

DEPARTMENT OF PERSONNEL ADMINISTRATION

LABOR RELATIONS DIVISION
1515 "S" STREET, NORTH BUILDING, SUITE 400
SACRAMENTO, CA 95811-7258



December 19, 2008

Steve Weiss
California Correctional Peace Officers Association
755 Riverpoint Drive, Suite 200
West Sacramento, CA 95605-1634

Dear Mr. Weiss:

Today, Governor Schwarzenegger signed Executive Order S-16-08 which declared a fiscal emergency in the State of California.

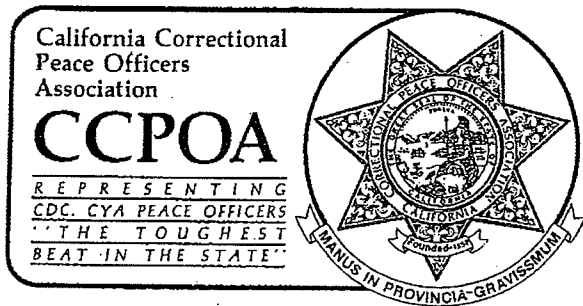
In accordance with the Governor's constitutional and statutory authority and consistent with Government Code section 3516.5, the Department of Personnel Administration (DPA) will implement a furlough of State employees two days a month. This furlough plan will be implemented as of February 1, 2009 through June 30, 2010.

Attached for your review is the executed Executive Order. If you would like to meet and confer regarding this furlough, please contact me at (916) 324-0476.

Sincerely,

A handwritten signature in black ink that reads "Julie Chapman".

Julie Chapman
Deputy Director of Labor Relations



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

January 6, 2009

SENT VIA CERTIFIED MAIL
7002 2410 0002 2196 6080

Julie Chapman
Deputy Director of Labor Relations
Department of Personnel Administration
1515 "S" Street, North Building, Suite 400
Sacramento, CA 95811

RE: CCPOA MS #19837/Request for Information: Executive Order: S-16-08

Dear Ms. Chapman:

Please consider this a request for information pursuant to the Ralph C. Dills Act with respect to the Governor's Executive Order: S-16-08.

As the exclusive bargaining agent for Bargaining Unit 6 (BU 6), the California Correctional Peace Officers Association (CCPOA) has the right to all information necessary and relevant to the discharge of its duty to represent BU 6 Employees. This does not preclude any additional Information Requests as information is provided.

Your thorough response to our request is necessary in anticipation of entering into fruitful and good faith bargaining.

By submitting this request, CCPOA neither waives any rights under the Ralph C. Dills Act, nor do we waive any other rights under the law.

The Executive Order attached, as referenced in your December 19, 2008, letter, offering CCPOA the opportunity to meet and confer, instructs the Department of Personnel Administration, (DPA) to adopt a plan to implement a furlough of represented state employees and supervisors for two (2) days per month regardless of the funding source. This plan shall include a limited exemption process.

- Please provide me a complete and detailed copy of the plan(s) that DPA is adopting for every represented and non-represented employee classification in BU 6.
- With respect to the employees represented in BU 6 who are covered under the 7k exemption, please address specifically how this plan shall apply. (For example), the order is specific that a two (2) day work furlough will occur. The vast majority of our membership work twenty-eight (28) day work periods. How does a proposed two (2) day per month furlough apply?
- On September 18, 2007, your Department implemented terms of employment on BU 6 employees that included an as yet unrealized (5%) general salary increase effective July 1, 2007.

JANUARY 6, 2009

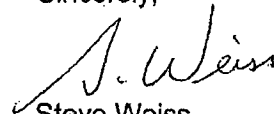
CCPOA MS #19837

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- Does DPA intend to honor this aspect of the Implemented Terms it has proposed?
- Describe in detail, the limited exemption process as announced in the *Executive Order* and the specific BU 6 classifications it applies to.
- Describe in detail, the program efficiency measures to achieve a reduction in the General Fund Payroll of up to 10%.
- Please provide the specific details of any plans to initiate layoffs of any-BU 6 employees.
- How will the cash value of accumulated leave be calculated for employees separating from state service during the seventeen (17) month period of furlough?
- How will PIE furloughs be calculated?
- How will employees on long term sick leave be compensated?
- How will employees receiving benefits under EIDL and IDL be compensated?
- How will retirement calculations be impacted?

Your timeliness and serious consideration to this request for information is appreciated.

Sincerely,



Steve Weiss
Chief of Labor
California Correctional
Peace Officers Association

SJW:cj

MS #19837/Request for Information Executive Order: S-16-08

Enclosure

cc: CCPOA Executive Council
CCPOA State Board

DEPARTMENT OF PERSONNEL ADMINISTRATION

LABOR RELATIONS DIVISION
1515 "S" STREET, NORTH BUILDING, SUITE 400
SACRAMENTO, CA 95811-7258



January 9, 2009

Mr. Steve Weiss
California Correctional Peace Officers Association
755 Riverpoint Drive, Suite 200
West Sacramento, CA 95605-1634

Dear Mr. Weiss:

I have attached a copy of the Department of Personnel Administration's (DPA) implementation plan with regard to the furlough portion of Governor Schwarzenegger's Executive Order S-16-08. The implementation plan is being shared with you in response to numerous requests by employee organizations for information regarding the details of the furlough program. This plan was also distributed to department management who may share it with their employees. In addition, it will be posted on the DPA's website.

The State looks forward to meeting with you regarding the impact of furlough on the members of your organization.

If you have questions we can discuss them at our scheduled meet and confer sessions or feel free to contact me at (916) 324-0476.

Sincerely,

A handwritten signature in cursive script, appearing to read "Julie Chapman".

Julie Chapman
Deputy Director of Labor Relations



MEMORANDUM



DATE: January 9, 2009

TO: Agency Secretaries
Undersecretaries
Directors

FROM: David A. Gilb
Director
Office of the Director
(916) 322-5193; FAX (916) 322-8376

SUBJECT: State Employee Furlough per Governor's Executive Order S-16-08

To reduce current spending to ensure that essential services of the State are not jeopardized and the public health and safety is preserved, the Department of Personnel Administration, under the Governor's authority and at the direction of the Governor, has developed a furlough plan that will result in the closing of general government operations on the first and third Fridays of each month, beginning this February. As such, these unpaid furlough days are not work days and employees shall not report to work. The first furlough day under this plan will be February 6, 2009.

DPA will post details on its website early next week and send a memo to personnel offices with additional information.

For operations that cannot close, Agency Secretaries (and Directors who do not report to an agency) may request approval from DPA to use a "self-directed" furlough for specific positions. There will be two types of self-directed furlough:

- Employees take two furlough days each month but on days chosen by the employee and approved by the supervisor. For example, revenue-generating positions may be considered for this type of furlough.
- Employees accrue two furlough days per month to be taken when feasible. Furlough days that cannot be used within the same month must be taken within two years following the end of the furlough program. Furlough days will not be cashed out. Posted positions in 24/7 facilities such as prisons and hospitals automatically qualify for this self-directed furlough and do not require prior approval from DPA.

Salaries will be adjusted to reflect the unpaid furlough days, but benefits will remain the same (i.e., the furlough will not affect payouts for unused leave, service credit, health and retirement benefits, etc.)

Please note: The state continues to meet with representatives for state employees about the impact of this program and will notify you of any further developments.

DEPARTMENT OF PERSONNEL ADMINISTRATION

LABOR RELATIONS DIVISION
1515 "S" STREET, NORTH BUILDING, SUITE 400
SACRAMENTO, CA 95811-6614



Sent via US Mail & Email

January 15, 2009

Steve Weiss, Chief of Labor
California Correctional Peace Officers Association
755 Riverpoint Drive, Suite 200
West Sacramento, CA 95605-1634

Re: Your Letter dated January 6, 2009

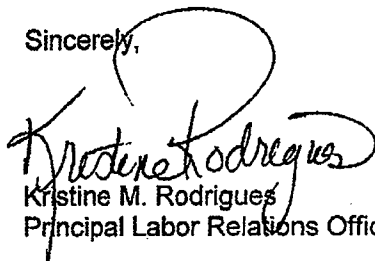
Dear Mr. Weiss:

As I have already confirmed in multiple emails dating from January 9 and January 14, 2009, I am in receipt of your January 6, 2009 letter in which you request, pursuant to the Ralph C. Dills Act, information regarding the Governor's Executive Order S-16-08.

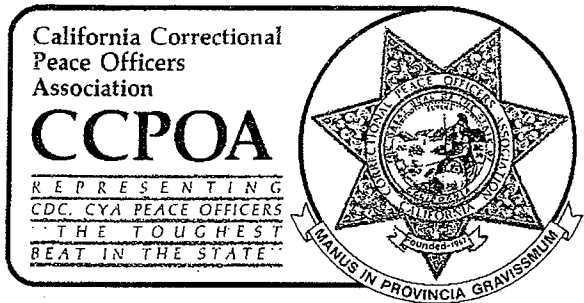
I am in the process of evaluating your request and obtaining responsive information to the extent it exists. Once the evaluation of your request is complete, and responsive information is obtained, I will provide a further response. You can anticipate such a response on or before January 27, 2009.

If this time frame to respond presents a problem, please let me know.

Sincerely,


Kristine M. Rodriguez
Principal Labor Relations Officer

Rec'd 1/21



Chuck Alexander, *Executive Vice President*
 755 Riverpoint Dr., Ste. 200 • West Sacramento, CA 95605-1634 • (916) 372-6060

January 20, 2009

Dave Gilb
 Director
 Department of Personnel Administration
 1515 "S" Street, North Building, Suite 400
 Sacramento, CA 95811

Mr. Gilb:

The California Correctional Peace Officers Association (CCPOA) is in receipt of the latest response from your Department regarding Governors Executive Order S-16-08, dated December 19, 2008 (which was received by CCPOA on 12-22-08), ordering furloughs for state employees. The "order" directs your Department to "adopt a plan to implement a furlough of represented state employees and supervisors for two days per month."

On January 6, 2009 CCPOA sent a request for information specific to any such plan "adopted" by DPA as directed by the December 19, 2008 Executive Order. To date, we have received nothing that can be construed as a plan to implement the aforementioned order. In fact, the latest response, dated January 15, indicates that DPA continues to "evaluate" our request for information pertaining to the "plan" DPA was ordered to "adopt." In the mean time, your department continues to badger CCPOA about a "meet and confer" regarding the implementation of the furlough plan that is to begin on February 6.

It is rather disturbing that the DPA, after having more than 30 days to develop a plan, cannot provide any information regarding the, who, what, where and when of the implementation of these "furloughs," despite us now being within days of the proposed implementation date. This is yet another example of your department failing to provide CCPOA with information necessary for us to represent our members, while insisting that we meet and confer over the impact of an as yet unproduced "plan." To be clear, CCPOA does not waive any right to meet and confer over the implementation of the aforementioned Executive Order. However, we do expect you and your department to provide us with the plan you were ordered to "adopt" prior to any expectation of the parties meeting and conferring over same.

Chuck Alexander

DEPARTMENT OF PERSONNEL ADMINISTRATION

LABOR RELATIONS DIVISION

1500 S STREET, NORTH BUILDING, SUITE 400
SACRAMENTO, CA 95811-6614

January 26, 2009

Sent via Email and US MailSteve Weiss, Chief of Labor
California Correctional Peace Officers Association
755 Riverpoint Drive, Suite 200
West Sacramento, CA 95605-1634

Re: Request for Information – Executive Order S-16-08

Dear Mr. Weiss:

As stated in my previous emails and letter of January 15, 2009, I am in receipt of your correspondence of January 6, 2009 in which you requested information pursuant to the Ralph C. Dills Act related to the Governor's Executive Order S-16-08. Prior to turning to the individual responses to the CCPOA's specific requests, I first want to recount the history of our communication regarding the Executive Order and discuss the State's concerns with your present approach to getting "information" regarding the Order.

On January 9, 2009, I contacted you and left a message with a secretary and a voicemail message on your cell phone. You responded via email and inquired as to the nature of my call. I replied to your email and stated that I wanted to discuss the Executive Order and the State's December 19, 2008 related notice and invitation to CCPOA to meet and confer. I pointed out that CCPOA had never responded to the State's notice or requested to meet. As such, I asked you directly in three separate emails whether CCPOA would like to schedule a meeting to discuss the Executive Order. You never provided an answer to my question. Instead, you stated that you had sent Julie Chapman an Information Request on January 6, 2009¹.

Your information request correspondence identifies that a "thorough response to our request is necessary in anticipation of entering into fruitful and good faith bargaining". It must be noted, however, that to date, more than a month after the Executive Order was issued, and after multiple invitations, CCPOA has yet to request to meet and confer regarding the Governor's Executive Order. As you know, and as I have specifically communicated, meetings between the parties can still occur at the same time as the union seeks, and the State gathers, information. Indeed, CCPOA historically has met with the State while there were pending information requests. In addition, such information requests have not delayed other exclusive representatives in seeking meetings with DPA regarding the Executive Order.

To the extent that CCPOA is truly interested in getting information, it is perplexing that it has chosen not to meet with the State regarding the Executive Order and has, instead, limited itself to issuing information requests. The dialogue that can occur when the parties meet face-to-face is generally more productive than exchanging pieces of paper. The information request process should supplement the parties' communication – not be the sum total of such communication.

¹ During our email exchanges, you shared that the Information Request was sent via certified mail and that it was signed for by someone at DPA. However, neither Julie nor I had received it as of the date of our conversation. As a result, I requested that you forward an electronic copy to my attention, which I received on January 9, 2009.

Be that as it may, the State provides answers (to the extent that they exist) below to CCPOA's requests for information. For CCPOA's convenience, the State has numbered CCPOA's bulleted information requests and highlighted the State's responses in italics.

- 1. Please provide me a complete and detailed copy of the plan(s) that DPA is adopting for every represented and non-represented employee classification in BU 6.**

Responsive information was already provided to you and the Excluded Vice President for CCPOA on January 9, 2009. A copy of that memorandum is enclosed again for your convenience. To date, the information contained therein reflects the only plan that has been adopted.

There is no "non-represented employee classification in BU 6". If you meant to request copies of plans regarding the non-represented employees in classifications affiliated with BU 6, the State responds that no separate plan has been adopted. The above referenced January 9, 2009 memorandum constitutes the only plan that has been adopted for both represented and non-represented employees.

- 2. With respect to the employees represented in BU 6 who are covered under the 7k exemption, please address specifically how this plan shall apply. (For example), [sic] the order is specific that a two (2) day work furlough will occur. The vast majority of our membership work twenty-eight (28) day work periods. How does a proposed two (2) day per month furlough apply?**

There are no documents responsive to this request, and, as you know, the State is not required to provide information or documentation in a more organized form than its own records. However, in an effort to answer your question, the 7k exemption does not change an employee's two days of furlough. In some instances, coordination between the pay period and the work period may be required to ensure that only two days of furlough are taken in a respective pay period.

- 3. On September 18, 2007, your Department implemented terms of employment on BU 6 employees that included an as yet unrealized (5%) general salary increase effective July 1, 2007.**

There is no request for information or question contained in the foregoing statement to which the State can respond.

- 4. Does DPA intend to honor this aspect of the Implemented Terms it has proposed?**

This request for information is unclear. The State, however, assumes that CCPOA is referencing the statement in number 3 above. To the extent that the State's assumption is correct, it responds that, consistent with the Ralph C. Dills Act, such a salary increase must be decided by the Legislature

5. Describe in detail, the limited exemption process as announced in the Executive Order and the specific BU 6 classifications it applies to.

There are no documents responsive to this request, and, as you know, the State is not required to provide information or documentation in a more organized form than its own records. However, in an effort to answer your question, the exemption process is still in development and has yet to be finalized. As of the date of this letter, there are no unit 6 classifications that have been identified for exemption from the two-day furlough.

6. Describe in detail, the program efficiency measures to achieve a reduction in the General Fund Payroll of up to 10%.

This request for information is unclear as to what CCPOA means by "program efficiency measures." Please clarify CCPOA's request.

Notwithstanding the lack of clarity of the request, the State, in an effort to answer the question, responds that there are no documents responsive to this request, and, as you know, the State is not required to provide information or documentation in a more organized form than its own records. The State responds further that the DPA is still in discussions with other State agencies and departments regarding the General Fund reductions.

7. Please provide the specific details of any plans to initiate layoffs of any BU 6 employees.

There are no documents responsive to this request. DPA is still developing the specifics of placing the least senior 20% on State Restriction of Appointment (SROA) lists. When additional details are available and/or layoff plans are approved, your organization will receive appropriate notice consistent with the State's legal obligations.

8. How will the cash value of accumulated leave be calculated for employees separating from state service during the seventeen (17) month period of furlough?

This request for information is unclear as to what CCPOA means by "accumulated leave" and "separating from state service." Please clarify CCPOA's request.

Notwithstanding the lack of clarity of the request, the State, in an effort to answer the question, responds that there are no documents responsive to this request, and, as you know, the State is not required to provide information or documentation in a more organized form than its own records.

To the extent that CCPOA's question is "when someone separates from State service and has accumulated vacation that will be provided to the employee via lump sum payment, at what salary rate will the lump sum be paid?", the State responds that the furlough does not change the base salary rate of the employee. Therefore, the salary rate that was used prior to the furlough will be the same after the furlough. This information was provided to you on January 9, 2009. A copy of this correspondence has been enclosed again for your convenience as previously identified in request for information number 1 above.

9. How will PIE furloughs be calculated?

There are no documents responsive to this request. The specifics of PIE furloughs are still being evaluated. Once responsive documentation or information is available, it will be provided to you.

10. How will employees on long term sick leave be compensated?

This request for information is unclear as to what period of time CCPOA is referencing and in what context. Please clarify CCPOA's request.

Notwithstanding the lack of clarity of the request, the State, in an effort to answer the question, responds that there are no documents responsive to this request, and, as you know, the State is not required to provide information or documentation in a more organized form than its own records.

To the extent that CCPOA's question is "Will an employee who is utilizing sick leave credits for the entire month, be subject to the furlough?", the State responds in the affirmative. The employee will be required to use sick leave for the entire month, minus two days. For example, if the pay period is a 22 day pay period, and the employee is utilizing accrued sick leave credits to cover the entire pay period, the employee will utilize only 20 days of such leave instead of 22 days.

11. How will employees receiving benefits under EIDL and IDL be compensated?

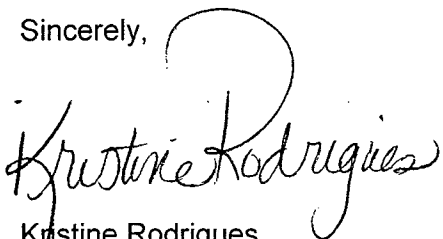
This request for information is unclear as to what period of time CCPOA is referencing and in what context. Please clarify CCPOA's request.

Is CCPOA asking about a situation in which an employee is on EIDL or IDL for the entire month and is utilizing leave credits to continue their benefits? Is CCPOA referring to employees who are on unpaid status? Alternatively, is CCPOA asking about salary continuation, health benefits, or other benefits? Once clarification is received regarding the specific information sought, I will be able to research your question(s) and provide any documentation or information that is responsive to the clarified request.

12. How will retirement calculations be impacted?

This question was answered in the January 9, 2009 correspondence from Director Gilb that was provided to your organization on the same date. Specifically, you were already informed that "the furlough will not affect . . . retirement benefits, etc." A copy of this responsive correspondence is enclosed again here for your convenience.

Sincerely,



Kristine Rodrigues
Principal Labor Relations Officer

Attachment

cc: Julie Chapman, DPA Deputy Director of Labor Relations