

# INTERNATIONAL UNION OF OPERATING ENGINEERS

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

## **IUOE Local 501 Saves Unit 12 Member from a 36 Month Wage Reduction, IUOE Local 39 Files Cease and Desist Letter with Prison Industry Authority, 11/2/2017**

This is what unions do. We negotiate fair and equitable contracts and protect our members from unjustified discipline. In this particular case, one of our members was accused of inexcusable neglect of duty, willful disobedience, misuse of state property, and other failure of good behavior.

She was driving a culinary truck for CDCR and had received no training on ensuring the height clearances were sufficient for trucks to pass or any other training about safety requirements when operating this particular culinary unit truck. Her classification of Materials Store Supervisor I does not even require a drivers' license nor does it require an employee to drive any type of vehicle other than a forklift.

A Correctional Supervising Cook, who was in the truck with her at the time of the accident, told our member that in order to get to her destination she would have to take a certain route that she had never driven before. It was through an underpass tunnel with a vertical clearance of 10 feet, 5 inches. After moving forward toward the underpass tunnel and while she was moving at a slow rate of speed, the refrigeration unit struck the underpass tunnel.

Our member's supervisor instructed our member to take that route and never warned her of the truck clearance issues associated with that particular tunnel. This was not a truck that she normally drove.

After hearing the case the State Personnel Board Administrative Law Judge ordered that the salary reduction taken against our member be revoked and that the Department pay her all back pay and benefits.

### **PIA Cease and Desist:**

On October 23<sup>rd</sup> IUOE Local 39 sent a cease and desist letter to PIA over a unilateral change in revising a job announcement.

In the description of the job announcement for a Building Maintenance Worker the PIA incorporated several job duties from the higher level classification Maintenance Mechanic. This is not the first time that PIA has been in violation of government code section 19818.8 that states: A person shall not be assigned to duties of any class other than that to which his or her position is allocated.

If the PIA fails to cease and desist, an Unfair Labor Practice charge will be filed.