

# INTERNATIONAL UNION OF OPERATING ENGINEERS

Craft-Maintenance Division State of California Unit 12  
Locals 3, 39 & 501, AFL-CIO

## Can they make me do *that*?

Why is that Electrician wearing a hairnet, and why is he preparing food? Why is that Automotive Equipment Operator working as a receptionist? Not that there's anything wrong with food service or receptionist work, but that's not what our members were hired for.

Government Code Section 19818.8 says State employees "...shall not be assigned to perform the duties of any class other than that to which his or her position is allocated..."

There's no exception in the Code, or in our MOUs, for employees who may (rightly or wrongly) be under administrative review.

They can't just stick you in the mail room either. If they don't have work for you *in your trade* during an investigation they have to send you home on paid administrative leave.

At Coalinga State Hospital, management had temporarily assigned an Electrician to the Food Services department, so I grieved it. The grievance was about to be arbitrated when the State contacted us with a settlement offer. Why? Because they couldn't find contract or code language to back their position. At first they said, "OK, you win, but let's split the cost of the arbitration cancellation. And by the way this settlement will be non-precedential and non-citable [so it can't be used to win other grievances]."

We agreed to the part about us winning, but the State paid the entire cancellation fee, and the case *is* precedential and citable—we will definitely use it to win other cases.

Bottom line: You are only supposed to perform the work you were hired for, even if you are under investigation. If they can't find in-class work for you to do, they have to put you on paid ATO.

John Veen, Local 39