

CALIFORNIA CORRECTIONAL SUPERVISORS ORGANIZATION

November 13, 2009 - Weekly Update

Furlough Restraining Order Rejected by Judge: On Thursday, November 12th Attorney Mark Kruger representing CCSO filed for a temporary restraining order to stop correctional supervisors from working three days per month without compensation within the pay period in which they work. The CCSO argument was based on the fact that correctional supervisors must be compensated for all hours worked in a pay period according to Labor Code Section 212, which requires that every employer in California be paid for wages for hours worked within the pay period in which the work is performed. Additional violations include California Labor code Sections 1182.11 and 1182.12.

The Judge, on November 12th, did not rule on the merit of the case but ruled against the restraining order citing that it was not an emergency issue that caused irreparable harm to correctional supervisors.

The CCPOA case will be heard, Monday November 16th in Alameda County. Their case mirrors CCSO and we both support and await the Judge's decision on their suit. The Judge has up to 90 days to rule from November 16th on the CCPOA court case. It is the hope of CCSO that the CCPOA case will be successful. If, however, the Judge rules against CCPOA then CCSO will move forward with the motion of preliminary injunction.

Together various labor groups are joining forces to stop the furloughs in a myriad of litigation cases. Each case being heard sets the stage for the next case.

CCSO Meets with DPA Director and Chief Deputy Director: CCSO President Tatum, Chief Operations & Financial Officer Pat Le Sage, Administrative Liaison Ford Canutt, and Administrative Field Services Representative Bill Braden met with DPA Director Debbie Endsley and DPA Deputy Director Julie Chapman on Tuesday, November 10th in an informal meeting to present our issues to the newly appointed DPA Director.

DPA Director Endsley and Deputy Director Chapman were apprised of the issues impacting excluded employees that are in the process of being laid off using the county based area of lay-off versus the CCSO preferred statewide based area of lay-off. There was discussion on grievances not being answered within the required time frame and potential problems financially for CDCR resulting in the furlough usage.

CCSO stressed the need to maintain all benefits and wages with no further reductions for state excluded employees within CDCR in order to survive the cuts that will continue within the prison system.

This initial meet and greet with Director Endsley was fruitful and will open the door for continued communication in the days ahead.

CDCR Proposal: The Schwarzenegger administration submitted to a panel of federal judges on November 12th a revised proposal for reducing CDCR's inmate population. The three-judge panel, which ruled that the state must come up with a plan for cutting the prison population to address overcrowding, rejected the state's first proposal last month on the grounds that it did not meet their requirements.

"We have thoroughly examined the court's concerns and believe that this plan represents the best option to meet the court's order," CDCR Secretary Matthew Cate said in a statement. "Although this plan meets the court mandate, we continue to believe our best option is the original plan already being implemented by the state that reduces the prison population over time without compromising public safety." The submitted plan

will satisfy a judicial panel of judges, but the three federal judges have to be willing to issue orders the state sees as illegal.

The judicial panel, for example, would have to order CDCR not to accept individuals who fit a specified profile, such as those with no strikes under the "three-strikes" law who are convicted of simple drug possession or any one of a number of theft-related crimes, Cate said. Another example, the Secretary said, would be an order not to accept any person convicted of felony theft that did not meet a \$950 threshold. Grand theft is punishable as a felony when the amount stolen exceeds \$400. The administration failed in its bid for legislation that would increase the amount to \$950.

"Although this plan meets the court mandate, we continue to believe our best option is the original plan being implemented by the state that reduces the prison population over time without compromising public safety," Cate said.

CCSO Meets with DPA over Chief Dentists: Monday, November 16th CCSO will meet with DPA over the state's decision to eliminate the Chief Dentist position in CDCR. CCSO is fighting to stop the initial elimination of this position, as it would be a violation of the Perez Stipulated Agreement, Title 22, the California Dental Practice Act, and the DOM. We thank the Chief Dentists for coming together and working with CCSO to compile arguments to retain this position. Updates will be forthcoming after the November 16th meeting.

CCSO Goes to Heman G. Stark: CCSO Administrative Liaison Ford Canutt will be on hand to ensure that CCSO members affected by the layoffs at H.G. Stark are given all available options at the placement hearings scheduled for Tuesday November 17th and Wednesday November 18th. The hearings will only be for custody staff on those two days.

And Then There Was Two

BY: CHRIS GOLD, LT.

CCSO Board Member/Law Enforcement Liaison

I have received many phone calls and e-mails from friends and fellow comrades wanting to know why, I declined to run for the CCSO president position. Let me first say, I am humbled and honored to have been nominated for the President position. I "thank you" for your support. However, I made the decision, regretfully and reluctantly, to decline the nomination because it was in the best interest of OUR Organization not to run in this election.

I based my decision on the fact that if I ran there would be three qualified people running for the CCSO President position, which could have jeopardized the integrity of the race by splitting up votes disproportionately. Although, I have chosen not to run you **will** continue to see my name, CHRIS GOLD, and hear **my** voice. Regardless of what title I am given, I will continue to fight for OUR membership and support you.

Our Organization represents all of us as a family. From every corner of this state, to every floor of the state capitol, and at every picket line, you will hear and see me fighting, **AS ALWAYS**, for what is right for Supervisors and Managers in the California Department of Corrections and Rehabilitation and CCSO. **I stand proud to be one of you.** As your State Board Member and Law Enforcement Liaison, I will help lead OUR Organization and OUR Department into the future. I will never turn my back on my fellow members, and if there's a fight to be made on OUR behalf, I will be first in line to kick some ass.

STAY CCSO STRONG!

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