

# Local 1000 puts departments on notice: No discipline for observing holidays

This letter, sent to the governor and all state department heads, puts the state on notice that no employee should be disciplined for taking off Columbus Day (Oct. 12, 2009), a paid state holiday under our contract.

In addition, the letter notes that all contract rights apply equally to the Lincoln's Birthday holiday, which is Fri., Feb. 12.



February 2, 2010

Governor Arnold Schwarzenegger  
State Capitol Building  
Sacramento, CA 95814

Governor Schwarzenegger:

YVONNE R. WALKER  
President

M. CORA OKUMURA  
Vice President  
and Secretary-Treasurer

JIM HARD  
Vice President  
for Organizing/Representation

KATHLEEN B. COLLINS  
Vice President for Bargaining

By this letter, I am reminding all state departments of Local 1000's position with respect to our bargaining unit members' right to take Columbus Day as a paid state holiday. This holiday was agreed to in the July 1, 2006, through June 30, 2008, Master Agreement (MOU) between the Union and the State of California. That MOU is still in effect because no new contract has been ratified. Specifically, Article 7.1 of the MOU states that "the second Monday in October" is a holiday. The MOU in this same Article states that full-time and part-time employees "shall be entitled to such observed holidays with pay." In 2009, October 12 was the second Monday in October. Therefore, employees who did not report to work on October 12, 2009, were not required to obtain authorization to take leave and should have received their full pay.

We are aware that the Department of Personnel Administration has taken the position that SBX3 8, which amended the Government Code § 19853 to change the number of state holidays, overrides the MOU. However, the MOU contains a Super-session Clause (Article 5.6) that provides that the terms of the MOU shall supersede certain sections of the Government Code, including § 19853, if the two are in conflict. This SBX3 8's amendment of the Government Code has no effect on the contract language now in effect.

We are currently fighting to have this right to take Columbus Day as a paid holiday recognized through the grievance and arbitrating process. In the meantime, it is inappropriate to take any kind of disciplinary or corrective action against employees who did not come to work on Columbus Day, as it remains a paid state holiday as long as the state refuses to ratify the tentative agreement reached in collective bargaining. This applies equally to our bargaining unit members' right to take Lincoln's Birthday as a paid state holiday on February 12, 2010.

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Sincerely,  
Yvonne R. Walker



FEBRUARY 10, 2010

UNION UPDATE



## Resource Center

Monday-Friday  
7 a.m. to 7 p.m.  
866.471.SEIU (7348)

## Website

[seiu1000.org](http://seiu1000.org)

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# Big victory on access

## Veterans hospital tried to restrict union rep meetings

Local 1000 has won a key arbitration decision guaranteeing union representatives access to our workplaces and ensuring that members have representation while at work.

The Jan. 31 decision is Local 1000's third arbitration victory on the issue of reasonable access to our members while at work. No arbitrators have ruled against Local 1000 on this matter.

Arbitrator Norman Brand found that the state "unreasonably denied" Local 1000 representatives access at the Yountville Veterans Home and that the California Department of Veterans Affairs (CDVA) violated the Access Agreement Side Letter in our contract.

"This is a great victory for Local 1000 because it guarantees that the union will have access to its members where they work and requires the state to discuss reasonable accommodations with the union when issues of patient care exist," said Brooke Pierman, the Local 1000 attorney who handled the case. "We are hopeful that in the future the union will be granted access to worksites without resistance from the state in compliance with our contractual rights."

Local 1000 has sought the ability to meet members in nursing wards and break rooms throughout Holderman Hospital while administrators have restricted union reps to a basement lounge and a lobby.

"It is unreasonable for the CDVA in Yountville to completely deny (Local 1000) access to the wards because there are no legitimate issues of patient care or privacy sufficient to support that denial," Brand wrote.

## Apply for SEIU scholarships

SEIU awards scholarships that enable SEIU members and their children to pursue educational goals at accredited colleges, universities and technical schools.

Scholarships are awarded to individuals interested in the visual and performing arts, economic and social justice work, labor studies and health. Award amounts vary from \$1,000 to \$5,000.

For further information about the scholarships visit [seiu1000.org](http://seiu1000.org)

# Know Your Rights

## Holiday Grievance

### Article 7 – Holidays

#### State employees receive 14 paid holidays per year

Your existing union contract - still in force as our tentative agreement remains stalled in the Legislature - contains hundreds of provisions designed to protect your rights. Article 7 – Holidays, defines observed holidays and your compensation for working on a holiday.

Full- and part-time employees are entitled to 13 observed holidays with pay, one personal holiday with pay, and any holidays declared by the governor.

#### Observed holidays include:

- **January 1** (New Year's Day)
- **The third Monday in January** (Martin Luther King Jr.'s birthday, observed)
- **February 12** (Lincoln's birthday)
- **The third Monday in February** (Washington's birthday, observed)
- **March 31** (Cesar Chavez' birthday)
- **The last Monday in May** (Memorial Day, observed)
- **July 4** (Independence Day)
- **The first Monday in September** (Labor Day)
- **The second Monday in October** (Columbus Day, observed)
- **November 11** (Veteran's Day)
- **Fourth Thursday in November** (Thanksgiving Day)
- **The day after Thanksgiving**
- **December 25** (Christmas Day)

After completing six months of their initial probationary period, employees are entitled to one personal holiday per fiscal year, which is credited to each employee on July 1.

When a holiday falls on an employee's regularly scheduled day off, employees accrue up to eight hours of holiday credit. Employees required to work on an observed holiday are compensated at a premium rate, generally with a combination of holiday credit, cash or compensatory time off.

#### How to take Action

Contact your Local 1000 steward if you feel your rights have been violated. Your steward will work with you and management to determine the best course of action, up to and including filing a grievance. For more information regarding **Article 7 - Holidays**, review your contract by visiting [seiu1000.org](http://seiu1000.org)