

Memorandum

Date : June 26, 2008

To : Executive Staff
Associate Directors, Division of Adult Institutions
Regional Parole Administrators (Juvenile and Adult)
Regional Administrators, Division of Correctional Health Care Services
Wardens
Superintendents
Health Care Managers (Juvenile and Adult)
Labor Relations Advocates Subject: **MEET AND**

CONFER NOTICES -- AMENDED

Pursuant to the settlement agreement reached with the California Correctional Supervisors Organization (CCSO), we are providing the following notice regarding the process for determining whether or not to provide notice to applicable supervisory organizations on matters relevant to the California Department of Corrections and Rehabilitation (CDCR) supervisory classifications.

Please be advised that all meet and confer notices are to come from CDCR, Office of Labor Relations (OLR), not the institutions themselves. It is OLR's responsibility to determine whether a meet and confer is required, and which organizations will be noticed. The OLR is to be notified of any changes in policy or course of action, regardless of the number of employees impacted. Please provide this information to the OLR 60 to 90 days prior to implementation. To prevent confusion, please ensure that all classifications (including supervisory) which are potentially impacted by a change/implementation, are clearly identified within the documentation submitted to the OLR.

Attached is Personnel Management Liaison (PML) memorandum #2005-003 regarding Government Code Section 3533 with respect to supervisory meet and confers. Included with the PML is a copy of the statutory language concerning meet and confers for supervisory organizations and a current list of all supervisory and excluded employee organizations.

If you have any questions, please call Margie McCune, Chief, OLR, at (916) 445-7167.



DUNCAN FALLON
Assistant Secretary Office
of Labor Relations

Attachments

cc: Margie McCune, Chief, Office of Labor Relations

**Department of Personnel Administration
Memorandum**

TO: Personnel Management Liaisons (PML)

SUBJECT: Excluded Employees'	Bill of Rights (Legislative Changes)	REFERENCE NUMBER: 2005-003
DATE ISSUED: 1-21-05		SUPERSEDES:

This memorandum should be forwarded to:

**Employee Relations Officers
Personnel Officers**

FROM: Department of Personnel Administration
Labor Relations Division

CONTACT: Frank Marr, Labor Relations Officer
(916)324-0504 Fax: (916)322-0765
Email: frankmarr@dpa.ca.gov

Effective January 1, 2005, two sections of the Bill of Rights for State Excluded Employees (Government Code sections 3525 et. seq.) were revised by Assembly Bill 1875 (2004 - Maldonado).

Generally, the changes made (1) reaffirm the State's authority to decide supervisory matters and make changes in services, policies, and terms and conditions that affect supervisory employees and (2) require the State to provide reasonable advance notice to supervisory employee organizations of such changes and to afford the organizations with the opportunity to meet and confer prior to the State implementing changes within the scope of representation for supervisors.

Specifically, the revised statute:

1. Specifies that the reasonable notice to supervisory employee organizations may be verbal, electronic (e-mail), or written. Neither the content of the notice nor how far in advance the notice must be provided is specified in the statute. The urgency and necessity of the change should dictate the content and period of notice.
2. Provides that an opportunity to meet and confer will be afforded supervisory organizations, wherein a requesting organization may make its presentation and be allowed to discuss alternative means of achieving the employer's objectives. The statute does not require ongoing meet and confer sessions that would unreasonably delay implementation of the proposed changes.
3. Reinforces that the final determination of policy or course of action is the sole responsibility of the State.

Attachment A is the revised text of Government Code sections 3526 and 3533. The complete text of the Bill of Rights for State Excluded Employees may be found at the Legislative website at www.leginfo.ca.gov .

Attachment B is a listing of the Supervisory and Excluded Organizations that are registered for Fiscal Year 2004 - 05. Questions regarding which organizations to notice may be directed to Frank Marr (see contact information above).

/s/ Dave Gilb

Dave Gilb
Chief of Labor Relations

Bill of Rights for State Excluded Employees (Government Code sections 3526 and 3533)

3526. The purpose of this chapter is to inform state supervisory, managerial, confidential, and employees otherwise excepted from coverage under the Ralph C. Dills Act by subdivision (c) of Section 3513 of their rights and terms and conditions of employment, and to inspire dedicated service, to recognize their important and fundamental roles in the management of state government, and to promote harmonious personnel relations among those representing state management in the conduct of state affairs.

3533. Upon request, the state shall meet and confer with verified supervisory organizations representing supervisory employees on matters within the scope of representation. Prior to arriving at a determination of policy or course of action directly impacting supervisory employees, the state employer shall provide reasonable advance notice and provide the verified supervisory employee organizations an opportunity to meet and confer with the state employer to discuss alternative means of achieving objectives. Advance notice may be written, oral, or electronic. "Meet and confer" shall mean that the state employer shall consider as fully as it deems reasonable, such presentations as are made by the verified supervisory employee organization on behalf of its supervisory members prior to arriving at a determination of policy or course of action. The final determination of policy or course of action shall be the sole responsibility of the state employer.

When the state employer determines that, due to an emergency or other immediate operational necessity, a law, rule, resolution, or regulation must be adopted immediately without prior notice or meeting and conferring with excluded employee organizations, the state employer shall provide notice and opportunity to meet and confer at the earliest practical time following the adoption of the law, rule, resolution, or regulation.