



CCPOA WEEKLY UPDATE — JANUARY 27, 2012

CDC Update — By Chuck Helton, CDC VP

While just over 200 layoff notices are scheduled to go out this week, we were able to successfully negotiate a final transfer opportunity for these members — above and beyond the original agreement — to place them in permanent intermittent positions, if they so choose. If you receive this layoff notice, there will also be a Transfer Option Sheet enclosed — we strongly encourage you to take advantage of this Transfer Option and accept one of these positions. There are more than enough of these open positions to accommodate you, so every single one of you should complete and return this Option Sheet immediately.

In follow up to last week's report on CDCR's seniority score screw up, we have met with the State again and they have assured us that t ALL seniority discrepancies are being thoroughly investigated. However, we still need you to continue challenging inaccurate scores and forwarding us your information so that we can stay on top of the State and hold their feet to the fire.

We're scheduled to meet with the State again next week, so we'll have more information to share at that time. In the meantime, thanks for all you do. Your hard work and professionalism are much appreciated.

DJJ Update — By Daryl Lee, DJJ VP

We've recently started work on a White Paper outlining the vital role played by DJJ in our state's criminal justice system, with the goal of discussing these and other recommendations at our juvenile justice summit in February. As I mentioned last week, initial discussions with DJJ stakeholders have begun and we look forward to a productive meeting next month.

While we're not out of the woods yet, we're starting to see movement in the right direction with regard to the future of DJJ. Just this week, CDCR Secretary Matt Cate told the Sacramento Press Club that DJJ "safely and securely houses ... the most serious kids" and has made "great strides" over the past years, including bringing its per-ward costs down close to the national average.

Labor Update — By Steve Weiss, Chief of Labor / Joanne Billhimer, Supervising Field Representative

There have been rumors going around that the five Fire Camps owned by LA County were, in fact, going to be taken over by them, which would be a big hit to the 50 staff members who work at these Camps. However, we attended a recent Camps Chapter meeting where we received strong assurances that this is NOT the case. In fact, the first words out of management's mouth were: "We're not taking over the camps" any time soon. Speculation is that LA County realized just how much the Camps would cost to run and had second thoughts. But regardless of the reason, the Camps will remain under State control for now.

Also, in follow up to our Jan. 13 update regarding our continuing realignment bargaining, the memo from the Director of Adult Institutions to all wardens regarding meeting with CCPOA representatives to discuss staff reductions has been sent. A copy of the memo is being posted on the CCPOA website and can be accessed by clicking [here](#).

Legislative Update — By Stephen Walker, Chief of Legislative Affairs

CDJR Secretary Matt Cate spoke at the Sacramento Press Club this week on realignment, the corrections budget and the future of DJJ. In answering questions from reporters, he reiterated the Governor's intention not to expand the use of private prisons and in fact to bring many of those inmates — and corrections jobs — back to California. He also praised DJJ for reducing costs. These comments are in keeping with conversations we've been having with the Secretary, which could prove fruitful for protecting and advancing our profession.

We're also pleased to report that many Chapter Presidents have been taking the initiative and getting involved at the local level — reaching out to local elected officials and building new relationships. This will make a real difference over the months and years ahead, so keep up the good work.

As always, we're on active "bill watch" as the legislature gets back into full swing. And we're meeting with legislative leadership and committee members on the bills and issues important to our members. Just this week we met with the Assembly Speaker to discuss alternatives to the Governor's DJJ proposal, receiving some positive feedback. We'll continue these efforts, and keep you posted.

Supervisory Update — By Kevin Raymond, Supervisory VP

Lots to report on this week, but I'll try to keep it brief. We met with the DPA and CDCR on a myriad of Supervisory issues, most notably to challenge CDCR's attempt to change the way seniority is viewed for certain supervisors (i.e., limited term supervisors). We expressed our adamant opposition to this discriminatory and illogical proposal, and plan to continue in this fight. We also discussed the DJJ Sgt/Senior MTA seniority placement issue, and the return of supervisory RTB (and activist release time), as well as the state's failure to notice members on the survivor benefit increase.

In addition, the Seniority Assignment Agreement was a major topic of discussion. We presented a proposal that addressed the following issues: 1) Requested DPA/CDCR facilitate a meeting with DMH to discuss placing Senior MTAs into the SAA process, 2) Argued that Supervisors who've been removed from their jobs (as part of AB 109) are not receiving access to jobs with similar days off and start/stop times, 3) Proposed change from 60/40 to 70/30.

Finally, this weekend I'll be traveling to Arkansas on behalf of CCPOA to attend the funeral of a fallen correctional officer. Cpl. Barbara Ester was stabbed to death at an eastern Arkansas prison last week by an inmate serving a life sentence for murdering his father. I'll be conveying our deepest condolences to her family, friends and coworkers. But rest assured, I will be providing a more in depth update on each of the very important issues above — directly to supervisors — when I return. Please watch for it.

Legal Update — By Chief Counsel Dan Lindsay / Supervising Attorneys Shelley Lytle, Rudy Jansen, Janice Shaw

Skelly hearings can be tricky. The following checklist should make things easier.

Skelly Checklist for Members / Job Stewards

- I. Formal Notice of Adverse Action – Non-Criminal

- ___ 1. Report the service of notice IMMEDIATELY to your CCPOA office. **(Time is of the essence.)**
- ___ 2. IMMEDIATELY request a Skelly hearing with the Warden / Superintendent / Regional Administrator.
- ___ 3. Instruct the employee not to discuss the case with anyone, except the Job Steward and CCPOA Legal Staff members.

II. Prior to the Skelly Hearing

- ___ 1. Accumulate all pertinent documents that have been used to substantiate the action. (Skelly packet)
- ___ 2. Put the employee at ease.
- ___ 3. Let the employee tell his or her own story.
- ___ 4. Interview any witnesses.
- ___ 5. Have all statements from witnesses written and signed by the witnesses.
- ___ 6. Fully understand all the circumstances of what has happened.
- ___ 7. Carefully assemble the facts that have been accumulated.
- ___ 8. Determine if a modification or rescission of the Adverse Action is possible.
- ___ 9. Look at the employee's work record and personal history to see if there are mitigating circumstances.

III. Skelly Hearing – Non Criminal

- ___ 1. Maintain the highest level of professionalism.
- ___ 2. Ask for any documents that you have not received.
- ___ 3. Ask the Skelly officer if he/she has the authority to make a decision or recommendation.
- ___ 4. If the Skelly officer does not have the authority to make a decision or recommendation, find out who has that authority.

- ___5. If you are asked to waive your rights, only waive your rights to a neutral Skelly officer.
- ___6. Let management speak first, after the initial introductions.
- ___7. Clearly and logically state the employee's defense and why the action should be rescinded or modified.
- ___8. Raise any violation of Skelly rights or failure to give legally sufficient notice (i.e., less than 5 business days prior to effective date.)
- ___9. If management offers to modify the action, call for a break, if needed, to discuss the offer with the employee.
- ___10. Notify CCPOA about the result as soon as possible after the hearing.