

Local 5/Save Mart Collective Bargaining Agreement

2007-2011

Contract Changes from Former Albertsons CBA (Excluding Meat Dept. and Benefit Changes)

- ➤ **Green – Gain**
- ➤ **Red – Takeaway**
- ➤ **Blue – Mostly Neutral**

1.6 STORE MANAGERS AND ASSISTANT STORE MANAGERS:

- • Eventually implements a program referred to as “Next Generation” which allows SM an extra non-bargaining person (Center Store Manager) in stores 20,000 sq. ft. or over from the current 35,000 sq. ft. or over (total 3 exemptions).
- • In a store that SM is entitled to the additional exemption and chooses to not utilize it (Asst. Store Manager or Center Store Manager), they may credit the third exemption to another store “in the same area” up to 4 exemptions (does not define “in the same area”).

Note – No reference on how a Group Store Director is included in the exemptions.

4.3 NEW HIRES:

- • Employer collects new hire union applications – forwards to union.

4.4 NEW STORE STAFFING:

- • New store openings - SM will attempt to staff with 50% of employees from close proximity of existing stores.

6.1 CLASSIFICATIONS: (More Specific in Section 10 below)

- • Redefined. Appendix “A” sums up new operational business model; “Any Clerks of any kind, except Service Specialist may be assigned any store work as long as they are compensated at the appropriate rate of pay for the work assigned.”
- • When restructuring fully implemented new business model will significantly reduce the number of higher paid employees in the 2004-07 CBA. (Determination was made based only on Alameda County Lucky membership records for November 2007 – 50% reduction in higher paid positions).

6.3 6.3 PROMOTIONS:

- • Adds additional training for promotion:
 1. 1. Mandatory employer training – company will make available to all employees.
 2. 2. Voluntary training completed by employee considered in promotions.
- • 7 day posting period for promotions.
- • Serve a 30 day probationary period in promoted position.

6.3.3 6.3.3 LAYOFF:

- • Full-time Senior Clerks can demote to former part-time position at lower rate of pay if subjected to layoff in Senior Clerk classification, although job duties remain the same.
- • During transition period SM will likely be over ratio in the Senior Clerk classification. Under such circumstances, nothing prohibits SM from laying off or reducing hours of Senior Clerks while they are over ratio.

6.3.5 6.3.5 REDUCTION IN HOURS:

- • Full-time reductions; store-by-store basis – first reduce part-time employees by seniority (although this raises question of whether all part-time employees should first be reduced and by how many hours).
- • Full-time reduced Senior Clerk can bump least senior full-time in geographical seniority area after 3 weeks of reduced hours within 9 month period. Must request in writing to bump the least Senior Clerk in seniority area during 4th week of reduced hours – SM not required to inform employee.

6.3.6 6.3.6 WAGE CLAIMS

- • Wage claims limited to 91 days from former 6 month period.

6.3.7 6.3.7 QUALIFICATIONS (BUMPING SCHEDULES)

- • Adds “---or for work assignments requiring specialized skills and background.” (Leaves open for employer interpretation)

6.10.1 6.10.1 REQUEST FOR ADDITIONAL AVAILABLE HOURS:

- • Agreement creates 3 “Clerk” classifications for seniority purposes; Senior Clerk/Food Produce Clerk/Clerk (Clerk includes deli/bakery, pharmacy tech, pharmacy clerk, maintenance - each of these categories are considered a sub-classification for seniority purposes). All 3 classifications have part-time clerks.

SM is allowed to work employees in any classification. If a part-time Senior Clerk has an additional available hours request submitted, SM may ignore request and give any additional hours to the FP Clerks at a lower rate of pay since both clerks perform the same duties but are separately classified for seniority purposes (the Senior Clerk cannot claim the additional hours out of their classification).

7.1 7.1 BASIC WORKDAY AND WEEK:

- • F/T Senior Clerks have option of 2 days off in a row.

7.6 7.6 8 DAILY HOUR GUARANTEE (Alameda/Contra Costa; 2004-2007 CBA)

- • Employees hired prior to May 6, 1983 no longer have 8 daily hour guarantee.

8.1 8.1 POSTING OF WORK SCHEDULE:

- • Changes schedule posting from 3 PM Thursday to 12 Noon Thursday.

8.8 8.8 NIGHT PREMIUM:

- • Changes premium pay from .50 to .65. Changes hours eligible for premium pay from 7 PM - 7 AM to 10 PM - 6 AM.

10. 10. CLASSIFICATION OF EMPLOYEES:

- • **Senior Head Clerk (Asst. Store Manager) – No change**
- • **Produce Head Clerk – No change.**
- • **Head Clerks;**
 - ○ Service Operations Manager (SOM), Center Store Manager, 3rd Head Clerks: **Re-classified as full-time Head Clerks. No change to job status or pay. If they later step-down they will be re-classified to a part-time Senior Clerk.**

CLASSIFICATION OF EMPLOEES – Cont.

- ○ Receiver (Also back-up Receiver): **Eliminated. Current Receivers re-classified to Senior Clerk - maintain equivalent of Head Clerk pay differential as outlined in current CBA. Could lose full-time status depending on seniority date. Back-up Head Clerk pay eliminated immediately.**
- ○ Night Stocking (Also back-up Night Stocking Head Clerk). **No change for Night Stocking Head Clerk: Back-up will receive pay for**

hours in “temporary assignment,” however, if back-up works majority in “temporary assignment” they will be paid for all hours at Head Clerk rate.

- ○ Asst. Front End Managers (ASOM); 4th Head Clerks; 5th Head Clerks; Service Supervisors: Eliminated. These classifications will be re-classified to Senior Clerk “Key Carrier.” Could lose full-time status depending on seniority date. Receives 1st year Senior Clerk wage increase. 2nd year increase paid in bonus and 3rd year is paid at \$.03 less than Senior Clerk increase to bring them to Senior Clerk wage rate.
- ○ Scan Coordinators: Eliminated. Current Scan Coordinators re-classified to Senior Clerk. Could lose full-time status depending on seniority date. Scan Coordinators currently paid Head Clerk pay will be treated as the classifications above regarding wage increases/bonuses.
- ○ Buys/selects merchandise and/or supervises others (matter was pending arbitration) – may have enlarged Head Clerk positions. Eliminated.
- ○ GM Head Clerk/Manager: Re-classified to full-time Senior Clerk/GM Lead Clerk. At or above the experienced FP Clerks wage rate before 10-26-07 will be placed in Senior Clerk progression steps.

- ● **Senior Clerks:**

- ○ Replaces Apprentice Food Clerks (only those at \$13.20 or above rate of pay) and Journeyman Food Clerks with Senior Clerk classification. All current full-time Journeyman Food Clerks with a hire date of 1-1-97 will be re-classified as part-time Senior Clerks. All part-time Journeyman Food Clerks hired prior to the above date will be offered full-time status; 1-1-97 or later former full-time JFC’s will be offered the rejected full-time positions of the JFC part-time employees referenced above (does not indicate if rejected full-time positions will be offered to former 1-1-97 or later full-time clerks by seniority).
- ○ Subsequent to transition period, employees must work 11,440 hours and be most senior in the FP Clerk classification to qualify for Senior Clerk openings. Additional 6,240 hours required to reach top Senior Clerk wage rate. Minimum of 17,640 hours to reach top Senior Clerk wage.

- ● **Food/Produce Clerks (FP):**

- ○ All Apprentice Food Clerks below \$13.20 per hour will be re-classified to Food/Produce Clerks and not eligible to immediately progress to Senior Clerk (must wait for opening in Senior Clerk/FP Clerk ratio formula – could take several years to work down bloated Senior Clerk ratio due to transition period).

- ○ The following GM Clerks will be re-classified to Food/Produce Clerks:
 - • Customer Service/Lobby Clerk
 - • Floral Clerk
 - • GM/Non Foods Clerk
 - • Liquor Clerk
 - • Personnel Coordinator

Progression steps increased from 7800 to reach top wage rate in 2004-2007 CBA to 11,440. Employees are not eligible to promote to Senior Clerk without completing at least 11,440 hours in F/P position.

These employees will be re-classified to part-time regardless of any previous full-time status and will be prohibited from claiming a Senior Clerk position for 24 months.

Also, those employees with an over scaled wage rate will be frozen at that wage and receive bonuses in lieu of wage increases until such time the FP Clerk wage rate catches up.

For example, if a Personnel Coordinator is earning \$16 per hour they will receive bonuses in lieu of wage increases until the 4th year of the CBA in which case they will receive a \$.13 wage increase to bring them to the top wage of a FP Clerk at \$16.13 per hour.

- • **Clerks-Schedule II**

- ○ The following GM Clerks will be re-classified to Clerks-Schedule II:
 - • Deli/Bakery Clerks
 - • Coffee Bar Clerks
 - • Janitorial/Utility Clerks
 - • Pharmacy Clerks
 - • Pharmacy Techicians

- ○ These employees will be re-classified to part-time regardless of any previous full-time status and will be prohibited from claiming a Senior Clerk position for 24 months.

- ○ Also, those employees with an over scaled wage rate will be frozen at that wage and receive bonuses in lieu of wage increases until such time the FP Clerk wage rate catches up. (See example regarding Personnel Coordinator above.

10.1.6 10.1.6 CLERK:

- • Lower classified Clerks above the 3rd step may perform Head Clerk duties (could not locate what pay rate would be in such circumstance).
- • Temporary assignment of Head Clerk will be paid for hours of assignment only, however, working majority of shift as Head Clerk entitles employee to all hours of Head Clerk.

10.2 10.2 PREVIOUS EXPERIENCE:

- • Former Journeyman Food Clerks out of the industry less than 5 years and hired by SM can be reduced from \$19.33 under current CBA to \$14.33 an hour under SM CBA.
- • Eliminates upgraded wage rate for employees with experience and out of industry between 5 and 10 years.

10.5.1 10.5.1 SERVICE SPECIALIST (COURTESY CLERK) DUTIES:

- • Changes job duties from what a Courtesy Clerk can perform under former CBA to what they cannot perform – increases their ability to perform job duties of higher paid employees.

11.1.1 11.1.1 HOLIDAY WORK:

- • Eliminates right of refusal for employees to work on New Year's Day, Labor Day and Thanksgiving Day.

12.4 12.4 VACATION PAY:

- • Reduces accrued industry vacation entitlement if employee from another union employer hires on with SM.
- • Changes the way vacation pay is determined by adding the following words in italics; "Vacation pay shall be computed on the employee's W-2 form earnings for the prior calendar year *from which it was earned.*" Lowers vacation pay entitlement in some circumstances

12.6.1 12.6.1 GRANTING (VACATION):

- • Increases vacation selection period to include full year (January to December).
- • Allows SM to block out 5 weeks between November 1 and March 1

13.8 13.8 PAYDAY AND DEDUCTIONS:

- • Payday changed from Thursday to Friday.

14.9 14.9 SICK LEAVE BENEFITS:

- • Changes formula whereby benefits accrue – loss of sick leave hours.

21.1 21.1 ADJUSTMENT BOARDS:

- • Expedited Arbitration Panel eliminated.
- • Eliminates time in which to file grievances.
- • Reduces time to convene Adjustment Board from 20 business days to 7 calendar days.
- • Adjustment Boards for non-discipline can be waived by either party.

21.2 21.2 DISCIPLINARY DISPUTES:

- • At end of Arbitration proceedings SM and union will meet to attempt to reach a settlement, if not arbitrator will render decision within 14 business days.

21.3 21.3 EXPENSES; BACK PAY; FAILURE TO CONVENE:

- • Can proceed to arbitration if either party refuses to meet at Adjustment Board; observe time limits of Adjustment Board or Arbitration request; to select an arbitrator in a reasonable period of time other party can proceed to arbitration. Moving party can select arbitrator from FMCS.

APPENDIX – WAGE RATES

- • **A.3 Clerk Ratio:** Guarantees a total of 44% full-time Senior Clerks out of all Senior Clerks and Food/Produce Clerks combined when restructuring is fully implemented. Net loss of higher paid Food Clerks (Alameda County). Of Total Alameda County Lucky employees in the Apprentice/Journeyman Food Clerk (A/J-FC) and GMC classifications 64% are A/J-FC and 36% are GMC Clerks.

Fully implemented restructuring of classifications will reduce current higher paid A/J-FC from 64% of total A/J-FC and GMC Clerks to 33% in Alameda County.

- • Schedule I & II Clerks (GMC Clerks) will receive \$2.68 over 4 years. Average of 4.5% wage increase per year of contract. Proportionate increases for progression steps.
- • Senior Clerks (A/J-FC) will receive \$1.80 over 4 years. Average of 2.2% wage increase per year of contract. Proportionate increase for progression steps.
- • When restructuring fully implemented (44% ratio) will reduce current full-time Experienced Journeyman Food Clerks and full-time GMC Experienced Clerks by approximately 3% to 5%.