

# CALIFORNIA CORRECTIONAL SUPERVISORS ORGANIZATION

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*“Supervisors Representing Supervisors”*

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## WEEKLY UPDATE FOR OCTOBER 24, 2008



### Remembering Sgt. Ebner

Sgt. Jeff Ebner from SVSP died on Saturday, October 18<sup>th</sup> while enjoying an ATV adventure. His death leaves a great loss for his family, friends, and all of us at CCSO. Sgt. Ebner was 37 years of age. Our prayers are with Jeff's family during this tragic loss of such a young man. Rest in peace Sgt. Jeff Ebner.

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**CCPOA and CDCR Arbitration Settled:** The arbitration between CCPOA and the State of California regarding the presence of supervisory employees, who are excluded employees and not part of the collective bargaining process, not allowed to be in negotiations was settled on by Arbitrator R. Douglas Collins on October 2, 2008. DPA (the State) refused to bargain with CCPOA rank and file while a representative of the CCPOA supervisors was in the room. CCPOA, in a letter dated April 8, 2005, submitted a demand for immediate arbitration, stating that DPA's refusal to negotiate regarding rank-and-file issues with a CCPOA supervisor in the room as an observer violated Section 5.03, 6.11, and 27.01 of the MOU, as well as past practice.

The arbitrator's decision to uphold DPA's right to refuse to bargain while a supervisor was in the room was based on the fact that both parties must agree to allow an observer in the room during negotiations. "Neither party can unilaterally grant permission to an outsider to observe negotiations. Moreover, neither party may insist that an outsider be allowed to attend such negotiations." Therefore the arbitrator found that, "there was no enforceable past practice under which ground rules adopted by the parties for main-table negotiations applied to local meeting and conferring. Accordingly, the State was permitted to refuse to bargain with representatives of the rank-and-file while a representative of the supervisors was in the room."

Basically, DPA has the right to refuse to bargain with CCPOA if a CCPOA supervisor is in the room. This decision is to CCSO's advantage, as our Organization was never allowed to observe in the CCPOA negotiations.

**CCPOA Drops Schwarzenegger Recall Effort:** CCPOA dropped its recall campaign against Gov. Arnold Schwarzenegger on Thursday, October 16<sup>th</sup> because they want to concentrate on issues on next month's ballot. The Secretary of State last week rejected the union's first recall petition on technical grounds. The union had until Friday to try again. "We will not be refiled our petition regarding the recall," CCPOA spokesperson Lance Corcoran told The Associated Press. The union would have needed to collect more than 1 million signatures to put the recall before voters in mid-2009. Schwarzenegger's

term ends in 2010. The recall effort also drew little support from other state labor unions that CCPOA had hoped would back a recall.

**CalPERS May Increase Employer Contributions:** The nation's largest public pension fund said it intends to tap California public employers for more money if its heavy investment losses don't reverse, a sign that more financial pain could be in store for state and local governments. CalPers, said its assets have declined by more than 20%, or at least \$48 billion, from the end of June through Oct. 10. Unless returns improve, CalPers is poised to impose an estimated increase in employer contributions of 2% to 4% of payroll starting in July 2010 for about two-thirds of its state-employer members, and in July 2011 for the remaining third. Any decision will be made after CalPers knows its returns for the fiscal year.

While CalPers may end up among the first public pension funds to pass on the costs of investment losses to employer members, it may not be the last. Almost every public pension fund is grappling with losses in stock markets, where funds hold on average 58% of their assets, said Keith Brainard, Research Director at the National Association of State Retirement Administrators. "Sooner or later the money coming in has to equal the money going out," he said. The increase in contributions to CalPers could be greater than 4% if the fund's assets decline further by the end of the fiscal year in June 2009. The increases would be smaller, or potentially not occur, if the fund reverses those losses.

**Reported By CCSO Administrative Liaison Ford Canutt:**

Recently, the CCPOA Supervisory Vice President, Mark Valente posted a letter on the Internet, which CCSO believes a response is required. Mark Valente, stated, "CCSO must feel you need a little help, therefore they sponsored legislation (SB600) designed to limit which labor organization you, as a supervisor would be allowed to join.

**This is a false statement as SB 600 was designed to stop supervisors from being elected to a rank and file president position. It is against Government code 3529 (C) for a supervisor to represent rank and file. SB 600 had nothing to do with stopping a supervisor from joining CCPOA.**

R. Del Prato, a CCPOA member stated: "I was the subject of four different investigations over a four-year period from the beginning I called CCSO for assistance I was always informed by the secretary she would have someone call me back. They never called back. Over the next four-year period this scenario repeated it self over and over. I ended up spending over ten thousand dollars of my personal finances, due to the lack of support from CCSO."

**This is a false statement by Mr. Del Prato as the law office of Goyette and Associates represented Mr. Del Prato on two of his cases at CCSO's expense and Attorney Mark Kruger represented him on another case at CCSO's expense. Mr. Del Prato has completely misrepresented the facts.**

**If Mr. Valente is going to continue this tactic of misinformation, then he is no better then Robert Dean.**

Take Care and Be Safe