

**Chuck Alexander**, *Executive Vice President*

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

June 15, 2009

State Board;

Attached is the response CCPOA received to the "layoff" appeals that were filed on behalf of numerous members. As you can read from the response, since there were no "specific" dates for layoff, appeals are premature. Were this response from anyone other than DPA, it would be good information. Unfortunately, the response is from DPA, the very agency that sent CCPOA the notice with the intended implementation date of July 1. We have also attached the CCPOA clarification request and will forward any further information as we receive it.

Chuck

**DEPARTMENT OF PERSONNEL ADMINISTRATION****STATUTORY APPEALS UNIT**

1515 "S" STREET, NORTH BUILDING, SUITE 400  
SACRAMENTO, CA 95811-7258  
(916) 324-3857 FAX (916) 322-5709



June 8, 2009

CCPOA  
755 Riverpoint Drive, Suite 200  
West Sacramento, CA 95605

Re: Appeal From Layoff

TO ALL PARTIES AND THEIR REPRESENTATIVES:

Your letter requesting a layoff appeal hearing addressed to the Statutory Appeals Unit (SAU) of the Department of Personnel Administration (DPA) is being returned. Pursuant to Government Code section 19997.13 your layoff notification must provide a specific date of layoff to be effective and confer the appropriate appeal rights.

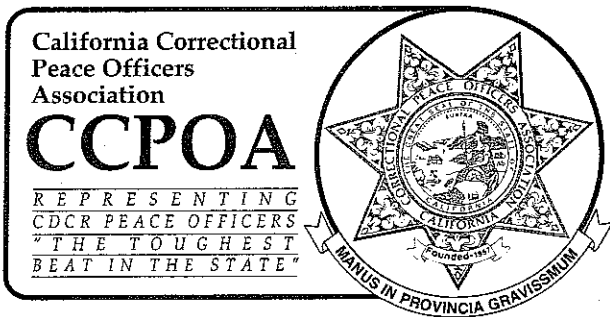
If your appointing power notifies you in writing and specifies a definite layoff effective date, a layoff appeal may then be filed with the SAU.



KARLA BROUSSARD-BOYD  
Administrative Law Judge

Enclosure

California Department of Corrections and Rehabilitation  
Institutions Division  
Office of the Secretary  
P. O. Box 942883  
Sacramento, CA 94283-0001



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

**PROOF OF SERVICE BY CERTIFIED  
MAIL AND BY FAX (916) 322- 5709**

June 11, 2009

Karla Broussard-Boyd  
Administrative Law Judge  
Department of Personnel Administration  
Statutory Appeals Unit  
1515 "S" Street, North Building, Suite 400  
Sacramento, CA 95811-7243

***Re: Appeal From Layoffs***

Dear Judge Broussard-Boyd:

This letter is written in response to the letter accompanying your recent return of the layoff appeals CCPOA filed on behalf of Bargaining Unit 6 members who received layoff notices labeled "final" from CDCR on or about May 15, 2009. (Attachment 1) Your letters, all of which appear to be identical, state that the layoff notifications are defective, pursuant to Government Code section 19997.13, because they do not include a specific date of layoff. Your letters, also state that if CDCR notifies the impacted Unit 6 employees in writing and specifies a definite, effective layoff date, a layoff appeal may then be filed with DPA's Statutory Appeals Unit.

CCPOA interprets your letters to mean that Bargaining Unit 6 members cannot be laid off prior to receiving a layoff notice, which must specify a definite effective layoff date. Only then can they appeal their pending layoff. CCPOA understands that, pursuant to Government Code section 19997.13, written notice of layoff must be provided to each individual employee being laid off at least 30 days prior to the definite, effective, layoff date specified in his or her layoff notice. Please advise CCPOA, in care of the undersigned, if this understanding is incorrect.

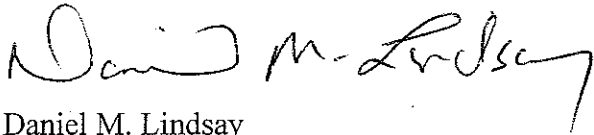
On June 1, 2009, DPA provided CCPOA with copy of the "layoff plan" as approved by DPA. Attached for your review is the pertinent part of the layoff plan. (Attachment 2) Included in the plan is a July 1, 2009,

Judge Broussard-Boyd  
June 11, 2009  
Page 2 of 2

“projected layoff effective date,” for effected Unit 6 employees. It is CCPOA’s understanding, based upon your letters rejecting the layoff appeals filed, that the July 1, 2009, “projected layoff effective date” contained in the DPA approved layoff plan does not constitute a definite, specific date of layoff for the purpose of noticing individual Unit 6 employees that they have 30 days to file an appeal with the SAU.

Please advise CCPOA immediately, in care of the undersigned, if the matters and understandings discussed above are incorrect. It is not CCPOA’s intention to file unnecessary appeals with the SAU; confirmation of our understandings and clarification of any misunderstanding will aid in avoiding unnecessary filings.

Respectfully,



Daniel M. Lindsay  
Chief Counsel  
California Correctional  
Peace Officers Association

DML:rcr  
LA 20130  
Enclosure