

Emily Schneider

From: LIST-SupervisoryOrExcludedOrgs [SupervisoryOrExcludedOrgs@maillist.dpa.ca.gov] on behalf of Julie Chapman [JulieChapman@DPA.CA.GOV]
Sent: Thursday, August 12, 2010 11:27 AM
To: LIST-SupervisoryOrExcludedOrgs
Subject: FW: Offices Open This Friday

The following email was sent to agencies and departments today regarding the furlough program.

-----Original Message-----

From: Elaine Smith On Behalf Of Debbie Endsley
Sent: Thursday, August 12, 2010 10:47 AM
To: LIST-AgencySec-Cabinet; LIST-ConstitutionalOfficers; LIST-UnderSecretaries; LIST-Directors; LIST-CONST-ChiefOfStaff-Deputies
Subject: Offices Open This Friday

Earlier this week, the Alameda County Superior Court issued a Temporary Restraining Order (TRO) suspending the new furlough program that began in August 2010 pending an additional hearing on September 13, 2010. DPA filed an appeal of this suspension with the First District Court of Appeal on August 10, 2010 and an emergency petition seeking an order allowing the furloughs to go forward as planned.

As of today, the Court of Appeal has not yet ruled on the emergency petition and the TRO remains in place. The timing of any decision by the Court of Appeal effectively prevents the State from being able to appeal and obtain a decision from the California Supreme Court before Friday. Therefore, this Friday, August 13th will be a work day and State operations will be open this Friday. In order to maintain consistency and to provide for simplified administration, this will apply to all bargaining units.

If the Court of Appeal decides that the furloughs can continue as planned, the first furlough day this month will be treated as a self-directed furlough day to be used in the August pay period. If the Court of Appeal decides that furloughs cannot continue, we will seek review in the California Supreme Court.

We hope to have a decision from the Court of Appeal or California Supreme Court before the second scheduled furlough Friday (August 20, 2010). We will continue to keep departments informed of any decisions that impact furloughs.

We do understand that there are many instances where employees have made arrangements to furlough on this Friday. For this reason, if at all possible, departments are strongly encouraged to approve employee vacation requests for this Friday. If the court decides that furloughs can continue, employees may then change the vacation time they used this Friday to furlough time off.