

# State breaking promises to members

## *Bargaining resumes — teams making progress*

State negotiators last week attempted to break previously-made commitments to classification studies, insulted members by telling them to borrow client phones, and proposed restricting the flow of union information at the workplace.

While the state continued to reject all economic proposals, Local 1000 negotiators continued to secure a number of key wins, signing 36 tentative agreements that preserved hard-won contract provisions from 2006, along with new language that includes a commitment to recruit and retain additional Registered Nurses in Unit 17.

The state failed to recognize the most basic need for tools that would enable our Educational Consultants and Librarians in Unit 21 – who spend up to 50 percent of their time in the field – to do their jobs properly. State negotiator Randy Fisher classified cell phones and laptops as “leisure items” while describing himself as “lucky” because he had both.

“We’re extremely disappointed by the state’s cavalier answers and lack of concern for our members,” said Terry Lawhead, bargaining chair of Unit 21. “He cited typewriters, ditto machines, and Dictaphones as examples of ‘things that used to be necessary’ but repeatedly minimized the need for modern technology.”

The state proposed elimination of three separate classification studies guaranteed by previous contracts – affecting positions in Trade Printers (Unit 14), Engineering and Scientific Specialists (Unit 11) and Medical and Social Service Specialists (Unit 20).

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**—Terry Lawhead**  
Bargaining Chair,

*Educational Consultants and Librarians (Unit 21)*

“We have members who have been waiting for the Unit 11 study for five years,” said Brad Willis, chair of Engineering and Scientific Specialists. “Fish and Game management has said they want this done too. But the state is trying to break their promise.”

The state also wants to restrict union information to our Administrators of Information, Financial and Public Resources (Unit 1), claiming distribution of our material interrupts work productivity. But they were unable to cite any specific examples.



**Value Us Protest**  
Thursday – Member Supplied Video

CHANNEL  
**1000**

As seen on the Channel 1000 news, law enforcement authorities were called to CDCR headquarters to break up an informational picket held last week as Local 1000 members and bargaining unit representatives spent the noon hour acting up and telling the state to “Value Us!”



Members up and down the state are taking action with informational pickets reminding the boss and the general public that we provide the quality services that Californians demand and deserve. This action took place last week at DMV headquarters in Sacramento.

# KNOW YOUR RIGHTS

## YOUR UNION CONTRACT PROTECTIONS

### How to file an out of class grievance

#### Article 14.2 – Out of Classification Grievances

An employee is working “out of class” when they spend more than 50 percent of their time, over the course of two consecutive weeks, performing duties and responsibilities associated with a higher level existing classification.

Out of class claims not resolved at the department level may be resolved by the Department of Personnel Administration (DPA) provided there is substantial evidence that an employee is working out of class. Out of class grievances are among the most difficult to win in arbitration.

#### The out of class grievance process

Out of class claims must be made no more than 21 days (60 days in Unit 21) after the disputed work has ceased. If the out of class work is ongoing, the grievance is always timely.

A DPA desk audit is at the center of any work out of class claim. Before a grievance alleging out of class work can be filed, a desk audit must be completed. Use only the *definition* and *typical* task sections of your job specification. Duties that overlap may not be used in claiming out of class work.

#### Here’s what you need to include on your DPA desk audit form:

- List the duties that you feel are out of class work.
- Look for those duties in the SPB job specifications of the higher paid position.
- Look for those duties in your existing SPB job specifications.
- Determine whether those duties found *exclusively* in the higher paid specification are done more than 50 percent of the time over two consecutive work weeks.
- Provide evidence to support your claim, which include:
  1. Time sheets or other time-keeping records.
  2. Work product reports illustrating time spent doing the work.
  3. Statements from supervisors and/or co-workers supporting your claim

#### How to take action

When you have completed your DPA desk audit, contact the Local 1000 Union Resource Center. An analysis will be performed of your claim, and if it is determined to have merit we will work together to take action, first with your supervisor, and ultimately to a grievance.

For more information on Article 14.2 – Out of Classification Grievances, review your contract by visiting [www.seiu1000.org](http://www.seiu1000.org)

## Lottery restructuring good for state budget

### *\$15b deficit calls for creative solutions*

After a process that began with asking our members for ideas, Local 1000 is backing Gov. Arnold Schwarzenegger in his effort to overhaul operations and loosen regulations at the California State Lottery.

“We were quite skeptical last year when the governor first proposed leveraging the lottery to help balance the budget,” said Local 1000 President Yvonne Walker. “Then we listened to veteran lottery employees, consulted with industry experts and performed our own study. We agree that the governor is right to demand that the lottery be restructured to raise more money for California.”

With a projected \$15 billion state deficit, Local 1000 is committed to developing creative solutions to balance the budget and protect state services. If restructured under new entrepreneurial management and allowed to offer more innovative games, the lottery could raise billions.

Our lottery plan is just one of our member-generated proposals to solve the budget crisis. We also proposed going after tax scofflaws, cutting waste in the prisons and reducing costly outsourcing in information technology and health care.

Walker detailed our lottery position in an opinion article published in *The Sacramento Bee* and we plan to release our own lottery white paper on the potential revenue California could gain from lottery restructuring.

More information available at [thecabottomline.org](http://thecabottomline.org)



**Local 1000 members took a solidarity break with our striking AFSCME Local 3299 brothers and sisters last week at the UC Davis Medical Center.**

FOR MORE INFORMATION, CALL LOCAL 1000 TOLL FREE: (866) 471-SEIU (7348) or visit our website: [www.seiu1000.org](http://www.seiu1000.org)

**SACRAMENTO** (916) 554-1200 • **OAKLAND** (510) 452-4357 • **SAN DIEGO** (619) 624-0515

**LOS ANGELES** (323) 525-2970 • **RANCHO CUCAMONGA** (909) 466-5044 • **FRESNO** (559) 226-0756

