

## Keri Hinton

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**From:** Laura Tschabold  
**Sent:** Monday, July 10, 2017 9:40 AM  
**To:** Ken Huffer; Stan Primozich; Mary Starrett; Rick Olson; Keri Hinton; Crystal Cox  
**Cc:** Christian Boenisch; John Phelan; Desiree Lundeen  
**Subject:** RE: Pete Jensen Grievance

Commissioners,

I would like to add to this a formal request that you designate the County Administrator to respond to this grievance on your behalf.

Thanks, Laura

Laura Tschabold, MPA  
County Administrator  
Yamhill County  
434 NE Evans Street  
McMinnville, OR 97128  
W: 503.434.7501 F: 503.434.7553  
[tschabol@co.yamhill.or.us](mailto:tschabol@co.yamhill.or.us)



**From:** Ken Huffer  
**Sent:** Friday, July 07, 2017 3:55 PM  
**To:** Stan Primozich <primozichs@co.yamhill.or.us>; Mary Starrett <starrettm@co.yamhill.or.us>; Rick Olson <olsonr@co.yamhill.or.us>; Keri Hinton <hintonk@co.yamhill.or.us>; Crystal Cox <coxcr@co.yamhill.or.us>  
**Cc:** Laura Tschabold <tschabold@co.yamhill.or.us>; Christian Boenisch <boenischc@co.yamhill.or.us>; John Phelan <phelanj@co.yamhill.or.us>; Desiree Lundeen <lundeend@co.yamhill.or.us>  
**Subject:** FW: Pete Jensen Grievance

Commissioners,

YCEA/AFSCME has requested that the grievance submitted on behalf of Public Works employee Pete Jensen be moved to Step 2. Below is the request and attached is the documentation that AFSCME has submitted for your consideration. The YAMHILL COUNTY and YCEA/AFSCME LOCAL 1422 AGREEMENT Article 13.1 Step 2 (Settlement of Disputes) states that "The Board or its designee shall respond in writing to the Association within seven (7) calendar days". Due to a communication error and the timing of the request to move to Step 2, the request was not able to be considered at the June 29th Formal Session and therefore staff contacted union representatives to consider an extension of timelines. The Union has agreed to extend the timeline for the County's response to 7 days from today (deadline is now Friday, July 14, 2017), as to allow the Board the opportunity to consider the grievance.

Keri and/Crystal – Please add to the agenda folder for Tuesday's informal.

Thank you,  
**Ken Huffer**  
Deputy County Administrator  
Yamhill County

535 NE 5<sup>th</sup> St.  
McMinnville, Oregon 97128  
Ph: 503-474-6270 Fax: 503-434-7553  
Email: [hufferk@co.yamhill.or.us](mailto:hufferk@co.yamhill.or.us)  
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**From:** Desiree Lundeen  
**Sent:** Friday, July 7, 2017 10:51 AM  
**To:** Ken Huffer <[hufferk@co.yamhill.or.us](mailto:hufferk@co.yamhill.or.us)>; Laura Tschabold <[tschabold@co.yamhill.or.us](mailto:tschabold@co.yamhill.or.us)>; Christian Boenisch <[boenischc@co.yamhill.or.us](mailto:boenischc@co.yamhill.or.us)>  
**Subject:** FW: Pete Jensen Grievance

**From:** Bao Nguyen [<mailto:bnguyen@oregonafscme.org>]  
**Sent:** Friday, July 7, 2017 10:26 AM  
**To:** Desiree Lundeen <[lundeend@co.yamhill.or.us](mailto:lundeend@co.yamhill.or.us)>  
**Cc:** Josh Jess Rojas <[Joshandjess14@gmail.com](mailto:Joshandjess14@gmail.com)>; James Craver <[jimcraver67@gmail.com](mailto:jimcraver67@gmail.com)>  
**Subject:** Pete Jensen Grievance

Desiree,

The Union is willing to agree to a seven (7) extension so that the Board has a chance to review the contract. I have attached all the documents again. Additionally I am sending you the information James sent to the commissioners.

Commissioner,

I recently attempted to resolve an issue with the informal process outlined in the AFSCME local 1422 CBA. We could not resolve it in the informal process, so I moved it to step 1 of the grievance process with the department head of public works, John Phelan. Unfortunately, we did not come to a resolution in that step either, therefore please consider this email as notification of filing the grievance at step 2 with the commissioners on behalf of Pete Jensen in Public Works. (please see attached form for grievance)

Mr. Jensen was hired in 2015 full time into the Laborer 1 position, with the understanding according to the in-house employment posting that he was being hired on for flagging. When you look at the attached county job description for Laborer 1, you will see it does not include flagging as part of the job description duties. When you look at the attached county job description for Laborer 2, you will see it also does not include flagging as part of the job description duties. When you look at the attached county job description for Utility Worker, you can clearly see flagging is listed as the duties of the job description. The only duty Mr. Jensen has been doing is flagging since he was hired in February 2015. According to the county's job descriptions, Mr. Jensen, has been doing the duties of a classification that is two classes higher than what he is certified as. When you refer to the AFSCME / YCEA Local 1422 C.B.A. Article 6.8 (a), (i),(ii) it clearly defines the out of class pay for Mr. Jensen. ( see attached copy)

In the grievance, we are asking for, Option 1, the County to make Mr. Jensen whole with compensation for out of class back pay for two years at 11% and continue paying him at the 11% out of class pay going forward when he performs the duties of a flagger.

or

Option 2. Compensate Mr. Jensen with 11% out of class back pay for two years and reclassify him as a utility worker from the date the grievance was filed and going forward.

In conclusion, Mr. Jensen was hired as a labor 1 in February 2015 and the only duty he performs is the duty of a flagger/traffic control. This is clearly, as per the CBA and County job description, two classifications higher than his current employment level. Therefore, we are asking for the 11% compensation Mr. Jensen is due for the two years he has been performing the out of class duties that he should be paid for.

Thank You,



# OFFICIAL GRIEVANCE FORM

NAME OF EMPLOYEE PETE JENSEN DEPARTMENT Public Works  
CLASSIFICATION LABORER I  
WORK LOCATION LAFAYETTE AVE. IMMEDIATE SUPERVISOR Roy Panschow  
TITLE ROAD SUPERVISOR

**STATEMENT OF GRIEVANCE:**

List applicable violation: Article 6.8 and all others that apply.

Adjustment required: MAKE EMPLOYEE WHOLE WITH COMPENSATION FOR back pay for 2yrs. AND going FORWARD IN THE FUTURE. / MAKE employee a Utility Worker and MAKE WHOLE going back 2yrs. for back pay owed at 11% out of Class Pay.

I authorize the A.F.S.C.M.E. Local 1422 as my representative to act for me in the disposition of this grievance

Date 6-19-17 Signature of Employee Pete Jensen

Signature of Union Representative James L. Conroy Title SHOP STEWARD

Date Presented to Management Representative \_\_\_\_\_

Signature \_\_\_\_\_ Title \_\_\_\_\_

Disposition of Grievance: \_\_\_\_\_

**THIS STATEMENT OF GRIEVANCE IS TO BE MADE OUT IN TRIPLICATE. ALL THREE ARE TO BE SIGNED BY THE EMPLOYEE AND/OR THE AFSCME REPRESENTATIVE HANDLING THE CASE.**

ORIGINAL TO Bao Nguyen AFSCME Council 75

COPY \_\_\_\_\_

COPY: LOCAL UNION GRIEVANCE FILE

**NOTE: ONE COPY OF THIS GRIEVANCE AND ITS DISPOSITION TO BE KEPT IN GRIEVANCE FILE OF LOCAL UNION.**



**Yamhill County**  
**Public Works Department**  
**2060 Lafayette Avenue, McMinnville, OR 97128**

Ph. 503.434.7515 Fax 503.472.4068 E-mail [pubwork@co.yamhill.or.us](mailto:pubwork@co.yamhill.or.us)  
TTY 1-800-235-2900

**John F. Phelan**  
Director

**Roy Panschow**  
Road Supervisor

**Griffin Peal**  
Road Master

**Catherine Lindberg**  
Office Administrator

June 23, 2017

James Craver  
1293 SW Phyllis Dr.  
McMinnville, OR 97128

HAND DELIVERED - to employee mailbox  
A.

Re: Response to 6/23/17 Grievance Submitted by YCEA on behalf of Pete Jensen

Dear Mr. Craver

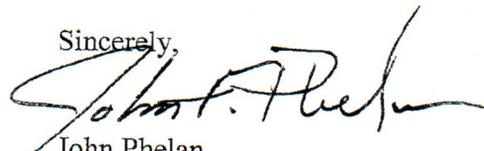
This letter is the Department Head's written response to the "Official Grievance" that you submitted on June 23, 2017 on behalf of Pete Jensen. The association has cited Article 6.8, which addresses when an employee is assigned the responsibilities of, and performs substantially all the duties of, a higher classification of work.

While the association fails to expressly state in this grievance what duties they believe Mr. Jensen has been performing that fall within a higher classification, it is my understanding, based on your conversation with Roy Panschow and Griffin Peal, that it is your assertion that Mr. Jensen should be reclassified to a Utility Worker because as a function of his job, has provided traffic control by way of flagging.

Attached please find the internal recruitment for Yamhill County job number PW-04. This recruitment was for the Laborer 1 position that Mr. Jensen applied for and was subsequently hired into February of 2015. Please note that the first paragraph of the recruitment specifically states that the duties will include traffic control. As traffic control is a duty of the Laborer 1 position, Mr. Jensen will not be receiving out of class pay for performing a function of his current classification.

In summary, I conclude that the County has not violated Article 6.8 (or any other article) of the CBA because Mr. Jensen is not working out of class. If you have questions, please feel free to contact me directly.

Sincerely,

  
John Phelan  
Public Works Director

Enclosure

Cc: Pete Jensen  
Desiree Lundeen, HR Manager  
Bao Nguyen, AFSCME Council 75  
Josh Rojas, YCEA President

Accepted by Yamhill County  
Board of Commissioners on

7-13-17 by Board Order  
# 17-274