

# CALIFORNIA CORRECTIONAL SUPERVISORS ORGANIZATION

February 6, 2009 - Weekly Update

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**Furlough PML:** Unfortunately the furlough days began with the February 2009 pay period. CCSO will continue to fight this mandated 2-day furlough. The DPA –PML for the Furlough Program can be viewed on the CCSO web page. Go to [ccsonet.org](http://ccsonet.org) and then the “News” page and then click on PMLs found on the left column.

In addition, CCSO is supporting the unions who are fighting to stop the furloughs. CCSO stands by its position that taking two days from an employee’s pay but not allowing that employee to use their two days within their pay period but asking them to “bank” it is illegal. No one, not even the Governor, can ask an employee to work a day in a pay period and not pay them. If an employee is furloughed two days without pay they don’t have to work two days. It doesn’t take a rocket scientist to figure that out.

CDCR and DPA have informed CCSO that posted positions within prisons are in category 3, which uses the “banking” of furlough days because a prison cannot continue normal operations if furlough days were all given within the pay period. CCSO’s response is that CDCR posted positions in prisons then should have been exempted. **CCSO is preparing to litigate if any furlough day(s) requested by a member, to be taken within their pay period, is not approved.**

DPA/CDCR have said the furlough is very complex when it comes to posted positions. CCSO does not find it complex at all. Employees in America cannot be asked to work by an employer without being paid.

A Superior Court judge ruled the Governor had the right to order furloughs for state employees. The judge never ruled that people should be asked to work for free.

## **CCSO Meets with CDCR:**

On February 5<sup>th</sup>, CCSO President Tatum, State Board Member Lt. Chris Gold, Administrative Liaison Ford Canutt, and Chief Operations & Financial Officer Pat Le Sage met with CDCR Chief Deputy Secretary Terri McDonald, and Director Suzan Hubbard regarding the current and future reductions affecting CDCR. McDonald began the meeting by stating that CDCR has a 60 million deficit with the furlough plan in place. Le Sage inquired to CDCR’s plan of action once employees in the category 3 “banking” of furlough days began requesting their two days off within their pay period. Le Sage cited CCSO’s position that it is illegal to ask an employee to work for free. Hubbard responded that CCSO’s position was not that of CDCR’s. She remarked that CDCR will encourage the use of furlough days be taken before using vacation or holiday days. Canutt said that the categories are disparate because categories 1 and 2 have to take days without pay, while category 3 staff will take the day off as a vacation day and keep their vacation on the books.

Le Sage said it was unfortunate that CCSO and CDCR had this difference of opinion, and litigation was in order to allow a judge to determine who was correct regarding “banking” days worked without pay.

McDonald updated CCSO on possible reductions that CDCR is considering such as: alternate work schedules, 3-5% diversion plans and went on to say many scenarios are being discussed in the area of reductions. Currently decisions have been made to delay the sergeants/lieutenants academy until CDCR can reimburse supervisors for expenses. Reimbursement for mileage is delayed until such time the budget is passed and then McDonald said it would still take months to get funded.

CCSO proposed reductions such as a 10% reduction in inmate pay, lights out at a certain time, rolling lock downs, freezing inmate movement statewide (except mental/health), delaying audit and compliance and

replacing with self audits, have only 1 day visitation per month, and stop the 3<sup>rd</sup> day inmate visitation for the 28 prisons who have recently added the 3<sup>rd</sup> day, reduce rehabilitation programs among other cost saving alternatives.

McDonald said millions from rehabilitation programs have been reverted back to CDCR operations. Hubbard said vocational and education programs could not be cut because they were basic programs for inmates. Le Sage responded that California schools have been cut and children, not in prison, are being hurt by “basic” education cutbacks. McDonald said that CDCR was concerned about cutting too much from inmates, as an angry inmate is a danger to staff.

There was discussion on the 3-judge panel, placing a population cap on CDCR and the effects on staff. McDonald said releasing 52,000 inmates is not an option, and could result in lay-off and is unsafe to communities. She said it was much too early to discuss because if the judge placed a cap on population that CDCR would appeal.

The meeting ended with further communication to continue in the days ahead.

### **Gold Speaks with Sawyer and Kernan:**

Chris Gold, Board Member/Law Enforcement Liaison, spoke with the Governor’s Public Safety Liaison Tom Sawyer, and CDCR Secretary Scott Kernan regarding the current cutbacks. Both Sawyer and Kernan agreed that now was the time to keep the lines of communication open. They appreciated CCSO’s willingness to work with them during this fiscal crisis.

**DROP Survey:** There were 14 Chapter Presidents who responded, regarding the survey of moving forward or not with the CCSO DROP legislation. 9 voted in favor and 4 voted in opposition, with 1 taking a 50/50 neutral position per his chapter. We also had 1 member respond with an opposition to the DROP. The survey was given to all 40 Chapter Presidents.

Rich Tatum approved moving forward with the DROP legislation as the majority of Chapter Presidents voting were in favor. Thank you to the Chapter Presidents who took the time to vote.

**Closing Arguments Heard – Crowded Prisons:** A three-judge panel heard closing arguments in a legal battle over the potential release of as many as 52, 000 CDCR prisoners. The two-day proceedings were related to a series of lawsuits accusing the state of failing to provide medical and psychiatric care for inmates, which the plaintiffs argue violates the Eight Amendment prohibition against cruel and unusual punishment. Plaintiff’s lawyers argued that reducing the number of inmates was the only way to relieve overtaxed prisoner healthcare systems and that reentry programs, reduced sentences and credits for good behavior could sharply reduce the prison population without harming public safety or increasing state expenditures significantly. Lawyers for the state argued that drastic cuts would increase crime and overload the states already weakened social welfare networks. The judges indicated they were inclined to cap the state’s prison population, the nation’s largest. Reinhardt said the panel would issue tentative findings to force a compromise before issuing a final ruling. The judges said they will likely have no choice but to act, despite the risk of increased crime in counties where police, jails and social services already are stretched to the breaking point during the state’s fiscal crisis. The panel did not set a schedule for its decision.

### **Law Enforcement Liaison:**

President Rich Tatum appointed State Board Member, Lt. Chris Gold, and Lt. Art Gonzales Jr. as CCSO’s new Law Enforcement Liaisons. Board Member Gold is currently assigned to working with the Governor’s Office, while former State Board Member Lt. Art Gonzales Jr. had been assisting Gold in this area. Their appointment, as Law Enforcement Liaisons, merely makes their meetings even more official as CCSO representatives. Congratulations, Chris and Art on your new appointment!!

**Take Care and As Always Be Safe**