

INTERNATIONAL UNION OF OPERATING ENGINEERS

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

IUOE Local 501 hits a Grand Slam against CDCR – October 2, 2019

Several years ago, the California Department of Corrections and Rehabilitation (CDCR) began downsizing the number of Unit 12 and 13 staff at the institutions due to AB 109.

AB 109 was the bill signed in to law by then Governor Brown requiring the release of non-violent offenders and a reduction in the prison population. Even though the workload was still the same for our Unit 12 and 13 members, the CDCR reduced the number of employees anyway.

As a result, CDCR through attrition did away with the Automotive Equipment Operator (AEO) classification in most of the institutions. The job of an AEO is to deliver goods throughout the institution and requires a valid California Driver's license and the ability to drive vehicles, vans, and small trucks. CDCR eliminated most of these positions and reassigned the duties to the Material and Stores Supervisors (M&SS's).

The problem with this reassignment of duties is that the M&SS's already had a full workload to begin with and more importantly, their job classification does not require them to have a driver's license or to drive vehicles of any kind.

The Union objected to this reassignment at CIM and filed a grievance which was denied by CDCR and then later arbitrated by a neutral third-party arbitrator. The Union won the arbitration, but the State failed to acknowledge the award. The State challenged the arbitrator's award in court and lost.

On August 16, 2019, the Superior Court in San Bernardino County granted our petition and confirmed the arbitrator's decision.

For now, CDCR believes that this decision only applies to CIM. We are working with our attorneys to have it apply to all of the CDCR institutions.

UNION STRONG!

Steve Crouch
Director of Public Employees

Memorandum

Date: September 26, 2019

To: Mona Houston, Warden (A), California Institution for Men

Subject: **ISSUES REGARDING DUTIES OF CIM MATERIALS AND STORES SUPERVISORS I (M&SSI) – ARBITRATION AWARD PRECLUDES MSSSI AT CIM FROM DELIVERY OF SUPPLIES AND MATERIALS THROUGHOUT THE PRISON FACILITY**

On August 30, 2019 the Office of Labor Relations received notice of an order from the Superior Court of the State of California, County of San Bernardino, dated August 16, 2019. The Court confirmed the arbitration award CalHR case # 15-15-0061, dated July 1, 2017.

The arbitrator ordered CIM to take the following action: *The Department is ordered to promptly cease and desist from assigning improper classifications (M&SSI) to perform the work of transporting and delivering of supplies and materials throughout the prison facility.*

Out of an abundance of caution, CIM management shall NOT assign any driving or delivery duties to the MSSSI classification. CIM management shall direct all employees in the MSSSI classification that they shall not operate a motor vehicle for any purpose in relation to their job functions as an MSSSI (except use of a personal vehicle for regular commute activities only).

Please ensure a copy of this memorandum is provided to all supervisory staff having oversight over MSSSIs at CIM, as well as the MSSSIs. Please ensure each supervisor and MSSSI signs an 844 noting receipt of this memo as on-the-job training.

As a best practice, this memo should be provided to new staff and reiterated on an annual basis.

If you have any questions, contact Payden Martin, Labor Relations Specialist, Office of Labor Relations, at (916) 322-9999.



CANDACE MURCH
Chief
Office of Labor Relations

cc: Robert Burton, Associate Director (A), Reception Centers Mission