What’s in Your Wallet?

by David Meske

How much an hour will you be making in July if the California State Budget is not passed? Legally, you’re only entitled to the Federal minimum wage of $5.15 per hour unless you work overtime – then you’re entitled to your full base salary and the overtime you earned. Without overtime, you will only be earning minimum wage until the budget is passed. For the unlucky few that are exempt from overtime, you won’t get paid at all until the budget is passed. Not something to look forward to when you have to pay those high energy costs this summer.

State controller, Steve Wesley, may end up being sued for doing this, but he says he’s going to pay all state workers their normal salaries if there is a budget impasse. Its nice to know that the guy in charge of our paychecks is a nice guy, but there are liberal groups out there that are determined not to let the state pay us because of the political dissidence in Sacramento.

State employees are fighting back and our voice is being heard. The solutions are AB 1535, an assembly bill that will appropriate funds to pay state employees if a budget isn’t passed, and a voter initiative, called the Budget Accountability Act, which will amend the state constitution to help eliminate the gridlock of passing a budget by requiring only 55 percent vote to adopt the budget and other related tax legislation. Currently, only California, Rhode Island and Arkansas require a two-thirds vote to pass a budget.

In addition, if a budget can’t be passed with a 55 percent vote, the Budget Accountability Act will require the Legislature to remain in session and prohibits lawmakers from acting on other legislation until the budget is adopted. Until the budget is passed, the governor and legislature will forfeit their salaries, per diem expense allowances, and car allowances. Finally, making our lawmakers accountable to the job we voted them in to do.

Also look for petitions coming soon for the Budget Accountability Act voter initiative. Six-hundred thousand signatures will be needed by August 19th to put this on the March 2004 ballot.

Last Second Update

AB1535 died in the Appropriations Committee
At the recent Division Council Legislative Committee meeting, committee members recommended and Division Council members approved a number of legislative proposals to be submitted to CSEA Government Affairs for consideration.

First of all, I want to thank all of you for sending in your proposals. I received some 20 recommendations – twice as many as last year!

The criteria used to determine which legislative proposals would be approved for potential bills was based on a number of factors with regard to the legislature, particularly the budget crisis. Next year, with new members and a budget crisis, the focus will be entirely on getting a balanced budget. Keeping that in mind, the committee approached the proposals from a very realistic perspective. Last year, our bills that required funding were defeated. So we took issues that were narrow in scope, have very little fiscal impact, did not require major policy changes statewide, and were not a collective bargaining issue.

Here is the list of CSEA/CSU legislative proposals for 2003.

1. Bully in the Workplace. Some fiscal impact. Provides protection and imposes sanctions for employees who are bullied in the workplace. Currently there is no resolution to employees who are bullied by their boss. Our proposal would outlaw this practice and provide some legal and financial relief to an employee who can prove damages as a result of being bullied.

2. Discovery. This proposal was from last year. Cost is minor. It would strengthen language in the California Education Code regarding gathering information for State Personnel Board (SPB) hearings. Existing language is weak, allowing a loophole for the CSU to avoid being totally forthcoming in providing evidence for our members who have a case before the SPB.

3. Reasonable Accommodation. This allows for our union to appeal to the SPB when our member has been denied reasonable accommodation when he or she can no longer perform their job duties due to a medical condition and the CSU is unwilling to provide an alternative position.

4. Forced Disability Retirement. Requires the CSU to provide financial support for an employee who has been forced into retirement and is awaiting CalPERS to approve the retirement. Civil Service provides support during this transition, which can take months.

5. Rural Health Care Subsidy. Reintroduces the rural health care subsidy bill, which passed the assembly and senate but was held back from being sent on to the governor because there was a cost associated with it. Civil Service already has such a provision in the law.

6. Contracting Out. Reintroduce the contracting out bill from last year, to prevent the CSU from giving bargaining unit work to contractors.

7. Budget Issue. Not necessarily legislation, but we support changing the existing CSU budget block back to a line item budget. This would make the Chancellor’s office much more accountable to the legislature and the people for its funding priorities and expenditures.

(continue on page 3)
Worker’s Compensation: What to do when you’re injured on the job.

by David Meske

Probably the most important thing you can do prior to a work-related injury is to inform the Human Resources office of your designated primary physician. Your primary physician doesn’t have to be a medical doctor; they can be a chiropractor or an acupuncturist. This is specified in California labor code section 4601.

The most important thing to keep in mind is that if you’re injured on the job, you want the doctor treating you to be working in your best interests and not your employer’s. Just like HMOs, worker’s comp doctors and adjusters are about saving money for themselves and the employer, not about giving you the best treatment you need for your injury.

Though you, CSU and CSEA work hard to make sure you work in a safe environment, injuries and accidents do happen. If you’re injured on the job, notify your supervisor immediately.

If you’re injured and not able to return to work, you will need to use sick or vacation time for the first 3 days except in cases where the injury causes disability of more than 14 days or necessitates hospitalization. On the fourth day, you will start receiving full pay through Workers’ Compensation Temporary Disability or Industrial Disability Leave for 22 days. After that, your benefits will include two-thirds of your salary for up to one full year while temporarily disabled.

What is an injury?

* An injury or illness may be “physical” or “mental” in nature. Such an injury may be an occupational disease.

* An injury is “specific” if there is one incident or exposure in the workplace that causes a physical or mental injury.

* An injury is “cumulative” if there are repetitive traumatic activities in the workplace which extend over a period of time.

What to do when you are injured:

* Notify your supervisor immediately. Report all incidents promptly.
* Obtain good medical treatment for all injuries, even first aid treatment for a minor injury.
* Keep your supervisor informed of the physician’s advice concerning your ability to work.
* Return to work only after it is medically feasible and the physician has released you to return to work.
Lobby Day at Capitol
May 28
by Anne Black

I will be participating as a CSU Division representative at the CSEA Lobby Day in Sacramento on May 28. As a neophyte, I am looking forward to many aspects of that day: preparing by learning as much as I can about the issues we will be promoting, meeting or becoming reacquainted with CSEA leadership, and meeting our State legislators and advocating for our causes.

The 2 bills that I have been told we will be discussing with lawmakers are AB 1253, a Golden Handshake bill, and AB 1535, providing for compensation of state employees, both of which were introduced by Assemblyman Bermudez. The first bill grants an additional 2 years of service credit to employees who retire within a certain period, upon agreement to several other requirements.

The second bill requires “the payment of state employee compensation and benefits under circumstances where a state budget has not been enacted.” The bill also requires that it take effect immediately. At this point, full compensation to state employees is in jeopardy in the event that a State budget is not passed, because of a decision by the 2nd District Court of Appeals in May 2002. This decision said that Fair Labor Standard Act employees are only entitled to minimum wage pay in the event a budget is not in place, and that employees exempt from FLSA are not entitled to any salary in the absence of a budget. The state Supreme Court is to rule on the appeal.

You can find more detailed information on each of these bills at www.leginfo.ca.gov, including the texts of the bills, analyses, and committee votes. Please contact me at ablack@csub.edu or ext. 5026 if you have questions or concerns about Lobby Day.

Next issue: My experiences with CSEA Leadership and Legislators.
Early Retirements: Will CSU Shake Hands This Year?
by David Meske

Many of you have been wondering about the possibility of receiving an incentive to retire early this year, a golden handshake as it is called. You may have been a little disappointed that the CSU didn’t voluntarily participate in the program offered by Governor Davis last year. However, last year’s offer was part of an executive order by Davis that gave an additional 2 years service credit for those state departments that voluntarily participated and could prove future cost savings up front. Fewer than 200 state workers were able to take Governor Davis up on his offer.

Though there are no guarantees, this year looks more promising. Rather than an executive order from Davis, there are five legislative bills being sponsored to provide a golden handshake to state workers. These bills vary in the incentives that they provide, but let’s hope that one of them is passed by the Legislature and signed by the Governor.

The golden handshake bill that CSEA is sponsoring is AB 1253 (Bermudez), which provides an additional 2 years of service credit. As of May 30th, this bill is on the Assembly floor.

Fair Share Payer or Member?
by David Meske

If you’re asking this question, you’re not alone. This question is asked more than you think.

A few years ago, legislation was passed that allowed CSEA to collect fair-share fees from CSU employees that were represented by CSEA, but were not members. These fair-share fees are equivalent to 95% of the dues paid by members. This was done to lift the burden of CSEA members that financially supported and bargained for the benefits for everyone represented by CSEA regardless if they were a member or not. The increased revenue has funded the desperately needed increase in legal and labor representation staff for the 23 campuses. The increase in staff has allowed CSEA to better represent CSU employees in units 2, 5, 7, & 9 at the bargaining table as well as provide labor representatives for each campus to assist in labor disputes and provide labor law expertise.

The best way to determine if you are a CSEA member or not is to look at your pay stub. In the deductions column, if a line is labeled FS-CSEA, then you are not a member, but are paying fair share fees. If the line is labeled Dues-CSEA, then you are a member.

If you are not a member, we urge you to become a member today. The cost difference is minimal. For most employees it would be an extra dollar or two each month. In return, you will have a voice in your union, be able to vote on the contract bargained with the Chancellor’s office, be represented in non-contractual disputes, and receive many other benefits.

To become a member, fill out the membership application on the last page of this newsletter and mail it to the address listed.

For more information on CSEA and your local chapter...

Visit our new web site at
http://www.csub.edu/csea310
Fund Education, Not Flawed Software, says Union
CSEA asks for Budget, Whistleblower and Job Protections

CSEA Press Release   April 3, 2003   For further information contact:  David Roth (916) 326-4312

Sacramento — In the wake of the computer fiasco rocking the California State University (CSU), the California State Employees Association (CSEA) today called for protections against retaliatory budget cuts that could further damage higher education and safeguards for whistleblowers and state information technology (IT) workers.

The fiasco erupted March 11 after a report by the Bureau of State Audits blasted the university’s plan to overhaul the IT infrastructure at its 24 campuses. The report, prompted by the union’s CSU Division, found that the plan, known as the Common Management System (CMS), was riddled with apparently false projections on cost, need, functionality and payoff, as well as serious data security problems.

The security concerns, which focus on the ease of searching personal data through CMS, have sparked outrage among students, faculty, staff and alumni, who fear that they will now become victims of identity theft — the fastest growing crime in America. The CMS database contains data on 550,000 people – double the number exposed last year by the break-in at the state’s Teale Data Center in Sacramento.

At $662 million, the CMS project is the largest IT undertaking in California history. It is more than $200 million over budget, according to the bureau’s report. CSEA, which represents 16,000 CSU support staff, the California Faculty Association, representing 20,000 CSU faculty, and other CSU unions have called for a suspension of funding for the CMS project pending the outcome of legislative hearings.

“This is money that should go to student services – not to a dubious IT project,” declared CSEA President Perry Kenny. “If this project isn’t stopped or substantially scaled back, education, which is already imperiled, will suffer even more.” So will jobs.

One piece of the CMS is a centralized data center located in Utah. It threatens to displace up to 100 state workers and shift an estimated annual payroll of $6 to $8 million out of the state at a time when California is facing its worst-ever budget crisis and, possibly, a layoff of more than 1,000 employees.

“Without guarantees against retaliation,” Kenny warned, “whistleblowers will be reluctant to step forward.” That could stymie the Joint Legislative Audit Committee’s (JLAC) hearings on CMS which begin April 3rd.

“Whistleblower protections at CSU are not as strong as they are in state civil service. CSEA is seeking legislative changes to protect CSU whistleblowers,” Kenny added.

CSEA is discussing these concerns with CSU administrators and with Sen. Richard Alarcón (D-San Fernando Valley), who is co-chair of the JLAC, and with Assemblyman Manny Diaz. Both legislators are vocal critics of CMS.

The union is also supporting legislation that seeks to make the CSU accountable to the state legislature for contracting of information technology projects. Currently the CSU is only accountable to its board of trustees.

“The lack of accountability and transparency,” said Kenny “is the root of the state’s IT spending problem.”
Bargaining Update ...

CSEA has submitted its initial proposal to the CSU regarding salary and benefits on behalf of CSEA-represented employees in bargaining units 2, 5, 7, and 9. The following is a summary of CSEA’s bargaining proposals:

* three percent (3%) general salary increase
* no increases in parking fees
* $500 rural health care subsidy for eligible employees without access to HMOs
* improvements in language regarding in range progressions and stipends
* hazard pay for employees dealing with hazardous substances
* timely payment of wages
* merit salary increases to all employees with satisfactory performance
* public transit incentives
* an annual accounting of CSU spending for compensation and benefits

Bargaining dates:
June 3, 4, 5, 2003  Sacramento Campus
June 18, 19 & 20, 2003  Dominguez Hills Campus
July 29, 30 & 31, 2003  Hayward Campus
August 19, 20 & 21, 2003  Chancellor’s Office
September 3 & 4, 2003  Chancellor’s Office

Meet & Confer dates:
June 11, 2003  Los Angeles, Contracting Out (reprographics and print shop)
June 17, 2003  Hayward, Layoffs (Unit 5 & 7 positions)

Legal Updates as of May 30, 2003

AB 1253 (Bermudez)  Golden Handshake Bill for CSU employees  On Assembly Floor

AB 1535 (Bermudez)  Fund State Employee Salaries if no budget is passed  Died in the Appropriations Committee May 29th

AB 1582 (Koretz)  Whistleblower Protection for CSU Employees  In Labor and Employment Committee

AB 908 (Chan)  Temporary Disability allowance for CSU Disabled Retirees  In Public Employment & Retirement Committee

AB 491 (Diaz)  State oversight on CSU IT procurements over $250k  On Assembly Floor

For more information on CSEA and your local chapter...
Visit our new web site at http://www.csub.edu/csea310
Make a Difference!

Join Today!

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Chapter

Social Security No. Last Name First Name Initial
Number and Street City Zip Code
Employed by $ Department or Campus work location Room No.
Classification Monthly Salary Business Phone Home Phone

Recomber Name 

Recomber's Name

I hereby apply for membership in the California State Employees Association (CSEA) and hereby agree to abide by the CSEA Bylaws and Policies, including those of its bylaws (collected as the “Policy File”). In becoming a member, I authorize CSEA to establish with the appropriate entity the withholding from my pay or retirement allowance of CSEA dues and any benefit deductions. I understand that my membership rights are set forth in the Policy File, which is subject to amendment by CSEA, and are affected by applicable labor contract(s) (a Memorandum of Understanding or “MOU”) between CSEA and the State of California or the California State University, and a copy of the Policy File and applicable MOU are always available to me by contacting CSEA Headquarters, 1108 O Street, Sacramento, California 95814. Should an applicable MOU provide for the maintenance of membership, I understand that I must remain a member for the duration of the MOU, except that I may terminate membership during the last thirty (30) days of each MOU. Unless instructed to the contrary below, CSEA is hereby further authorized to withhold from my pay or retirement allowance an additional $2.00 per month for CSEA’s non-partisan political activity.

By writing my initials in this box I instruct CSEA not to withhold an additional $2.00 per month for political activity.

Signature: ____________________________ Date: ____________________________

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this document when printing or photocopying.

After completing the application, mail it to:
CSEA Member Services
1108 O Street
Sacramento, CA 95814