

SAFEMART PROPOSALS
UFCW 5, 8, 648
October 17, 2011

Add
in Food
Manager

Section 1.3.3: Change 2nd paragraph (L-5) / Add new paragraph (L-8 & L-648) as follows: Eliminate "(Former Local 839)" and change remaining sentence to read: In the Deli, Retail Bakery Sales Department and Bookkeeping Department there shall be one (1) full-time forty (40) hour per week employee assigned in each department paid at no less than the Non-Food and General Merchandise Head Clerk rate of pay. **(ALL)**

Section 1.3.3.1: 1st paragraph: Eliminate "(Former Local 839)." (L-5)

GM
step

Section 1.3.4: Add new paragraph to read: "In the absence of a Head General Merchandise Clerk, Non-Food General Merchandise Clerks who replace Head General Merchandise Clerks for periods of one (1) week or more shall be paid the Head Non-Food General Merchandise Clerk rate of pay." **(ALL)**

Section 2.8," Add new language to read as follows: The Union is obligated to represent all employees without discrimination based upon national or ethnic origin. The Union is therefore obligated to protect employees against violations of their legal rights occurring in the workplace, including unreasonable search and seizure.

The Employer shall notify the Union by phone or fax and give immediate oral notice to the Steward if any Department of Homeland Security or Social Security Administration agent appears on or near the premise, or otherwise notifies the Employer of an audit of employee records, so as to enable a Union Representative or attorney to take steps to protect the rights of employees.

Notwithstanding the above, this Section shall not require the Employer to take any action prohibited by law or specifically prohibited by a government agency.

The Employer shall reinstate any employee who is absent from work due to court or agency proceedings relating to immigration matters and who returns to work within six (6) months of commencement of the absence. To be eligible for such absence the employee must initiate the court or agency proceedings within the first thirty (30) days of the absence. The Employer shall not withhold a reasonable extension of the period of absence if the request is made within a six (6) month period. The Employer may require documentation of appearance at such proceedings.

Employees shall not be discharged, disciplined or suffer losses of seniority or any other benefit or be otherwise adversely affected by a lawful change of name or Social Security number. **(ALL)**

Section 2.5.3: 3rd paragraph (L-5 & L-648) 2nd paragraph (L-8): Eliminate the words "On a trial basis." **(ALL)**

20

The Unions reserve the right to add to, delete from, or otherwise modify its proposals during the course of negotiations. If there is an oversight in the citing of the sections of the Unions' proposals, the Unions reserve the right to correct or modify the sections during the course of negotiations.

Section 3.1 – Probation: Clarify that “sixty (60) days” starts from the first day worked in the store performing bargaining unit work in a retail setting. (ALL)

22

Section 3.3 (L-5): 2nd paragraph: Replace “a written warning” with “two written warnings.” **Section 3.3.1 (L-8 & L-648):** Replace “a written warning” with “two written warnings.” (ALL)

23

Section 4.3, 5th paragraph (L-5), 4th paragraph (L-648): Modify last sentence to read as follows: “While such an employee is temporarily working less than forty (40) hours he shall retain his full-time designation while awaiting a return to their full-time forty (40) hour work week status.” (L-5 & L-648)

27

F/T reduction currently limited to 6 mos

Section 4.3: Add as new paragraph (L-5 & L-648); **Section 4.10.4.(3):** Add as new 2nd paragraph (L-8): “A representative of management will explain the foregoing process to full-time employees affected by a reduction in hours and also provide a written explanation to be signed by the employee with a copy forwarded to the Union. (Note: The written explanation will be drafted by a representative of management and the Union and consistent with the CBA).” (ALL)

27

F/T reduction

Section 4.3.1 (L-5 & L-648); 4.3.2 (L-8) Promotion: Modify to provide written requests for promotion may be filed at any time of the year and remove years-in-classification restrictions and modify to provide monthly notification of all job promotions and/or reclassifications. (ALL)

29

5M-2 YR restriction

Section 4.3.3, 2nd paragraph: Add last sentence of 2nd paragraph as last sentence of 1st paragraph and eliminate 2nd paragraph. (L-5)

30

Modify Section 4.4 (3) Loss of Seniority. Increase recall rights from layoff from six (6) months or eight (8) months to twelve (12) months. (ALL)

31

Section 4.5.3: Eliminate Section and renumber. (ALL)

32

Section 4.7: 1st paragraph 1st sentence: Eliminate sentence and replace with the following: “The Employer agrees to provide two lists of employees on January 1st and July 1st of each calendar year provided through an electronic format.” (ALL)

32

Section 4.7: 1st paragraph, 2nd sentence, modify sentence to read as follows: “One list shall be by seniority and one list by alphabetical last name, listing the employee’s date of hire, name, social security number, phone number, work location, classification, current rate of pay, and indicate if the employee is part-time or full-time.” (ALL)

32

Section 4.7: Add the following after last sentence in 1st paragraph: The lists shall be provided in each geographical seniority area of Local 5 which currently exists as Alameda County; San Benito/Monterey/Santa Cruz Counties; Contra Costa County. (L-5)

33

Section 4.7: Santa Clara County; San Mateo/San Francisco (meat only)/Marin/Sonoma (meat only)/Humboldt Counties; and Napa/Solano. (L-5)

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Resched- selection

eliminate semi annual

edit file current process

redundant
839 1029 page

Section 4.7: Last paragraph: Eliminate. (L-5)

33

Section 4.10: Part-Time Employees, add the following as 1st paragraph: All part-time employees' scheduled work hours shall be allocated by seniority and classification. Notwithstanding the above, before a General Merchandise Clerk can request hours in a department other than their own, they must have the skills and ability to perform such work. (ALL)

34

Local 8

Section 4.10.1: Modify to provide full-time openings will be offered first to reduced full-time employees in geographical area and subsequently to most senior part-time employees in the store until position is filled. (L-8)

Section 4.10.1: Modify last sentence to reflect that any vacant full-time positions will be filled by seniority. (ALL)

Adds
class
or FIT
eliminates
old list

Section 4.10.1: 1st paragraph: Eliminate 1st paragraph and replace with the following: "When a full-time Food Clerk, GMC, Pharmacy Technician, or Courtesy Clerk position becomes vacated or is created by the Employer, the most senior part-time Food Clerk, GMC, Pharmacy Technician, or Courtesy Clerk within the store will be offered the position by seniority until the position is filled. If no part-time Food Clerk, GMC, Pharmacy Technician, or Courtesy Clerk is desirous of the full-time position at the store in which such full-time opening has become available, the Employer will then offer the position to the most senior part-time Food Clerk, GMC, Pharmacy Technician, or Courtesy Clerk within the geographical jurisdiction of the Union until the position is filled. The Employer will notify the Union, in writing, of all full-time vacancies no later than one (1) week after the full-time vacancy becomes available. (ALL)

34

clarifies
understand
re: transfer

Section 4.10.1, 2nd paragraph: Eliminate and replace with the following: "Any loss of a full-time Food Clerk, GMC, Pharmacy Technician, or Courtesy Clerk position must be filled through the process immediately above, except when full-time employees are transferred to another store within one of the recognized geographical locations in which they are employed. Notwithstanding the above, if a full-time employee is permanently transferred to a recently opened, or replacement store, it would create a full-time opening in the store in which the full-time Food Clerk was transferred from." (ALL)

34

Eliminate
115 to

Section 4.10.1.2 (L-5), 4.10.1 2nd paragraph (L-8), 4.10.1 3rd paragraph (L-648): Eliminate Section. (Contingent on agreement to modify Section 4.10.1.) (ALL)

35

Section 4.10.4 (3): Add sentence to read: "Reduced full-time employees will have preference for full-time openings in their geographical area by seniority. (ALL)

eliminates
FIT list

Section 4.10.3: Eliminate Section and renumber. (Contingent paragraph nt on agreement to modify Section 4.10.1.) (ALL)

36

redundant
839

Section 4.10.4: Eliminate paragraphs 3, 5, 6, and 7. (Contingent on agreement paragraph to modify Section 4.10.1.) (ALL) 5 only

37

The Unions reserve the right to add to, delete from, or otherwise modify its proposals during the course of negotiations. If there is an oversight in the citing of the sections of the Unions' proposals, the Unions reserve the right to correct or modify the sections during the course of negotiations.

Section 4.10.6 Weekly Guarantee: Add language to provide that the most senior part-time employee in each store will be scheduled no less than thirty-five (35) hours per week and any employee with over twelve (12) years of seniority will be scheduled no less than thirty (30) hours per week. (ALL) 38

Add to **Section 5.1 Safety Rules** as second paragraph: "Employees assigned to cleaning areas of the store will be provided bio hazard waste clean-up training and provided the necessary protective clothing when cleaning recognized bio hazard waste materials." (ALL) 39

Section 5.1 Safety Rules: Discuss use of bread dollies. (ALL) 39

Section 5.2: Change to reflect the following: Replace "Universal Military Training and Service Act" with "The Uniformed Services Employment and Reemployment Rights Act." (ALL) 40

Section 5.5: 2nd paragraph, add as last sentence: The Employer will provide at least two (2) shirts for part-time employees at the time an employee is classified as full-time they will be provided an additional two (2) shirts for a total of no less than four (4) shirts. The Employer will provide replacement shirts upon reasonable wear and tear of the shirts. (ALL) *Anniversary date of store must.* 40

Section 5.5 Special Wear: Add the following as new 4th paragraph: "Where employees deem it necessary to wear appropriate clothing to protect from the cold, they will be entitled to wear sweatshirts, sweaters, or jackets. It will be the discretion of the Employer to select the color of the sweatshirt, sweater, or jacket." (ALL) 40

Section 5.7 (L-8 & L-648) 5.8 (L-5): Add full time or part time to paychecks. (ALL) 41

Section 5.8 – Bulletin Board: Modify by eliminating the word "meeting." (L-8) 42

Section 5.9 (L-8 & L-648) 5.10 (L-5): Replace the words "Store Representatives" with the words "Shop Steward." (ALL) 42

Section 5.9 (L-8 & L-648) 5.10 (L-5): Add as 2nd paragraph: Shop Stewards (Stewards) will be trained by the Union in matters pertaining to the Collective Bargaining Agreement (CBA). The Union will provide the names to the Employer of those Stewards authorized to act on behalf of the Union. Stewards may represent members in disciplinary interviews and engage in store level grievances. Stewards will be allowed to conduct reasonable investigations pertaining to matters involving Union business during their scheduled shift. Such investigations will be conducted in a manner which does not unreasonably interfere with the Employer's business. (ALL) 42

Section 5.10: 3rd paragraph: Eliminate reference to ^{not 71} "(Former Local 839)." (L-5)

Section 5.9, 4th paragraph (L-8); 5.9, 4th paragraph (L-648); 5.10, 5th paragraph (L-5): Add as last sentence: "Should an employee be notified by a representative of management that he will be subject to an investigative interview, which may lead to the employee being disciplined, the Company will advise the employee that he has the right to Union representation. (ALL) 43

Section 5.14 – 2nd paragraph: Eliminate "(Former Local 839)" (L-5) 44

Modify Section 5.14.1 (L-8 & L-648); 5.15.1 (L-5) Leaves of Absence: Increase the nonindustrial injuries leave from twelve (12) months to eighteen (18) months. (ALL) 46

Section 5.14.1 (L-8 & L-648); 5.15.1 (L-5) Leaves of Absence: Discuss and modify medical leaves of absence based on state and federal mandates. (ALL) 46

Section 5.15 (L-8 & L-648); 5.16 (L-5) Funeral Leave: Modify to provide three (3) days' paid leave for all full-time and part-time employees. (ALL) 47

Section 5.15 (L-8 & L-648); 5.16 (L-5) Funeral Leave: Add domestic partner to definition of immediate family. (ALL) 47

Section 6.1 (L-8 & L-648); 6.1.2 (L-5) Holiday Workweek: Add new sentence to read: "Part-time employees shall be scheduled to work at least their minimum hours regardless of hours they are paid for the holiday." (ALL) 53

Section 6.1: Modify to reflect all employees shall receive two (2) consecutive days off in each calendar week. (ALL) 51

Section 6.1.2: 2nd paragraph: Eliminate "(Former Local 839)" (L-5) 53

Section 7 Work Schedules and Premium Rates: Eliminate all references to "(Former Local 839) within Section. (L-5) 58

Section 7.1: Add the following at the end of 2nd sentence: "and list employees by seniority and classification and also include the total number of weekly hours scheduled by the employee." (ALL) 58

Section 7.1: Modify schedule posting time to 12:00 p.m. on Thursday. Total hours shall be posted on the weekly schedule by seniority, by classification. (ALL) 58

Section 7.1: Add new sentence to provide: "Union officials shall be given a copy of the work schedule when requested." (ALL) 58

Add Section 7.1.1: If the work schedule is not posted by 12:00 p.m. on Thursday of the week preceding the week in which the schedules are to become effective, an assessment in the amount of five hundred dollars (\$500) is to be paid to the UEFT. (ALL) All depts. 58

Section 7.4: 2nd paragraph: Eliminate "(Former Local 839)" (L-5) 59

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Section 7.5 (L-8 & L-648); 7.5.2 (L-5): Add the following to the last paragraph: "Any scheduled or extended shift that is more than five (5) hours up to and including a six (6) hour shift shall include two (2) unscheduled ten (10) minute breaks. For all shifts that include a meal period, employees shall be entitled to a ten (10) minute break before the meal period and a ten (10) minute break after the meal period." (ALL)

61

4 hour guarantee

Section 7.7 – 1st paragraph, 2nd sentence: Eliminate the words, "except students and Courtesy Clerks" (L-5 & L-648)

61

Section 7.7 – 6th paragraph: Eliminate "(Former Local 839)" (L-5)

839

Section 7.7: Add the following as new paragraph: "Part-time employees will not be used on Sundays and holidays except as needed and they shall not replace full-time employees on such days." (L-8 & L-648)

61

Section 9: Add where appropriate: "Employees acting in the capacity of primary File Maintenance Clerk, Front-End Manager, or Dairy Department Manager shall be classified as Head Clerk." (ALL)

63

Section 9: Add new paragraph to **Subsection 9.1.4.(L-5);** add new **Subsection 9.1.2.3 (7) (L-8); 9.1.2.3.9 (L-648)** to read as follows: "All Head Clerks are to be designated as full-time regardless of classification. After a period of three (3) years, all Head Clerks will maintain their full-time status in the classification in which they were promoted, subsequent to relinquishing their Head Clerk status for any reason." (ALL)

63

Section 9.1.4: Eliminate all references to "(Former Local 839)" within Section. (L-5)

64

Section 9.2 Courtesy Clerks: Eliminate step-up of Courtesy Clerks (same language as Bay). (L-8)

Local 8 only

Section 9.3 (L-5); 9.1.5.2 (L-8 & L-648): Modify to clarify Courtesy Clerks receive a minimum of a four (4) hour guarantee." (ALL)

70

Section 10.1: Add the following as 2nd sentence: "A posting notice shall be placed in the break room of each store at least two (2) weeks preceding the week in which one of the aforementioned holidays are designated, allowing employees to sign up to work on such holiday(s). The posting notice shall contain a place for employees to sign up for holiday work and shall remain posted until the weekly work schedule containing the holiday is posted." (ALL)

77

Section 10.1.1 2nd paragraph (L-8); 10.1.2 2nd paragraph (L-5 & L-648): Eliminate the words "New Year's Day, Labor Day, and Thanksgiving Day," and replace with "on any national holidays as referenced in Section 10.1. (ALL)

78

Section 11.4 2nd paragraph (L-8); 11.5 (L-5 & L-648): Add as 4th paragraph: The Employer shall allocate health and welfare contribution hours in the specific weeks in which an employee's vacation is taken so as to minimize incidents in which such coverage is inadvertently lost. The Employer shall also make up the shortfall of monthly health and welfare contributions in situations whereby an employee's reported vacation hours are not sufficient to afford them such monthly health and welfare coverage due to a bona fide medical leave of absence in the previous year. (ALL)

85

Section 11.6 4th paragraph: Eliminate reference to "(Former Local 839)" (L-5)

84

Section 11.7 (L-5 & L-648); 11.8 (L-8): Modify vacation period to January 1st through December 31st. (ALL)

84

Section 11.9 2nd paragraph: Eliminate "(Former Local 839)" (L-5)

Section 11.11: Change 1st sentence of 2nd paragraph to read as follows: "Employees who earn two (2) or more weeks of vacation may convert one (1) week into five (5) days." (L-8)

85

Section 11.12: Add last sentence to read as follows: "Employees who earn two (2) or more weeks of vacation may convert one (1) week into five (5) days." (L-5 & L-648)

86

Section 12 Health & Welfare: Proposals forthcoming.

Section 13 Pension: Proposals forthcoming.

Section 17.1: Eliminate verbiage after first sentence. (ALL)

107

Section 18: Adjustment and Arbitration of Disputes (L-5 & L-648); Grievance Procedures (L-8): Discussions and proposals forthcoming

Section 18.1 (L-8) 1st paragraph; 18.9 (L-5 & L-648): 2nd paragraph: Add as last sentence: "The ninety one (91) day period will not apply in cases whereby employees did not receive appropriate wage increases resulting from management mistakes or errors." (ALL)

111

Section 19 Term of Agreement (L-8); Section 19 Period of Agreement (L-648); Section 20 Period of Agreement (L-5): Proposal forthcoming

Wages for all classifications: Proposals forthcoming

Appendix B (L-8); Appendix D (L-648); Appendix E (L-5) Fuel Station Employees: Eliminate Fuel Station employees to transition into GMC/Non Food rates. For wage rate purposes, Fuel Station employees will move to the next highest wage rate in GMC/Non Food rates from their current level, and work the required hours, if necessary, towards the experienced rate. All other terms and conditions applicable to GMC/Non Food Clerks will be applicable to Fuel Station employees. **(ALL)**

Appendix E (L-648); Appendix F (L-5); LoU (L-8) Order Selectors: Eliminate. Order Selector employees to transition into GMC/Non Food rates: For wage rate purposes, Order Selector employee will move to the next highest wage rate in from their current level, and work the required hours, if necessary, towards the experienced rate. All other terms and condition applicable to GMC/Non Food Clerks will be applicable to Order Selector employees. **(ALL)**

Side Letters: Review and discuss **(ALL)**

Additional Proposals: To be discussed

Seafood Manager – Discuss rates, qualifications, and promotions **(L-5 & L-8)**

E.S.C. (Employees Service Center) liaison to reduce grievance load. **(ALL)**

B.O.B Letter of Understanding (Local 5 has currently). **(L-8 & L-648)**

NOTES:

Meat: The above proposals shall apply appropriately to L-8 Meat CBAs.

Vons: Proposals forthcoming **(L-8)**