

Chuck Alexander, *Executive Vice President*

755 Riverpoint Dr., Ste. 200 • West Sacramento, CA 95605-1634 • (916) 372-6060

January 15, 2010

Matthew Cate, Secretary
California Department of Corrections & Rehabilitation
1515 S Street, Ste 502 South
Sacramento, CA 95814

Dear Mr. Cate:

This letter is written on behalf of all the men and women that work for you in the California Department of Corrections and Rehabilitation that are represented by Bargaining Unit 6.

In opening, we feel compelled to refresh your memory regarding the furloughing of Unit 6 members. On or about December 19, 2008, the Governor issued Executive Order S-16-08 directing State agencies to furlough employees for two days per month. On or about July 9, 2009 the Governor added a third furlough day via Executive Order S-13-09. These Executive Orders contained "limited" exemptions but also specifically exempted those who provide "service and functions of state government directly related to the preservation and protection of human life and safety."

On or about February 15, 2008, CCPOA received correspondence from Dave Gilb, Director of the Department of Personnel Administration. The State, via this letter, took the position that Unit 6 members taking some form of "job action" would be unlawful and "create an imminent and serious threat to the health and safety of the public at large, non-custody staff at the institutions, your own members and the inmates."

CCPOA has continuously inquired as to this Administration's position regarding our members (Unit 6) status as related to "public safety." To date, we have been subjugated to a status somewhere less than the level of "public safety" that would warrant exemption from furloughs. On the one hand, you opine that Unit 6 members cannot participate in any form of "job action" as it would jeopardize public safety, yet we are not exempt from the furlough due, apparently, to our not providing service that provides "preservation and protection of human life and safety."

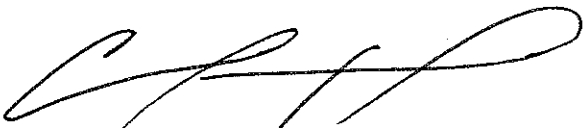
The hypocrisy behind this Administration's dealings with members of Unit 6 rises again in the PETITION FOR WRIT OF SUPERSEDEAS AND REQUEST FOR TEMPORARY STAY filed on January 13, 2010. The State has taken the position that it will be "irreparably harmed" if we are paid for all hours worked as ordered by the Alameda Superior Court. The premise being that if Unit 6 members are furloughed in accord with State law, it would create institutional vacancies that would in turn "harm the mission and function of CDCR institutions." The brief then list a litany of issues that would be adversely affected by furloughing Unit 6 members in accord with the Alameda ruling, and summarizes with:

"Based upon all these potential circumstances, maintenance of self-directed furloughs during the pendency of this appeal is integral to maintaining CDCR's critical missions and the protections of public safety, the safety of CDCR staff, and the safety of inmates"

One could reasonably deduce from the State's position in this petition, that Unit 6 correctional peace officers are critical to "the preservation and protection of human life and safety." However, in the same brief, the State vigorously defends the continuation of furloughing these same peace officers in "self-directed" fashion, yet continues to argue that furloughs during the pay period they are earned would somehow jeopardize public safety.

Unfortunately, the State continues to misrepresent the facts as related to utilization of furlough time. Yet again, the State claims that "most employees are able to take their furlough days within the month." Hypocritically, the same brief also argues for a "stay" to prevent a "public safety" crisis that will result from all employees taking furlough days during the month they are earned.

Which is it Mr. Secretary? Why do you stand silent while the Governor exempts other public safety agencies but not your agency? When are you going to stand up and defend the men and women working for you? The sworn peace officers employed by CDCR are every bit as important to the public safety as any other, and its high time you and this Governor acknowledge that.



Chuck Alexander
CCPOA Executive Vice-President

PROOF OF SERVICE

I, Julie Estrella declare:

I am over the age of 18 years and not a party to the within action. I am an employee of the California Correctional Peace Officers Association, 755 Riverpoint Drive, Suite 200, West Sacramento, California 95605-1634.

On January 15, 2010 I served the within document(s):

- By Certified Mail:** I caused such document(s), in sealed envelope(s) with postage thereon fully prepaid, to be placed in the United States mail at West Sacramento, California.
- By Facsimile:** I caused the above named document(s) to be transmitted via facsimile to the facsimile number(s) listed below.
- By Personal Delivery:** I caused such envelope to be delivered by hand to the office(s) of addressee(s).

Matthew Cate, Secretary
California Department of Corrections & Rehabilitation
1515 S Street, Ste 502 South
Sacramento, CA 95814

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed by me on:

January 15, 2010



Julie Estrella