

# INTERNATIONAL UNION OF OPERATING ENGINEERS

Craft-Maintenance Division State of California Unit 12  
Locals 3, 39 & 501, AFL-CIO

## IUOE Local 39 Wins Another Arbitration Case Against CDCR- January 9, 2018

In an award summary dated January 4, 2018, arbitrator Kathy Fragnoli, Esq. ruled that the Union (IUOE Local39) demonstrated by a preponderance of the evidence that the California Department of Corrections and Rehabilitation (CDCR) violated the Unit 12 MOU (contract) and/or established past practice when it assigned duties listed in the Lead Groundskeeper and Lead Groundskeeper I job specifications to the Groundskeeper positions at Avenal State Prison.

The CDCR is ordered to comply with the MOU, and cease and desist the practice of assigning Lead Groundskeeper and Lead Groundskeeper I to the lowest level Groundskeeper positions as part of the award.

CDCR, at various institutions, has been phasing out the two higher level Grounds positions as a result of AB 109 and Standardized Staffing for the past several years and thus shifting the higher level work to the lower position.

This practice downgrades the trade and rips off the workers. This ruling stops that.

Instead of filling the vacant higher level positions, CDCR has been dumping that work on the lower positions to save money.

Duties that Lead and Lead I's do, not Groundskeepers:

- Lead other employees
- Tree surgery
- Roads and walkways
- Athletic fields
- Drainage systems
- **Sprinkler systems**
- Maintenance of time and cost records
- Work on budget
- Plan beautification projects

John Veen  
Business Representative, IUOE Local 39