



VIA U.S. CERTIFIED MAIL  
#7005 0390 0005 7226 0868

November 1, 2005

Mr. Steven Bloom  
Assistant Chief Counsel  
State Compensation Insurance Fund  
655 North Central Avenue  
Glendale, CA 91203-1400

**RE: 2<sup>nd</sup> Level appeal of Glendale, Legal Unit B Grievance**  
**2<sup>nd</sup> Level appeal of Glendale, Legal Unit E Grievance**

Dear Mr. Bloom:

Enclosed are the above referenced grievances along with the first level responses. CASE is not satisfied with the first level responses and is therefore appealing the grievances for resolution at the second level.

I can be reached at (916) 669-5869 or [mminer@calattorneys.org](mailto:mminer@calattorneys.org).

Sincerely,

Monica Miner  
CASE Labor Relations Representative

Enclosures

cc: Raquel Silva- CASE Executive Director  
Holly Wilkens- CASE President

**STATE**  
COMPENSATION  
INSURANCE  
**FUND**

IN REPLY REFER TO:

October 21, 2005

Monica Miner  
Labor Relations Representative  
CASE  
2495 Natomas Park Drive, Suite 550  
Sacramento, CA 95833

Re: Core Hours Grievance Dated October 4, 2005

Dear Ms. Miner:

The above grievance was received on October 7, 2005. State Fund was granted an extension in which to prepare this response. The grievance is based on the assertion that I have violated Articles 4.3 (Entire Agreement) and 6.3 (Hours of Work and Work Schedules) of the Unit 2 Contract by verbally informing unit attorneys that they must be at work at 10:00 a.m.


I have not required any attorney, either verbally or in writing, to be at work by 10:00 a.m. I did recently ask two attorneys who regularly arrive in the office at or after 10:00 a.m. if they could try to come in a little earlier.

The intent of my comment was to encourage them to be more available during regular business hours to complete their work assignments. As with other legal offices, my attorneys rely on Claims staff, and they rely on my attorneys; it is reasonable to expect the attorneys to be available, and accountable, during the business hours during which the Claims staff are working. This does not violate Article 4.3 and is consistent with Article 6.3; staff are responsible not only for keeping management reasonably apprised of their schedule and whereabouts but to work all hours necessary to accomplish their assignments and fulfill their responsibilities.

You also assert that I track each person's arrival at the office, and require them to be physically present in the office at a certain time, both in violation of Article 6.3 of the contract. Neither of these allegations are correct; I do not require any attorney to arrive at a specific time nor do I track each person's arrival time.

I do not find any of the allegations in this grievance to be based on fact and I do not find a violation of the Unit 2 contract. Therefore, I am denying this grievance.

Sincerely,

  
Julie G. Mason  
Attorney-In-Charge  
Glendale Legal, Unit E

Enclosures

cc: Steven Bloom, Assistant Chief Counsel  
Kathy McDonald, HR Consultant

# CASE

*Representing the State's Legal Professionals*

*VIA FACSIMILE AND U.S. CERTIFIED MAIL*  
*#7005 0390 0005 7226 0554*

October 4, 2005

Ms. Julie Mason  
State Compensation Insurance Fund  
655 North Central Avenue  
Glendale, CA 91203

**RE: Grievance of All Affected Staff Counsel  
SCIF- Glendale, Legal Unit E**

Dear Ms. Mason:

CASE is filing the attached grievance with you for resolution at the first level. CASE was granted an extension in which to file this grievance.

I can be reached at (916) 669-5869 or [mminer@calattorneys.org](mailto:mminer@calattorneys.org).

Sincerely,



Monica Miner  
CASE Labor Relations Representative

Enclosures

cc: Raquel Silva- CASE Executive Director  
Holly Wilkens- CASE President

**EMPLOYEE CONTRACT GRIEVANCE**

STD 630 (Rev 7/00)

BARGAINING UNIT NAME AND NUMBER (Grievant's Bargaining Unit)

**BU 2 - Attorney and Administrative Law Judges**

GRIEVANT'S NAME (Person Effected)

HOME TELEPHONE NUMBER

**All Affected Staff Counsel- Glendale, Legal Unit E**

MAILING ADDRESS (NUMBER/STREET)

(CITY)

(ZIP CODE)

**655 North Central Avenue****Glendale****91203**

DEPARTMENT

DIVISION OR FACILITY

SECTION, BRANCH, UNIT ETC.

**State Compensation Insurance Fund****Legal**

POSITION CLASSIFICATION

NORMAL WORKING HOURS

WORK TELEPHONE NUMBER

**Staff Counsel****REPRESENTATION INFORMATION (COMPLETE IF APPLICABLE)**

REPRESENTATIVE'S NAME

TELEPHONE NUMBER

ORGANIZATION OR AFFILIATION

**Monica Miner****(916) 669-5869****CASE****TRACKING INFORMATION**

DEPARTMENTAL TRACKING NUMBER

DEPARTMENTAL SECOND TRACKING NUMBER

UNION TRACKING NUMBER

***Please Refer to The Bargaining Unit Contract  
For Specific Information Regarding Employee  
Grievance Procedures and Time Frame Requirements for That Unit.***

**GRIEVANCE INFORMATION**

DATE OF ACTION CAUSING GRIEVANCE

DATE OF INFORMAL DISCUSSION WITH IMMEDIATE SUPERVISOR

DATE OF INFORMAL RESPONSE

**Ongoing**

CLEAR CONCISE STATEMENT OF GRIEVANCE (ATTACH ADDITIONAL SHEETS IF NECESSARY)

**See attached.**

SPECIFIC ARTICLE(S) AND SECTION(S) OF CONTRACT ALLEGEDLY VIOLATED

**4.3, 6.3, any and all other applicable sections.**

SPECIFIC REMEDY SOUGHT

1. CASE requests that SCIF cease and desist from imposing a start time on Staff Counsel;
2. CASE requests that SCIF remove any disciplinary document, either informal or formal, from each and every Unit 2 member's Official Personnel file and/or supervisory file and/or any other file kept on Unit 2 employees regarding the failure of that Unit 2 employee to arrive at the worksite by a specified time in violation of the Unit 2 MOU;
3. CASE requests that SCIF withdraw any active formal allegations against each and every Unit 2 employee for failure to comply with the requirement to arrive at the worksite by a specified time in violation of the Unit 2 MOU;
4. CASE requests that SCIF take immediate steps to make whole any Unit 2 employee who received any formal discipline for their failure to arrive at the worksite by a specified time in violation of the Unit 2 MOU;
5. CASE requests any and all other applicable remedies.

SIGNATURE OF GRIEVANT

DATE FILED

**Monica Miner for all affected** 10/4/05

**GRIEVANCE REVIEW--LEVEL I**

DATE RECEIVED <b>October 21, 2005</b>	DATE OF RESPONSE <b>October 21, 2005</b>	LEVEL I DECISION TO BE ENTERED BELOW
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See attached.

SIGNATURE OF LEVEL I REVIEWER <i>Julie G. Mason</i>		PRINTED NAME AND TITLE <b>Julie G. Mason Attorney In charge</b>	TELEPHONE NUMBER <b>(818) 291-7489</b>
<input type="checkbox"/> I CONCUR AND DO NOT APPEAL TO THE SECOND REVIEW LEVEL	<input type="checkbox"/> I DO NOT CONCUR AND APPEAL TO THE SECOND REVIEW LEVEL (IF CHECKED, STATE REASON BELOW)	GRIEVANT'S SIGNATURE —	DATE

REASON FOR APPEAL

**GRIEVANCE REVIEW--LEVEL II**

DATE RECEIVED	DATE OF RESPONSE	<input type="checkbox"/> DECISION ATTACHED	
SIGNATURE OF LEVEL II REVIEWER —		PRINTED NAME AND TITLE	
<input type="checkbox"/> I CONCUR AND DO NOT APPEAL TO THE THIRD REVIEW LEVEL	<input type="checkbox"/> I DO NOT CONCUR AND APPEAL TO THE THIRD REVIEW LEVEL (IF CHECKED, STATE REASON BELOW)	GRIEVANT'S SIGNATURE —	DATE

REASON FOR APPEAL

**GRIEVANCE REVIEW--LEVEL III**

DATE RECEIVED	DATE OF RESPONSE	<input type="checkbox"/> DECISION ATTACHED	
SIGNATURE OF LEVEL III REVIEWER —		PRINTED NAME AND TITLE	
<input type="checkbox"/> I CONCUR AND DO NOT APPEAL TO THE FOURTH REVIEW LEVEL	<input type="checkbox"/> I DO NOT CONCUR AND APPEAL TO THE FOURTH REVIEW LEVEL (IF CHECKED, STATE REASON BELOW)	GRIEVANT'S SIGNATURE —	DATE

REASON FOR APPEAL

**GRIEVANCE REVIEW--LEVEL IV**

DATE RECEIVED	DATE OF RESPONSE	<input type="checkbox"/> DECISION ATTACHED	
SIGNATURE OF LEVEL IV REVIEWER —		PRINTED NAME AND TITLE	

## SCIF, GLENDALE LEGAL UNIT E GRIEVANCE- STATEMENT OF FACTS

Unit 2 employees at the SCIF, Glendale, Legal Unit E office have verbally been informed by Attorney In Charge Julie Mason, that they must be at work by 10 a.m. Ms. Mason tracks each person's arrival at the office. By this action Ms. Mason is violating section 6.3 of the Unit 2 MOU, which states that employees are expected to work all hours necessary to accomplish their assignments and fulfill their responsibilities, which will normally average forty (40) hours of work per week. Furthermore, Unit 2 employees are responsible for keeping management reasonably apprised of their schedule and whereabouts; and, must respond to directions from management to complete work assignments. This requirement that they be physically present in the office at a certain time violates section 6.3 of the MOU. It is also a violation of 4.3 because this matter is covered in the current MOU which is still being given effect pursuant to Government Code section 3517.8. The requirement to report to work by a certain time fails to take into account the need to work beyond "normal work hours" to complete assigned work.

**Monica**

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**From:** Jean A. Rowan [jarowan@scif.com]  
**Sent:** Wednesday, September 21, 2005 3:43 PM  
**To:** MMiner@calattorneys.org  
**Cc:** Kathy A. McDonald  
**Subject:** RE: Extension to file grievances

Monica,

The address is the same: 655 N. Central Avenue, Glendale, CA 91203.

Julie Mason - Legal Unit E  
 Jerry Whitaker - Legal Unit B

Thank you for allowing me time to look into the III percentages.

Jean

-----Original Message-----

**From:** Monica [mailto:mminer@calattorneys.org]  
**Sent:** Wednesday, September 21, 2005 3:15 PM  
**To:** Jean A. Rowan  
**Subject:** RE: Extension to file grievances

Jean,

Thank you for the extension. I will file the 6.3 grievances with Mr. Whitaker and Ms. Mason. Is Ms. Mason at the same address as Mr. Whitaker?

As for the III issue, that is fine for you to research and get back to me. I will see what I can find out from my end.

Monica Miner  
 CASE Labor Relations Representative  
 2495 Natomas Park Road, Ste. 550  
 Sacramento, CA 95833  
 (916) 669-5869  
 (916) 669-4199 FAX

-----Original Message-----

**From:** Jean A. Rowan [mailto:jarowan@scif.com]  
**Sent:** Wednesday, September 21, 2005 3:03 PM  
**To:** MMiner@calattorneys.org  
**Subject:** RE: Extension to file grievances

Monica,

October 4th is acceptable. Are you going to filing the grievance(s) with Julie Mason and Jerry Whitaker? I want to let Kathy McDonald know, since I'll be out of the office that week.

I see better your approach on the IIIs. I'm not sure what the percentages are office by office, so if you'll allow me to do some research on this, I might be able to respond. Unfortunately, I won't be able to do so until the second week of October when I'll be back in the office.

Jean

-----Original Message-----

**From:** Monica [mailto:mminer@calattorneys.org]  
**Sent:** Wednesday, September 21, 2005 3:05 PM  
**To:** Jean A. Rowan  
**Subject:** RE: Extension to file grievances

Jean,

Would Oct 4 be OK to file the 6.3 core hours grievance?

Also, I am looking into the issue about the cap on the IIIs. My information is that the 55% cap is office by office at SCIF whereas CASE's position is that the attorney pool needs to be assessed by a department on a statewide basis. So what is happening is that people are not being promoted to the III position at their current office because the 55% cap is being invoked on the office. If however, the cap was evaluated at a statewide level then more attorneys could become IIIs.

Monica Miner  
CASE Labor Relations Representative  
2495 Natomas Park Road, Ste. 550  
Sacramento, CA 95833  
(916) 669-5869  
(916) 669-4199 FAX

-----Original Message-----

**From:** Jean A. Rowan [mailto:jarowan@scif.com]  
**Sent:** Wednesday, September 21, 2005 11:29 AM  
**To:** MMiner@calattorneys.org  
**Subject:** RE: Extension to file grievances

Monica,

I agree to an extension for filing a grievance over Article 6.3.C. Do you have an idea as to when you expect to be able to file it? Kathy McDonald is out of the office this week, and I will be out of the office from September 26 through October 7. It would just be helpful to have an idea when to expect it for response purposes.

With regard to the cap language, we didn't spend much time on that point, so perhaps you might provide a little more explanation as to how you believe State Fund has violated Article 15.1.

Jean

[Jean A. Rowan] -----Original Message-----

**From:** Monica [mailto:mminer@calattorneys.org]  
**Sent:** Wednesday, September 21, 2005 11:18 AM  
**To:** Jean A. Rowan  
**Cc:** mminer@calattorneys.org  
**Subject:** Extension to file grievances

Jean,

This is to confirm that we spoke on Monday and you have granted me an



extension to file grievances regarding the core hours issues arising out of the 2 Glendale locations.

Also, I spoke with you regarding the 55% cap on Ills is being applied office by office as opposed to statewide. It is CASE's position that the cap is statewide per department as opposed to office by office. I would also like an extension in which to file so that you may have an opportunity to look into the matter.

Thank you.

Monica Miner  
CASE Labor Relations Representative  
2495 Natomas Park Road, Ste. 550  
Sacramento, CA 95833  
(916) 669-5869  
(916) 669-4199 FAX