

# TODAY'S SUPERVISOR



Winter 2010

The journal for members of the Association of California State Supervisors

**Prison industries:  
Building lives for  
a safer California**

# A year to forget

As the economy sank, state workers bore an unfair share of the burden. But all is not lost. **From Linda Holderness**

**N**o question: We have just come off one of the most dismal years for state workers in California's history. You have borne an unfair burden as the governor and the Legislature attempted, clumsily, to resolve a budget crisis of their own making.

With threats of continued, or even additional, furloughs, it's not easy to look forward to 2010 with hope. However, with our ACSS membership, we can work to help ourselves and bring about the changes we need.

We head into 2010 under new leadership. In July, the members elected its first woman president, Arlene Espinoza. With her new board, an ideal mix of experienced and fresh points of view, Arlene has already begun the process of moving ACSS into a new decade of activism.

On pages 4 and 10 of this Today's Supervisor, you can read about ACSS' strategic planning program, an effort the board has undertaken to focus our leadership on the activities and goals that will yield beneficial results. The bottom line: We must increase not only our membership but the level of our participation if we are to generate the influence we need to make real change.

Despite the preoccupations of 2009, we have demonstrated that we can succeed. For example, the board took a strong stand to ensure that excluded employees at the State Compensation

Insurance Fund were included in a ruling that ended the furloughs there, and we were successful. We also played a major role in procuring the appointment of a former ACSS member, Jerome Horton, to the state Board of Equalization.

In a significantly bright sign of the coming times, ACSS welcomes the reactivation of a chapter that had been without leadership for a few years. The new officers of Chapter 502 have eagerly begun participating in ACSS activities, and our organization is much stronger with their energy. Read the related story on page 7.

As we head into a new year – and a new decade – under threats of layoffs and even more furlough days, ACSS will continue to fight for your rights. One way you can help is to stay active and informed. We at ACSS are working to make that easier and more efficient through new media opportunities that are improving every day, it seems.

Plan to join us this coming year at our major events: Speak out, offer your ideas and network with your colleagues. We talk with legislators face to face on our Lobby Day at the Capitol March 17. Our board meetings this year are Jan. 15-17 in Burlingame; April 16-18 in Las Vegas; July 16-18 in Monterey; and October 15-17 in Palm Springs. We hope to see you there. 







Sacramento consultant Eric Douglas leads a strategy session for ACSS members and staff at the October board meeting.

## ‘Where does ACSS go and grow?’

President Espinoza and her board are committed to building ACSS into a more powerful organization. As a first step, they have engaged a strategic planning expert to help us map a new direction.

**T**he topic may sound dry: Strategic Planning for ACSS’ Future. But so far, the program has been anything but.

This fall, the ACSS board embarked on an aggressive effort to increase the organization’s ability to help members win the benefits they deserve from their state careers. We want, as a minimum, fair salaries, protected retirements and professional training to help members achieve their career goals.

President Arlene Espinoza titles this new project with a question: “Where does ACSS go and grow?” To help us figure that out, the board has contracted with Sacramen-

to consultant Eric Douglas, president and CEO of Learning Resources Inc. and author of “Straight Talk: Turning Communication Upside Down for Strategic Results at Work.”

We kicked off the effort with a daylong workshop at General Council in Los Angeles and have continued with our October board meeting in Sacramento and two later executive committee meetings. In addition, Douglas met in Sacramento with the PAC committee. Many more workshops are to come.

These sessions are lively as well as productive. Douglas adheres stringently to time limits, so we must think fast

## How to hold a productive conversation

*Eric Douglas suggests these rules for meetings dealing with sensitive issues (for more information, see his book, "Straight Talk"):*

1. Make sure everyone knows the topic and stays focused on it.
2. Have one person speak at a time.
3. Discuss all issues at the table only – not behind anyone's back.
4. Manage your "airtime."
5. Tackle the issues, not the people.
6. Make sure everyone participates fully.
7. Balance inquiry and advocacy.
8. Use "I" statements – take responsibility for your feelings instead of accusing.
9. Explain the reasons for your conclusions.
10. Have everyone identify the assumptions that underlie their points of view.
11. Make "undiscussable" ideas discussable by expressing feelings.
12. Honor this work as high-priority.
13. Continue to monitor and observe your ground rules.



Skits are fun learning tools. To wit: Mitch Semer as "ACSS Man" at our October board meeting. Above, ACSS teams record ideas at Delegate Assembly in July.

and everyone has a chance to participate. We brainstorm and deliberate, in teams and with the full group. We complete quizzes and worksheets, record on flip charts, present funky, instructive skits and engage in valuable conversation.

Early on, we reached consensus on four goals to be achieved in the next two years:

- increasing membership
- building political activity and influence
- developing a professional training unit
- enhancing our visibility.

Of the four, increasing our membership was overwhelmingly the top choice. Since ACSS has no bargaining rights, our organization derives its impact from our numbers: The more supervisors and managers on whose authority we can speak, the louder our voice will be heard.

Almost anything we do that improves our effectiveness or our image will help draw new members, but here are some of the group's specific recruiting suggestions:

- Increase chapter budgets to help attract new members at the local level;
- Form local member interest groups;
- Change ACSS' name to something


more catchy or representative.

- Hold gatherings at work sites where people can meet ACSS members.
- Make ACSS a premier trainer, offering courses for credit to help workers qualify for promotions or raises.
- Recruit younger members, particularly through social media.

To build influence, the group suggested:

- lobbying to make excluded employees' salaries a budget line item and to have salaries set by a commission, not the DPA.
- increasing district office visits; this is the most effective way to reach legislators.

As a result of the energy that has been created at these workshops, many members have made individual commitments: "I will conduct three worksite meetings per year." "I will help make ACSS a home-grown word." "I will not be afraid to say I am an ACSS member." "I will provide ACSS updates to coworkers." "I will support every board member and chapter officer to grow their chapters."

The feedback? "All the members who have talked to me," said Espinoza, "have said this process is remarkable." 



# Pension reform? Shhhh

A poll ACSS helped sponsor reveals that reforming public pensions is not a concern for voters. What's our move now?

**W**atch out for petitions that pledge pension reform for state workers.

A persistent group is gathering signatures for yet another ballot measure – with two versions – to “reform” public employees’ pension benefits. **Don’t sign these petitions, and make sure your friends don’t sign either!**

This measure – the “New Public Employees Benefits Reform Act” – could destroy the state retirement program with no benefit to the budget.

The two versions differ only on whether agencies will be allowed to increase benefits. The backers say they will file the version voters prefer.

If the past is an indication, they will prefer neither. Voters nixed similar proposals by many of the same backers in 2005 and 2007. These two earlier initiatives were defeated at the ballot box largely because of hard-hitting efforts by state worker unions.

A third initiative, filed early this year, didn’t get

enough signatures to qualify for the ballot.

ACSS and the other CSEA affiliates, along with other state worker associations, want to make sure this new measure – registered with the Secretary of State as 09-0075 and 09-0076 – *also fails to qualify for the ballot.*

The initiative backers, the California Foundation for Fiscal Responsibility, need 700,000 qualifying signatures by April.

It is imperative we defeat the attempt to gather these signatures.

## What initiative would do:

- ♦ Set up two-tier system for new and current employees.
- ♦ Increase full retirement age to 55 for police and fire, 60 for other public safety workers, Social Security retirement age for all others.
- ♦ Reduce benefits for non-public safety workers to 1.5% or 1.0% of average of highest five years
- ♦ Allow retiree benefits for 10 years’ employment, including the last five.
- ♦ Prohibit “raiding” funds.



The recommended strategy may surprise you.

Based on a recent survey, one we helped sponsor, our best ammunition is to heed a familiar adage: Let sleeping dogs lie.

The survey revealed that public pension reform is not a concern for most Californians. They are more worried about the economy and their own budgets. Moreover, they

hold state workers in high regard and believe their benefits are reasonable.


The group that commissioned the survey, Californians for Health Care and Retirement Security – members include ACSS and CSEA – held a workshop in November to recommend strategies for defeating this effort.

**The No. 1 tactic?** Do not try to elevate voters’

awareness of this issue.

They are not focused on reducing public pensions and it is important to keep it that way. Voters are less likely to sign the petitions if the issue remains low-key.

On the other hand, if you are asked about this initiative, arm yourself with the facts below.

For more information, see our Web site under “Advocacy.” 

## Here are some answers to ‘reform’ questions

If you’re asked about the pension reform initiative, here are some facts:

- ♦ **DO** feel free to blame pension problems on Wall Street. Poll respondents understood that public retirements have been jeopardized by the economic collapse, the stockmarket meltdown and corporate abuses. They know everyone’s finances have been pummeled and agree state retirees shouldn’t shoulder the burden for Wall Street’s excesses.

- ♦ **DO** make it clear to voters how small most state workers’ pensions are. Contrary to public perception, 75 percent of state retirees average just \$2,000 a month – and many do not get Social Security or retirement health benefits.

- ♦ **DO** put a face on the pension story. The survey showed Californians are especially sympathetic to firefighters, police, teachers and nurses – all public employees. When you talk about the need for fair pensions, cite “real-people stories” from these revered groups.

- ♦ **DO** make it clear that cutting state workers’ benefits will *not* help balance

the budget. Most pension dollars come from CalPERS investments and employee contributions, not the general fund.

Pension costs are a tiny percentage of the total state budget.

- ♦ **DON’T** bog people down with details. At best, voters will be confused. At worst, they may perceive the details as being only minor changes and be willing to support the initiative.

- ♦ **DO** note how unfair a two-tier pension system is.

- ♦ **DON’T** argue that pensions are valuable for recruiting and retaining workers. With unemployment so high, that is not a strong issue.

- ♦ **DO** emphasize that with proper fiscal management California can fund secure retirements for its workers *and* provide quality services to the citizens of California.

A fair pension is part of a compensation package state employees sacrificed for and fought hard to win. Arm yourself with the knowledge you need to keep this initiative off the ballot.

## Fact or myth? Ask CalPERS

*CalPERS’ new Web site, CalPERS Responds, debunks the myths and misconceptions about public pensions. Here are some excerpts. For more, see [www.calpersresponds.com](http://www.calpersresponds.com).*

**Myth:** The average CalPERS retiree gets 80 percent of his salary in retirement. **Fact:** State pensions are closer to 50 percent or less.

**Myth:** CalPERS will run out of money because of baby boomer retirements. **Fact:** CalPERS’ plans are prefunded and contributions are received every year that members accrue benefits. The money will be there when the baby boomers need it.

**Myth:** Public pension benefits are a drain on the public. **Fact:** The average CalPERS pension is about \$25,000 a year. Half of pensioners receive \$16,000 or less. Less than 1 percent make six figures, and they’re usually in long-term, specialized jobs.

**Myth:** Pensions are a high percentage of the budget. **Fact:** Public pensions total only 2.5 percent of state spending. Nearly 75 percent of funds are from investment returns. Employees also contribute.



Folsom Prison inmates have made California's license plates since the 1930s. In this plant, the plates – including vanity plates – are stamped with lettering using metal dies, painted and coated with reflective material. Mistakes are recycled. The California Men's Colony in San Luis Obispo prints the renewal stickers.



# THE STATE INDUSTRY

The desk you're working on? The flag that's flying outside your office building? The license plates on your car? You might be surprised to learn who made them all.

**YOU MAY NOT KNOW IT,** but if you drive a vehicle registered in California, you have a connection to Folsom State Prison. Your license plates were made there.

All state license plates – for anything that has wheels – are manufactured

from a high-tech industrial plant inside the prison's infamous granite walls.

Folsom Prison, the state's second-oldest prison, is a medium-security facility that overlooks the American River alongside a new maximum-security prison, California State Prison, Sacramento.

The license plate factory, as well as other plants such as a tool and die machine shop, a Braille transcription program, a full-service print shop and a laundry, operates at Folsom under the California Prison Industry Authority. ACSS' Alternate Director-at-Large

Carlos Chavez is the top administrator running the PIA operations at both prisons. He has worked for the state of California since 1980.

"I have a passion for this work," Chavez says. "I believe in what we're doing. When you have a passion for what you do, it's not





like going to work.”

The PIA, which was founded in 1947, operates industries within the state prisons to provide several advantages to inmates and the people of California.

The inmates not only learn useful skills but some of them learn to work for the first time.

“I’ve known of inmates,” Chavez says, “who didn’t have these kinds of experiences, unfortunately. I believe we instill in them here a work ethic they never learned growing up.”

That ethic seems to

stick. Inmates who are paroled after working for the PIA have a recidivism rate 24 percent lower than the average, Chavez says.

The program is popular and the jobs are competitive. “I cannot employ everybody who wants to work with us, so we have waiting lists,” Chavez says. “We just don’t have enough employment opportunities for everybody who wants them.”

Prison employment, like employment in general, has been hurt by the downturn in the economy, which translates to fewer jobs for

the inmates.

Not surprisingly, the drop-off includes license plates. As car sales have sagged, so has the demand for new plates. In 2008, Folsom Prison earned \$8 million in revenue for plates; last year, that total fell to \$6 million.

“The DMV just stopped buying,” Chavez said. “We used to have 120 workers (making license plates). We dropped to 60, but now we’re at 100 as we try to rebuild our inventory.”

This spring, the furniture manufacturing shop

at Folsom was closed down. California inmates at other prisons make all the furniture for state offices. State agencies are required to buy from the prison industries. Prison industries cannot sell to outside customers because the low wages paid to prisoners is considered unfair competition.

Despite the long waiting lists, inmates do not get PIA jobs just for the asking. They must not be classified as maximum-security and must have a record of good behavior.





Inmates make prison-issue boots at one of the most interesting PIA programs, housed in the CMC in San Luis Obispo. The CMC is a coveted facility. “Inmates who are sent here do everything they can to stay,” one administrator said. “They really want to do what’s good for the CMC.”



Inmates who do land jobs with the PIA are paid very low wages. They start at 35 cents an hour. At Folsom, they can earn up to 95 cents an hour.

They use the money for extra items, such as shampoo and sodas, Chavez says, but many send money home to their families or save it until they are paroled.

“The smart ones save as much as they can,” Chavez says. “By the time they go home, they can have several thousand dollars.”

The money is hard earned. Not only do the inmates work a full day

under constant supervision, but they must be well trained for the jobs they do. That training – as machinists, tool-and-die makers, tool designers, graphic designers, equipment operators and much more – will help them find work when they leave prison. A forklift operator can get 1,500 hours of training that could qualify him for a Caltrans license.

“It takes a lot of smarts to do this work,” Chavez says.

One tool-and-die maker said his job gives him a sense of pride. “This is

where my future’s at,” he said. “I didn’t know anything about machining until I got this job. Since then, I’ve learned quite a bit about the use of the machines and tool and die making.”

As a result of his prison job, his goal is to become a mechanical engineer. He plans to attend Sacramento State University when he is paroled.

The largest PIA operation in the state is housed at the California Men’s Colony in San Luis Obispo. Among other operations, the facility contains a knitting mill,

printing plant and laundry, and the inmates make shirts, jackets, socks and boots. All inmates must wear regulation clothing.

One of the most interesting and unusual operations is making leather boots. CMC runs the only boot factory in the state, producing 700 pairs of leather boots a day from hide to laces.

The prison buys the hides – 54 square feet each – at the lowest price from South America. Prisoners wear their boots every day, even for sports. They’re as comfortable as good hiking



Inmates make t-shirts and gloves and learn to drive a forklift. The skills are valuable to them when they are paroled.

boots, and a pair is guaranteed to last 18 months.

The CMC PIA also has a connection to Folsom Prison. Inmates there print the colorful stickers you get when you renew your car registration.

The gloves the CMC produces are used by inmates who help fight wildfires. More than half the state's wildland firefighters are inmates working for \$1 an hour and a reduction to their sentences.

One of the most specialized and important prison industries is Braille transcription. The process

of converting text into Braille – the system of raised dots that visually impaired people can read with their fingers – is complex. Of five people in the United States who are certified to transcribe into Braille, three of them are inmates at Folsom Prison.

For many of the inmates, the PIA program has enabled them to find a new meaning to their lives. A 20-year talented graphic designer said, "Now I know exactly what I want to do when I get out. That's what's kept me in this job for all these years."



A Folsom inmate shows a logo he designed. "There are talented people here," says ACSS' Carlos Chavez.

## CALPIA: A winner for the state

The California Prison Industry Authority puts nearly 7,000 inmates in California's adult prisons to work. This is not busy work to prevent idle hands. CALPIA operates more than 60 sophisticated industries at 23 state prisons that produce goods and services to benefit both the prison population and the citizens of California.

CALPIA does not impact the state budget; it is self-supporting through the sales of its products.

Most important, the CALPIA employment program teaches inmates skills that help them obtain employment after they are paroled, a benefit that has been proven to increase their success and reduce recidivism. For some inmates, their prison employment is the first job they have ever held.

The breadth of the CALPIA products may surprise you. The inmates produce everything used or worn in the prisons, including their shoes and clothes, their beds and desks and components for machines and vehicles. Prisoners run dairy and poultry farms, furniture manufacturing plants and knitting mills. Some operate optical and dental labs. The optical labs make glasses for Medi-Cal beneficiaries, and the dental labs can make all dental items, including false teeth.

The CALPIA employment program is voluntary, but inmates who participate can not only learn valuable skills, such as welding, metal working and graphic design, but also obtain certifications that can qualify them after their release for well-paying jobs.

Inmates admitted to the program are screened and must have a record of good behavior during their incarceration. They earn small hourly wages, and shortened sentences for the time they work.



# 'I almost didn't go'

A Sacramento ACSS member made a naive mistake she feared would ruin her state career. When her ACSS labor rep urged her to attend a hearing on her behalf, she didn't want to go. It's a good thing she did.

*Editor's note: Every ACSS chapter is assigned one of seven professional labor relations representatives. These men and women are well trained to help you navigate through your state career, from probation to retirement. This month, we profile a successful appeal handled by Gerard Fields, ACSS labor rep for Chapters 504 and 505.*

**B**ridget Early just thought she was being a friend. As a mailing machine Supervisor II in a new job with the Department of Motor Vehicles, and still on probation, she enjoyed her camaraderie with the workers she supervised. But that camaraderie took a wrong turn.

When her employees casually started showing each other off-color photos on their cameras, Bridget, thinking she was just being a friend, showed them one she had received in an email. "It happened to have come that day," Bridget said. "So I showed it and we laughed."

Bridget thought no more of the incident – in fact, she didn't know it would be an incident – until four months later, when some of her employees filed a grievance against her. In the material that was filed, the single incident had been exaggerated into several.

Rather than supporting her, Bridget's manager wrote her up, put the undocumented charges in her file and rejected her on probation. She returned to her previous

job as a Supervisor I.

She knew she was fortunate to have a good job to go back to, but she worried the errors in her records would hurt her chances of ever getting another promotion.

"Putting all this untruthful stuff in my file, this stuff is just not right," Bridget said. "If I wanted to apply for another job, I would have to go through the mess of trying to explain the truth.

"I didn't want to have to do that because this stuff shouldn't have been in there in the first place."

Bridget has worked for the state since 1989. She joined

ACSS as soon as she became a DMV supervisor 12 years ago. Her work record was good and she didn't want it tarnished with inflated accusations.

After she returned to her old job, Bridget knew she wouldn't get her promotion back, but she did want the material in her file corrected.

She wasn't optimistic anyone could help her, but, as an ACSS member, she knew she had free representation. So

she called her ACSS labor relations representative, Gerard Fields.

Fields gave her some immediate advice, such as not talking further to anyone about the case, and then met with her. After studying her material, he told her he would appeal the result.

She was still doubtful, she says, but Fields set up a hearing.

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*"It is very good to know that you do have somebody that has your back. You don't have to sit around and let something happen to you"*

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ACSS' brochure, "Your Road Through Probation," is a great guide for getting through these critical periods of your career. The brochure apprises you of your rights and alerts you to the pitfalls to watch out for. Probation is a learning time for you and your supervisors, and nearly everyone completes it successfully. For a copy of this brochure, call our headquarters at 800-624-2137 or 916-326-4257.

"I almost didn't go," Bridget remembers. "I thought it would be a waste of time. But Jerry told me I needed to come, so I went."

Fields' strategy was to separate the two issues – the rejection on probation, which Bridget didn't want to fight, and the charges of possessing inappropriate material in the workplace.

"I was able to make the judge understand that management would have no proof of possession of any inappropriate material, that management's witnesses would all be swearing to hearsay evidence," Fields said.

Bridget recalls the judge's decision: "This should never have gone any further than the DMV," the judge said. "I don't want to waste any more time by going to trial."


The result? Bridget's record was purged of all information about the incident. "We walked out of there with a really good settlement for her," Fields says, "and she was just ready to do cartwheels."

"She thought she was going to be stuck with all this in her file."

"Now it's just like it never happened," Bridget says.

Her advice to other state supervisors? Join ACSS.

"It is very good to know that you do have somebody that has your back," she says. "You don't have to sit around and let something happen to you, because there's somebody out there who can help you."

"If ACSS is on your side, you do have a chance." 

### From your labor rep

## Probation: 'Most vulnerable time in your state career'

**B**ridget's employment problems stemmed from a common mistake: She had become comfortable with her staff and wanted to be friends with them.

"She thought they were her girlfriends, even though she was their boss," says Bridget's ACSS labor relations representative, Gerard Fields.

Bridget learned a valuable lesson. Probation, Fields warns, is "the most vulnerable time in your state career."

You will be on probation for six months or a year every time you start a new job, no matter how long you've worked for the state. During this period, you may be let go – "rejected" – without cause. Your supervisor or manager can reject you without giving any reason.

With ACSS' help, Bridget was cleared of the charges against her, but she didn't regain the job she lost. The probation rejection was solid.

You are entitled to appeal a probation rejection to the State Personnel Board, but such cases are difficult to win. The burden of proof – that there is no substantial evidence to support the rejection – will be on you. Only 5 percent of appellants successfully overturn a probation rejection.

Although ACSS labor reps don't usually handle probation appeals, they will help you clear your record if false or incorrect charges are filed against you, whether or not you're on probation. This valuable representation is free to members.

If you have an employment issue, you are allowed paid time off from your job to meet with your ACSS labor rep and to attend any hearings that may be required. Your labor rep will be at your side.

Being rejected from probation is not the end of your career, Fields says. It is not considered an adverse action. The job may simply have been a bad fit. Generally, you have the right to return to your previous job.