

Chuck Alexander, *Executive Vice President*

755 Riverpoint Dr., Ste. 200 • West Sacramento, CA 95605-1634 • (916) 372-6060

December 30, 2009

State Board;

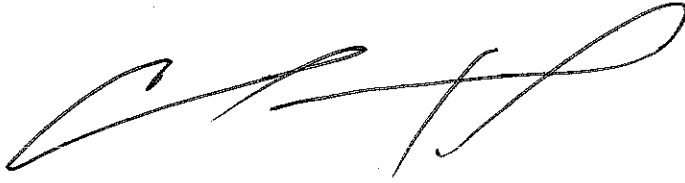
Yesterday, CCPOA submitted our proposed order as directed by the Court in the December 17 ruling. Within hours, we were notified that our proposed order had been signed by Superior Court Judge Frank Roesch. The order is attached and states in relevant part:

NOW, THEREFORE, Respondents ARNOLD SCHWARZENEGGER, CALIFORNIA DEPARTMENT OF PERSONNEL ADMINISTRATION, JOHN CHIANG, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION, CALIFORNIA DEPARTMENT OF MENTAL HEALTH, and CALIFORNIA DEPARTMENT OF JUVENILE JUSTICE, and their officers, wardens, agents, servants and employees, are hereby commanded to:

- (1) Perform all acts necessary to immediately and prospectively pay all employees in State Bargaining Unit 6, as well as correctional sergeants and lieutenants, their full salaries in cash or cash equivalent at the end of each pay period for all hours worked during each preceding pay period, without reduction, and at rates delineated for such classifications in the current State of California Civil Service Pay Scales, as set and required by, inter alia, Government Code sections 19824 and 19826(b) and Labor Code sections 223 and 1171 et seq.*

This now places the burden of stopping implementation of the order on the State. The State can now petition Judge Roesch to grant a "stay" until an appeal can be heard, or petition the Appellate Court directly for a "stay" until an appeal is adjudicated. Upon being notified of any such "stay" or appeal we will notice you immediately. The law firm working this case (CB&M) is prepared to oppose any requested "stay" as well as continue our argument in any appeal that may be heard.

Also, we are aware of and continue to formulate our approach to various issues associated with the furlough program that are not addressed in this order. This order does not address the prior usage or denial of furlough time and how various payments are/were affected by the program. These issues will take many months to work through and will probably require individual member assessments relative to overtime worked, differing pay scales etc.

A handwritten signature in black ink, consisting of several fluid, connected strokes. The signature is positioned below the main text block.

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11 Attorneys for Plaintiff/Petitioner California Correctional Peace
12 Officers' Association

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA
14 COUNTY OF ALAMEDA

16 CALIFORNIA CORRECTIONAL PEACE
17 OFFICERS' ASSOCIATION,

18 Plaintiff/Petitioner,

19 v.

20 ARNOLD SCHWARZENEGGER, in his
capacity as Governor of the State of
California; STATE OF CALIFORNIA;
21 CALIFORNIA DEPARTMENT OF
PERSONNEL ADMINISTRATION; JOHN
22 CHIANG in his capacity as the Controller of
the State of California; CALIFORNIA
23 DEPARTMENT OF CORRECTIONS AND
REHABILITATION; CALIFORNIA
24 DEPARTMENT OF MENTAL HEALTH;
CALIFORNIA DEPARTMENT OF
25 JUVENILE JUSTICE; and DOES 1
THROUGH 10, INCLUSIVE,

26 Defendants/Respondents.
27
28

No. RG-09-441544

~~PROPOSED~~

WRIT OF MANDATE

Assigned for all purposes to
Hon. Frank Roesch, Dept. 31

1 TO RESPONDENTS ARNOLD SCHWARZENEGGER, CALIFORNIA
2 DEPARTMENT OF PERSONNEL ADMINISTRATION, JOHN CHIANG,
3 CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION,
4 CALIFORNIA DEPARTMENT OF MENTAL HEALTH, and CALIFORNIA
5 DEPARTMENT OF JUVENILE JUSTICE,
6 AND TO DAVID TYRA AND WILL YAMADA, THEIR ATTORNEYS
7 OF RECORD,

8 WHEREAS, the Court has determined through its Order Granting Petition for
9 Writ of Mandate, filed on December 17, 2009, that Respondents have failed to perform
10 their legal duties as described therein;

11 NOW, THEREFORE, Respondents ARNOLD SCHWARZENEGGER,
12 CALIFORNIA DEPARTMENT OF PERSONNEL ADMINISTRATION, JOHN
13 CHIANG, CALIFORNIA DEPARTMENT OF CORRECTIONS AND
14 REHABILITATION, CALIFORNIA DEPARTMENT OF MENTAL HEALTH, and
15 CALIFORNIA DEPARTMENT OF JUVENILE JUSTICE, and their officers, wardens,
16 agents, servants and employees, are hereby commanded to:

17 (1) Perform all acts necessary to immediately and prospectively pay all
18 employees in State Bargaining Unit 6, as well as correctional sergeants and lieutenants,
19 their full salaries in cash or cash equivalent at the end of each pay period for all hours
20 worked during each preceding pay period, without reduction, and at rates delineated for
21 such classifications in the current State of California Civil Service Pay Scales, as set and
22 required by, *inter alia*, Government Code sections 19824 and 19826(b) and Labor Code
23 sections 223 and 1171 *et seq.*

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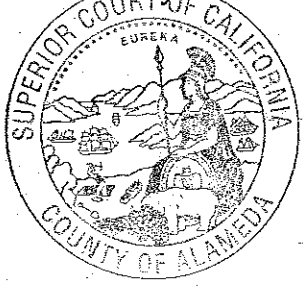
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1 (2) File a written return to this Writ on or before the thirtieth (30th) day after
2 service of a copy of this Writ upon you, showing what Respondents have done to comply.

3 Attest my hand and the seal of the Court this 29th day of December, 2009.



4 COUNTY CLERK, COUNTY OF ALAMEDA

5
6 By Vicki Dayrell
7 DEPUTY CLERK

8 Let the foregoing Writ issue.

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10 Dated: 12/29, 2009.

11 Frank Roesch
12 Honorable Frank Roesch
13 JUDGE OF THE SUPERIOR COURT
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