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14 SUPERIOR COURT OF THE STATE OF CALIFORNIA
15 COUNTY OF SACRAMENTO
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17 DEBBIE L. ENDSLEY; CALIFORNIA
DEPARTMENT OF PERSONNEL
18 ADMINISTRATION,

19 Petitioners/Plaintiffs,

20 v.

21 JOHN CHIANG, sued herein in his
official capacity only; OFFICE OF
22 STATE CONTROLLER,

23 Respondents/Defendants.

24 JOHN CHIANG, in his official capacity
25 as CONTROLLER OF THE STATE OF
CALIFORNIA; and the OFFICE OF
26 THE STATE CONTROLLER,

27 Cross-Complainants,
28

No. 34-2010-80000591

**DECLARATION OF CHARLES L.
ALEXANDER, JR. IN SUPPORT OF *EX
PARTE* APPLICATION FOR LEAVE TO
INTERVENE PURSUANT TO CCP § 387**

Date: July 16, 2010

Time: 11:00 a.m.

Place: Dept. 19

Judge: Hon. Patrick Marlette

Complaint Filed: July 6, 2010

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v.
DEBBIE L. ENDSLEY, sued herein in
her official capacity only;
CALIFORNIA DEPARTMENT OF
PERSONNEL ADMINISTRATION,

Cross-Defendants.

CALIFORNIA CORRECTIONAL
PEACE OFFICERS' ASSOCIATION,

Intervenor
Respondent/Defendant.

I, Charles L. Alexander, Jr., declare as follows:

1. I am a Correctional Officer, a member of State Bargaining Unit 6 ("Unit 6"), and a member of the California Correctional Peace Officers' Association ("CCPOA" or "the Association"). I have personal knowledge of the facts set forth below, and if called upon as a witness, I could and would testify competently as to them.

2. I currently serve as the Executive Vice-President of CCPOA, a position I have held since October of 2005. I previously served as the elected Rank & File Vice-President of CCPOA for approximately two and one-half (2½) years. I have been a Correctional Officer employed by the California Department of Corrections and Rehabilitation ("CDCR") (formerly the "California Department of Corrections") since 1988.

3. CCPOA is a private non-profit corporation organized and existing under the laws of the State of California. CCPOA is the exclusive bargaining representative for approximately 30,000 civil service employees in Unit 6, who are predominately peace officers employed by the CDCR. CCPOA also represents many Correctional Sergeants and Lieutenants who supervise Unit 6 employees.

4. In my capacity as CCPOA Executive Vice-President, I am responsible for the oversight of much of the daily operations of the Association including its legal

1 department, which is responsible for representing the organization, and its members, in
2 matters which affect their wages, benefits and other terms and conditions of employment.

3 5. I am familiar with the underlying litigation and have reviewed the
4 “Petition for Writ of Prohibition/Mandate (CCP § 1085); Complaint for Injunctive and
5 Declaratory Relief” filed by Petitioners Debbie L. Endsley and the California
6 Department of Personnel Administration (“Petitioners”). It is my understanding that
7 Petitioners seek to enforce a July 1, 2010 draft “Pay Letter” issued by Petitioners, which
8 purported to direct the California State Controller, John Chiang, to, *inter alia*, reduce the
9 pay of hourly State employees to the federal minimum wage prescribed by the Fair
10 Labor Standards Act (“FLSA”), 29 U.S.C. section 201 *et seq.*, which is currently \$7.25
11 per hour.

12 6. The vast majority of CCPOA members are hourly employees who will be
13 reduced to the FLSA minimum wage if the draft “Pay Letter” is implemented.

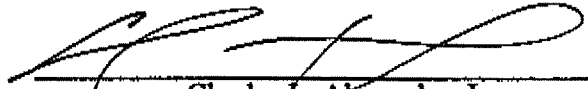
14 7. I am paid by the CDCR on a monthly basis. I receive my monthly
15 paycheck on the first of each month for the previous month’s work. I am expecting to
16 receive my next paycheck on August 1, 2010, as compensation for work performed during
17 the month of July 2010. If, rather than my normal rate of pay, I receive only the FLSA
18 minimum wage of \$7.25 per hour (roughly \$1200 per month) for work performed in July
19 and in subsequent months, those amounts will be wholly insufficient to cover my home
20 mortgage, my car payment, my child’s college tuition, my family’s medical insurance
21 payments, and all of my family’s other living expenses.

22 8. Other Unit 6 employees who are subject to having their salaries reduced
23 to the FLSA minimum wage will suffer dramatic and, in many cases, irreparable injury
24 should the order take effect. A number of members have expressed fear that their homes
25 will be subject to foreclosure due to their financial inability to pay their mortgage. Others
26 have indicated that they will be unable to provide spousal or child support, pay for out-of-
27 pocket medical expenses, medical insurance premiums, transportation and fuel expenses,
28 costs of utilities and food, children’s education expenses, and credit card bills. Many

1 members who have their paychecks directly deposited into their bank or checking
2 accounts also have their bills automatically paid and deducted from their accounts. When
3 this occurs, overdraft charges may be incurred, payment requests may be declined, and
4 there may be no money left for food and other life essentials. Many of these losses will
5 lead to consequences which will not be rectified by a subsequent retroactive payment of
6 full salary, as in the case of financial penalties, interest rate increases, and potential harm
7 to credit ratings as a result of the failure of the employee to make timely payments.

8 9. Further, to the extent that the reduction to the FLSA minimum wage will
9 preclude payroll deductions, CCPOA will be deprived of the monthly dues payments it
10 receives from Unit 6 members, which will adversely affect the Association's ability to
11 conduct operations and pay its own employees.

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13 I declare under penalty of perjury under the laws of the State of California that
14 the foregoing is true and correct and that this declaration is executed on this the 12th day
15 of July, 2010 at West Sacramento, California.

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19 Charles L. Alexander, Jr.
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