



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.

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 Effectuated)

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	DATE OF RESPONSE	LEVEL I DECISION TO BE ENTERED BELOW
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SIGNATURE OF LEVEL I REVIEWER —	PRINTED NAME AND TITLE	TELEPHONE NUMBER
<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

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 Ills. 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 Ill 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 Ills.

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
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Sacramento, CA 95833
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