



**SERVICE EMPLOYEES
INTERNATIONAL UNION
CTW-CLC**

SAN JOSE H.Q.

2302 Zanker Road
San Jose, CA 95131

Phone: 408-678-3300

Fax: 408-954-1538

Phone: 408-678-3398
(Vendors)

BAKERSFIELD

1001 17th Street
Bakersfield, CA 93301

Phone: 661-321-4160

Fax: 661-325-7814

FRESNO

5228 E. Pine Avenue
Fresno, CA 93727

Phone: 559-447-2560

Fax: 559-261-9308

HANFORD

101 N. Irwin St., Suite 205
Hanford, CA 93230

Phone: 559-587-1521

Fax: 559-587-1524

SALINAS

HOLLISTER

334 Monterey Street
Salinas, CA 93901

Phone: 831-784-2560

Fax: 831-757-1863

Phone: 831-636-3455

Fax: 831-636-0787
(Hollister)

SAN CARLOS

981 Industrial Rd., Suite A
San Carlos, CA 94070

Phone: 650-801-3500

Fax: 650-595-1930

SANTA CRUZ

WATSONVILLE

517B Mission Street
Santa Cruz, CA 95060

Phone: 831-824-9255

Fax: 831-459-0756

Phone: 831-724-9095

(Watsonville)

VISALIA

1811 W. Sunnyside Avenue
Visalia, CA 93277

Phone: 559-635-3720

Fax: 559-733-5006

www.seiu521.org



October 1, 2012

Certified: 7009 0080 0000 7648 3130

Michael Miller, Auditor-Controller
County of Monterey
168 W. Alisal Street, Third Floor
Salinas, CA 93901

Subject: Cease & Desist – Threat of Discipline for Late Timecard Submission

Dear Mr. Miller:

SEIU Local 521 is the exclusive representative of numerous employees of the County of Monterey. Today, Local 521 received a copy of electronic correspondence you sent last Friday, September 28, concerning the late submission of timecards [**Exhibit A**]. In that correspondence, you requested that department managers “direct” employees to submit timecards within the “required timeframe” or face disciplinary consequences.

At this time, Local 521 directs you to immediately cease & desist any further threats of discipline toward employees represented by Local 521, particularly for alleged incidents of late timecard submission. We have reviewed the County of Monterey Payroll Time and Leave Reporting Policy, and we are unable to locate any provision of that policy that sets forth a “required timeframe” for timecard submission. Moreover, when representatives of the various bargaining units met and conferred with the County in 2010 before implementation of the policy, there was no discussion regarding discipline. In fact, the parties understood that the policy was not intended to serve as a basis for disciplinary actions against employees. Therefore, we are curious to know specifically what authority you relied on in your assertion that employees be disciplined for late timecard submission. Please provide that authority to us right away, but by no later than next Friday, October 12.

We also find the timing of your request extremely suspect. As you know, Local 521 filed four (4) grievances in 2010 for your violation of the overtime provisions of our labor contracts. We were then forced to arbitrate those grievances last Tuesday, September 25th, due to your continued non-compliance with the County’s agreement to make all Local 521 members whole for lost wages resulting from the miscalculated overtime pay. Last Thursday, we publicly informed our members of the erroneous legal position taken by your counsel at the hearing. Your sudden insistence that certain employees covered by those grievances be disciplined may be viewed as retribution for engaging in protected activity. Please be advised, the fact that any discipline would be carried out through other management personnel does not

Michael Miller
October 1, 2012
Page 2

not insulate you from culpability in a retaliation charge through PERB, and we explicitly reserve our right to pursue an unfair practice charge in the event any SEIU-represented employees are disciplined under the pretext of non-compliance with timecard submission requirements.

We also find concerning your threat to charge departments \$500 for each manual check that must be prepared. Please provide a break-down of actual internal costs incurred by your office (e.g. staff time, paper, ink, etc.) that was factored into justifying the \$500 fee. Furthermore, please set forth your statutory authority or county policy that would be used as a basis to assess such a fee to county departments. Assuming your office charged \$500 to process each manual check for the 56 employees listed in the enclosed spreadsheet [**Exhibit B**], county departments would cumulatively pay \$28,000 for that service. As you must know, county departments have had to make huge budget cuts in recent fiscal years, resulting in concessions by SEIU and increased demands on our members, who are working with fewer resources. As such, we request that you justify your exorbitant fee.

I can be reached directly at (831) 784-2565 if further discussion on any of these issues would be helpful. Otherwise, we look forward to your responses by October 12.

Sincerely,



Frank Garden
Contract Enforcement Specialist

Enclosures

C: Lew Bauman, CAO
Daniel Leon, Natividad Medical Center
John Guertin, Monterey County Sheriff's Office
Ray Bullick, Monterey County Health Department
Each Member, Monterey County Board of Supervisors
Each Member, Monterey County Chapter Board (SEIU)

From: Miller, Michael J. x5303
Sent: Friday, September 28, 2012 3:55 PM
To: Bullick, Ray; Colangelo, James J.; Leon, Daniel
Cc: Friedrich, Al x5343
Subject: FW:
Importance: High

Ray, Jim and Daniel

Please have a look at the attachment. It appears that there are some chronic timecard issues for some employees. I would appreciate it if you would have your supervisors "direct" these employees to provide timecards within the required timeframe as this is a disciplinary issue. Sometime in the near future, we will be charging \$500.00 to the departments for each manual check that we have to prepare as a result of late timecards. Of course, if the approver is late, then the approver must be "directed". And if there are extenuating circumstances, then we will waive the \$500.00 charge if provided with proper documentation.

Let me know if you have any questions.

Thanks,
Mike

From: Ow, Idalia x5951
Sent: Friday, September 28, 2012 3:36 PM
To: Miller, Michael J. x5303
Cc: Friedrich, Al x5343; Giboney, Gary x5439
Subject:

Attached is the listing of employees that required a manual check due to employee timesheets (TIMEI) documents not being submitted by the payroll deadline.

1. NO TIMEI CREATED = employee did not create a timesheet by Tuesday at 5:00 pm of payroll week
2. Delay in supervisor approving the TIMEI document by payroll deadline
3. Supervisor rejected the TIMEI document back to employee and not resolved by payroll deadline

I also included additional pay periods for those employees that are repeat offenders in 2012.

Let me know if you have any questions.

*Idalia Ow, CPP
Payroll Manager, County of Monterey
168 W. Alisal Street
Salinas, CA 93901
(831) 784-5951, FAX (831) 755-5144*

NOTICE OF CONFIDENTIALITY: This e-mail message, including any attachments, is intended for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure. If you are not the intended recipient, you are notified that dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify the sender by reply e-mail and delete all copies of the original message.