

CUIAB 09/10 Fiscal Year Overtime - SCO Report
 July 2009 through June 2010

Branch	FY Y-T-D Decision Typing		FY Y-T-D CTU Typing		FY Y-T-D Other	
	Hours	Pay	Hours	Pay	Hours	Pay
Appellate	283.75	\$7,467.95	2,287.50	\$68,502.10	3,736.25	\$101,265.00
Admin	415.00	\$13,469.64	691.25	\$26,134.13	2,744.25	\$107,825.40
IT	210.80	\$9,029.00	1,162.25	\$47,901.12	2,244.70	\$99,110.16
Exec	174.00	\$4,985.77	40.75	\$631.63	457.25	\$15,746.23
Field	13,304.20	\$421,326.77	885.00	\$16,749.21	29,025.25	\$867,081.73
EDD	643.00	\$11,677.76	859.11	\$17,785.60	532.99	\$11,770.70
Total	15,030.75	\$467,956.89	5,925.86	\$177,703.79	38,740.69	\$1,202,799.22

Branch	Fiscal Year-to-Date Total Overtime Expenditures				FY 09/10 FY Expenditures	
	09/10 FY Allocation	Board Augmentation 1/26/10	Year-to Date Hours	Year-to Date Pay	Allocation Balance	Expenditures Over-/Under
Appellate	\$32,537.00	\$161,538.00	6,307.50	\$177,235.05	\$16,839.95	\$16,839.95
Admin	\$30,324.00	\$126,047.00	3,850.50	\$147,429.17	\$8,941.83	\$8,941.83
IT	\$43,733.00	\$121,376.00	3,617.75	\$156,040.28	\$9,068.72	\$9,068.72
Exec	\$5,720.00	\$6,753.00	672.00	\$21,363.63	-\$8,890.63	-\$8,890.63
Field Operations	\$628,767.00	\$773,845.00	43,214.45	\$1,305,157.71	\$97,454.29	\$97,454.29
EDD	\$0.00	\$65,691.00	2,035.10	\$41,234.06	\$24,456.94	\$24,456.94
Total	741,081.00	\$1,255,250.00	59,697.30	\$1,848,459.90	\$147,871.10	\$147,871.10

APPEALS BOARD POLICY STATEMENT #1

SUBJECT: TRANSFERS

PURPOSE

The purpose of this Policy Statement #1 is to allow California Unemployment Insurance Appeals Board (Appeals Board) employees transfer opportunities, without a change of classification, between office locations in an attempt to meet the desires of employees and the needs of Appeals Board.

POLICY

It is the policy of the Appeals Board to administer an equitable transfer program for all employees who desire a formal transfer between office locations of the Appeals Board. The prime consideration in granting transfers must always be the needs of the Appeals Board in fulfilling its responsibility to provide fair hearings and due process to parties who come before its Administrative Law Judges (ALJ's) for hearings. Within these parameters, priority will be given to employees seeking transfer in accordance with the guidelines set forth herein.

PROCEDURES

- A. Each request for transfer shall:
 - 1. Be in writing;
 - 2. Be signed and dated;
 - 3. Identify a specific office(s) to which transfer is requested; and
 - 4. Explain in detail the circumstances if the requested transfer is for reasons of hardship.

- B. The Personnel Services Office shall maintain the Appeals Board's Transfer Request List.

- C. Transfer and other requests shall be addressed to the Personnel Services Office, which shall provide a copy to the approving authority.

- D. All requests for transfer shall be acknowledged by the Personnel Services Office within ten (10) days of receipt. The date of the acknowledgement shall be the controlling date for purposes of determining priority where date of request is the governing criteria.

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APPROVING AUTHORITY

- A. The Division Chief is the approving authority for requests for transfers between cost centers within his/her division.
- B. The Chief ALJ/Executive Officer is the approving authority for requests for transfer by ALJ II's, all employees classified at or above the level of supervisor, and for all requests for transfer that would require assignment between divisions.
- C. The Board Chair shall be advised of all transfers.

TRANSFER PRIORITY

- A. **Professional Staff**: The date of the acknowledgement by the Personnel Services Office will determine all professional staff's priority for transfer to a vacant position.
- B. **Presiding ALJ's**: Presiding ALJ's may choose to request a transfer as a Presiding ALJ or as an ALJ. Requests to transfer as a Presiding ALJ shall be kept confidential and held by the Chief ALJ, Field Operations, if so requested.
- C. **Support Staff**: Priority for transfer for support staff will be determined on the basis of the length of service, by classification, with the Appeals Board.
- D. **Exception**: The approving authority may disregard the transfer list and grant a transfer in the following circumstances:
 - 1. When the best interest of the Appeals Board would be served by the transfer of another individual; or,
 - 2. For reasons of employee hardship.

In the event of an exception transfer, the approving authority shall advise, in writing, the individual standing number one on the transfer list.

CONDITIONS AND LIMITATIONS

- A. **Probationary Employees**: Transfer requests will not be accepted from probationary employees, except for reasons of hardship.

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- B. Waiting Period: A transfer request may be made only after completion of one year in the office to which the employee has been assigned, except for reasons of hardship.
- C. Number of Location Requests: Only two valid location requests from the same employee shall be on file at any one time. In Sacramento the following are separate locations for the purpose of this Policy Statement #1: The Sacramento Office of Appeals, Appellate Operations, Chief's Office, Executive Office, Information Technology Services, Personnel Services, Business Services, Regional Support Unit, Regional Support Tax Unit, and Central Transcription Unit (CTU).
- D. Waiver: An employee offered a transfer by the approving authority to a requested office may waive the offer once and retain his/her status on the Transfer Request List. An employee wishing to waive a second offer made by the approving authority must relinquish the present standing on the Transfer Request List, and can reestablish eligibility only as a new transfer request. All waivers shall be in writing and follow the Procedures section of this Policy Statement #1.
- E. Inactive Status: An employee may, at any time, request to be placed on an inactive Transfer Request List for one or both of the requested offices, and retain transfer list status and priority. Such request shall be in writing and follow the Procedures section of this Policy Statement #1.
An employee on the inactive list may request to activate his/her transfer status at any time by notifying the Personnel Services Office in writing, following the Procedures section of this Policy Statement #1.
- F. Automatic Cancellation of Transfer Requests: Approval of an employee's transfer to either of his/her requested offices shall automatically void all other transfer requests the employee may have on file.
- G. Moving and Relocation Expenses: Relocation and moving expenses will not be authorized for transfers that are employee initiated.

Adopted May 17, 2001

ARTICLE 15 – TRANSFER

15.1 Appeal of Involuntary Transfer

- A. The State shall make reasonable efforts to avoid involuntary transfers. An involuntary transfer which reasonably requires an employee to change his/her residence may be grieved under Article 6 only if the employee believes it was made for the purpose of harassing or disciplining the employee. If the appointing authority or the Department of Personnel Administration disapproves the transfer, the employee shall be returned to his or her former position; shall be paid the regular travel allowance for the period of time he/she was away from his/her original headquarters; and his/her moving costs both from and back to the original headquarters shall be paid in accordance with the Department of Personnel Administration laws and rules.
- B. An appeal of an involuntary transfer which does not reasonably require an employee to change his/her residence shall not be subject to the grievance and arbitration procedure. It shall be subject to the complaint procedure if the employee believes it was made for the purpose of harassing or disciplining the employee.
- C. The State shall provide a minimum of sixty (60) days written notice for an involuntary transfer which reasonably requires an employee to change his/her residence.
- D. Employees, who are unwilling to accept the geographical transfer required by their current department, may pursue other options, such as but not limited to voluntary transfer, voluntary demotion, reduced work-time program, authorized partial service retirement, or voluntary retirement or resignation. Such employees who meet the Department of Personnel Administration, State Restriction of Appointments (SROA) definition, shall be considered surplus. The department head or designee shall make job opportunity bulletins and materials available to all eligible surplus employees. Eligible surplus employees shall be permitted to apply and compete for vacant positions of their current class or other classes to which he/she can transfer, pursuant to the SROA Process. Article 16 shall govern employee rights and appeals under these conditions.
- E. With prior supervisory approval, employees shall be allowed a reasonable amount of State paid time to participate in employment interviews associated with the efforts described in paragraph D above.
- F. When a department has two or more employees in a class who are subject to an involuntary transfer which reasonably requires an employee to change his/her residence consideration shall be given for the affected employee's seniority in accordance with Government Code section 19994.2.

15.2 Intentionally Excluded

15.3 Hardship Transfer

The State and the Union recognize the importance of hardship transfers as a way of dealing with Work and Family issues. An employee experiencing a verifiable hardship, e.g., domestic violence, mandatory job transfer of a spouse or domestic partner as defined in Family Code section 297, family illness, serious health condition, injury or death of family members, may request a transfer to another geographic area to mitigate the hardship.

The State shall endeavor to reassign the employee to a comparable or lesser (if comparable is not available) position in the requested geographic area. If the employee accepts a position in a lower paid classification, the State shall endeavor to reinstate the employee to their former classification and comparable salary level.

Transfers under this section shall be considered voluntary and any associated relocation costs shall be subject to the applicable Department of Personnel Administration laws and rules.

A department shall provide in writing the reason(s) for the inability to grant the transfer.

This section is not subject to the grievance and arbitration procedure of this Contract.

ARTICLE 16 – LAYOFF

16.1 Layoff and Reemployment

- A. Application. Whenever it is necessary because of a lack of work or funds, or whenever it is advisable in the interest of economy to reduce the number of permanent and/or probationary employees (hereinafter known as "Employees") in any State agency, the State may lay off employees pursuant to this section.
- B. Order of Layoff. Employees shall be laid off in order of seniority pursuant to Government Code sections 19997.2 through 19997.7 and applicable State Personnel Board and Department of Personnel Administration rules.
- C. Notice. Employees compensated on a monthly basis shall be notified thirty (30) calendar days in advance of the effective date of layoff. Where notices are mailed, the thirty (30) calendar day time period will begin to run on the date of the mailing of the notice. The State agrees to notify the Union no later than sixty (60) calendar days prior to the actual date of layoff. The notice to the Union shall also include the reason for the layoff, the area of the layoff, the anticipated classifications affected, the total number of employees in each affected classification, the estimated number of surplus employees in each classification and the proposed effective date of the layoff.
- D. Grievance and Arbitration. Any dispute regarding the interpretation or application of any portion of this layoff provision shall be resolved solely through the grievance and arbitration procedure.
- E. Transfer or Demotion in Lieu of Layoff. The State may offer affected employees a transfer or a demotion in lieu of layoff pursuant to Government Code sections 19997.8 through 19997.10 and applicable Department of Personnel Administration rules. If an employee refuses a transfer or demotion, the employee shall be laid off.
- F. Reemployment. In accordance with Government Code sections 19997.11 and 19997.12, the State shall establish a reemployment list by class for all employees who are laid off. Such lists shall take precedence over all other types of employment lists for the classes in which employees were laid off. Employees shall be certified from department or sub-divisional reemployment lists in accordance with section 19056 of the Government Code.

14.16 Judicial Assistant

During the term of the Contract, the Department of Personnel Administration, Public Utilities Commission, California Unemployment Insurance Appeals Board and the Office of Administrative Hearings/General Services will meet with the Union to discuss the Union's proposal for the creation of a new classification.

Any decision to create a classification will be done in accordance with section 14.1 of this Agreement.

ARTICLE 15 – TRANSFER

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- B. An appeal of an involuntary transfer which does not reasonably require an employee to change his/her residence shall not be subject to the grievance and arbitration procedure. It shall be subject to the complaint procedure if the employee believes it was made for the purpose of harassing or disciplining the employee.
- C. The State shall provide a minimum of sixty (60) days written notice for an involuntary transfer which reasonably requires an employee to change his/her residence.
- D. Employees, who are unwilling to accept the geographical transfer required by their current department, may pursue other options, such as but not limited to voluntary transfer, voluntary demotion, reduced work-time program, authorized partial service retirement, or voluntary retirement or resignation. Such employees who meet the Department of Personnel Administration, State Restriction of Appointments (SROA) definition, shall be considered surplus. The department head or designee shall make job opportunity bulletins and materials available to all eligible surplus employees. Eligible surplus employees shall be permitted to apply and compete for vacant positions of their current class or other classes to which he/she can transfer, pursuant to the SROA Process. Article 16 shall govern employee rights and appeals under these conditions.
- E. With prior supervisory approval, employees shall be allowed a reasonable amount of State paid time to participate in employment interviews associated with the efforts described in paragraph D above.
- F. When a department has two (2) or more employees in a class who are subject to an involuntary transfer which reasonably requires an employee to change his/her residence consideration shall be given for the affected employee's seniority in accordance with Government Code section 19994.2.

15.2 Intentionally Excluded

15.3 Hardship Transfer

The State and the Union recognize the importance of hardship transfers as a way of dealing with Work and Family issues. An employee experiencing a verifiable hardship, e.g., domestic violence, mandatory job transfer of a spouse or domestic partner as defined in Family Code section 297, family illness, serious health condition, injury or death of family members, may request a transfer to another geographic area to mitigate the hardship.

The State shall endeavor to reassign the employee to a comparable or lesser (if comparable is not available) position in the requested geographic area. If the employee accepts a position in a lower paid classification, the State shall endeavor to reinstate the employee to their former classification and comparable salary level.

Transfers under this section shall be considered voluntary and any associated relocation costs shall be subject to the applicable Department of Personnel Administration laws and rules.

A department shall provide in writing the reason(s) for the inability to grant the transfer.

This section is not subject to the grievance and arbitration procedure of this Contract.

ARTICLE 16 – LAYOFF

16.1 Layoff and Reemployment

- A. Application. Whenever it is necessary because of a lack of work or funds, or whenever it is advisable in the interest of economy to reduce the number of permanent and/or probationary employees (hereinafter known as "Employees") in any State agency, the State may lay off employees pursuant to this section.
- B. Order of Layoff. Employees shall be laid off in order of seniority pursuant to Government Code sections 19997.2 through 19997.7 and applicable State Personnel Board and Department of Personnel Administration rules.
- C. Notice. Employees compensated on a monthly basis shall be notified thirty (30) calendar days in advance of the effective date of layoff. Where notices are mailed, the thirty (30) calendar day time period will begin to run on the date of the mailing of the notice. The State agrees to notify the Union no later than sixty (60) calendar days prior to the actual date of layoff. The notice to the Union shall also include the reason for the layoff, the area of the layoff, the anticipated classifications affected, the total number of employees in each affected classification, the estimated number of surplus employees in each classification and the proposed effective date of the layoff.
- D. Grievance and Arbitration. Any dispute regarding the interpretation or application of any portion of this layoff provision shall be resolved solely through the grievance and arbitration procedure.
- E. Transfer or Demotion in Lieu of Layoff. The State may offer affected employees a transfer or a demotion in lieu of layoff pursuant to Government Code sections 19997.8 through 19997.10 and applicable Department of Personnel Administration rules. If an employee refuses a transfer or demotion, the employee shall be laid off.

3. Where utilities are individually metered to State-owned housing units, the employee shall assume all responsibility for payment of such utility rates, and any increases imposed by the utility company.

13.13 Labor-Management Committee on State Payroll System

- A. The parties agree the State may establish a labor-management committee to advise the State Controller on planned and anticipated changes to the State's payroll system. Topics to be explored include, but are not limited to, accuracy and timeliness of the issuance of overtime warrants, changes in earnings statements, direct deposit of employee pay, and design of and transition to a bi-weekly pay system.
- B. The committee shall be comprised of an equal number of management representatives and labor representatives. In addition, the Department of Personnel Administration shall designate a chairperson of the committee. The CASE may send one representative who shall serve without loss of compensation.

13.14 Appeal of Involuntary Transfer

- A. An involuntary transfer which reasonably requires an employee to change his/her residence may be grieved under Article 7 only if the employee believes it was made for the purpose of harassing or disciplining the employee. If the appointing authority or the Department of Personnel Administration disapproves the transfer, the employee shall be returned to his/her former position; shall be paid the regular travel allowance for the period of time he/she was away from his/her original headquarters; and his/her moving costs both from and back to the original headquarters shall be paid in accordance with the Department of Personnel Administration law and rules.
- B. An appeal of an involuntary transfer which does not reasonably require an employee to change his/her residence shall not be subject to the grievance and arbitration procedure. It shall be subject to the complaint procedure if the employee believes it was made for the purpose of harassing or disciplining the employee.

13.15 No Reprisals

The state shall not impose or threaten to impose reprisals; discriminate or threaten to discriminate against an employee; or take any other action against an employee because of his/her exercise of any rights provided under the Dills Act or this MOU.

13.16 Case and Hearing Workload – Unemployment Insurance Appeals Board

The date, time and number of hearings and cases assigned to employees in Unit 2 working for the Unemployment Insurance Appeals Board shall be determined, and may be changed from time-to-time, by the State (See Side Letter 2).

13.17 Computer Work Stations

- A. The State shall provide instruction in the proper operation and adjustment of computers and workstation equipment. Both parties will encourage employees to properly use computer equipment. The State shall maintain the Computer User's Handbook which will be available to all departments for training purposes.

13.19 Clerical Support

The State recognizes the need to provide clerical support to Bargaining Unit 2 employees and, where operationally feasible and subject to budget constraints, the State will provide such support.

13.20 Undercover Vehicle Equipment, Board of Prison Terms

Each Deputy Commissioner who is assigned a State-owned undercover vehicle by the Board of Prison Terms (BPT), shall also be assigned the following emergency equipment by BPT unless it is already included in the car: a flashlight, first-aid kit, blanket, fire extinguisher and jumper cables. The equipment shall be considered the property of the State.

13.21 Badges

The State shall provide a badge for each Deputy Attorney General, Deputy Labor Commissioner Field Enforcement and Administrative Law Judge with California Unemployment Insurance Appeals Board. Badge size, design and circumstances specifying badge use and purchase will be determined by the State.

13.22 Intra-Departmental Transfers

- A. The parties recognize the value of allowing permanent full-time employees to voluntarily transfer between positions within their respective departments. The parties agree that when a vacancy occurs, management may consider intra-department in-class transfers, among other methods of filling the position, and must post notice of the position to current employees.
- B. Notice Posting
 1. Appointing authorities shall post a notice inviting intra-department, in-class transfers (unless there are no incumbents in the classification that will be used to fill the vacancy).
 2. Notices shall be posted in the same place where job announcements are customarily posted.
 3. Notices shall be posted for a period of no less than seven (7) calendar days before the final date the application must be submitted.
 4. Notices shall at a minimum include:
 - a. The classification of the vacancy;
 - b. A brief description of the duties;
 - c. Desirable qualifications including any special education, training, experience, skills, abilities and/or aptitudes;
 - d. The final date by which applications must be postmarked;
 - e. The place to submit the applications; and

- f. The name and telephone number of a person to contact for additional information.

13.23 Labor Management Program

Upon mutual agreement of the department head or designee and the Union a Labor/Management Committee may be established to address specific or ongoing issues.

Such committees may be established according to the following guidelines:

1. The committees will consist of equal numbers of management representatives selected by the department head or designee and Union representatives selected by the Union.
2. Committee recommendations, if any, will be advisory in nature.
3. Labor/Management Committee meetings shall not be considered contract negotiations and shall not be considered a substitute for the grievance procedure.
4. Employees who participate on such a committee will suffer no loss in compensation for attending meetings of the Committee.
5. Department of Personnel Administration shall encourage departments to establish Labor/Management Committees.

13.24 Professional Development Activities

The State and CASE agree that membership in State Bar committees, local Bar committees and similar professional organizations enhances the knowledge, skills, and abilities which the state's legal professionals provide to their employer as well as enhancing the employee's own career development opportunities. With advance approval, Unit 2 employees shall be permitted up to twenty four (24) hours of professional leave each calendar year without loss of compensation to engage in such professional activities. Professional leave credit shall not carry over from year to year.

13.25 Independent Medical Examinations

- A. Whenever the State believes that an employee, due to illness or injury is unable to perform his/her normal work duties, the State, pursuant to Government Code 19253.5, may require the employee to submit to an independent medical examination at State expense. The medical examination will be separate of any medical services provided under the State's Workers' Compensation Program.
- B. Such examination shall be conducted by a licensed physician or under his/her direction and the cost of the examination shall be paid by the employer.
- C. The purpose of such independent medical evaluations are not to determine the degree of disability the employee has suffered, but rather as to whether illness or injuries sustained restrict the employee from performing the full range of his/her normal work assignment.

- D. If the State, after the independent medical examination, determines that the employee cannot perform his/her normal work assignments, the State shall give the employee the opportunity to challenge the State's medical evaluation by supplying his/her personal medical evaluations to dispute the state's findings.

13.26 Release Time for State Civil Service Examinations

Employees who are participating in a State civil service examination shall be granted reasonable time off without loss of compensation to participate in an examination if the examination has been scheduled during his/her normal work hours and the employee has provided reasonable (normally two working days) notice to his/her supervisor. For the purposes of this section, hiring interviews for individuals certified from employment lists, individuals on SROA lists seeking transfers, or individuals seeking transfers in departments where the department head or designee determines the department is in a layoff mode shall be considered part of the examination process.

Authorized release time for reasonable travel time to and from the examination site may be granted by the department.

13.27 Hardship Transfer

The State and the Union recognize the importance of hardship transfers as a way of dealing with Work and Family issues. An employee experiencing a verifiable hardship, e.g., domestic violence, mandatory job transfer of a spouse or domestic partner as defined in Family Code Section 297, family illness, serious health condition, injury or death of family members, may request a transfer to another geographic area to mitigate the hardship.

The State shall endeavor to reassign the employee to a comparable or lesser (if comparable is not available) position in the requested geographic area. If the employee accepts a position in a lower paid classification, the State shall endeavor to reinstate the employee to their former classification and comparable salary level. Transfers under this section shall be considered voluntary and any associated relocation costs shall be subject to the applicable Department of Personnel Administration laws and rules.

This section is not subject to the grievance and arbitration procedure of this Contract.

13.28 Card Key Replacements

Employees will not be required to pay for an initial key card or to replace inoperable key cards that are necessary to gain access to their workplace when the card is rendered inoperable through no negligence by the employee.

13.29 Performance Appraisal of Permanent Employees

- A. The performance appraisal system of each department may include annual written performance appraisals for permanent employees. Such annual performance appraisals may be completed at least once each twelve (12) calendar months after an employee completes the probationary period for the class in which he/she is serving.