

Some current CCPOA litigation and status;

1. Meal and Rest Breaks

CCPOA filed a complaint in Superior Court on June 25, 2008 based on the State failing to provide Unit 6 with meal breaks as required by Labor Code section 512. We have proceeded to court after having exhausted our administrative requirements. We will begin discovery on this case in the near future.

2. Donning and Doffing

CCPOA has filed a Government Tort Claim with the State Victim's Compensation Board and a class action lawsuit on behalf of affected Correctional Officers, Correctional Counselors and Correctional Supervisors. The lawsuit seeks to recover unpaid contractual premium overtime wages (pursuant to Section 11 of the MOU and LBFO, as enforced through Labor Code sections 222 and 223), unpaid minimum wages, an equal amount of "liquidated damages," statutory penalties, attorney's fees and costs. Discovery has started on this case.

3. 8 Hour Work Day

This case was filed on February 7, 2008 and is based on the overtime requirements of Government Code section 19851. CCPOA's claim is that due to the State's implementation of the LBFO, the Government Code now applies on this issue. Thus, any time worked in excess of 8 hours per day (rather than per a 7k period) must be compensated as overtime.

4. LBFO issues at PERB

The Public Employee Relations Board (PERB) has issued several complaints while dismissing several others. The complaints issued have been posted to this Board previously. However, the "Changed Circumstance" complaint is going forward at this time. Closing briefs from the State and CCPOA were required to be submitted on July 28, 2008 with reply briefs due 20 days later. These briefs are rather large and we are awaiting the arrival of said documents at CCPOA HQ and will update as soon as we can.

We did file at PERB seeking injunctive relief relative to the State's proposed layoffs and failing to provide information regarding the closures of Paso and Dewitt Youth Facilities. PERB denied our request for injunctive relief in a one sentence e-mail on June 25. We are currently weighing our options for how to proceed but PERB is still considering whether to issue an unfair practice charge.

There are a number of other issues pending in various venues. This is just a quick update, as of June 30, on some of the more recent decisions.

Chuck