



PROFESSIONAL ENGINEERS



IN CALIFORNIA GOVERNMENT

July 21, 2009

Jacquelyn Sanders  
Department of Personnel Administration  
Principal Labor Relations Officer  
1515 S Street, North Bldg., Suite 400  
Sacramento, CA 95811-7258

*Via Facsimile and U.S. Mail*  
*(916) 322-0765*

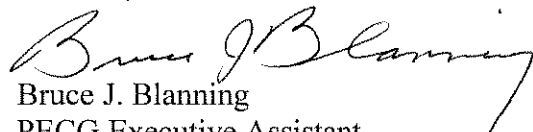
Re: Organizational Grievance Professional Engineers in California Government  
Covering All Unit 9 Employees

Dear Ms. Sanders:

Attached please find a grievance filed on behalf of all Unit 9 employees. The grievance concerns PML 2009-029 issued July 2, 2009 and the Department of Personnel Administration's Furlough Program. As this grievance concerns a statewide issue covering all appointing authorities of Unit 9 employees, the grievance is filed at the fourth level.

We would appreciate an expedited response to this grievance. If you have any questions or would like to discuss this grievance, please contact me.

Sincerely,

  
Bruce J. Blanning  
PECG Executive Assistant

Attachments

HEADQUARTERS: 455 Capitol Mall, Suite 501, Sacramento, CA 95814 • (916) 446-0400  
LOS ANGELES: 130 N. Brand Boulevard, Suite 301, Glendale, CA 91203 • (818) 500-9941  
SAN FRANCISCO: 1 Sutter Street, Suite 800, San Francisco, CA 94104 • (415) 861-5720  
TELEFAX: Headquarters (916) 446-0489; Los Angeles (818) 247-2348; San Francisco (415) 861-5360

**EMPLOYEE CONTRACT GRIEVANCE**

STD 630 (Rev 7/00)

BARGAINING UNIT NAME AND NUMBER (Grievant's Bargaining Unit)

**BU 9 - Professional Engineers**

GRIEVANT'S NAME (Person Effected)

**Professional Engineers in California Government - on behalf of all Unit 9 Employees**

HOME TELEPHONE NUMBER

**(916) 446-0400**

MAILING ADDRESS (NUMBER/STREET)

**455 Capitol Mall, Suite 501**

(CITY)

**Sacramento**

(ZIP CODE)

**95814**

DEPARTMENT

DIVISION OR FACILITY

SECTION, BRANCH, UNIT ETC.

POSITION CLASSIFICATION

NORMAL WORKING HOURS

WORK TELEPHONE NUMBER

**REPRESENTATION INFORMATION (COMPLETE IF APPLICABLE)**

REPRESENTATIVE'S NAME

**Gerald James**

TELEPHONE NUMBER

**(916) 446-0400**

ORGANIZATION OR AFFILIATION

**PECG Counsel****TRACKING INFORMATION**

DEPARTMENTAL TRACKING NUMBER

DEPARTMENTAL SECOND TRACKING NUMBER

UNION TRACKING NUMBER

***Please Refer to The Bargaining Unit Contract  
For Specific Information Regarding Employee  
Grievance Procedures and Time Frame Requirements for That Unit.***

**GRIEVANCE INFORMATION**

DATE OF ACTION CAUSING GRIEVANCE

**7/1/09**

DATE OF INFORMAL DISCUSSION WITH IMMEDIATE SUPERVISOR

**N/A**

DATE OF INFORMAL RESPONSE

CLEAR CONCISE STATEMENT OF GRIEVANCE (ATTACH ADDITIONAL SHEETS IF NECESSARY)

**See Attached**

SPECIFIC ARTICLE(S) AND SECTION(S) OF CONTRACT ALLEGEDLY VIOLATED

**Articles 1.1, 3.1, 8.2, 8.4, 19.2, and Appendix A**

SPECIFIC REMEDY SOUGHT

**Termination of unpaid furloughs and restoration of work hours, salary, and all applicable back pay.**

SIGNATURE OF GRIEVANT

**Bruce J. Blanning for PECG on behalf of all Unit 9 employees**

DATE FILED

**July 21, 2009**

**GRIEVANCE REVIEW--LEVEL I**

DATE RECEIVED	DATE OF RESPONSE	LEVEL I DECISION TO BE ENTERED BELOW
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SIGNATURE OF LEVEL I REVIEWER  E	PRINTED NAME AND TITLE	TELEPHONE NUMBER
<input type="checkbox"/> I CONCUR AND DO NOT APPEAL TO THE SECOND REVIEW LEVEL	<input type="checkbox"/> I DO NOT CONCUR AND APPEAL TO THE SECOND REVIEW LEVEL (IF CHECKED, STATE REASON BELOW)	GRIEVANT'S SIGNATURE  E
REASON FOR APPEAL		DATE

**GRIEVANCE REVIEW--LEVEL II**

DATE RECEIVED	DATE OF RESPONSE	<input type="checkbox"/> DECISION ATTACHED
SIGNATURE OF LEVEL II REVIEWER  E		PRINTED NAME AND TITLE
<input type="checkbox"/> I CONCUR AND DO NOT APPEAL TO THE THIRD REVIEW LEVEL	<input type="checkbox"/> I DO NOT CONCUR AND APPEAL TO THE THIRD REVIEW LEVEL (IF CHECKED, STATE REASON BELOW)	GRIEVANT'S SIGNATURE  E
REASON FOR APPEAL		DATE

**GRIEVANCE REVIEW--LEVEL III**

DATE RECEIVED	DATE OF RESPONSE	<input type="checkbox"/> DECISION ATTACHED
SIGNATURE OF LEVEL III REVIEWER  E		PRINTED NAME AND TITLE
<input type="checkbox"/> I CONCUR AND DO NOT APPEAL TO THE FOURTH REVIEW LEVEL	<input type="checkbox"/> I DO NOT CONCUR AND APPEAL TO THE FOURTH REVIEW LEVEL (IF CHECKED, STATE REASON BELOW)	GRIEVANT'S SIGNATURE  E
REASON FOR APPEAL		DATE

**GRIEVANCE REVIEW--LEVEL IV**

DATE RECEIVED	DATE OF RESPONSE	<input type="checkbox"/> DECISION ATTACHED
SIGNATURE OF LEVEL IV REVIEWER  E		PRINTED NAME AND TITLE

Statement of Grievance  
BU 9 - Professional Engineers in California Government  
July 21, 2009

On July 2, 2009, Department of Personnel Administration issued PML 2009-029 addressed to state Labor Relations Officers, Personnel Officers, and Personnel Transaction Supervisors. The PML discusses a furlough program. The PML calls for most state employees to "have three unpaid days off each month" effective immediately. The PML does not list an ending date for the three unpaid days.

The PML calls for most State offices and general government operations to be closed on the 1st, 2nd, and 3rd Fridays of each month. According to the PML, for offices that remain open, employees may have to continue with "self-directed furloughs" which means having their pay reduced while taking different days off or banking "furlough hours".

The Unit 9 Memorandum of Understanding remains in effect and binding on the parties. (Gov. Code § 3517.8.) The reduction in hours conflicts with Articles 1.1, 8.2, 8.4 and 19.2 of the Unit 9 MOU.

Article 1.1 Recognition and Purpose says that the Unit 9 MOU is to "improve employer-employee relations between the parties by establishing wages, hours, and other terms and conditions of employment... ". Article 8.4 provides that "Unless otherwise specified herein, the regular work week of full-time Unit 9 employees shall be forty (40) hours." Nowhere else in the MOU is a shorter work week for full time Unit 9 employees specified. Cutting the hours of full time Unit 9 employees violated the parties MOU.

Beginning with the July 2009 pay period, it appears that Unit 9 employees' salaries will be reduced by approximately 14 percent per month.

This salary reduction conflicts with Article 3.1 of the Unit 9 MOU which specifically provides that all employees in classifications in Unit 9 shall receive salaries no less than salaries received by their counterparts in California's larger local agencies and the University of California, based on a salary survey specified in the MOU. Effective July 1, 2008, the salary lag for all Unit 9 employees was eliminated. The salary reduction required by PML 2009-029 violates the provisions of Article 3.1.