



TO: All CCPOA Members
FROM: Chuck Alexander, Executive Vice President
DATE: February 1, 2011

RE: **IMPORTANT LEGAL ALERT** - Lawsuit Seeking Unpaid Overtime Wages for Uncompensated Pre-and Post-Work Activities "Certified" As a Class Action for Approximately 30,000 Unit 6 Employees and Supervisors

"Walk Time" Lawsuit: In 2008, four (4) Unit 6 employees filed a lawsuit seeking compensation for uncompensated pre-and-post work activity ("PPWA") since April 2005. Plaintiffs contend that, whereas the State pays *some* classifications for *some* time spent on PPWA (12 minutes per day), state law requires that all Unit 6 employees and supervisors receive compensation for all hours that they are under the State employer's control and/or performing work-related tasks for their employer's benefit. Specifically, the lawsuit seeks to recover unpaid overtime and other monetary remedies for time spent by correctional staff exchanging and donning/doffing required equipment at California Department of Corrections and Rehabilitation ("CDCR") institutions, travelling within those institutions to and from work posts, and conducting other mandatory pre- and post-shift work activities.

New Ruling Certifying Class Action: On January 28, 2011, our outside law firm Carroll, Burdick & McDonough LLP ("CB&M") secured an "Order Granting Class Certification" from Judge John E. Munter of the San Francisco Superior Court. The order states that the case is suitable to proceed as a class action lawsuit seeking unpaid overtime wages and additional monetary remedies for Unit 6 members and supervisors working at institutions within CDCR.

Why is the Ruling Important? Basically, instead of the case concerning the rights of four employees, it now involves potentially 30,000 employees. The Court certified CB&M as class counsel and designated Correctional Officer Kurt Stoetzel (CCWF), Correctional Counselor Elvira Harris (CIM), Correctional Sergeant Bruce Cooke (CSP-COR), and Medical Technical Assistant Randy Stroud (SVSP) (the original four plaintiffs) as class representatives for the following class:

All persons who are or who have been employed as Correctional Officers, Correctional Sergeants, Correctional Lieutenants, Medical Technical Assistants, Senior Medical Technical Assistants, Correctional Counselors I, Correctional Counselors II, Youth Correctional Officers, and /or Youth Correctional Counselors to work at adult and/or youth correctional institutions within the California Department of Corrections and Rehabilitation in the period commencing April 9, 2005 until the notice of pendency of this class action is given.

What happens next? First, all potential members of the class will receive a notice (probably by mail, but the particulars are being discussed by the parties). The notice will summarize the claims and give employees an opportunity to "opt-out"—meaning that you will not share in any money or benefits that *might* be awarded but will have the right to pursue your legal claims separately. Then the case will proceed to the merits and a determination by the court regarding whether the State should be paying employees (those who do not "opt-out") in the manner plaintiffs claim.