor to the Unions, allowing all present representatives time to introduce themselves and express union concerns and matters. The introductions and concerns addressed by the unions are as follows:
 - ACT Local 105 – Vice President, Mr. Steve Renteria, 146th
 - Request to attend upcoming Supervisor Training located at the 146th
 - Conducting quarterly lunches with 146th leadership
 - Request Contract Negotiation Training
 - MSgt James Patton -
 - MSgt Patton mentioned that HRO and Col Marilyn Rios have been discussing a date. Training is tentatively scheduled for August 2012.
 - MSgt Patton gives the floor to ACT Local 118 (144th FW, Fresno CA ANG):
 - ACT 118 – President, Mr. David Tomamichel, 144th FW:
 - Concerned about management of the 144th FW disregarding the contract between ACT 118 and The Adjutant General (TAG).
 - Concerned about uniform issue (One for One, turn-in requirement).
 - Request Impact and Implementation (I & I) Bargaining with management, prior to management’s implementation.
 - Requested Cold Weather Gear
 - Mr. Tomamichel indicated that he will send Col Reddicks bullet statements to capture concerns.
 - MSgt Patton gives the floor to LIUNA Local 2163 (CA ARNG):
 - LIUNAL Local 2163 – Shop Steward, Mr. Oscar Zavala:
 - Mr Oscar Zavala request “Official Time” for Steward Level Training.
 - Requested Arbitrator Training.
 - Mr Zavala expressed that the AVCRAD in Fresno bargaining members have concerns about scheduled late evening flights. Mechanics are not being told in advance of the late evening flights, and are made to work Comp-Time without prior notice.
 - Aircrew is not fulfilling landing procedures, such as “Tying Down” the aircraft. The mechanics are left to do it.
 - AGR vs Technicians – Technicians are told to stay late, while the AGRs are released to go home.

- Technicians are required to fall into formation, while in technician status.
 - AGR Supervisors should attend Technician Supervisor Training.
- COL Spano in response informed LIUNA Local 2163 that the AVCRAD OPS produces a PPR (Prior Notification) List that notifies the Air Crew and maintenance 24hrs prior to the scheduled flight. COL Spano stated that management will communicate this matter to the AVCRAD, to enforce prior notification to scheduled flights.
 - COL Spano stated that he would contact the AVCRAD to address the Air Crew tying down aircraft.
 - COL Spano stated that he would speak to COL Shaw about technicians that are required to stay to work later hours, while AGR are allowed to go home.
 - COL Spano expressed the difference of the two, and indicated that Technician Supervisor Training could mitigate the issue.
 - LTC DeRouen explained that it is mandatory for supervisors to receive Supervisor Training every three (3) years. LTC DeRouen mentioned that 4 courses will be offered this year. LTC DeRouen also explained that it is mandatory for AGR supervisors to attend Supervisor Training, if they are supervising technicians.
 - Mr Zavala suggested to management, to allow the unions a block of time at the Supervisor Training, to inform supervisors of the union contracts.
 - COL Herman mentioned as a note that LIUNA Local 2163 Contract Negotiations have been changed from San Diego to Sacramento.
 - LTC Morita request to have more subject matter experts (SMEs) attend Contract Negotiations with LIUNA Local 2163.
 - MSgt Patton stated that additional SMEs will be permitted for both management and the union.
 - COL Nuismer asked if LRS sent out an email in regards to Labor Training next week, and what are the dates?
 - MSgt Patton stated that an email will be sent out, and the dates are 15-17 February.
 - COL Herman asked who is teaching the Contract Negotiation Training?
 - MSgt Patton mentioned the course is contracted out to GRA – HR Consulting and Training.
 - MSgt Patton gives the floor to NAGE R12-120:
 - NAGE R12-120 – President, Mr James Williams (162nd CC)
 - Mr Williams expressed concerns in regards to the Leave Policy. Technicians are denied annual leave for not fulfilling technician requirements.
 - Request a Violence in the Workplace workshop
 - Request a Bullying in the Workplace workshop

- Mr Williams expressed that he will not be considered for reenlistment (militarily).
 - Suggestion to convert DS technicians with 20years, to NDS.
 - Suggestion to convert disabled DS technicians to NDS.
 - Mr Williams expressed concerns about Admin Leave “LN” during holidays (such the Friday after Thanksgiving. Technicians on crew are not utilizing Admin Leave. Can late shift crews use on another date?
- LTC DeRouen commented on the “Wounded Warrior Program”.
 - MSgt Patton stated that he would forward Mr Williams the Leave policy.
 - COL Spano tabled Mr Williams reenlistment matter, and indicated that it is a military matter.
 - MSgt Patton gives the floor to ACT 109:
 - ACT 109 – President Mr David King (129th RQW)
 - Request Supervisor Training for ACT 109 union reps.
 - Request “Official Time” for Steward Training.
 - Concerns with the Impact & Implementation (I & I) process.
 - Mr King expressed concern about Job Interview procedures for technicians. ACT 109 questions should a Traditional Guardsmen sit on a Job Interview Board for technicians?
 - COL Herman asked if there was an incident in regards to a Job Interview?
 - MSgt Patton mentioned that a Command Chief Master Sergeant (CCMSgt) was to sit on a Job Interview Board, but threatened a Grievance. 129th management removed the CCMSgt, to prevent the grievance.
 - COL Herman stated that all California National Guardsmen work for the Governor, and it shouldn’t matter what status that guardsmen in.
 - MSgt Patton gives the floor to SEIU Local 1000
 - SEIU Local 1000 – Shop Steward, Ms. Claudia Gambaro (Mather)
 - Request Supervisor Training
 - Ms. Gambaro expressed concern about Bereavement Leave
 - Request New Employment Orientation
 - Request a Bulletin Board for SEIU Local 1000
 - Ms. Gambaro expressed concern about California Families Rights Act (CFRA) vs Family Medical Leave Act (FMLA)
 - LTC DeRouen recommended State and Federal Newcomer Orientation, and then have breakouts for both agencies.
 - COL Spano asked if this is a common electronic bulletin board?
 - Ms Gambaro is concerned that some employees don’t computer access.
 - MSgt Patton gives the floor to Col Marilyn Rios, 146th AW Vice Commander;
 - Col Marilyn Rios, 146th AW Vice Commander

- Col Rios stated she is discussing with HRO a date for Supervisor Training at the 146th AW.
 - Col Rios mentioned that she is meeting quarterly with ACT 105 union reps, to discuss concerns and recommendations.
 - Col Rios request Remote Designee Training for all Remote Designees.
 - Request Contract Negotiation training.
 - Col Rios concerns over the “Fulltime Personnel Appropriate Use of Military Duty” memorandum.
- COL Spano gives the floor to management officials attending the forum:
 - COL Yeager, State Aviation Office (SAO)
 - COL Yeager mentioned that the state needs to administer “Baseline Medical Exams”.
- MSgt Patton stated that the next forum is scheduled for Wednesday, 9 May 2012, Location 144th FW, Fresno, CA. at 10am.

Proposed LMC Forums:

- Wednesday, 8 August 2012, Sacramento – Okinawa Armory
- Wednesday, 7 November 2012, JFTB Los Alamitos
- In accordance with LMC Ground Rules, Para 1a; LMC Forums will be held each quarter.
- LMC will be conducted 3 hours in length.
- Importance of having participation from everyone. Success of forums, is dependent upon Agency and Union Representative participation.
- Use of technology to get greatest amount of participation – of unions cannot make it to the location where the meeting will be held they need to connect to the meeting via phone etc.
- Future forums are scheduled for: