

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

January 16, 2008

Paul Starkey
 Labor Relations Counsel
 Department of Personnel Administration
 1515 S Street, North Building, Suite 400
 Sacramento, CA 95814

Re: Request for Clarification Regarding CCPOA's Demand to Bargain in Good Faith Pursuant to Government Code Section 3517.8

Dear Mr. Starkey:

Mr. Stracener and you requested clarification on a letter sent to David Gilb by Chuck Alexander of the California Correctional Peace Officers Association (CCPOA) on December 27, 2007. A copy of that letter is enclosed for your convenience. In the enclosed letter, CCPOA demanded that the Department of Personnel Administration (DPA) return to the bargaining table to pursue a new Memorandum of Understanding (MOU) based on Government Code section 3517.8. As you are aware, Government Code section 3517.8 requires the parties to bargain in good faith and reach a MOU after the implementation of a last, best and final offer (LBFO) if "any circumstances change."

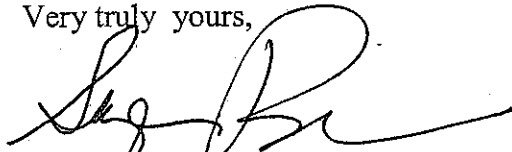
You specifically inquired as to the reasoning of CCPOA that circumstances have changed pursuant to Government Code section 3517.8 since the implementation of the modified LBFO on September 18, 2007. Specifically, changed circumstances exist because of any or all of the following conditions:

1. PERB issued a complaint in Unfair Practice Case No. SA-CE-1621-S regarding the State's implementation of the three year LBFO; and
2. The State withdrew the implementation of the second and third year of the economic portions of its LBFO. It is highly significant that the package proposal which was presented to CCPOA, the press and the Legislature and which was implemented as the modified LBFO, was offered as a three year economic proposal in return for non-economic concessions. The economic benefits in years two and three have been withdrawn and yet the non-economic portions remain in the implemented LBFO; and
3. The State announced the looming budget shortfall, including an anticipated cut in budget for the Department of Corrections and Rehabilitation of ten percent, which will impact the likelihood that the State can carry out any portion of its one year economic LBFO.

Accordingly, CCPOA demands DPA bargain in good faith for a new MOU pursuant to Government Code section 3517.8 because circumstances have changed based on any or all of the conditions listed above. Further, CCPOA reiterates its demand that, prior to commencement of negotiations, DPA return conditions to those in existence prior to September 18, 2007.

I hope that this letter clarifies any uncertainties regarding the position of CCPOA on the above-referenced issues. If the State is not prepared to return to the bargaining table based on the terms outlined above, please advise me under what terms, if any, the State is prepared to return to the bargaining table.

Very truly yours,



Suzanne L. Branine
Staff Legal Counsel
California Correctional
Peace Officers Association

SB:mr

Enclosure

cc: Chuck Alexander
Gregg Adam
Dave Gilb
Dan Lindsay
Curt Stracener