



STRIKE AUTHORIZATION VOTE QUESTIONS & ANSWERS

Q: Is it legal for state employees to strike?

In a case brought to the California Supreme Court by SEIU in 1985, the court held that strikes by public employees are legal in California. In its ruling, the Court said only strikes that are expressly forbidden by law or that threaten the public health or safety are illegal. Since the 1985 ruling, there have been scores of legal strikes by workers in cities, counties and school districts throughout California.

Q: How can we strike if our contract contains a “No Strike” clause?

If an employer’s unfair labor practices leave the union no option but the “last resort” of striking, then state law provides that the strike can be legal even if a contract contains a “No Strike” clause, as our does.

Q: Can I be fired or disciplined if I participate in job actions or a strike?

The state cannot discipline anyone who participates in a legal and protected job action or strike. As an added protection, Local 1000 will ensure that any resolution includes an amnesty clause—a provision guaranteeing that members who participate in a strike will be protected from discipline or adverse administrative action by the state.

Q: Can the state sue me if I participate in job actions or go on strike?

No. Any court action filed by the State would be filed against Local 1000, not against individual employees.

Q: If a majority vote “yes” in this strike vote, does that mean we are on strike? If so, when will it start?

The Local 1000 Council unanimously voted to ask members to give the union’s officers authority to call for “concerted actions up to and including a strike, if necessary” to protect members’ pay, benefits and job security. If a majority of members voting give Local 1000’s officers authority to call job actions, a variety of actions and possibly a strike will be considered. No actions would take place until some time after member ballots are counted on August 1.

Q: Why should I strike; wouldn't it be the same as a furlough day and just play into the governor's hands?

Every week there is a new demand from this governor—one furlough day, then two, now three. His representatives signed a new contract with us that would save the state \$1 billion if applied to all state workers; he then worked to sabotage our agreement in the Legislature. Now he is threatening a fourth furlough day and Administration lobbyists say that he wants a fifth furlough day, up to 15,000 layoffs, another \$14 billion in program cuts and to close down state government for two weeks.

State workers are saying, "Enough." We've offered billions of dollars in solutions, including negotiating in good faith a contract agreement that saves the state hundreds of millions of dollars. Now we need to stand even stronger and show leadership during this crisis. Job actions send a clear message that we are united in our resolve.

Q: What lawsuits have been filed by Local 1000 and what is their status?

Four lawsuits challenging the governor's furlough order have been filed by Local 1000. One suit is in the Court of Appeal and asserts that the governor's executive order is unconstitutional. At the Superior Court level, three additional legal actions are pending. One suit seeks to protect members in 68 federally-funded departments and another would exempt all employees of the State Compensation Insurance Fund from furloughs. A third suit challenging the furloughs on a procedural basis is also pending.

In addition, Local 1000's Legal Department has filed unfair practice charges, with the Public Employment Relations Board, alleging that the imposition of the third furlough day violates state law.

Q: Why hasn't the union filed for a TRO or an injunction to stop the furloughs?

Local 1000 asked for an injunction in its first furlough lawsuit in February. At the time, the court denied our request and ruled that the governor had the right under state law and our contract to furlough state workers. Because of this ruling, no court will find that we are likely to succeed in another similar or identical challenge to the furloughs. For this reason, injunctive relief is not available. Even so, our primary challenge to the furloughs is pending before the Court of Appeal.

Q: Hawaii has ruled furloughs illegal for state employees; can't we present the same case in court?

Local 1000 cannot present the same case against furloughs that was presented in Hawaii, because the laws that apply in California are different from those that apply in Hawaii. For example, unlike what happened in California, the Hawaii governor did not impose furloughs by declaring an official emergency.

Q: I work at a prison; don't I have to go to work?

The 1985 Supreme Court case upholding the right of state employees to strike also held that workers whose absence from work would imperil public safety cannot lawfully strike. It is an open question whether nurses, medical professionals, teachers and white collar workers in prisons fall into this category. Local 1000's Legal Department is currently researching this issue.

Q: Does the CASE court victory impact our members?

The CASE court victory impacts only those members employed by the State Compensation Insurance Fund ("SCIF"). Recently, a San Francisco Superior Court judge ruled that SCIF workers cannot be furloughed due to some specific provisions of the California Insurance Code which apply only to SCIF. At present, that ruling applies only to attorneys employed at SCIF. Local 1000 has filed an action in San Francisco Superior Court asking the court to extend its ruling to all Local 1000-represented employees at SCIF.

Q: Where is our contract in the Legislature?

The governor is refusing to support the Tentative Agreement he reached with Local 1000; as a result, our contract bill failed in its first legislative vote, falling three votes short of the two-thirds needed when no Republican voted for our contract. Local 1000 is filing litigation challenging this bad faith conduct.

Q: Does Local 1000 have a strike fund and will I be paid strike benefits if I go out on strike?

The union has a modest Strike and Defense Fund.

Q: Can I get unemployment benefits if we go on strike?

No. Unemployment benefits are not available to striking workers.

Q: Can we talk about this at work?

It is legal to talk about what the union is doing to fight back against the furloughs, layoffs and changes in working conditions, even at work. Workers should not claim, at work or anywhere else, that Local 1000 has made the decision to go on strike, no such decision has been made. If workers were to spread the untrue rumor that Local 1000 has now decided to walk out on strike, it could affect the legality of a strike if Local 1000 were to make such a decision.

Q: Why aren't my dues being decreased?

Your dues have already been reduced as a result of the governor's furloughs. Local 1000 dues are calculated as a percentage of your gross monthly salary. If your salary is reduced due to furloughs, your dues also decrease.

Q: Are my dues going to be increased?

No—there are no plans to increase the dues percentage. Any increase in dues would have to be approved by a vote of Local 1000 members.