

CALIFORNIA CORRECTIONAL SUPERVISORS ORGANIZATION

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“Supervisors Representing Supervisors”

WEEKLY UPDATE – JANUARY 16, 2009

CDCR Impacted by Budget: California’s budget crisis will negatively impact CDCR, as well as all state departments. CDCR Secretary Cate’s memorandum dated January 7th cites a hiring, travel/training and contract services procurement freeze.

Hiring Freeze: Official job offers shall not be made until a freeze exemption has been approved AND Personnel approval has been obtained.

The following constitute automatic exemptions from the hiring freeze request process.

- Mandatory reinstatements covered by Government Code statutes; placement upon termination of Training and Development or Limited Term assignments; stipulated agreements or State Personnel Board decisions regarding personnel actions; reinstatement from medical leave, NDI, SDI, workers compensation or military leave; and placements/reasonable accommodations approved through the Office of Employee Wellness.

Travel/Training Freeze: All travel and training was suspended. Nonessential travel and training was cancelled for the remainder of the 2008-09 fiscal year. All requests will require approval by the appropriate CDS or equivalent, and must be approved prior to traveling, attending training, or seeking an advance.

Automatic exemptions from the travel and training freeze request process:

- Extradition; inmate or parolee transportation; classification staff representatives; training required to maintain job-required licenses or certifications; and the transfer and monitoring of inmates out of state.

Specific guidelines regarding travel training are as follows:

- Restrict the size of meetings requiring travel to essential participants only.
- Use video conferencing and teleconferencing in lieu of physically meeting.
- Schedule meetings at locations at or near headquarters offices.
- Cancel or postpone travel for discretionary seminars, conferences, or training.
- Exercise good judgment. When in doubt, consider whether or not the necessity of the exemption would be evident to someone who is unfamiliar with CDCR’s operations.

Contract Services/Procurement Freeze: All contracts and procurement, including procurement by field operations, that is not required for the direct care, custody and control of inmates, wards and parolees were suspended.

Agencies Reject Furlough Plan: The Governor’s Executive Order pertaining to a mandatory 2-day furlough has been rejected by six democrats, Treasurer Bill Lockyer, Attorney General Jerry Brown, Controller John Chiang, Superintendent of Public Instruction Jack O’Connell and Lt. Governor John Garamendi. These agency heads will not impose the two-day furlough on their staff. Treasurer Bill Lockyer said that he would not, “Impose such a hardship on the backs of our employees.”

Chiang's Chief of Staff Colin Wong-Martinusen said in an e-mail to employees in the Controller's Office that, "the Controller's team will play a lead role in navigating the State through the most turbulent fiscal storm seen since the Great Depression. He sees his staff as being part of the solution to the fiscal crisis, not the problem, itself."

Wong-Martinusen said Chiang will, "propose alternative cost savings and revenue-generating solutions which will meet – or even exceed – those related to furloughing or laying-off (state controller's office) employees."

The Governors spokesman said, "It's our belief that state government should do everything it can to cut spending before asking the taxpayers to shoulder even more of the burden."

DPA Meeting: CCSO has a meeting, on Tuesday January 20th, with DPA Director Gilb over the Governor's Executive Order and will maintain our position of opposition towards the furlough plan. Currently SEIU has filed two suits against the 10% pay reduction (furlough plan) for represented state workers. The first action is an unfair practice charge filed with PERB, which alleges that the furlough mandate violates the State employer's obligation to bargain in good faith with the Union. The second action is pending in Sacramento Superior Court and asserts that the furlough implementation causes the State to violate the Fair Labor Standards Act, improperly invokes the provisions of Government Code section 3516.5 and violates the California Constitution and state statutes, which delegate exclusive authority to change salary and work hours for represented state employees to the Legislature. The hearing on this second set of claims is currently scheduled for January 29, 2009.

CCPOA filed on Monday, January 12th, on behalf of its contractual "represented" rank-and file officers, but does not have a court date as yet. CCSO is following the court decisions even though it pertains to contractual "represented" state workers, because excluded employees in unit 6 have parity with their rank and file counterparts. Labor Organizations representing state workers classified as "unrepresented" or "excluded" means they do not fall under a collective bargaining contract. In California state workers that are supervisors or managers do not have collective bargaining and cannot file court actions based on breach of good faith bargaining or violation of exclusive authority over salary and hours.

Since the Treasurer and the Secretary of State have announced that they will not implement the Governor's furlough plan, it is likely that additional constitutional officers will take the same position in coming days, thus setting the stage whereby state workers are being treated differently. Disparate treatment is grounds for excluded employee organizations to file court actions.

1500 Bed Expansion Moves Forward: Plans for a 1,500-bed facility in Folsom for California's sick and mentally ill prison inmates are proceeding, even as funds for the project remain in lockdown amid court battle and state budget cuts. Lawyers for the Attorney General's office will head to appeals court next month to ask a judge to block the federal receiver in charge of California prison health care, J. Clark Kelso, from collecting \$250 million of approximately \$8 billion needed for upgrades and expansion of existing prison health-care facilities.

CCSO Administrative Liaison Ford Canutt has been telling members calling our office that, "It is not over until the Fat Lady sings."

Take Care and As Always Be Safe!