

News Update



Representing Public Employees in City of Colusa, Sutter and Yuba Counties

September 2011

Volume XXVI Issue IX

First Amendment Rights

By Gary Stucky, Executive Director

In recent months, the subject of public employees' "free speech" rights has been a topic of discussions at our leadership meetings. This discussion first initiated at the YCEA Board of Directors meeting as part of the discussion over whether an employer has the right to control the employee's speech as it relates to the employee's involvement in social networking.

The US Supreme Court and other Courts have essentially held that a public employee's speech is not protected under the First Amendment of the U.S. Constitution if such speech is related to the public employee's official duties, even if such speech is on matters of public concern. The basis for the Court's position is that

when the employee acts in his/her official capacity or his/her speech is directly related to his/her duties, the employer's interest outweighs the individual's right to free speech.

In other words, the Courts have held that public employees enjoy the same free speech rights as any citizen when the employee's speech addresses matters of public concern, unless that speech is directly related to the job duties and responsibilities of the employee. The court has concluded that the public employee's free speech is necessarily restricted when the public's interest in the efficient operation of public services (requiring harmony in the workplace) outweighs the right

of the individual.

Additionally though, the Courts have also held that even if the speech was regarding a matter of public concern, the employee may still be disciplined or his/her employment terminated if the speech severely damaged the close working relationship with his/her supervisors/managers. An employee could also be disciplined if his/her speech damages the confidence required in order for the employee to efficiently and effectively perform the duties of his/her position.

The cases I have referred to essentially deal with employees that have been publicly critical of their

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Sutter and Yuba Courts Budget Reductions

Due to the State of California's budget problems, Trial Court Funding was cut by \$350 million this year. The Judicial Council distributed this cut across Court budgets throughout the State including

both the Sutter and Yuba County Courts budgets for 2011/2012. To offset some of this reduction, Judicial Council redirected some State level special funds to minimize the impact to local Courts.

Although the Administrative Office of the Courts (AOC) makes the decision of how much money each Court receives, the Alliance of California Judges (ACJ) believes that there is

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Mission

Statement

To represent and assist public employees in their quest to improve their wages and working conditions and to ensure their rights are protected.

New SCEA Local #1 Vice President

By Gary Stucky, Executive Director

At their meeting on August 15, the SCEA Board of Directors confirmed the appointment of Verena Garvin to the position of Vice President. President Ray Hogan appointed Verena to this position after receiving a letter of resignation from Past Vice President Ben Harper. Ben served in this capacity since Past President Gary Bengs appointed him in April of 2007.

Since being appointed to the Vice President position, Ben has been active on various negotiation committees, he faithfully attended Board and Site Representative meetings and volunteered in many capacities to help his Union. Ben's straightforward insightfulness and often-

comic approach was appreciated and will be missed. He has been an active and strong advocate for the rights of his coworkers.

Verena is no newcomer. She likewise has been an activist for many years, most recently serving on the Board of Directors since April of 2007 and for several years prior to going on a leave of absence. Verena is a Public Assistance Specialist II for the Human



Verena Garvin, SCEA Vice President

Services Department, where she has worked since November of 2003. Her husband Greg works for Yuba City in the Street Maintenance Department. She has five children ranging from age 13 to 2 and enjoys cooking, especially German food for the family. In addition to her hobbies of reading, cross-stitch, and camping, Verena has recently authored several printed Letters to the Editor. Her most recent composition emphasized the importance of each of us assuming personal responsibility.

Sutter County Housing Authority Tool Policy & Shop Stewards

By Business Agent Marie Clark

During our 2011 negotiations between the Union and the Housing Authority, it was negotiated that within sixty days of the signing of the MOU that the Union and the Housing Authority would meet and confer on a new tool policy. So on August 25, 2011, I met with our members to discuss what they feel should be in the new tool policy. We also discussed how the tool policy should be written with regards to personal tools and employer owned tools, where the tools should be stored, and who

is responsible for the tools. Several members gave suggestions as to what tools were currently needed to do their job.

A committee of two will be chosen to sit with me to negotiate this policy. So far Wayne Miers, Tony Langlois, and Steve Buckwalter have volunteered to be on the committee. The Union will send out a bulletin to see if anyone else wishes to nominate a member or to volunteer themselves. Once this is done the members

will vote on who sits on the committee.



The Union is also looking for volunteers for two Shop Stewards positions. John Guanzon and Wayne Miers have volunteered. There will also be a bulletin sent out to see if anyone else is interested. After the membership has voted as to who the Shop Stewards will be, then the Union will train them on their very important duties.

KLOTZ Mobile Detail

(530) 315-3272
Rob Klotz—Owner
25% off for SYCEA members

Hand wash, vacuum interior, clean and dress tires.
rob.klotz@yahoo.com

L & L Monuments

545 Bridge Street
 Yuba City, CA 95991
 530-755-2714
lmonuments@yahoo.com

“Can’t Beat Our Prices”

Owner: **Peggy Vander Ploeg Sweeney**
 Manager: **Robert Vander Ploeg**

Signs
 Granite
 Marble
 Bronze
 Rocks

Photos
 Laser Art
 Pet Stones
 Glass

First Amendment Rights

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employer, which has resulted in disciplinary action against the employee. Depending upon the facts in each case the Courts have either concluded the employee's speech was protected or was not. Generally, the Courts have recognized that public employees acting as "whistleblowers" in order to expose fraud, embezzlement and/or deceit serve the public's interest. The patchwork of case

law in this area though does not provide real clarity. Therefore, an employee who acts as a "whistleblower" normally acts with considerable risk.

As noted at the beginning of this article, recent discussion of "free speech" rights of public employees focused on the employee's participation in social networking and is a matter of particular concern currently. While case law is

developing in this area, it is unclear to what degree an employer can control an employee's speech. It is clear though that speech (verbal or written) that is related to the employees job duties, that could serve to damage the employee's employment relationship or that could damage the employer's business interest is speech that should be carefully considered before it is spoken publicly or put on the Internet.

2011 CalPERS Board of Administration Election Results

Michael Bilbrey, a Bookstore Operations Coordinator for Citrus Community College, has been elected to the office of Member, Board of Administration, CalPERS. The term ends January 15, 2014.

Thank you for voting!

Free Notary Services for Members



By Business Agent Marie Clark

The Union offers free notary services for members upon appointment. I will not do signing documents (bank loans), but retirement paperwork, power of attorney, and requests for birth certificates are a few examples of the documents that I will notarize.

Please call our office today if you would like further information or would like to **schedule an appointment** to have something notarized.

Sutter and Yuba Courts Budget Reductions

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administrative bloat within AOC and that too much money is kept for AOC while imposing cuts to local trial courts. Additionally, ACJ has complained about the mandatory and costly statewide computer system that each court had to implement, along with its chronic operational shortcomings. Some local trial court operations were cut due to the cost of this computer system. Chief Justice Tani Cantil-Sakauye appointed ex-Justice Arthur Scotland to head the Strategic Evaluation Committee to look into these complaints along with trying to seek a truce between AOC and the ACJ. S/YCEA,

Local #1 will continue to monitor this important budgetary action.

Sutter County Court's budget will be reduced by \$330,000 this year. This amount may double next year, when a projected 15% cut to Trial Court Funding is expected. Yuba County Court's budget was cut by \$307,000 and that amount is also expected to double next year. So far, both Courts are hopeful to absorb these cuts this year by not filling unfilled positions (unless absolutely necessary) and the possibility of other reductions of some services and operational costs. Both Courts are working hard so that the budget reductions don't

affect either service to the public or the court employees.

YCEA members working for Yuba Courts are currently in negotiations and working on a comprehensive MOU. The Sutter Courts' current contract ends on June 30, 2012. I will be meeting with the new Sutter Courts CEO Mary Beth Todd to discuss any possible impacts to our SCEA members from these budget cuts. Gary Stucky will be interacting with Yuba Court Administration through the negotiations process to determine any impact to our YCEA members.

Calendar of Events — September 2011

Representing Public Employees in
City of Colusa, Sutter and Yuba
Counties

718 Bridge Street
Suite A
Yuba City, CA 95991

Phone: 530 674-0185
Fax: 530 674-0477
Email: Local1@sycea.org

Parking Lot Notice

Reserved parking spaces at
the Association Office are
for the membership!

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|---|--------------|
| SCEA Site Rep / Membership Meeting – Thurs. 11:30-1:00 | September 1 |
| <i>Held at the Mental Health Department, Valley Oak Room—Members attend</i> | |
| Holiday / Labor Day Monday | September 5 |
| YCEA Site Rep Meeting — Tuesday at noon | September 13 |
| <i>Held at the S/YCEA Association Office—Site Reps attend</i> | |
| SCEA Board of Directors’ Meeting — Monday at noon | September 19 |
| <i>Held at the S/YCEA Association Office—Board members attend</i> | |
| Local #1 Board Meeting – Tuesday at 7:30 pm. | September 20 |
| <i>Held at the Martinez Union Hall - Local #1 Board members attend</i> | |
| YCEA Board of Directors’ Meeting – Wednesday at noon | September 28 |
| <i>Held at the S/YCEA Association Office—Board members attend</i> | |



ready.gov
Prepare. Plan. Stay Informed.
Make sure your family has a plan in case of an emergency. Do they know who to call and where to meet in an emergency?



In our continuing effort to provide extraordinary dental care, Dr. Tom Gibson would like to offer the employee's of Yuba and Sutter County a beautiful healthy smile and a 5% savings on your initial treatment after completing a comprehensive exam, full mouth x-rays and a consultation.

Dr. Tom Gibson
1275 Tharp Road, Suite A
Yuba City
530-673-4614
www.tomgibsondds.com

Initial treatment means all the treatment needed from the initial exam...it may be several cavities, crowns, gum therapy, veneers... treatment diagnosed at the initial exam would receive the discount!

Disclaimer-Placement of this ad does not imply endorsement.



DON'T LET THEM SILENCE OUR VOICES!

Don't Sign the **DECEPTIVE**
"Paycheck Deception" Petition!



There's an initiative petition being circulated at grocery stores, malls, post offices and other places near you that's designed to silence the voices of working people and strengthen the political influence of giant corporations. **Don't be fooled!**

HERE'S HOW IT WORKS:

- It takes away your right to make a voluntary paycheck deduction contribution to our union's political action fund.
- It takes away workers' right to pool our money together so we can have a strong voice in political decisions that affect our jobs, families and communities.
- It allows corporations to continue to use their mega-profits to contribute as much as they want to politicians who are happy to do whatever they ask.
- It's backed by billionaires and big businesses who want to control our state without any opposition.

HERE'S WHAT YOU CAN DO:

- Don't sign the petition.
- Tell your colleagues, family, friends, and neighbors not to sign the petition.
- If you see someone collecting signatures, call toll free 1-877-440-9585.



For More Information Contact:

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| Public Employees Union, Local One (925) 228-1600 | United Public Employees, Local One, (916) 736-9503 |
| Richmond Office, (510) 222-5012 | Butte County Employees Association, Local One (530) 533-8003 |
| El Dorado County Employees Association, Local One (530) 626-2565 | Sutter/Yuba County Employees Association, Local One (530) 674-0185 |

