



Unit 21 Bargaining Chair Terry Lawhead joins fellow educators in a June protest against CDE's outsourcing abuses.

Gov.'s veto outflanked by member efforts

After months of working with the State Personnel Board (SPB), Local 1000 has won a major battle to stop the systematic abuse of members at the California Department of Education (CDE).

In a Nov. 30 letter, SPB set forth a series of guidelines intended to end outsourcing abuses that allowed CDE to contract out Unit 21 jobs. These guidelines come nearly two months after Gov. Schwarzenegger vetoed AB 755 (Brownley), a Local 1000-sponsored bill that would have closed legislative loopholes that allowed the hiring of contractors as "Visiting Educators" at CDE. These contractors were paid more than Unit 21 members despite a smaller workload.

"This hard-won victory came because our members wouldn't give up," said Terry Lawhead, chair of Bargaining Unit 21. "Working with SPB, we've been able to stop the mistreatment of the educators we represent."

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—Terry Lawhead
Bargaining Unit 21 chair

The new guidelines address many of the concerns that were voiced in a 2008 survey of Unit 21 members. Now CDE must review contract work to ensure it does not exceed four years, post semi-annual reports of contractor work, and report any differences in salary between contractors and members that exceeds 10 percent, among other things.

The guidelines also include a clause that will remove the authority from CDE to hire contractors and transfer the hiring process to SPB starting in 2011.

CDVA outsourcing victory protects Yountville jobs

Local 1000 has won a challenge against the California Department of Veteran's Affairs' (CDVA) plans to outsource laboratory and radiology services at the Yountville Veterans Home.

The State Personnel Board (SPB) ruled in favor of our members, quashing a bid by CDVA to illegally hire private contractors after state jobs were cut during the summer. The victory came after members blew the whistle on CDVA's attempts to outsource laboratory, pathology and radiologic technician work to private hospitals despite having Local 1000 members performing identical services at the Yountville facility.

"This ruling is a testament to the power of a member run union," said Rionna Jones, chair of Bargaining Unit 20. "It shows that real change happens when members keep their eyes open, ears to the ground, and stand together to fight against the erosion of state services provided by state employees."

The SPB ruling states that CDVA cannot displace acute care services that have traditionally been performed by in-house "physicians and surgeons, clinical laboratory technologists, radiologic technologist, and pathology assistants." The ruling also said contractor services are not allowed for "equipment, material, facilities or support services that are available or can be feasibly acquired by the home" in Yountville.

CDVA has until Dec. 16 to appeal the decision.

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State stalling arbitration of Columbus Day grievances

In a further effort to pick and choose which laws to follow, the governor's attorneys are asking a state court to block members from receiving Columbus Day holiday pay and credit through the arbitration process.

Schwarzenegger's attorneys stated in a Nov. 23 letter that they are refusing to allow a neutral arbitrator to decide the dispute over contractual right to holiday pay and credit for Columbus Day.

"The efforts to delay this arbitration are ... flagrant disregard for our contract and the rule of law."

—Brooke Pierman
Local 1000 attorney

The following day, DPA filed a lawsuit in Sacramento Superior Court asserting that Local 1000 is barred from arbitration because of litigation pending on the same issue with other state employee unions.

"The efforts to delay this arbitration are just another example of this administration's flagrant disregard for our contract and the rule of law," said Brooke Pierman, Local 1000 attorney heading Columbus Day litigation. "Our members have the right to holiday pay and credit because our 2006 contract supersedes existing state law regarding holidays."

Local 1000's legal team will be mounting a legal challenge to the state's refusal to arbitrate.

FURLOUGH FIGHT UPDATE

Six challenges seek to overturn furlough pay cut, restore lost wages

Non-General Fund employees should be exempt from furloughs

An Alameda Superior Court judge is expected to rule any day on a lawsuit challenging furloughs for more than 53,000 members in 71 departments whose salaries are not paid out of the General Fund.

Constitutionality of furloughs challenged

This lawsuit, on appeal after a Sacramento judge sided with the governor in January, asserts that the governor's executive order violates the state constitution and various California statutes. Both sides have filed legal briefs in the case; a decision is expected after the first of the year.

Furlough implementation violates state Administrative Procedures Act

Local 1000 asserts that the furlough order violates the Administrative Procedures Act, which governs the revision of state regulations. A Sacramento Superior Court judge agreed with Local 1000 and denied Schwarzenegger's effort to dismiss the case. Local 1000 attorneys have demanded relevant documents from the state and the case will move forward in 2010.

Third furlough day order violates Emergency Services Act

This litigation seeks to overturn Schwarzenegger's imposition of a third furlough day; asserting it violates the Emergency Services Act because the state's fiscal crisis was not an emergency and the third furlough is a product of political expediency related to a labor dispute.

Judge overturns furloughs for SCIF employees

A San Francisco Superior Court judge ruled on Sept. 10 that the furloughs are unlawful as applied to employees of the State Compensation Insurance Fund (SCIF) under the California Insurance Code. His ruling ended furloughs for more than 6,200 SCIF employees represented by Local 1000.

Unfair Labor Practice charge filed against governor

Local 1000 filed an unfair labor practice charge against the governor with the Public Employment Relations Board (PERB). The filing, which cites his double dealing as a reason legislators did not ratify our contract bill, states: "The governor needed state workers as economic human shields for his political posturing." The case awaits PERB action.



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