



October 6, 2009

VIA PDF Email and U.S. Mail

Julie Chapman
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YVONNE R. WALKER
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Vice President
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Vice President
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Vice President for Bargaining

Re: **COLUMBUS DAY HOLIDAY
DEMAND TO FOLLOW THE LAW**

Dear Ms. Chapman:

We have reviewed DPA's letter asking the Union to retract statements it has made to its members asserting that Monday October 12, 2009, remains a paid state holiday. Apparently, DPA and the governor rely on Article 5.1 of the labor contract between SEIU Local 1000 and the State prohibiting the encouragement of strikes. To be perfectly clear, Local 1000 is not encouraging a strike and this issue is not a contractual dispute. There is no question that Columbus Day is a holiday for state workers under the law.

DPA and the governor know all too well that our 2006 labor contract specifying that Columbus Day is a paid holiday remains in effect. DPA's own website lists the 2006 labor contract as the operative agreement covering the 95,000 state workers we represent. In addition, section 3517.8 of the Dills Act, the state law governing state worker collective bargaining in California, clearly provides that all provisions of an expired labor contract remain in effect post-expiration until impasse or a new contract is reached. This means the 2006 contract is still in effect, including the Supersession Clause providing that any statute which conflicts with an express provision of the contract is of no effect. This clause covers

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Julie Chapman
Re: Columbus Day Holiday
Page 2
October 6, 2009

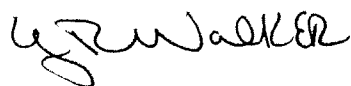
the holiday takeaway law passed by the Legislature earlier this year.

DPA's attempt to use other employee organizations' response to DPA's illegal pronouncements as justification for their actions is beneath contempt. SEIU Local 1000 does not represent attorneys or engineers and we cannot and will not comment on their public position on this issue. Workers and their unions must find their own paths to justice.

Rather than threatening honest, hard working state workers with further pay loss and discipline for exercising their statutory and contractual rights by observing a recognized holiday, the governor and DPA should focus on consulting their legal advisors concerning compliance with California's labor laws. Neither DPA nor the governor are above the law. Contrary to DPA's claims, nothing in the law or the contract requires state workers to obtain advance approval to observe a state holiday.

SEIU Local 1000 calls on the governor and DPA to stop ignoring the law and instead make a good faith effort to observe the obligations imposed on them by the Dills Act and the contract they know to be in effect. To act otherwise is illegal and irresponsible.

Sincerely,



YVONNE R. WALKER
President
SEIU Local 1000