

# Columbus Day holiday

## *Our contract guarantees it's paid*

Local 1000 has filed a grievance on behalf of all 95,000 state employees it represents to enforce their right to all 14 paid holidays guaranteed in our contract.

"We will fight any efforts by the state to erode our hard-earned contract rights," said Yvonne Walker, Local 1000 president. "Our contract guarantees Columbus Day and Lincoln's Birthday, despite what the state may claim."

### **Contract still in force**

The Public Relations Employment Board (PERB), which enforces laws governing collective bargaining for state employees, has made a number of rulings that establish a clear precedent supporting Local 1000's assertion that our contract is still in force. The Government Code also supports Local 1000's position in this matter.

The Department of Personnel Administration claims that a bill passed in February amended the relevant Government Code, eliminating the two holidays. Local 1000's grievance, filed

August 27, claims that DPA's action "violates the memorandum of understanding (MOU) currently in force between SEIU and the State of California."

### **14 paid holidays**

Our current contract guarantees Local 1000-represented employees 14 paid holidays, including Columbus Day (October 12) and Lincoln's Birthday (February 12). The contract also contains a clause ensuring that our contract takes precedence over any Government Code provision that conflicts with contract language. A full explanation of Article 7 of our contract, which governs holidays and holiday pay, can be seen on page two.

### **Litigation to enforce holidays**

"We will proceed with all necessary litigation to enforce the rights granted to the 95,000 state employees we represent," said Paul Harris, Local 1000's Chief Counsel. "DPA is dragging its feet on scheduling the matter for hearing, and we will insist that all contractual time-lines are strictly enforced."



**"The state can't pick and choose which laws to follow. We fought for these holidays, and we'll fight to keep them."**

**—Yvonne Walker**  
Local 1000 President

"The state can't have it both ways," said Yvonne Walker, Local 1000 president. "They can't pick and choose which laws to follow. We fought for these holidays, and we'll fight to keep them."

Members with questions about their work schedules should contact their Local 1000 stewards for current information.

## **Overtime fight moves to arbitration**

Thousands of overtime grievances filed by state employees are heading to arbitration as another of the state's blatant efforts to weaken our contract is being vigorously opposed by Local 1000.

Since March 1, thousands of state workers have been denied overtime based on a new law that excluded most leaves in the calculation of overtime. Members in a number of departments have been told that employees need to be physically at work to earn overtime. Our contract allows for all leaves to be used in overtime calculations.

"Once again, the state is ignoring long-standing law

and punishing state workers," said Yvonne Walker, Local 1000 president.

Employees at the Department of Motor Vehicles (DMV) and the Employment Development Department (EDD) have filed the largest number of claims, but the abuse is widespread, affecting workers up and down the state.

"We won't let the state take advantage of us," said Rhonda Wagner, a chief steward at DMV's headquarters in Sacramento. "The law is clear, our contract is clear, and we want to be paid what's fair."

# KNOW YOUR RIGHTS

## YOUR UNION CONTRACT PROTECTIONS

### 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, in addition to 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 [www.seiu1000.org](http://www.seiu1000.org)

## Health and safety grievances paying dividends at EDD

A statewide grievance filed by Local 1000 on behalf of the Employment Development Department (EDD) employees is producing results after a September 10 meeting with EDD management.

With more than 1300 new employees hired in the unemployment branch to handle record unemployment insurance claims, the facilities that house EDD employees have been filled beyond capacity and are out of compliance with our contract and state law.

Up to eight employees have been forced to move into offices that normally accommodate only four. These conversions have failed to meet the Health and Safety code pertaining to proper ventilation and air flow. EDD employees have also been forced to park illegally on the street or in adjacent complexes.

Health and safety conditions are being remedied with ergonomic evaluations demanded by Local 1000. These evaluations will begin in Sacramento, Oakland and San Francisco at the end of September. Local 1000 is pressing for a combination of leasing more office space, additional parking spaces and a carpooling system to alleviate parking conditions. Department management has agreed to work on all three issues; Local 1000 will be closely monitoring its progress.

The next meeting will move beyond preliminary planning and is scheduled for September 25.

## Outsourcing fight continues at Yountville Veterans Home

Local 1000 has taken legal action to block the Department of Veterans Affairs' (DVA) decision to outsource the work of laid off employees at the Yountville Veterans Home.

In a September 1 filing with the State Personnel Board (SPB), Local 1000 attorneys are asking SPB to block any current and future contracts for radiological and laboratory services. Veterans Affairs' decision to outsource the work of Local 1000-represented clinical laboratory technologists and radiologic technologists is a violation of the state constitution and state law.

SPB is expected to issue an initial ruling on September 25.

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

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