

California Correctional Supervisors Organization, Inc.

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**PLEASE POST ON BULLETIN BOARD AND DISTRIBUTE TO
CCSO MEMBERS VIA THEIR INSTITUTIONAL MAIL BOXES**

WEEKLY UPDATE

To: Chapter Presidents, PAC, Recruiters
From: Pat Le Sage, Chief Operations & Financial Officer
Date: October 22, 2004

CDC plans to activate the Basic Correctional Officer Academy effective November 8, 2004. All staff hired will be on a limited term basis.

CCSO's Parity court case, which was filed last year, will be heard November 5th by Judge Connelly in the Sacramento Court House. CCSO's case brings forth violation of Government Code 19849.18: Senior Peace Officer Pay Differential, Educational Incentive Pay (including Fire Chiefs), Salary Increase for Correctional Supervisors 2003/04 (SO6) from July 1,2003 until current with interest, and Pre and Post Work Activities for Correctional Peace Officer Pay Differential for July 1,2003 until June 31, 2004.

The Southern Chapter Workshop was held on Friday, October 15th in Ontario. Chapter Presidents were able to network, learn the fine points when meeting and conferring with their local administration, and to air concerns revolving the new supervisory post and bid.

The memorandum from Director Woodford, dated September 29, 2004, was sent out to Wardens because CCSO requested the memo be sent at the August CDC Director's meeting. We thank Director Woodford for her response (see attached).

CCSO has been fighting CDC's lack of following their own DOM regarding AOD. We were pleased with the memorandum dated October 8, 2004, citing that the AOD policy will follow the DOM (see attached). A big thanks to Bill Braden, who heads our grievance department.

I thank the CCSO Fire Chiefs who took the time to fill out the survey sent to them. CCSO is preparing to meet and confer over concerns brought to our attention from this survey.

CMF will implement their Supervisory Assignment process on November 8th. Supervisors are satisfied, and we thank the CMF administration for working fairly with our supervisors.

VSPW implemented their SA for Lt.'s and Sgt.'s on October 8th. Unfortunately, the VSPW administration did not work fairly with our supervisors, and CCSO has formally begun the dispute appeal procedure.

Welcome to the new members who joined CCSO this week.

Thought for the week: "Let your heart guide you. It whispers, so listen closely." ~ The Land Before Time

Memorandum

Date : September 29, 2004

To : Executive Staff
Regional Administrators-Institution Division
Regional Parole Administration
Regional Administrators-Health Care Services Division
Wardens
Health Care Managers

Subject : **EXCLUDED EMPLOYEE ORGANIZATIONS**

The California Department of Corrections (CDC) is committed to a good working relationship and open communication with supervisors and their representatives as it relates to labor relations. This memorandum is to clarify and reemphasize that it is imperative that management establish positive easy to resolve issues and promote harmonious personnel relations with those representing our valued supervisory staff.

There are several organizations, which represent supervisory employees in labor relations matters, e.g., the Association of California State Supervisors, the California Correctional Peace Officers Association, and the California Correctional Supervisory Organization. These organizations were established in response to the Excluded Employees Bill of Rights Act that was enacted in 1990.

One important way for management and these excluded employees' representatives to exchange information and resolve issues is in the grievance conference. In August 2002, a memorandum from the Director's office expanded the grievance conference concept that has been successful for the represented employees to the excluded employees. It is this Director's expectation that grievance conferences will be offered to all excluded employees.

The grievance conference is a way to provide the employee an opportunity to be heard and for management to clarify issues raised in the grievance. To resolve issues expediently and at the lowest possible level is both positive for employee moral and is cost effective to the Department. Management relies on our supervisors to carry out the mission of the Department and to provide direction to staff. We need to ensure that they have the opportunity to clarify issues when they think an injustice has been committed.

In addition, it is expected that if any of these organizations wish to establish regular meetings with management to provide the opportunity for exchange of information and resolution of issues that management will act in accordance with this request. The more informed management is about potential supervisory issues, the easier it is to work toward resolution and to diffuse the disruption of business.

Our supervisors play a vital role in the safety and security of our staff, inmates, and the public. It is my expectation that their issues are heard and dealt with in a professional, expedient manner.

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If you have any questions regarding this matter, please call Jacquelyn Cervantes, Assistant

Deputy Director (A), Office of Labor Relations, at [REDACTED].

J.S. WOODFORD
Director

cc: J. Cervantes, Assistant Deputy Director (A), Office of Labor Relations
E. Van Sant, Chief Deputy Director, Support Services
Employee Relations Officers
Office of Labor Relations Staff

State of California

Department of Corrections

Memorandum

Date : October 8, 2004

To : Regional Administrators-Institution Division
Wardens
Community Correctional Facilities

Subject : **REVIEW OF ADMINISTRATIVE OFFICER OF THE DAY POLICY**

Staff from the Administrative Services Division, the Office of Personnel Management, Labor Relations, and Institutions Division have reviewed the existing policy outlined in the Department Operations Manual (DOM), Article 11, Administrative Officer-of-the-Day (AOD) regarding the assignments and responsibilities of the AOD.

As a result of the above, it was revealed that there are several inconsistencies that vary from institution to institution regarding the AOD assignments. It was determined that some of the inconsistencies could be in violation of the Fair Labor Standards Act (FLSA) and the DOM.

Additionally, Deputy Director Memorandum 47-02, titled "Administrative Officer-of-the-Day" (see attachment 1) could be in conflict with Department of Personnel Administration PML 2002-040 and the FLSA by mandating hour for hour administrative time off for exempt employees serving as AOD.

Until such time that the Legal Affairs Division issues a Legal Opinion regarding the potential liabilities relative to AOD assignments and the impact of the FLSA issues when assigning personnel to serve as the AOD, the following guidelines are to be implemented immediately:

1. Business Managers I & II, and the Supervisor of Correctional Education Programs classifications should not be assigned AOD duties.

2. Employees, who have not attended the *Penal Code 832* training as prescribed in the DOM Section 51110.5 regarding AOD training, are precluded from AOD assignments.

As a result of the aforementioned review of the AOD assignments and the DOM, the below listed recommendations were developed relative to AOD assignments:

1. Adhere to the current DOM and only assign staff that hold a classification level not less than that of a Correctional Counselor (CC) III or Parole Agent (PA) III to AOD duties. This would include the below listed classifications:

Correctional Administrator	Correctional Business Manager I & II
Correctional Captain	Correctional Plant Manager I & II
Facility Captain	Prison Industry Authority Administrators
CC III	PA III

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2. Require that the AODs be in a designated Safety or Peace Officer classification. This would remove the *Business Manager II* classification from use as AOD based on the classifications category is listed as Industrial retirement.
3. Require that AODs hold classifications that are exempt from FLSA, i.e., Work Week Group (WWG) “E”. This would remove the *Supervisor of Correctional Education Programs* from use as AODs based on the classification is a WWG “SE” and is entitled to monetary compensation for Standby Time.
4. Revise the DOM to reflect that the AOD shall be required to spend four hours total during each weekend (versus four hours each weekend day) of AOD duty and four hours on each holiday at the institution.

Each Warden is directed to review their current procedures regarding AOD assignments, the proposed changes to the DOM (see attachment 2), and consider how these changes will impact their respective institutions operations.

Additionally, all Wardens are directed to submit their input relative to the proposed changes in writing to the Operational Review Unit (ORU) before the close of business on **October 22, 2004**.

Your may fax a copy of the responses to [REDACTED] or mail a copy to the following address:

B.L. Jackson, Chief
Operations Review Unit, Room 207N
Department of Corrections
P.O. Box 942883

Sacramento, CA 94283

If you have any questions or require additional information, please contact
B.L. Jackson, ORU, at [REDACTED].

JOHN DOVEY
Chief Deputy Director
Field Operations

Attachments

cc:	J.S. Woodford	Ernest C. Van Sant	Cheryl K. Piler
	Renee Kanan, M.D.	Suzan L. Hubbard	Wendy Still
	Frank E. Renwick	Kathleen Keeshen	Ben Eason
	Jackie Cervantes	Joe McGrath	Jim L'Etoile
	Ombudsman's Office	B.L. Jackson	