

FEBRUARY 3, 2010

UNION UPDATE

LOCAL 1000
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Gov's pay cut plan 'Illegal'

Committee hears testimony on flaws

The governor's plan to unilaterally reduce state employee wages is illegal, counterproductive and bad public policy, SEIU Local 1000 President Yvonne Walker told a Senate committee.

"The governor's new budget proposals on pay cuts and pension contributions are illegal," Walker said at the Budget and Fiscal Review Committee hearing. "He is attempting to operate outside the law, as he has on furloughs, even though his actions have been stricken down by the courts. This is another example of failed leadership. His actions are unacceptable and will not be tolerated."

Walker said that the proposed 10 percent pay cuts and 5 percent pension contribution increase would make permanent the losses incurred by three furlough days a month.

"While the oil companies and the wealthy get tax breaks and loopholes to sneak through, state employees have lost 15 percent of our income to furloughs," Walker said. "In a sense we're paying a 'tax' equivalent to losing a month and half of wages in the past year."

Walker, accompanied by Local 1000 Chief Counsel Paul Harris, pointed out that a report on employee compensation, released last week by the Legislative Analyst's Office (LAO), misinterprets federal and state law as it applies to workers who are under union contract.

"Any action by the governor or Legislature which unilaterally reduces wages would be illegal if applied to union-represented workers," Harris said. "Such action, even if accomplished through amendment to the Dills Act, would amount to an unconstitutional impairment of contract and violate the U.S. Constitution."

However, the LAO report did recommend that the Legislature reject any increase in employee pension contributions, as well as any move to reduce overall payroll costs in the California Department of Corrections and Rehabilitation or any department that is funded by federal money or special funds.

Layoffs delayed after alleged fraud exposed

More than 800 Local 1000 members have received a 30-day reprieve from being laid-off. The delay comes after an alert prison teacher discovered that the state was involved in a possible mail fraud scheme.

On Jan. 8, Don Wiley, a prison vocational teacher at Chuckawalla Valley State Prison in Blythe, received a 30-day layoff notice dated Dec. 31, 2009. Wiley went to his local postmaster to try to find out why it took so long for the metered letter to travel from the California Department of Correction and Rehabilitation (CDCR) headquarters in Sacramento to Blythe. Postal inspectors determined that although the letter's "meter date" was Dec. 31, it had not actually been mailed until Jan. 6 - an apparent violation of federal law.

"It was pretty obvious what they did - they screwed up and tried to cover it up," Wiley said.

Wiley immediately notified Local 1000 leaders who quickly determined that hundreds of other CDCR members had received lay-off letters that had apparently been backdated. Within days more than 200 members filed grievances. "Don's discovery was the catalyst that sent hundreds of members into action all over the state," said Cindie Fonseca, chair of Bargaining Unit 3. "With all those grievances in hand, we were able to force CDCR to back off for a month."

Resource Center

Monday-Friday
7 a.m. to 7 p.m.
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1,200 watch town hall

More than 1,200 members watched Local 1000 President Yvonne Walker answer audience questions in a live town hall meeting broadcast on Channel 1000.

Some of the questions were from the live audience in Sacramento on Jan 25. But others were e-mailed, messaged via Facebook or sent by viewers via a live chat room.

During the show Walker said the governor should not be “balancing the budget on state employees or working people.” Any budget solution, she added, “shouldn’t be a choice between furloughs, layoffs or pay cuts.”

“There are other ways to achieve those cost savings,” Walker said, citing numerous departments where Local 1000 members have worked with management to achieve significant budget savings.

To see the half-hour event, visit www.ustream.tv/channel/channel-1000-live and click on the video from Jan. 25.

SPB victory for educators

Bargaining Unit 21 scored a major victory in their year-long fight to stop the California Department of Education (CDE) from outsourcing jobs to so-called visiting educators.

The State Personnel Board (SPB) ruled that the CDE cannot hire visiting educators after June 2011. Until then, CDE will be required to report to the SPB who they’re hiring, why they’re hiring, what their expertise is and any salary more than 10 percent above a Unit 21 employee.

“This means our members will not have to sit side-by-side with visiting educators who make 30 to 40 percent more when they are doing the same job,” said Unit 21 Chair Terry Lawhead. “This goes to show exactly what we can accomplish if we work together.”

Know Your Rights

Layoff Protections

State employees have numerous contract rights that may protect them from, or lessen the impact of, a layoff notice.

60, 30 and 120-day notices

- Each department must notify Local 1000 a minimum of 60 days prior to its intended date of layoffs and must, at minimum, meet and confer with the union over possible alternatives that could reduce or eliminate employee layoffs.
- Employees who are being laid off will receive an actual layoff notice a minimum of 30 days prior to the effective date of the layoff.
- Each department is required to send notices of potential layoffs (also called SROA letters) to at least three times the number of employees it anticipates having to layoff; these notices must go out a minimum of 120 days prior to layoffs being effective.

Preferential consideration for vacancies

- Employees receiving notices of potential layoffs (SROA letters) are given preferential consideration for vacant positions, for which they meet the minimum qualifications, in all state departments; this, however, is not a job guarantee.
- No 30-day layoff notice can be effective until the employee has been in receipt of a notice of potential layoff (SROA letter) for at least 90 days.

‘Bumping’ rights for laid-off employees

- Employees have primary demotional rights to lower classes in their class of layoff, whether or not they served in the classes. They must, of course, have sufficient seniority to “stick” in one of the classes.
- In addition, employees have personal demotional rights to classes in other series in which they served if the layoff department uses the classes in the area of layoff and the employee has sufficient seniority to “stick.”
- Any employee who is displaced by a laid off employee shall have the same rights as described above.

If you have received a layoff notice from your department, contact your job steward or the Local 1000 Resource Center at **866.471.SEIU (7348)**.