

CALIFORNIA CORRECTIONAL SUPERVISORS ORGANIZATION

May 8, 2009 - Weekly Update

CDCR Secretary Confirmed:

In a unanimous vote, the California State Senate voted 35-0 on Thursday, May 7th to confirm Matthew L. Cate as Secretary for CDCR.

Walk Time and Donning & Doffing:

CCSO is currently working with Avenal State Prison's Chapter President Lt. Tim Smith and Calipatria State Prison's Chapter Vice President Sgt. Tim Borem on a grievance regarding walk time and pre and post shift donning & doffing activities. At this time, their grievances were denied at the third level by CDCR Chief of Labor Relations and are on their way to the fourth level.

The U.S. Supreme Court case of *IBP, Inc. v. Alvarez* in 2005 establishes that walking time to workstations at the start of shifts and from workstations at the end of shifts must be compensable under the FLSA. Additionally, this court decision cited that donning and doffing special protective gear prior to and following the end of designated work shifts is compensable. The gear is required by CDCR; therefore, the time spent donning & doffing is compensable under the FLSA as well as walking to and from workstations.

CCSO stands by the position that DPA's FLSA handbook **cannot** overrule a Supreme Court decision that established the 'law' that walking time when conducted after performing the compensable task of donning required protective gear is compensable under the FLSA.

Gary Goyette, Attorney for CCSO has reviewed the grievances and will be involved with the fourth level action. CCSO believes that the law is on our side in regards to walk time, as well as donning and doffing, if taken through the courts once the grievance process has been exhausted.

CCSO thanks Avenal's Chapter President Lt. Smith and Calipatria Chapter Vice President Sgt. Borem for moving forward with this grievance. It will be the catalyst that will set precedence for all correctional supervisors in CDCR.

Possible Swine Flu Case found at Centinela:

Visitation at all state prisons was suspended after an ill inmate at Centinela State Prison in Imperial County was tested for swine flu. This week, it was confirmed that the inmate had a mild case of H1NI (Swine Flu). The infected inmate's cellmate remains under quarantine, but has not shown any symptoms of the influenza.

CDCR acting chief physician executive Dr. Steven Ritter said Sunday that the closed doors statewide are a precautionary measure to protect the public, prisoners and prison staff. Critical and legally mandated activities, such as attorney visits, medical evaluations and court-ordered social worker visits, will continue with added precautions. It appears that the actions of CDCR have stemmed the spread of the virus at Centinela.

Vote on May 19th:

CCSO is asking members to vote in the special May 19th election. The measures IA through IF affect all Californians, especially state, county, and city employees. CCSO will not tell voters how to vote, but will provide these facts: The six measures include a spending cap that would extend newly enacted tax hikes for up to two years, and a plan to borrow up to \$10 billion against future revenue from the California lottery.

If the measures pass, it is projected that the State will still face an \$8-billion budget shortfall. If the measures fail state, cities, and counties will face serious budget cuts.

CCSO sends condolences to Sgt. Rodney Alvarado:

CCSO sends our heartfelt condolences to Sgt. Rodney Alvarado and his family on the death of their 23-year-old son, Rodney Manuel Alvarado Jr. The Warden from Calipatria, Warden Larry Small sent this message out to staff at Calipatria.

“It is with deep sadness that I inform you of the death of Rodney Manuel Alvarado, Jr., son of Correctional Sergeant R. Alvarado. Mr. Alvarado, 23 years old and a United States Marine, was stationed at Camp LeJeune, North Carolina. He was killed in a two-vehicle accident on May 4, 2009. Most recently, he discharged from the Wounded Warrior Battalion following severe injuries received while serving in Iraq in 2007.

Sergeant Alvarado acknowledged the condolences and prayers of those who were aware of his son’s death. Please continue to keep Sergeant Alvarado and his family in your thoughts and prayers as they go through this difficult time.” – By (A) Warden Larry Small, Calipatria State Prison

On behalf of all of us at CCSO, we thank Rodney Manuel Alvarado Jr. for serving our country, fighting through his injuries, returning back to active Marine status, and for his never-ending loyalty to this country.

Rest in Peace

Take Care and Be Safe