

FEBRUARY 2010

Behind the Wire



Prison educators rally to protect jobs at the State Capitol in December

Layoffs delayed after member uncovers possible CDCR fraud

Local 1000 lawsuit asks program cuts be put on hold

After winning a 30-day delay in the layoff of 800 prison teachers, Local 1000 will ask a judge on Feb. 24 to put the governor's educational program cuts on indefinite hold.

The lawsuit asks Superior Court Judge Peter Busch to issue a preliminary injunction to stop the massive cuts in rehabilitation programs ordered by CDCR officials, asserting program reductions violate numerous laws.

"They screwed up and they tried to cover it up."

—Don Wiley

Vocational Teacher, Chuckawalla Valley State Prison

The court hearing will follow a dramatic turn of events in which more than 200 educators who had received illegally backdated layoff notices worked with Local 1000 to file grievances – forcing CDCR administrators to delay the layoffs until the end of February.

Don Wiley, who was scheduled to be laid off as a vocational teacher at Chuckawalla Valley State Prison in Blythe, brought his layoff letter to postal officials after he received a 30-day layoff notice on Jan. 8. Postal inspectors determined that although the letter's "meter date" was Dec. 31, it had not actually been mailed until Jan. 6 — an apparent violation of federal law.

"It was pretty obvious what they had done — they screwed up and they tried to cover it up," Wiley said. "I'm convinced that someone in CDCR ordered their staff to pre-date all of these envelopes even though they couldn't mail them for another week."

Hundreds of members filed grievances as a result. "Don's discovery was the catalyst that sent members all over the state into action," said Cindie Fonseca, chair of Bargaining Unit 3. "With all those grievances in hand, we were able to force CDCR to back off."

Do you have questions about layoff issues?

Call the Local 1000 Resource Center

866.471.7348 (SEIU) • Mon. - Fri. 7 a.m. to 7 p.m.

New law lets offenders out early, but CDCR has "no transition plan"

Local 1000 members are urging the state to provide workers with an effective plan to implement a new state law – SB 18 (3X) – that will dramatically reshape prison rehabilitation in California.

The new law, which took effect at the end of January, allows inmates to earn up to six weeks of good time off for participating in educational and/or rehabilitation programs. The law, which will divert thousands of offenders from state prison, will result in thousands of inmates enrolling in classes so they can get out of prison early.

"This is going to change things in a lot of prisons. The department really needs a transition plan so we know how to implement this new law."

—Cindie Fonseca

Chair, Bargaining Unit 3

But so far, many educators and correctional case records analysts have not had adequate time or training to prepare for the changes. The new law also takes effect as about two-thirds of the prison teachers are scheduled to be laid off, which is causing chaos in prison education programs.

"The department has no clear transition plan," said Cindie Fonseca chair of Bargaining Unit 3. "This is going to change things in a lot of prisons. But prisons don't do well with change. The department really needs a transition plan so we know how to implement this new law."

Resource Center

Monday-Friday
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Prison outsourcing plan puts profits before public safety

Gov. Schwarzenegger is floating some bizarre and possibly illegal proposals to turn large parts of the prison system over to private companies, including outsourcing thousands of inmates to Mexico. Local 1000 has joined a growing coalition of law enforcement, civil rights and crime-victim groups in opposing the experiment.

The proposals to send prisoners to other states, to Mexico or shoddy private prisons are designed to save the cash-strapped state money at the expense of public safety and our members' jobs.

“Outsourcing may appear cheaper but only because contractors cut corners. Recidivism will increase ... leaving the general public less safe.”

—Robyn Sherles, Chair, Bargaining Unit 15

But the savings may prove illusory. Almost every major governmental study on private prison cost savings has found that the data is either inconclusive or that the savings from privatization are negligible.

“Private prisons may cost more in the long run,” said Robyn Sherles, chair of Bargaining Unit 15. “Outsourcing may appear cheaper but only because contractors cut corners and put profits ahead of public safety. Recidivism will increase under the governor’s plan leaving the general public less safe than before.”

Moreover, the governor’s proposal to send thousands of immigrant inmates to prisons in Mexico would potentially violate state and federal law. That scheme also raises public safety concerns given the long history of bribery in Mexican prisons that has led to the escape of many inmates, including the leaders of violent drug gangs, according to a new report by the Citizens Institute of Studies about Security in Mexico.

The true extent of problems in private prisons is difficult to ascertain because the outsourcing contractors are not held to the same information reporting standards as public institutions, according to a study by the federal General Accounting Office (GAO) in 2007.

“A methodologically sound cost comparison analysis of (federal Bureau of Prisons) and private ... facilities is not currently feasible,” the GAO reported.

Gov’s pay cut proposal illegal

Unilateral pay cut violates state law & U.S. Constitution

The governor’s plan to cut state worker salaries by 5 percent is illegal if unilaterally implemented, and Local 1000 will sue if he tries to push it through, SEIU Local 1000 President Yvonne Walker said.

“Once again, the governor is trying to circumvent the collective bargaining laws,” said Walker. “It is illegal under state law and the U.S. Constitution for the governor to change our compensation while we are under contract. If the governor doesn’t get it, we will sue him again, and we will win again.”

The governor’s proposed budget includes provisions for a permanent 5 percent pay cut to begin July 1. His pay cut proposal would increase to 10 percent if the state is unable to secure \$9 billion in federal bailout revenues – a scenario that federal officials and the non-partisan Legislative Analyst’s Office (LAO) say is unlikely.

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—Yvonne Walker
Local 1000 president

In addition, Gov. Schwarzenegger wants a 5 percent increase in worker contributions to CalPERS – another change that would be illegal if unilaterally implemented.

The governor’s proposed pay cuts were met with skepticism by many elected officials including Senate President pro Tem Darrell Steinberg. The LAO issued a report last week cautioning the governor against adopting a fiscal plan that is certain to be challenged in court by Local 1000 and other employee unions.