

October 1st, 2024

Pat Sullivan, Director
Office of Financial Management
PO Box 43113
Olympia WA 98502

RE: Response to September 27th Letter

Dear Mr. Sullivan:

We are in receipt of your letter dated September 27th regarding ratification of the TA'ed agreements. I wanted to clarify some things that you stated in your letter, as well as let you know how I believe we got to where we are at today.

First and foremost, you opened your letter by stating "It is my understanding that there is a possibility that your membership could vote 'no' on ratifying the tentative agreements that were signed by the Washington Public Employees Association and the Office of Financial Management, based on your team's recommendation." I don't believe that accurately represents why WPEA members have voted no on these TA'ed agreements. Simply put, while the bargaining team makes a recommendation to membership, the bargaining team members each, individually, have one vote on the TA'ed agreements – the bargaining teams do not determine how membership votes. These TA's were not voted down because of the recommendation of the bargaining teams, they were voted down because they did not offer substantive gains that would justify ratification, especially when you factor in their almost two decades of sub-par contracts and salary increases.

As to your statement that you do not believe the teams' recommendation reflect good faith, I appreciate you sharing your perspective, but I disagree. WPEA's bargaining teams remained consistent throughout negotiations and did not commit to recommending ratification or

supporting the TA'ed agreement. In fact, they told both OFM Negotiators countless times over the last three months that they were deeply concerned about their ability to sell this contract to their members. Both teams discussed their concerns about the ability to ratify this agreement and shared that they felt like the Employer's team needed to be concerned about this as well – none of those discussions resulted in movement on OFM's side or any change to how non-economic issues were approached (which is to say that both tables continued to reject almost every proposal made by the Union's team, regardless of economic impact). WPEA's bargaining teams showed up every bargaining session prepared to reach an agreement and optimistic that we could get there – their hope and optimism was misplaced, unfortunately.

Thank you for outlining OFM's interpretation of RCW 41.80, and reiterating what Gina Comeau and I previously discussed. I would like to reiterate what I told Gina in that conversation, so that you are aware of how our members got here. **Both parties** are charged with bargaining a contract that their respective sides can support, not just the Union side.

One of the main factors that underlies WPEA members' concerns about the currently TA'ed agreement is the history of salary increases over the last 20+ years. If you compare the rate of inflation with the salary adjustments our membership has received in that time, you will clearly see that our members have lost 21.05% in purchasing power since 2000. This means that a member that was employed in the same position in 2000, effectively makes over 20% less today than they did when they accepted their position. As someone who has been working with WPEA since 2005, I have seen this downward trend and the impact that this has on our membership. This trend continues, biennium after biennium, for two decades, with absolutely no acknowledgment on OFM's side that this is an issue or concern – meanwhile, a large percentage of our membership is below poverty in Washington State and unable to meet their basic needs. These members are often forced to seek out help or services from the government to supplement these wages – which shifts the burden of a living wage away from OFM and to other funding sources that are coming from the taxpayer.

In at least the last three contract cycles, WPEA has been transparent with OFM that we are concerned about this trend and OFM's lack of acknowledgement or plan to fix it. The 2025-2027 CBA will be the parties' eleventh round of negotiations – I have been at the table for eight of those eleven rounds. My lived experience has been that, regardless of what WPEA members say to OFM, they continue to fall further and further behind. The only reason that the previous

ten contracts were ratified is due to the threat, which you outlined very clearly in your letter, of losing one year of the salary adjustments. For the last six years, we have consistently told OFM negotiators that this is unlikely to continue working and that, at some point, represented staff will not accept this. We are now at that point. If OFM did not see this coming, it was not due to WPEA's leadership not making it abundantly clear that we were headed toward this proverbial cliff.

With the hope of helping you understand why I believe our membership did not ratify the offered TAs, here are a list of the concerns that have been shared with OFM – none of these bulleted items are news to the Labor Relations Section at OFM and we have had exhaustive discussions at the table about these ongoing issues:

- Since the economic downturn in 2009, WPEA members have been required to do more with less, even as their wages plummeted due to contracts that did not even match, let alone exceed the rate of inflation. Our members continue to do the best they can to serve the citizens of Washington State, however, they are unable to do so if their basic needs are not met. During a session at the Higher Education bargaining table, I asked the lead negotiator for OFM if he understood that our members need to eat in order to show up to work – he scoffed at that statement. Trust me, the members who are food insecure and need to grapple with where their next meal comes from are not laughing.
- Prior to 2009, WPEA members had a 88/12 split on Healthcare premiums. When the ratified 2011-2013 was determined to be financially infeasible, we went back to the table and negotiated and ratified (at a higher percentage than the initial ratification) a contract that included a 3% salary reduction as well as a change to the split on Healthcare down to 85/15. At that time, we were told that this change was necessary and that, when the economy bounces back, we will go back to status quo of 88/12. That never happened, and today OFM calls the 85/15 split a “win” for our membership.
- WPEA Membership has seen the state through an unprecedented global pandemic. They accepted a 0% wage increase in 2021 to do their part to balance the state's budget. They continued to show up to work and put their lives on the line to serve the taxpayers in Washington State. The “thank you” that they received was a measly \$1,000

lump sum, that did not add to their base wages or make a dent in their lagging salaries, and amounted to a few hundred dollars, after taxes were paid.

- OFM Negotiators refuse to engage on issues that are non-economic and would improve working conditions or lives of classified employees, despite not adding to the cost of the contract. Both of our state bargaining teams prioritized non-economic issues and neither table was able to secure contract improvements that would help justify ratification. I personally attended bargaining sessions this year and asked both lead negotiators if they could identify any contract improvements, or language, that would help WPEA's team sell this to the membership for ratification – neither OFM Negotiator was able to articulate substantive improvements in the TA's.
- WPEA represents frontline firefighters at the Department of Natural Resources. The current contract includes a substantive take-away that was agreed to in the last round of bargaining. The Union, DNR and OFM agreed that the change in the language would not result in a harm to members – unfortunately, implementation of that language significantly cut the pay of our frontline firefighters over the last two years. When it became apparent that this was going to harm members, we approached DNR and OFM about rectifying the problem and returning to the previous contract language on the Rest and Recuperation (R&R) days. OFM and DNR agreed that it was a problem but argued that their “hands were tied” until the next round of negotiations. We are now through that “next round of negotiations” and, while the current TA rectifies some of the harm, it does not get us back to where we were in the 2021-2023 contract. WPEA's team has been abundantly clear for two years now: this is a problem because it does not incentivize participation in wildfire and harms those that have no other choice but to participate – if we do not correct this, the members will not accept that. Despite the two years of ongoing discussion about this, we were not able to get back to where we were in the previous agreement. It should come as no surprise to the DNR that this contract did not ratify because DNR firefighters have made their concerns on the R&R day very clear to their Employer and the Union.
- The harm to our DNR members doesn't stop with wildland firefighters, the state provided language in this year's last, best and final offer that included language that aimed to divide our members. OFM's proposal changed compensation for the Equipment

Technicians at DNR by taking away assignment pay for all hours worked and included a grandfather clause for current employees that had an expiration date of June 30, 2027. This proposal stated that anyone hired after October 1, 2024, would not receive the same assignment pay. The impacted members attended bargaining to explain the impacts of the proposed changes and made it abundantly clear that any take-aways would be unacceptable. Our members in this classification are not interested in accepting language that would protect their salary for the life of this agreement, but significantly harms their coworkers hired after October 1, 2024. Believe it or not, our members are dedicated to the taxpayers they serve, and they understand the impact this will have on their ability to recruit and retain qualified staff in the future – even a promise of current financial gains do not outweigh their concern about the damage to their coworkers and program that the proposed changes will bring about.

- WPEA members are fully aware of what other state employee groups get paid and can clearly see that they are not facing the same downward trend as classified staff. An example that we discussed with the Higher Education team is the August State Board Business Meeting Agenda includes a request for administrative increases equaling 6.5% in each year of the biennium – a total of 13% over the two years. This will mean that a College President making \$310,000 per year (Bellevue College) would get an increase of \$41,609.75. Meanwhile, OFM is suggesting that our membership should make a minimum of the first step in Range 34 – assuming that is \$18 per hour, that College President's **increase over the two years would be higher than what our full-time members make in a year of working for Bellevue College** – which will amount to approximately \$37,584.00. As you know, Faculty contracts are also more closely aligning with inflation.
- At our General Government table, we discussed the pay for the Deputy Supervisor at DNR, which is approximately \$249,000 per year. The total cost of the R&R day that was discussed in the fifth bullet was quoted by OFM as being line item \$110,000 to fund the additional R&R day for all WPEA members – which is less than half of what the highest paid employee at DNR receives. While you may not see this as a problem, our members see it as an inequity that is difficult to understand, especially when you consider that the R&R days are directed-rest provided to frontline firefighters to assure that they remain safe while putting their lives on the line to assure that the citizens in

Washington State still have homes, the trust still has timber to sell and the public still has recreational areas to enjoy.

- A substantial amount of our membership has job classifications that are woefully behind in the State Salary Survey. Here is a list of a few of the classifications that WPEA represents – meaning that these are the classifications that WPEA members, who vote on accepting or rejecting OFM's last, best and final offer, currently hold:
 - During bargaining in 2022, we prioritized getting a specific increase for our Forest Crew Supervisors (FCS) who were shown as being 65.1% behind at that time, according to the State Salary Survey. WPEA was able to secure an increase in the 2023-2025 agreement to give that classification a 3 range increase (which amounts to 7.5%). We told OFM that 7.5% would not make a substantive dent in the 65.1% difference. In the 2024 salary survey, this same classification is showing as being 53.3% behind and the current TAs do not include a targeted raise for that classification.
 - WPEA represents the Fire Investigators at DNR – these members investigate the cause and origin of wildfire, and their work is instrumental in recouping money lost through wildfire suppression efforts. In the last round of negotiations, for the current CBA, WPEA prioritized that classification for an increase. Because there were only three Investigators at DNR, OFM told us that all three of those positions would need to be vacated and rehired in a biennium before that classification would meet the criteria for an increase, according to their rules. These members are still employed and have not yet vacated their position, which is good for the taxpayers and Agency, but terrible for the individuals occupying those positions. WPEA was both shocked and disappointed that OFM asked us to convey that message to three Fire Investigators that were (and still are today) dedicated to their positions and the mission they serve for the public – investigating Wildfire cause and origin is a specific skill set that is extremely hard to find, but OFM told us that they were not legally allowed to consider any of that, they were just looking at the recruitment and retention numbers and, again, unless all three of these people vacated their position, or one position was filled multiple times in a biennium, there was nothing that could be done. At that time, I asked OFM's Negotiator if they understood how demoralizing that message was – we were told that OFM is simply following the law.

- Our largest classification at DNR is benchmarked to the Natural Resource Specialist (NRS) 2 position – we have approximately 300 people in that classification – and they are shown as being 32.7% behind.
- We also represent the Natural Resource Technician series – they are shown as being 45.4% behind.
- At Department of Revenue, WPEA represents both Audit and Compliance staff – these are the staff who are directly responsible for bringing tax dollars into the state and are considered revenue generating. Despite attempting to get increases for these classifications in the last two rounds of bargaining, so that the state can recruit and retain quality staff, we have been unsuccessful in doing so. Our Revenue Auditor positions are benchmarked to the Auditor 2 position in the Salary Survey – they are shown as being 52.8% behind.
- At Washington State Patrol, WPEA represents the Deputy State Fire Marshalls – they are shown as being 33.6% behind. In addition to being so far behind, their counterparts at WFSE make more than they do for no discernable reason.
- In our Higher Education contract, the Program Coordinator and Program Specialist classification is the largest job classification covered under that contract. Their series is benchmarked to the Program Specialist 2 classification – they are shown as being 35.7% behind.
- We have the Fiscal Technician classification in both our Higher Education and General Government contracts – they are shown as being 30.8% behind.

Please understand that this is the tip of the iceberg in terms of classification increases that need to be prioritized. OFM has refused to fund the State Salary Survey since the 2009-2011 biennium, which amounts to many of our members falling further and further behind every contract cycle.

- Our Department of Natural Resources bargaining unit is the largest covered under our General Government contract. Despite repeated requests, WPEA was not able to secure DNR-specific bargaining sessions until late August (my notes reflect that August 27th was the first DNR bargaining session that was not canceled or rescheduled to a later date). WPEA has repeatedly explained to OFM that the busiest time for DNR is between June – September due to the fire season. This makes member participation in negotiations extremely difficult for both the Union and Employer and impacts the amount

of time the parties can dedicate to individual DNR issues, specifically wildfire suppression issues, which is a very high priority for our members.

In addition to the above listed examples, WPEA membership has been concerned for some time about OFM's involvement in the bargaining process. For example, there were multiple circumstances this cycle where the Union and the Agency agreed on things and OFM refused to include those agreements in the final TA. An example of this is that DNR indicated throughout the last two years that they would be providing a decision package for increases to the Heavy Equipment Operator classification. DNR told WPEA members that they recognize that this classification has been overlooked for years and that it was a priority to secure a classification specific increase for them in this contract cycle. WPEA's understanding is that DNR did do what they told members that they would do – but OFM did not agree to the request and, therefore, while both the Union and Agency felt it was necessary, this classification was not included in the final TA provided by OFM.

In your September 27th letter, you asked the following question: "...we want to confirm whether the WPEA union would have the ability to move the tentative agreements forward on its own *even* if the membership votes 'no.'" On it's face, that question doesn't make sense – the WPEA union is the membership that voted no on the TA'ed agreement. Indicating that there is some separation between what the "WPEA union" would do and the will of its "membership" is a mistake. In my role as President of WPEA, I am a representative of the members' voice – I have no moral or ethical authority to override my members' decision. WPEA is a Local of the United Food and Commercial Workers – our Constitution is easily available by googling "UFCW Constitution" – Article 23 outlines my obligations to my membership. You can interpret Article 23 as you see fit. Regardless of what is written there, there will never be a day that I undermine the individuals who put me in this position and pay my salary. My members have done everything within their power to avoid getting to this point – they have accepted sub-par contracts from the state for twenty years, they have shown up to the table and pleaded with OFM to prioritize them, they have gotten angry and told OFM the impact their wages have on their quality of life and ability to support themselves and their family, they have cried and begged OFM to move on issues that were important to their respective membership – none of that has worked and they were met with indifference. Unfortunately, this is the position that the state has put them in, they had no other choice but to (after two decades of asking) use the next logical

step: voting down this agreement. My members have spoken, I suggest OFM start listening and take the action necessary to rectify these issues.

In solidarity,



Amanda Hacker

President

C: WPEA Executive Board

Steve Sloniker, Contract Administration Director

Julia Thurman-Lascurain, Membership and Mobilization Director

Joby Shimomura, Chief of Staff, Office of Governor

Kelly Wicker, Deputy Chief of Staff, Office of the Governor

Emily Beck, Deputy Director, OFM

Michaela Doleman, State Human Resources Officer, OFM

Kelly Woodward, Deputy State Human Resources Office, OFM

Gina Comeau, Labor Relations and Compensation Policy Section Chief, OFM