



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

July 10, 2007

The Honorable Fabian Nunez
Speaker
California State Assembly
State Capitol, Room 219
Sacramento, California 94249-0046

The Honorable Don Perata
President pro Tempore
California State Senate
State Capitol, Room 205
Sacramento, California 95814

The Honorable Michael Villines
Republican Leader
California State Assembly
State Capitol, Room 3104
Sacramento, California 94249-0029

The Honorable Dick Ackerman
Republican Leader
California State Senate
State Capitol, Room 305
Sacramento, California 95814

Dear Speaker Nunez, Senator Perata, Assemblymember Villines and Senator Ackerman,

This letter is intended to respond to the letter from the Governor to you dated June 26, 2007, regarding the status of negotiations between the Governor's representative (DPA) and CCPOA.

The Governor states that "we've been negotiating with CCPOA for more than a year, both in formal negotiations, and informal discussions." While it has been almost a year since we first started negotiating, there has only been 24 hours of "face to face" interactions. Meeting for approximately two hours per month over the last year hasn't provided the opportunity to "explore alternatives" or hold "frank discussions about our differences," like the Governor indicates in his letter.

The Governor also states that he has placed on the table a "generous offer", "which, over four years, would exceed \$ 1 billion." With all due respect to the Governor, be aware, **NO SUCH OFFER HAS BEEN RECEIVED BY CCPOA.**

If you have any evidence of such an offer, please contact me at your earliest convenience. The latest offer from the State, DPA estimates at \$ 792 million. In comparison, and in response to the Governor's purported "generosity", the CAHP MOU, passed last year, was estimated to be worth \$900 million (see enclosed LAO analysis). The Governor's offer seems much less generous when considering the **CAHP has less than one quarter of the Rank and File membership of CCPOA.** This information also exposes the ongoing fable of the DPA that they have offered to maintain the salary relationship between Bargaining Units 5 & 6.

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The offer the Governor seems to be referring to that is closest to \$ 1 billion included raises for supervisors and managers. The DPA has refused to even be in a room with CCPOA when a supervisor is present (enclosed). Why would this money be included in data provided to you and to the media other than to be deceptive and inflate the cost to the State? Additionally, this is the cost for a four-year agreement. CCPOA has no interest in an MOU that exceeds the current fiscal year. The costs for such an MOU would be considerably less even if the salary relationship remained.

The time for the tactics of deception was over some time ago. Yet DPA continues to engage CCPOA with delay, disrespect and dishonesty. The mediation process has not provided a single tentative agreement. DPA has begun regressive bargaining and has refused to respond to information requests or even put their names on a sign in sheet.

The "modest changes" to the existing MOU referenced by the Governor, include the wholesale elimination of **ALL LOCAL AGREEMENTS**, which affect seniority rights for vacation, overtime, holiday and post and bid procedures. Those agreements that are not affected by the language of the "entire agreement" section of our MOU are proposed to be subsequently eliminated by the evisceration of our grievance procedure.

Current proposals by DPA also include demands that CCPOA agree to violate both Federal and State law by indenturing apprentices to a deregistered, non-sponsored Apprenticeship program. The ongoing practice of the CDCR to force new employees into this unlawful program ensures the State will pay around \$ 100 million in back pay and tens of millions of dollars in damages. This practice will not save any money in the long run and negatively impacts any viable recruiting program. It is a practice that teaches new employees how much respect their new employer has for the job they do.

The State also continues the practice of denying insurance benefits to all new Bargaining Unit 6 members for the first four months (minimum) of their employment in the CDCR. This practice, coupled with forced relocation to some of the most expensive or least desirable communities in California make recruitment and retention of qualified staff highly improbable.

Indeed, it appears that if this letter falls on deaf ears, the only prayer that CCPOA members have of maintaining competitive salaries and benefits with other law enforcement in California, is through the federal courts. The federal court has recognized that we are unable to deliver health care consistent with the United States Constitution without sufficient staff resources. The severe overcrowding only compounds the problems and complicates the solutions.

Perhaps the design all along by this Administration has been to allow the federal court to step in and order the release of thousands of prisoners on the citizens of California. Though this act may provide temporary cover, in the long term, it is extremely dangerous to all of California and it will result in either reduction to the social support systems for the most needy Californians or, an increase in taxes, or "fees" for the remainder of the California population.

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Intelligent debate over the State population growth and the corresponding prison population growth could avoid the imminence of the aforementioned consequences.

In closing, while the membership of CCPOA recognizes that little can be done by the Legislature at this point to move the Administration towards a transparent and honest negotiation process, we believe that the truth is still important, and despite the consequences of saying it, the truth should still be shared with the Members of the Legislature and all the citizens of California.

Thank you for your time and consideration. If we may be of any assistance whatsoever, please don't hesitate to contact CCPOA at (916)-372-6060.

On behalf of the 30,000 men and women who continue to work 24 hours a day, 7 days a week, 365 days a year in the most overcrowded and understaffed prisons in the nation, this letter is,

Respectfully submitted,

A handwritten signature in cursive script, reading "Mike Jimenez". The signature is written in dark ink and is positioned above the printed name and title.

Mike Jimenez
State President
California Correctional Peace Officers Association.