

Madam Mayor and Esteemed Council Members,

Let me start by thanking you for your commitment and service to the Santa Clara Community. My name is Gary Ferraris, I am a resident and employee of the city of Santa Clara. I am also the President of AFSCME Local 101 and Bargaining Unit 6. I have been motivated to address this council by several compounding factors.

The first is the diminished employee morale within the ranks of the Field Operations and Maintenance Staff (Unit 6). During the priority setting session on February 8th, City Manager, Deanna Santana, laid responsibility for reduced employee morale on national trends, as well as at the door of this City Council. While Ms. Santana was correct in naming these as contributing factors, she made a significant omission in her declaration. I will explain how the currently suspended City Manager's hand-picked executive leadership team has played a primary role in systematically quashing our morale, along with our passion to serve this community.

Ms. Santana's disavowal of any responsibility for the current state of the City has resulted in the necessity of this letter to the Mayor and the Council. As Council observes the 30-day window prior to passing a permanent resolution relieving Ms. Santana of her duties, Unit 6 believes Council should be made aware of the nature of our dealings with her team.

Unit 6 has regular interactions with five departments:

- Parks and Recreation;
- Public Works/Streets;
- Water and Sewer Utilities.
- Human Resources; and
- The City Manager's Office.

We will address each of these during this report. At the conclusion of this presentation, I will, on behalf of Bargaining Unit 6, express our support of the decision to begin the process of restoring a healthy and respectful work environment.

The executive leadership of the Parks and Recreation Department makes decisions we do not always agree with. We do understand, however, that the primary role of management is to protect the best interests of the City and its residents, not only the workforce. Currently, we applaud this leadership team's ability to accomplish the core mission while maintaining a respectful, ethical, and healthy relationship with the departmental staff.

In the introductory section of this presentation, I stated the morale issues in the workforce are not merely national trends and council actions. This is where we start to reveal the true depth of the disfunction created primarily by the current executive leadership and management team.

In the Public Works/Streets Department the morale started to decline pre-pandemic, as unclassified management began keeping spreadsheets and micromanaging employees. There was even an instance when management initiated disciplinary action for “excessive absenteeism” for a member who was struggling to gain control of his child’s chronic illness, which led to hospitalization on multiple occasions. To the dismay of field staff, this manager has advanced to a position over all divisions of the street department.

Along with this new trend of micro-management, Street leadership ignores all suggestions made by the workforce. Once the COVID pandemic appeared, the Public Works/Street Department leadership became illogical and irrational in their actions. Some of the “less severe” examples include confiscating N-95 masks from work vehicles and handing them out one at a time upon request. Mind you, these masks were kept on the work vehicles pre-COVID for those working in dusty and/or unhealthy environments. Unit 6 leaders took advantage of an opportunity to secure additional neck gaiters to help offset the now increased exposure to dusty environments. Neck gaiters were provided by the City before the onset of COVID. However, management ordered they be returned to the supply company. Unit 6 persevered through this disregard for the health and safety. Then came the time for a delayed clean-up campaign.

During the planning for this event, management became increasingly difficult to deal with. At this time, we were learning of the virus’ ability to survive on open surfaces and become airborne for extended periods. Unit 6 asked the management to contact the state or county health officials for a determination of the safety of such a program. The response to this request was equal parts troubling and dumbfounding. Management reported “Mission Trail said, ‘trash collection is a medium risk activity’”. The troubling aspect of this response is that mechanized trash collection is a very different operation than the annual clean-up campaign. This observation was simply ignored and dismissed by management. I was stupefied by this response as I have never considered a trash collection company as an expert pertaining to a viral pandemic.

As the clean-up campaign got underway, Santa Clara, along with much of California, experienced some of the worst air quality on record. Joining the poor air quality was extremely hot weather conditions prompting the city to suspend outdoor programs at schools, parks, libraries, etc. The city ordered these cancellations due to the real health threats created by these environmental conditions. The Street Department’s executive leadership responded to these conditions with, “you have N95 masks, go do your job”. There are some other specific examples of very questionable behavior on the part of management. However, I have been unable to secure permission to publicly discuss these private matters. A fear of retaliation and “blacklisting” are the concerns cited with these refusals.

As difficult as it is to imagine, The Water and Sewer Department is far worse. The decreasing morale in this department extend far before the onset of the pandemic. The Water Department's unclassified managers and executives combine a similar disregard for employees' health and well-being with an established culture of active bullying by managers and supervisors. The Water and Sewer Department Management Team often demonstrate an above-the-law attitude, frequently attempting to enforce their own illegal actions.

This department utilizes numerous dysfunctional practices. Members of this team are commonly asked by managers to perform the duties of higher classifications without being compensated for the additional responsibility and workload. More troubling yet is the don't "rock the boat" culture enforced by management when promotions are available. I am confronted with a consistent theme of, "I can't put my name on this complaint, I am looking at an upcoming chance at a promotion". I am very disappointed every time I hear this. Management's disregard for the City's code of ethics and values is clear. The top brass in this department continue to expose the City to increased liabilities in their steadfast refusal to comply with OSHA statutes.

The most basic of OSHA rules, CCR 3203 (A) (7) states that *the employer shall provide training and instruction to all new employees. This training and instruction shall cover all known hazards.* Yet it is common practice in this department to assign new employees immediately to a crew, without completing any mandated OSHA training. This greatly elevates the stress levels of crew members. It is very taxing and burdensome to safely complete your own duties while also watching over and protecting newly hired team members.

The "leadership" in this department has been made aware of needed initial and refresher training courses numerous times by field personnel and the Departmental Safety Committee. Yet, when Union leadership inquires on the need for and status of this training the standard response of Human Resources is, "get us a list of what training you need". This is simply a stall-tactic meant to empower management's blatant disregard for OSHA regulations.

The workforce in this department is regularly provided with outdated and/or damaged safety equipment, if any is provided at all. The above-the-law mentality of this department is portrayed clearly by a recent situation:

A Unit 6 employee requested fall protection when working on a rooftop. The response of his immediate supervisor was, essentially, if you push for this you will be sorry because you will be the only one burdened with the use of fall protection. When we elevated this to higher levels of supervision, rather than provide the required safety equipment, the troubling response was threefold:

- We have done this way for years, what makes it different now?
- This work is exempt from OSHA because setting up fall protection will take longer than the work itself.
- OSHA rules are not meant to stifle an employer from getting work done, this work needs to be done now.

We will further discuss this as we address Human Resources.

I am somewhat conflicted in this portion of this presentation. I understand the importance of communicating the depth of anguish the workforce in this department is subjected to. There are many more specific examples. However, due to my respect for the personal privacy of our members, I cannot discuss them in this public arena. I am again confronted with the extreme hesitancy of employees in this department to have their name associated with any complaints.

Instead of additional specific examples, I will share a few observations which are concerning to say the least. The department has recently lost: 4 maintenance worker I's; 2 maintenance worker II's; 1 Crew leader; and 2 assistant superintendents. The first assistant superintendent reportedly retired 2 years ahead of the planned retirement date. The other assistant superintendent, a lifelong Santa Clara resident, reportedly took a pay cut and a long commute to work for another agency. The office staff of this department has also seen a mass exodus. The absolute disfunction of this department has resulted in a tremendous loss of talent and knowledge of the water system.

According to reference.com the definition of a human resources department includes; *The department works for the best interest of both the employees and the company, striving to create a safe workplace and handling employee disputes as required.* The HR leadership of the City of Santa Clara either never considered this portion of their duties or simply lost connection with this premise. The Human Resources Department bears a great deal of the responsibility for the level of disfunction in the Streets and Water Departments. This department is committed to uphold any desire of management, regardless of contractual obligation, legal requirement, or ethical practice.

For example, when a manager in another department desired to deny benefits spelled out in our MOU, the HR leadership advised them to proceed and expect a grievance. This type of action not only strains employee relations but is also a waste of time. A simple discussion could have brought us to the same resolution without the formal grievance process.

Part of all negotiations is the expectation that each party act in good faith. This standard of ethics came to be tested in a meet and confer between Unit 6 and HR regarding a job description change for the Water Department Pump Technician positions. Both parties agreed to additional state certification requirements in exchange for removal of the commercial driver's license requirement. Within 6 months, at the request of the water department, HR decided to unilaterally re-introduce this requirement. Unit 6

members, with the support of co-workers represented by other bargaining units, showed up en masse at a subsequent civil service commission meeting to enforce the original agreement.

During the discussion of Public Works, I told you about an employee with an ill child. Human Resources, rather than acknowledging the approved FMLA rules, decided to uphold the proposed disciplinary action initiated by management. In another situation, the Human Resources department investigated a disciplinary action initiated by management. Although the investigation concluded the claims were unfounded, the employee was placed on an extended performance improvement plan, the only blemish on an otherwise spotless career. HR has not only forgotten to consider the best interests of the employees but are also derelict in their duty to protect the City's best interests.

Expanding on the earlier account of Water Department management's refusal to comply with OSHA laws regarding fall protection. The responses from every management level of the Water Department were unacceptable. When I approached HR, the response was even more appalling. I provided the exact language of the OSHA law, yet HR responded, "I will check in with the department." This is in neither the employees' nor the City's best interests. HR's next response was, "we checked with Gary Welling (The director of Water and Sewer), and he feels it is safe to do the work". The Union was forced to contact our attorney to demand the City comply with OSHA regulations, and even then, it took two letters before the City acted. The predictability of this run around was impressive. It was stated the employee needs to start with the direct supervisor and elevate accordingly. You don't need to go straight to HR. A clear example of Santana's hand-picked executive leaders displaying a similar artful dodging of accountability. The lack of concern for workplace safety is unprecedented in the City of Santa Clara.

Wrapping up the safety concerns, when these safety issues were brought to Deanna Santana herself, we were promised this would be resolved immediately. What we have received in the pursuant 6-month time frame is additional sweeping of the issues under the rug. The City's Injury and Illness Prevention Program (IIPP) has been said to be outdated and not in effect until it is updated. This means the City Manager and Human Resources have decided, regardless of OSHA mandates, that it makes more sense to function with no IIPP than one that needs to be updated.

After months of circular empty promises, Unit 6 issued a deadline before reporting this directly to OSHA. HR then decided to cite the "outdated" IIPP. To our knowledge, the City has yet to implement its essential elements, such as naming an administrator and holding regular safety committee meetings. HR's unethical behavior goes beyond mistreatment of the workforce and extends to the financial abuse of private contractors working within the City.

There was a situation that required a unit 6 member to be onsite for overnight contractor activities. The employee maintains a commercial driver's license. The US DOT rules dictate a minimum 8-hour rest period between shifts. The contractor was charged for the overtime shift and a full 8-hour rest period.

Although the contractor paid for the both the overtime shift and the rest period, HR required the employee to use personal leave accruals for the rest period. When Unit 6 filed a grievance for this fraudulent act with the City Manager, she referred the situation back to the Assistant Director of HR, whom the grievance was written against. This behavior, to use the language HR is so fond of, could lead to disciplinary action up to and including termination.

I will conclude with this thought regarding HR. Human Resources has a responsibility to the workforce, the agency, and the citizens to make decisions that benefit the City, not simply support any desire management expresses. As a resident and an employee, I am terribly ashamed of this department's dreadful performance.

Deanna Santana should not have allowed such atrocious behavior by her executive leadership team. By allowing this behavior, the onus of waning employee morale lies directly at Deanna Santana's feet. If The City Manager's failure to rectify this situation was due to an unawareness of the behaviors of her direct reports, then an absolute dereliction of duty is indicated. Either way, Unit 6 supports the actions taken, and encourage Council to permanently relieve Ms. Santana of her duties.

It is our hope the future city manager will display the leadership needed to fully restore the morale of our employees. We applaud the Council for taking the ever-important first step in restoring a high-quality working environment, in which we can proudly and passionately serve our community.

This letter has been approved by Bargaining Unit 6 membership with a vote of 121 YES and 1 NO. Unit 6 was approached by employees represented by other bargaining units expressing their support with 29 YES and 0 NO votes.

I would like to ask tonight's meeting to be adjourned with a moment of silence in memory Morgan Chaloux, A co-worker we tragically lost recently.