



## 2009 Third Quarter Report

Date: October 13, 2009  
From: Marcia Vierra -Outgoing President, Current Director  
Michael O'Neal, President  
Subject: Quarterly Section Report

The SLO Section's annual Officer Installation Dinner was held September 25, 2009 at the Madonna Inn again this year, located at 100 Madonna Road, San Luis Obispo, CA.

Officers sworn in for the 2009/2010 year meeting were as follows:

Marcia Vierra	Director
Michael O'Neal	President
Wes Thompson	President Elect
Wendy O'Halloran	Vice President Supervisory
Mark Bewley	Treasurer

Two officers were not able to attend the dinner due to prior engagements:

Kyle Birch	Secretary
Mark Ballentine	Vice President Rank and File

Please note that no nominations were received for Vice President At-Large again this year. This is an important position for appropriate representation of all non-Caltrans members. I encourage all non-Caltrans members to seriously evaluate their potential participation in this position. This position acts as a liaison between at-large members and the officers who tend to be predominantly Caltrans staff. Temporary appointments can be made mid year to fill vacancies, and this position should not continue to be vacant considering future layoff threats. If anyone is interested, please contact any of the above officers for additional information.

**Furlough Lawsuit Appeal** – PECG and California Association of Professional Scientists recently files opening briefs in Sacramento before the Third District Court of Appeals seeking to overturn the January 29 decision by Sacramento Superior Court Judge Patrick Marlette that upheld the furlough order of Governor Arnold Schwarzenegger. The argument states the order conflicts with employment contracts and that only the legislature and not the governor has the power to cut hours and pay. No court date has been set yet.

**Grievance Filing** –PECG has filed for arbitration on two grievances that DPA currently denied. One challenges whether the third furlough day violates the Unit 9 MOU; the second addresses the State's failure to provide for a July 1, 2009 pay raise based on the latest salary survey. Both grievances rely on the State law that says expired contracts continue until renegotiated, Arbitration means that PECG and DPA jointly select a third-party neutral who would conduct a hearing and issue a ruling on whether the State's actions violate the MOU.

**Supervising Senior Pay Raises** – The hearing on PECG's claim seeking to receive retroactive pay raises for PECG-represented Supervisors began on September 9 in Sacramento. Because state law requires that supervisory pay be based on "comparable duties and responsibilities", PECG is seeking to get pay raises for Supervisory Seniors equal to those for Bargaining Unit Seniors, many of whom are in the same or parallel classifications. The goal is a 10.1% raise retroactive to July 1, 2008. Additional hearing dates before an Administrative Law Judge are set for November 16, 23 and 24. After that, written arguments will be filed and the Hearing Officer will make recommendation to the Director of the Department of Personnel Administration (DPA). If DPA concludes that the raises are justified based on comparable duties and responsibilities, the Legislature will then need to budget or authorize funds for the raises.

**Collective Bargaining** – The most recent salary studies, conducted based on the premise that the current contract continues until a new one is in place, resulted in a 4% salary differential and were agreed upon by DPA. However DPA refused to submit a funding request to the Legislature and therefore an addition grievance was filed as discussed previously.

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