

Brown drops minimum wage lawsuit

Local 1000 secures second legal victory in two weeks

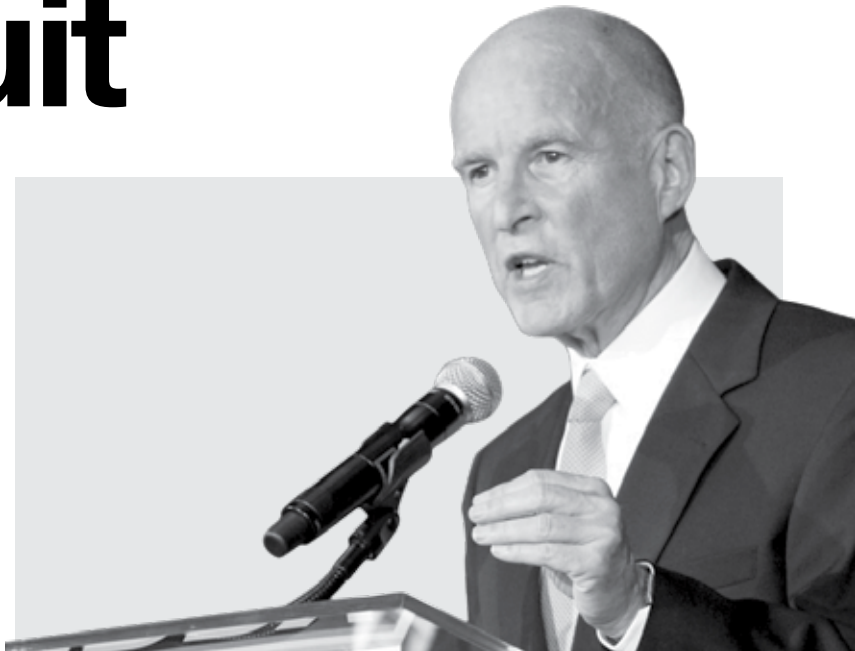
For the second time in two weeks, Gov. Jerry Brown has dropped an Arnold Schwarzenegger legal attack on state employees, this time, stopping the imposition of minimum wage in the event no budget is agreed upon by lawmakers.

In papers filed with Sacramento Superior Court last week, Brown's attorneys agreed to drop a lawsuit in which Schwarzenegger tried to force State Controller John Chiang to reduce state employee pay checks down to federal minimum wage last year after the Legislature could not come to a budget agreement.

"We applaud Jerry Brown for seeing that this lawsuit was a waste of time and taxpayer money," Local 1000 President Yvonne Walker said. "The effort to impose minimum wage was never about the budget. It was a political move that used state workers and their families as pawns."

Chiang refused to cut state employee pay, citing several legal arguments. One issue that Chiang's lawyers asked the court to decide was whether the state's antiquated payroll system could implement Schwarzenegger's order in a legal fashion.

"I am pleased and thankful that Gov. Brown saw this litigation as a frivolous waste of hard-earned tax



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—Yvonne Walker
Local 1000 President

dollars that should be dedicated to fixing our schools, protecting our communities and rebuilding our infrastructure," Chiang said in a statement.

Chiang's experts said it was not possible to carry out Schwarzenegger's order. In court papers, Brown's attorneys conceded that independent experts hired last fall by the Department of Personnel Administration agreed with Chiang's experts that "the legacy payroll system in place in 2010 was not capable of compliance with (Schwarzenegger's) pay letter" ordering minimum wage.

"Gov. Brown saw that his predecessor's order could not be legally implemented and agreed to drop this costly legal battle," Local 1000 attorney Brooke Pierman said.

Even if the courts had decided differently, Local 1000's current contract prevents Brown from imposing minimum wage.

SCIF back pay victory

The minimum wage win comes on the heels of Brown's earlier decision to drop Schwarzenegger's appeal of a Superior Court ruling awarding 6,000 members at the State Compensation Insurance Fund (SCIF) back pay for illegal furloughs. Shortly after his inauguration, Brown determined that the back pay—already received by SCIF employees—would have no impact on the current budget deficit.

MEMBER PROFILE

John Kern

Prison educator works as passionate union activist



Fighting for fellow state workers

John Kern is proud of the 26 years he has spent working in state prison—as an educator and union member. In that time, he’s gone from a dedicated teacher to a passionate Local 1000 activist.

“It’s an honor to be part of a team that gives the gift of education to those who need it most,” said Kern, who last year became chair of the Bargaining Unit 3 educators and librarians. “It’s an even greater honor to represent state workers who provide that vital service.”

“We face challenges inside the classroom every day, but lately things have been challenging for us in the Capitol,” said Kern. In 2011, Kern has personally testified in seven budget hearings on behalf of Local 1000 members, especially those affected by the proposed closure of the Division of Juvenile Justice.

Ex-convict student success

Kern began his career in 1985 at Soledad State Prison where he ran a vocational program teaching more than a thousand inmates landscaping and horticulture skills.

“I’ve had numerous former students who started their own landscaping companies and became quite successful after their release,” Kern said.

Despite the success of Kern’s former students, CDCR eliminated landscaping instruction and a number of other vocational programs. Last March, Kern became one of nearly 800 educators who lost their positions and was laid off.

Budget battles ahead

Kern was quickly rehired in Ventura, but he has been spending most of his time advocating on behalf of fellow educators, first as a member of the Unit 3 bargaining team and then as bargaining chair. His testimony at the Capitol is focused on trying to save educational programs at prisons and other institutions as the state grapples with a \$26 billion deficit.

“We save the state money—the education we provide helps people become productive members of society,” Kern said. “But we need to constantly remind legislators, government officials and the general public of the importance of what we do. Otherwise we will continue to see education cut further and further.”

Members track & testify on gov’s spending plans

As the state Legislature considers deep program cuts and wide-ranging restriction of state services, Local 1000 members and staff are aggressively working at the Capitol to protect our wages, health benefits and retirement security.

So far, there have been more than a dozen instances where members have testified on behalf of state workers during budget hearings at the Legislature, mainly before budget subcommittees of each house.

“We’re doing our part to shape this process by offering practical solutions that also protect our members as much as possible.”

—Margarita Maldonado,
Chair, Bargaining Unit 1

Their efforts are part of a broader campaign that includes private meetings with elected officials and legislative staffs, as well as the governor and his senior staff.

“It’s absolutely critical that we engage in the process and keep track of everything before the Legislature,” said Margarita Maldonado, chair of Bargaining Unit 1. “There is enormous pressure to make deep cuts, and we’re doing our part to shape this process by offering practical solutions while protecting our members as much as possible.”

Next week, our efforts intensify as budget committees of the state Assembly and Senate will hold joint hearings on Gov. Jerry Brown’s spending plans.

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