



February 2, 2010

Secretary Matthew Cate
California Department of Corrections and Rehabilitation
1515 S St. South Bldg, 5th Fl
Sacramento, CA 95814

Secretary Cate:

By this letter, I am reminding all state departments of Local 1000's position with respect to our bargaining unit members' right to take Columbus Day as a paid state holiday. This holiday was agreed to in the July 1, 2006, through June 30, 2008, Master Agreement (MOU) between the Union and the State of California. That MOU is still in effect because no new contract has been ratified. Specifically, Article 7.1 of the MOU states that "the second Monday in October" is a holiday. The MOU in this same Article states that full-time and part-time employees "shall be entitled to such observed holidays with pay." In 2009, October 12 was the second Monday in October. Therefore, employees who did not report to work on October 12, 2009, were not required to obtain authorization to take leave and should have received their full pay.

We are aware that the Department of Personnel Administration has taken the position that SBX3 8, which amended the Government Code § 19853 to change the number of state holidays, overrides the MOU. However, the MOU contains a Supersession Clause (Article 5.6) that provides that the terms of the MOU shall supersede certain sections of the Government Code, including § 19853, if the two are in conflict. This SBX3 8's amendment of the Government Code has no effect on the contract language now in effect.

We are currently fighting to have this right to take Columbus Day as a paid holiday recognized through the grievance and arbitrating process. In the meantime, it is inappropriate to take any kind of disciplinary or corrective action against employees who did not come to work on Columbus Day, as it remains a paid state holiday as long as the state refuses to ratify the tentative agreement reached in collective bargaining. This applies equally to our bargaining unit members' right to take Lincoln's Birthday as a paid state holiday on February 12, 2010.

Sincerely,

YVONNE R. WALKER
President

YVONNE R. WALKER
President

M. CORA OKUMURA
Vice President
and Secretary-Treasurer

JIM HARD
Vice President
for Organizing/Representation

KATHLEEN B. COLLINS
Vice President for Bargaining

SERVICE EMPLOYEES
INTERNATIONAL UNION

1808 14th Street
Sacramento, CA 95811
(916) 554-1200
(866) 471-SEIU (7348)
(916) 554-1275 (fax)
www.seiu1000.org

