

North Bay Workers' Rights Board

Report on the Hearing and Investigation of the Working Conditions of Sonoma County Superior Court Workers

January 14, 2017



The North Bay Workers' Rights Board is a community-based project of

 **NORTH BAY JOBS WITH JUSTICE**

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Hearing on
Working Conditions
of Sonoma County
Superior Court Workers

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Workers' Rights Board Panelists

Debora Hammond
Professor, Hutchins School of Liberal Studies, Sonoma State University

Rick Luttmann
Professor Emeritus of Mathematics, Sonoma State University

Matt Myres
K-12 Teacher and Principal, Retired

Bonnie Petty
Communications Vice President, Santa Rosa Democratic Club

Rafael Miranda
*Past President and North Bay Director of the Teamsters Union
Local 665, Retired*

(Organizational affiliation for identification purposes only)

Testimony

The Workers' Rights Board heard testimony from the following Sonoma County Superior Court Workers and Union Representative

Wendell Phillips, *Court Software Analyst*

Kari Korreng, *Courtroom Clerk/Civil*

Becki Peterson, *Court Reporter*

Lorena De Loza, *Legal Processor II/Civil*

Ellen Cooper, *Court Reporter*

Yasmín Mandujano, *Legal Processor III/Criminal*

Sydney Ferris, *Courtroom Clerk/Criminal*

Kathy Buskirk, *Fast Track Attorney Services*

Irene Rosario, *SEIU 1021 Field Representative and Retired Court Employee*

Cathleen Albright, *Courtroom Clerk*
(Testimony submitted in writing; presented by Irene Rosario)

Pat Graham, *Courtroom Clerk/Criminal*
(Testimony provided during the Question & Answer period)

BACKGROUND OF THE REPORT

The North Bay Workers' Rights Board (WRB) is a community-based organization comprised of leaders from faith, labor, academic and community organizations in the North Bay. It is a public forum to which workers can bring their concerns about violations of their rights in the workplace. The North Bay Workers' Rights Board is affiliated with North Bay Jobs with Justice, a labor-community coalition of 17 unions and community-based organizations.

In 2001, the Sonoma County Superior Court became an independent agency separate from the County of Sonoma. The Court is a part of the State of California Superior Court system and receives its funding from the state. There are several divisions and departments within the Superior Court such as Traffic Court,

agement about the changing and challenging working conditions. Court employees also reported that they have communicated their concerns about various labor issues through their representatives at labor-management committee meetings. Most court workers feel that management has not been responsive to their concerns.

Therefore, Superior Court employees approached the North Bay Workers' Rights Board and requested a hearing and an investigation by the Board into the working conditions at the Superior Court. After reviewing the initial worker complaints about working conditions, the Workers' Rights Board agreed to conduct a hearing on Saturday, January 14, 2017 at the Finley Community Center in Santa Rosa. The Workers' Rights Board also invited the Court CEO, José Guillén, to participate in the hearing, but he declined.

SEIU 1021 representatives also invited one of the Court's judges to the hearing, but the invitation was also declined. However, the CEO, Mr. Guillén, did submit statements prior to the hearing and then in response to the employee testimony at the hearing; both are included in this report.

Following the hearing, Superior Court workers held a 3-day strike (January 18th, 19th, and 20th, 2017) after management terminated contract talks, walked away from negotiations, and refused to continue with bargaining. During the 3-day strike, the employer (Sonoma County Superior Court) filed a request for injunctive relief with the Public Employees Relations Board (PERB), in an attempt to force employees back to work. Prior to the injunctive hearing



Over a hundred striking Sonoma County Superior Court legal assistants, court reporters and clerks, on a picket line outside the Hall of Justice, demanding a pay increase and better working conditions.

Family and Juvenile Court, and Criminal Court. The judges of the Superior Court are responsible for hiring and dismissing the Court's CEO and for the overall management of the Court. There are approximately 100 Superior Court employees including court clerks, legal processors, court reporters, and information technology specialists.

Many Sonoma County Superior Court workers reported that, prior to 2009, the Superior Court was a very positive employee-friendly work environment. However, court workers claimed that, after a new CEO and an Assistant to the CEO were hired in 2009, a pervasive lack of respect, severe understaffing, and unfair workloads became the norm in many Superior Court departments.

Court workers are represented by SEIU 1021, which also represents a majority of county employees. Superior Court workers told us that they have communicated their concerns to man-

both parties agreed to participate in mediation with the PERB. During mediation, the employer agreed to return to the negotiating table and presented a new offer. The court workers' bargaining team agreed to present this offer to its members who ratified the new contract on January 31, 2017. The agreement provided court workers with a 2% cost of living adjustment, a one-time \$500 bonus, 8 hours of vacation leave added to workers' vacation leave bank, a 'me too' clause, and an acknowledgement that there are unresolved workload and work environment issues. As a result of contract negotiations, management and the union have agreed to meet with a mediator to resolve these issues.

The following report includes testimony by Superior Court workers, a response submitted by court CEO José Guillén, and the findings and recommendations of the North Bay Workers' Rights Board. ●

TESTIMONY GIVEN AT THE HEARING

A staffing shortage has led to excessive workloads and undermines the quality of public services provided by the court.

When the workers of the Sonoma County Superior Court gave testimony on their current working conditions, severe understaffing was a recurring and dominant issue for them. They reported that workloads in almost every department have become burdensome, resulting in a poorer quality of legal services provided by the court.



BECKI PETERSON

"We have a staff of 13 court reporters currently; when I began working here in 2001, there were 22 of us. When a court reporter retires, it is a rarity that a new reporter will be hired. Gone are the days of being able to handle the workload of the courtroom you are assigned to, but now must handle the

workloads of three courtrooms. Every day is an emergency full of stress and rushing around. It is impossible for me to plan out my workday; for example, meet attorneys to provide them transcripts, return phone calls and e-mails. Oftentimes, I am scheduled in multiple courtrooms in a day and packing up my gear and driving over to another courthouse is considered my break. Many times, I arrive at a courtroom to find the judge and an audience of attorneys and litigants sitting and waiting for me to set up and begin because that courtroom couldn't start on time due to lack of staff."

Becki Peterson, a Court Reporter for Sonoma Superior Court for 16 years, tells how staffing shortages have impacted her ability to perform her courtroom duties, jeopardizing her state-issued credentials and negatively impacting the public.

I got my dream job here at Sonoma Superior Court in 2001. It is very difficult for me to speak to you about the harsh working conditions that the employees of the Sonoma Superior Court have endured. It is difficult because I respect our Bench; it is difficult because I do not want to be singled out; it is difficult because I get very nervous speaking in front of a crowd; it is difficult because I love my job. The fact that I feel compelled to do this, should give you some measure of the horrible atmosphere that we must endure.

We have a staff of 13 court reporters currently; when I began working here in 2001, there were 22 of us. When a court reporter retires, it is a rarity that a new reporter will be hired. Gone are the days of being able to handle the workload of the courtroom you are assigned to, but now must handle the workloads of

three courtrooms. Every day is an emergency full of stress and rushing around. It is impossible for me to plan out my workday; for example, meet attorneys to provide them transcripts, return phone calls and e-mails. Oftentimes, I am scheduled in multiple courtrooms in a day and packing up my gear and driving over to another courthouse is considered my break. Many times, I arrive at a courtroom to find the judge and an audience of attorneys and litigants sitting and waiting for me to set up and begin because that courtroom couldn't start on time due to lack of staff.

As court reporters, we are licensed by the State of California and must adhere to rules and are governed by the Government Code and the Code of Civil Procedure. If we do not, our license is in jeopardy. We are working in an environment that threatens our license almost on a daily basis. On a moment's notice, in the middle of working to meet a transcript deadline, a reporter will be called to cover a courtroom that was not sufficiently staffed. It is required that we meet our transcript deadlines, most of which are court-ordered deadlines, or our license is in jeopardy of being revoked for incompetence. If we miss a deadline on a preliminary hearing, our pay is docked by 50% for that transcript. Management does not care. We are severely understaffed in the court reporter department; every day is handled as a stressful emergency and there is no relief in sight.

My colleagues are not afraid of hard work, they are professional, conscientious, thorough and mindful of all of the tasks each person has. We will work late, through lunch, and on the weekends. Our management team, though, does not treat us as professionals trying to give the public the best access to justice. It is disrespectful to have judges and litigants and attorneys wait to begin court due to a lack of staff. It is disrespectful to litigants, many of whom take a day off of work to come to court and either have their matter continued or delayed due to lack of staff. It is disrespectful to the Court of Appeal to be unable to meet a deadline because we are consistently moved from courtroom to courtroom without having a chance to handle our caseloads due to lack of staff. And it is disrespectful to us, the Superior Court employees, to treat our work as unimportant and not a concern of theirs, but yet dock our pay, report us to the CSR board, issue OSCs, or be transferred to a calendar department if we do not meet our court-ordered deadlines.

Other departments at our courthouse are also extremely understaffed. For instance, the civil department is so backlogged that I personally have witnessed multiple cases being continued due to the fact that their default judgments, final documents needed for a divorce, pleadings or trial statements had been sitting in the clerk's office for months and still not processed. This lack of staff creates

problems that the Court either ignores or hopes will go away. The public's access to justice is compromised. I have seen members of the public who undoubtedly took time off work show up and get frustrated over the amount of continuances.

The Judicial Council has produced a Code of Ethics for Court Employees in dealing with the public. All of the Superior Courts in California have the choice of adopting none, some or all of the tenants. Our court has adopted each and every tenant. These tenants are cited in reprimands and suspensions as reasons for the action. They are subjective and there is no recourse for arguing against a violation of one of them; however, management does not adhere to the tenants when dealing with employees and the public.

It is our collective hope that this behavior by management will cease and that the employees of the Sonoma Superior Court can work in the most professional and helpful manner for the public and have enough staff to get all of our work completed in a timely manner, and that our over-inflated management will be restructured. ●



PHOTO BY TIM MORGAN

ELLEN COOPER

"I was recently the reporter for one day of testimony in a jury trial and, when I learned it was going to the jury, I requested time in my office to prepare a rough transcript for potential eradicable of that day's testimony, as I would be in session in another trial department the following day. I was instead sent

to the courthouse across the street, where I covered two different departments, one after another. The second judge and attorneys had been waiting over an hour while my first afternoon assignment finished. That's two parties having to pay their attorneys for an hour of sitting waiting for a reporter. The following day, I was pulled out of my regular department's trial to go read back the testimony I had wanted to prepare. The jury had been waiting over an hour for eradicable while the scheduler waited for another reporter to become available to take over for me."

Ellen Cooper, another Court Reporter who has 40 years of experience as a reporter for the Sonoma County Superior Courts, also testified about the challenges that she confronts due to the shortage of court reporters. She contends that managers and supervisors are no longer trained or knowledgeable about the jobs of the court employees they oversee, leading to problems with scheduling and workload issues.

Until 2004, reporters were supervised by a lead reporter. She knew what the job entailed and was aware of who was doing

what in which courtroom, and every day she prepared the following day's schedule with an eye to continuity of service and in a manner to make proceedings flow as smoothly as possible, from the reporting of court proceedings to preparation of transcripts. She made sure transcripts were being prepared in a timely manner, followed whose work load was heavy or light at any given time, and answered any questions anyone had on format, Rules of Court, or any of the myriad issues that come up on a regular basis. She advised us on training possibilities in the area, and tried — unsuccessfully — to get the court administration to provide on-site training geared to the unusual and specific issues that relate to reporters, as well as liaising with judicial officers about any reporting issues that might arise. She even was available to step into court on the very rare occasions when an extra reporter was needed. Schedule changes were very rare, and we generally had an understanding by 4:00 PM the day before of where we would be working the following day.

Not long after 2004, the court reporter supervisor job was split into two positions: one a supervisor, and one a full-time scheduler, who also scheduled interpreters. Both positions were filled by people with no training in, nor experience with, court reporting. This left the reporters with no one in a supervisor position who was aware of the laws governing reporters.

Our current supervisor met with us shortly after being hired and informed us that our time of arrival for work was being watched; that arriving on site a few minutes late and making up those few minutes at the end of the day or during the lunch hour would not be tolerated, not because it had any impact on our job performance, but because it looked bad.

Our hours of access to our offices were curtailed, and we are not allowed on site before 7:15 AM nor after 6:00 PM, even if we have been ordered to prepare a transcript overnight. We are required to supply our own on-site printers, stenotype machine, and laptop, but cannot make use of them outside the above hours.

We have eight fewer reporters than we did in 2007. This leads to our assignments being changed several times a day, every day. I am currently assigned to a felony department, where we are on the record every day, most days morning and afternoon. Any days that I am not in court all day, I can expect to be sent to another department, frequently where they have been waiting for a reporter. This means that judges, attorneys, and parties are sitting waiting, incurring attorneys' fees and wasting time.

It is assumed that, if our court is not in session, we are not working. When the issue of transcript preparation is brought up, we are consistently told that transcript preparation is "independent contractor work," and the court is not required to, and in fact should not, allow us any time during our scheduled work hours to work on them. We are paid for our transcripts, but this is a contractual requirement of our job. It is part of our negotiated compensation package. The courts determine when and for whom we prepare the majority of our transcripts, our rates are set by law, and we do not have the option of refusing to prepare them. We frequently work evenings and weekends to prepare them, but there are times when there are not enough hours in the day to prepare them all if we have a big appeal and are in court all day, every day. In the past, this was recognized. A rule of thumb is that, for

every hour in court, it takes approximately an hour to prepare the transcript on the outside.

I was recently the reporter for one day of testimony in a jury trial and, when I learned it was going to the jury, I requested time in my office to prepare a rough transcript for potential eradicable of that day's testimony, as I would be in session in another trial department the following day. I was instead sent to the courthouse across the street, where I covered two different departments, one after another. The second judge and attorneys had been waiting over an hour while my first afternoon assignment finished. That's two parties having to pay their attorneys for an hour of sitting waiting for a reporter. The following day, I was pulled out of my regular department's trial to go read back the testimony I had wanted to prepare. The jury had been waiting over an hour for eradicable while the scheduler waited for another reporter to become available to take over for me.

This is a fairly common type of situation and would not happen if sufficient staffing were hired. But it's cheaper to hire extra help, even though the Personnel Plan states that regular positions are not to be filled with extra help except in emergency situations. A minimum of three extra help reporters are hired every day — some days many more — and yet there is still insufficient staff to cover the needs in a professional and timely manner.

Fairly often, schedules come out taking reporters out of ongoing trials and putting an extra help reporter in their place. This is a bad idea for many reasons: First and foremost, if the jury wants read back, several different reporters could have portions of the requested testimony, which means pulling them out of whatever department they are in or, if they're extra help, hoping they're not out of town, in a deposition, or otherwise unavailable. Also, when the time comes to prepare a transcript, there will be several different reporters all trying to coordinate pagination and volume numbers. In addition, a new reporter coming in cold in the middle of a trial will not have the database of terminology and names in their real time feed, and the judge gets an inferior real time product. (Real time is comparable to closed captioning for the judge). The reporter will also have to interrupt the attorneys more to get spellings, ask for clarification of proper names, etc., that one reporter would get once and know through the trial.

There is also the personal issue of the added stress that applies to both the reporters and the parties having a new person thrown in the mix. Another issue is that, every time a new reporter hooks up to real time, there is the possibility of a connection problem. And one big issue is that, when you have an extra help reporter hooking up to a judge's computer, there is no assurance that the reporter's laptop is virus-free and not exposing the entire courthouse computer system.

A court reporter does much more than just write down phonetically what is said in a courtroom. We have to know the terminology and be familiar with the lawyers and judges to give the best service possible. If you put an extra help reporter who works predominantly in depositions into a felony arraignment department, she is going to have a very difficult time keeping up with the proceedings. A seasoned official reporter knows the terminology and "scripts" that are used and can keep up with the rapid pace of proceedings. ●



KATHY BUSKIRK

"It's a tough job. I did that job that these folks (staff) are doing at the front counter. You have people (public) whose lives are in havoc, they have emotional issues, and they sometimes take it out on staff, but I've seen them (staff) do this professionally and with a smile and never let you know that they may have

something going on at home. Folks have families. We know that. And when we go there—most of us Court Runners that go in there, we understand the plight of what they're dealing with. So I appreciate the fact that they stay after. It disgusts me that their supervisors and managers don't come out and help. Same thing with Family Law, Criminal—all the departments. I'd still be there if I wasn't so dissatisfied with what's happened with management."

Kathy Buskirk, proprietor of Fast Track Attorney Services, offered the perspective of a former court employee who now visits the courthouse daily as a member of the public. She retired from the Superior Court in 2010, after 20 years of service. She is now self-employed and assists attorneys with filing their documents at the courthouse—she calls herself the "face" of the attorneys.

I'm surprised at some of the things that are coming out today, having been at the courthouse every day. I don't hear some of these things. These folks are professionals who do not share what's going on inside this courthouse.

I want to talk about how I see the impact to myself, the public. Attorneys hire me to go in and do their paperwork because they don't want to sit around for 45 minutes and wait to get their papers filed. I've been in Civil where they'll have one window; there's probably about 4 or 5 Court Runners who show up at the end of the day. So, the Courts close at 3:30. It's typical for me to be there till after 4. Granted they all help each other out, they do so professionally and with a smile, knowing full well they still have 35-40 minutes worth of work that they have to get done—which they would have been working on, had I not been there.

Supervisors and managers do not come up and work the counters because they have never worked the trenches. They have no idea what it's like to work the front counter. I can honestly tell you that I don't see those in upper management coming through the courthouse lobbies to see us folks standing and waiting in line.

It's a tough job. I did that job that these folks are doing at the front counter. You have people whose lives are in havoc, they have emotional issues, and they sometimes take it out on staff, but I've seen them do this professionally and with a smile and never let you

know that they may have something going on at home. Folks have families. We know that. And when we go there—most of us Court Runners that go in there, we understand the plight of what they're dealing with. So I appreciate the fact that they stay after. It disgusts me that their supervisors and managers don't come out and help. Same thing with Family Law, Criminal—all the departments. I'd still be there if I wasn't so dissatisfied with what's happened with management. ●

Lack of support and lack of respect pervades court management style

Across the board, the testimony indicated that court workers experience a deep lack of respect for the work that they do and a lack of support and assistance for participating in ongoing training or to access promotional opportunities. Workers also reported a pervasive lack of compassion and concern for court employees, especially when faced with life-altering events.



PHOTO BY TIM MORGAN

YASMIN MANDUJANO

"Two years ago, I got sick...bad sick. My right lung had collapsed and I was hospitalized for a week in the ICU. The day I was released from the hospital I spoke to my supervisor. Having almost no sick time, I had asked her if I could use my vacation time to cover my time out. She said she would have to speak with

HR and get back to me. A short time later, she called saying that I could not use my vacation time, for it was not pre-approved and that I would have to take that as leave without pay. Pre-approved, really? Who plans for their lung to collapse?"

Yasmin Mandujano has worked for the Courts for 12 years and the past 7 years as a Legal Processor III in the Criminal Division. She has an ongoing health condition that causes her to use up most accrued sick days, leaving her bank of sick days low. She spoke about what happened after she was unexpectedly hospitalized.

I'm a senior legal processor. I work in the Criminal Department as a window clerk. I genuinely LOVE my job. It's hard! Very hard! There are days I am forced to wear several hats. I go from being a clerk, to Dr. Phil, to cop, to attorney. And yeah, I'll be honest; there are days I get beat up bad at the window. But for the most part, it's not always that way. For me, there is nothing better than being able to help someone. Making people happy

makes me happy. Working the window is the only place where I'm appreciated. Being appreciated by those I help, whether it is the defendants for our justice partners or the attorneys...it's what gets me through the day.

I am a person with a compromised immunity. My co-workers call me "bubble girl!" A common cold for me is instantly turned into me being on my deathbed with bronchitis or pneumonia. So, my sick time bucket is typically low. Two years ago, I got sick...bad sick. My right lung had collapsed and I was hospitalized for a week in the ICU. The day I was released from the hospital I spoke to my supervisor. Having almost no sick time, I had asked her if I could use my vacation time to cover my time out. She said she would have to speak with HR and get back to me. A short time later, she called saying that I could not use my vacation time, for it was not pre-approved and that I would have to take that as leave without pay. Pre-approved, really? Who plans for their lung to collapse?

My day consists of working the window, completing the work I receive at the window, and after I close my window, I get to try to complete the work load of 3 because we are so short-handed and I do this every day!...and this is how I was shown appreciation. I found it humorous, that a day or two after speaking with my supervisor, I received a "Get well" card, signed by all those in admin. How sweet. Not only am I sick, but now I'm broke. Thank you, Admin for caring so much about me. ●



KARI KORRENG

"I started working for Sonoma Superior Court in November of 1999. That was over 17 years ago and in those 17 years, I have seen how we have gone from a court for the public to what it now seems—more like being run as a private company—a company for profit. We close early, have a high turnover rate of staff, a staff shortage, and

less job-specific training. It used to be that our supervisors and managers could assist us with the public. This is no longer true. We have managers, supervisors, grant writers and even a new group of employees, all behind the scenes, and none of them are able to assist our main customers—the public."

Kari Korreng is a Courtroom Clerk in the Civil Division and has worked for the Superior Court for 17 years. Kari's knowledge and expertise in the area of Family Law enabled her to become a trainer at the state level for the Judicial Council. She asserts that under the current management, trainings—especially job-specific trainings—have all but ceased.

It is not my intent to embarrass or cause the public to distrust the judicial process but to open the eyes of those that may be in a position address and correct how the current CEO and the Assistant CEO are managing the courts.

I started working for Sonoma Superior Court in November of 1999. That was over 17 years ago and in those 17 years, I have seen how we have gone from a court for the public to what it now seems—more like being run as a private company—a company for profit. We close early, have a high turnover rate of staff, a staff shortage, and less job-specific training. It used to be that our supervisors and managers could assist us with the public. This is no longer true. We have managers, supervisors, grant writers and even an new group of employees, all behind the scenes, and none of them are able to assist our main customers—the public.

The staff to support Administration is growing, while the staff to assist the public is shrinking. We, the staff, have had to train our own managers and supervisors, and even each other, at times, between doing our jobs, at a very fast pace, with a small amount of time to show our co-workers how to do theirs.

In the past, I have been blessed with the opportunity to train other court employees at the request of the Judicial Council. I started attending training for the AB1058, Title 4D. This is a specific grant for the assistance to the public on family law matters. AB1058 helps fund the Department of Child Support Services and even the Family Law facilitator's office.

From 2007 until 2016, I worked in a courtroom assigned to hear all the Dept. of Child Support Services-related matters. In 2007, as required under the requirements of California Rules of Court, CRC 5.355, I attended my first training provided by the AOC. My attending this training cost the Superior Court NOTHING, as the AOC paid for me to attend. They paid for my flight, my hotel, my food. In 2010, I was approached and asked if I would be interested in training others, as the presenter was impressed with my knowledge around the subject.

In 2011, I attended my first conference as an assistant. I was excited about the opportunity. I was told I did a wonderful job and may be asked to assist or even be a main presenter. It went really well. I was asked again in 2012, 2013, 2014, 2015, 2016 to again provide training to our Title 4D court staff members. Each year, after providing this training to others, I would return and provide a similar training to my co-workers. Loved it!

In 2016, Commissioner Bayles-Fightmaster retired and Commissioner Rasmason was hired. I was reminded shortly thereafter of the Administration's desire to move me to another courtroom. I was informed, in short, that I had been in my assignment too long. In their eyes, apparently, that's a bad thing. This move did not allow me to attend Title 4D training, even though the Judicial Council, once again, requested me. I found out from one of my co-presenters that I was not attending—and to be clear—not my supervisor or manager.

I am no longer able to provide training to our courts or court employees. The required training under the Rules of Court, CRC 5.355 for others that attend this annual training, they are not in violation of this rule, however, as of today, Sonoma County Superior Court is. The only Sonoma County Superior Court

employee that is not, is County Commissioner Rasmason, as she is the only employee that attends this training. This training IS in the budget that is received, however, the Administration uses this money for other things.

I was blown away once by a manager who told a judicial officer the errors that occur were due to the fact that the employees were untrainable. Really? ●



LORENA DE LOZA

"I am a dedicated reliable employee, having the desire to promote. After some time working in Traffic Department I spoke with my supervisor and manager asking what I needed to do to promote to the next level. They developed a training plan/requirements to promote (which was doing the higher level

work with no increase). I worked for over a year to complete the requirements in order to be promoted to an LPIII. I met the requirements. My supervisor and manager at the time submitted the proof of completing the plan successfully for a promotion on May 9, 2012. It was denied by administration due to funding. I was surprised and disappointed as there was never any indication I would not be promoted after completing the training plan."

Lorena De Loza is a Legal Processor II in the Civil Division, who was first hired in the Traffic Division in 2007. Lorena was eager to learn and grow in her position. She sought help from managers to obtain the training necessary to meet the requirements for promotion, but so far, she is disappointed with management's lack of support.

My name is Lorena De Loza, I was hired in 2007 as LPI/II in the Traffic Department. Like most people I want to learn and grow. I am a dedicated reliable employee, having the desire to promote. After some time working in Traffic Department I spoke with my supervisor and manager asking what I needed to do to promote to the next level. They developed a training plan/requirements to promote (which was doing the higher level work with no increase). I worked for over a year to complete the requirements in order to be promoted to an LPIII. I met the requirements. My supervisor and manager at the time submitted the proof of completing the plan successfully for a promotion on May 9, 2012. It was denied by administration due to funding. I was surprised and disappointed as there was never any indication I would not be promoted after completing the training plan.

I currently work in our civil division on the Flexible Staffing Program (doing the higher level work with no increase) to be

promoted to an LPIII. I met with my manager and supervisor around April 2016 regarding the time line for training plan/promotion. It would take another a year and a half on Flexible Staffing Program before my promotion would again be submitted to administration for approval. I recently met with my manager to express my disappointment that another employee in a different division who was also on the Flexible Staffing Program was promoted in approximately six months. Management's response was "the process was going to be shortened." Needless to say I am very disappointed.

I am not the only employee this has happened to. It is unfair and disturbing the Court Management would create a program they really have no intention honoring. They are promoting a program that is intended to create a career path that rarely happens. ●

CATHLEEN ALBRIGHT

The following testimony of Cathleen Albright, who was a victim of the Lake County fire, was submitted by Irene Rosario, Field Representative for SEIU Local 1021,

I will never forget the "Valley Fire" for many reasons. I was not home at the time the fires swept through my community that dreadful Saturday in October. I tried to get back home with my daughter and a friend so we could collect our animals and belongings but was turned around. As we were sitting in my vehicle, waiting to turn around, we watched the flames sweep down the mountains and consume anything in its path.

Driving away from the fire, we were at a loss: Do we go to Calistoga? Santa Rosa? We didn't know! We had nothing but the clothes on our back. I even forgot my phone at home. We stopped in Calistoga, thought it out, and drove to Santa Rosa to meet our husbands there later. My friend's son was able to get our dog from our house but not my daughter's cat.

Sunday, my husband, daughter and I were in Target, buying an extra set of clothes, underwear, toiletries, etc. We were in a fog as we still did not know if our house, with my daughter's cat inside, had survived this monster or not. With all the ups and downs of the news, all we could do was watch and pray. I ran into my Supervisor and I said I would need to be off on Monday; I didn't know what was going on at home. I also mentioned I didn't have my phone, so she took down my daughter's phone number. She asked if I wanted to call in the morning to confirm I wouldn't be there. I said no, I am confirming now. I won't be there. I can't even think! As I was saying this to her, I started to cry.

On Monday, I decided to go into work to go to HR to see what I needed to do to be off for the week. I knew I couldn't clerk because I couldn't concentrate. We still did not know if we had a home or the cat or not. We were in disbelief, crying and lost. There are no words to describe the lost feeling.

As I was speaking to HR, the representative kept saying she had a "summer" home in Lake County and didn't know if it was still there. I remember saying, this is my home, not my summer home. I didn't really care about her summer home. I was told I would have to call in daily to see if I was needed at work or not.

As I was leaving HR on Monday, I ran into Cindia. She asked how I was. I remember mentioning I was trying to get the week off to figure out what is going on and that I didn't even know if I had a house. She said, Isn't this the week you wanted time off for your niece's wedding and you didn't get it? I remember being surprised she knew this because I had never said anything to her about being denied the time off to bake for my niece's wedding. I told her I didn't need to any longer because I can't bake since I don't know if I even have a house!

As I turned to leave Cindia, I ran into my supervisor and manager. She said something like, how are you. I said, "Shocked" and that I was trying to get the week off. She then said, "You are not wearing court approved attire." I thought I was hearing her wrong. I remember staring at her and saying something like, Well, I don't have anything else because I don't even know if I have house! She also said, isn't this the week you wanted time off to bake for your niece's wedding and you didn't get it? I said something like, well I didn't start this fire to get the time off and I don't need it any longer because I don't know if I have a house and I don't have a stove right now in the hotel room I am in! I just walked away.

I called in each day to see if I could be off work. I totally forgot that on, I think Tuesday, I got a call from HR saying that they approved my "vacation" for the remainder of the week. Vacation??? I remember thinking, Not really! Each day I called in; never was I reminded that I was on "vacation" and didn't have to call in. My mind was so foggy; I didn't remember the phone call.

We tried every day to get home but, were turned away. It was Tuesday that a friend in the media drove by our home and took a picture of our house, still standing, but our poor cat had not had any food since Saturday. Each day, though, my husband and I were constantly getting phone calls from friends saying their homes were gone. My best friend lost her home with her two dogs inside. It was absolutely devastating.

After coming back to work, my manager asked if I was mad at her. I said I was disappointed in how I was treated. She said she thought I would be back in my house in a few days. I told her I never once thought it would be a few days. I saw the fire surrounding my community; I got the phone calls from so many who lost everything. I was back in my home eight days after the fire. I got a doctor's note for medical reasons because I was afraid of retaliation due to the comments about my niece's wedding request. The doctor's excuse was for the Monday so I could clean up from the fire.

I think that what bothered me most was that there was nothing from the Court regarding concern for us affected by the fire. They didn't care if we had a home to go back to; they only cared about coverage. This was the third most devastating fire in California. Over 1200 homes were lost, along with animals, hopes and dreams. I was so surprised they thought I should be working. Why would you want someone there who has their thoughts on a fire and not on work? Someone who cannot remember if they had eaten and couldn't sleep or function. I felt insulted by the fact that they thought I wanted the time off for baking for the wedding. I did go to the wedding on the weekend, since I was still technically on "vacation." ●

Technology problems lead to billions of wasted taxpayer dollars

In 2006, the Superior Court embarked on a project to convert all the court's case management systems (CMS) into one, integrated system. They began with the state's proposed V2 system that was to unify all of California's courts into one system—much like the Department of Motor Vehicles (DMV). The system failed. Now, 11 years and billions of dollars later, the Sonoma County Superior Court still has not accomplished this goal.



SYDNEY FERRIS

"Five of us were meeting on a project conference call. IT Director David Chulick was also on the call in his office. At various times all of us spoke up with questions and concerns. After the call, Mr. Chulick came right over and leaned into an already crowded cubicle. He was visibly angry. His face was red and his

hands were shaking. He leaned down to my face hovering over me as I sat in a chair. He pointed his finger in my face and in a very angry tone said, "You need to be more positive and I didn't like the tone in your voice on that call." I was taken aback because I was trying to process what he was saying and was having difficulty understanding what was going on because it was so out of the blue and caught me by surprise. He continued to berate me, raising his voice so that all the 10 people around us in the various cubicles could hear me being reprimanded for something that did not happen."

Sydney Ferris was hired as a Courtroom Clerk in the Criminal Division but was temporarily assigned to the CMS project. It was to be a one year assignment. After two years had passed, she was still not allowed to return to her courtroom work. She also relates a disturbing scene of verbal abuse by a supervisor in the workplace.

I have been with the Court for over 10 years. When I first started I was excited to see how the Criminal Justice system worked first hand. I was excited about and enjoyed my job for a long time, but over recent years this has changed.

Two years ago I was asked if I was willing to work on the Tyler project for one year. I had to give up my position as a senior courtroom clerk and not work in the courtroom. The project went on much, much longer and on year 2, they wouldn't even let me go back into the courtroom because they felt that they had invested too much in me. For 2 years there was never a real

project plan, a clear path, a timeline or goals on such a time-sensitive IT project.

We were asked to do things that were not in our job description and not trained to do. I was thrown into working on code configuration for tables that control how the computer application actually works, code mapping, scrubbing data, making important conversion decisions on what data stays and what data goes. All these tasks determine what goes on behind the scenes that a typical computer end user never sees or knows exists. I was doing all this and with no clear direction. I am a courtroom clerk; not a computer programmer.

There was constant changing of priorities and tasks on a daily basis. It is the complete and utter lack of respect for the worker having to switch gears constantly throughout the day. We lose momentum and then are asked, "Are you done yet?" It was constant chaos. The Project Manager/IT Director and the application vendor, Tyler, could not answer our questions and fumbled around trying to make sense of what we should do. We had no manuals, no written instructions, just verbal half instructions that changed depending on who you spoke to.

We had to work in conditions that were not conducive for working on a computer 8+ hours a day. There were no desks—only portable folding tables one gets from Costco for utility purposes. Chairs that didn't move; no wheels, no adjustments for ergonomics. We were literally sitting elbow to elbow in a room all lined up next to each other in rows. We were not allowed to sit at our regular workspaces that were set up to accommodate our individual ergonomic needs.

There was no leadership. The only showing of leadership was a feeble attempt to rally the troops when we were told we needed to be positive if we showed even the slightest hint of frustration. We were told what to say to others if they wanted to know how things were going on the project. We were told, "Just stay positive."

I recall very vividly an incident that occurred during a meeting in a project team member's cubicle. This is what happened: Five of us were meeting on a project conference call. IT Director David Chulick was also on the call in his office. At various times all of us spoke up with questions and concerns. After the call, Mr. Chulick came right over and leaned into an already crowded cubicle. He was visibly angry. His face was red and his hands were shaking. He leaned down to my face hovering over me as I sat in a chair. He pointed his finger in my face and in a very angry tone said, "You need to be more positive and I didn't like the tone in your voice on that call." I was taken aback because I was trying to process what he was saying and was having difficulty understanding what was going on because it was so out of the blue and caught me by surprise. He continued to berate me, raising his voice so that all the 10 people around us in the various cubicles could hear me being reprimanded for something that did not happen. I felt scared, confused, threatened, harassed, embarrassed, belittled and humiliated, all at the same time. I would like to note that Mr. Chulick is 6'3" and weighs 250 pounds. His body blocked the entire entrance to the cubicle. When my coworker stood up and told him that this was not okay, I felt that was my opportunity to escape the situation. I left distraught. ●



WENDELL PHILLIPS

The Sonoma Superior Court must be held responsible to the public for the estimated waste of well over \$10 million dollars for 3 failed court CMS systems over an 11 year period. The failure to manage these projects properly with a lack of transparency is a major public concern. These failed systems have

caused security breaches, lost data and civil rights violations. This deplorable waste of tax payer dollars is severely reducing court services to the public, reduced court staffing and most importantly reduced access to justice.

Wendell Phillips is a Superior Court Software Analyst with 35 years of experience in the information technology field. He joined the Superior Court in 2006 and was an integral part of the court's efforts to upgrade and integrate several case management systems into one efficient system. Wendell's testimony provides a detailed timeline of the ongoing debacle that has plagued this effort for more than 11 years.

I've been in IT (Information Technology) for 35 years. I have a Bachelor of Science degree in Computer Programming. I've worked for many of the top companies in Sonoma County. Most of my career has been in private IT, private business. Coming to the county 11 years ago, this has been my first exposure to the public sector.

I'm going to talk about two things: case management at the Superior Court—computerized case management—and some of the working conditions around that.

When I hired on, the court and the State of California had an initiative to computerize all the courts in California in a project called V2. V2 was to be a centralized, statewide court case management system that would handle all case types. It would be something like the DMV had—a single system to handle every license plate in the state. A judge at the Sonoma Superior Court could look at the records from a defendant in Los Angeles Superior Court. It would all be electronic, online—it's a very good idea. It's what attracted me to come to work at the court, to be a part of something that big and that useful. It would definitely be a challenge and I have a specific skill set—a database skill set—that would be very useful in the conversion from the legacy county system to V2.

I hired on in 2006 and V2 was under way. We started working with the county to get the data out of IJS (Integrated Justice System), which handled nearly all case types except for Traffic. And their Traffic was in an older IBM system that they referred to

as MOS (Minor Offense System). So, between IJS and MOS it handled all case types. Nobody at that time really realized how well the County had integrated all the case types and the Justice partners. I don't know if it just didn't occur to anybody or because it was the County and the Court didn't really pay a lot of attention to it because they were busy doing Court business—which is what they should be doing—but as time went on, the Administration of the Court would find out how integrated it is and how difficult it is to separate that.

The V2 project was initially slated to be about an 18-month to 2-year project to get the Court separated from the County's computer system completely—off of the Traffic system and off IJS. We started working with the County, working with all the criminal codes, trying to get the data from IJS over onto the Court network and we started with a collection system for the Traffic tickets called CUBS. CUBS was what collectors used to call up delinquent traffic ticket defendants to collect their money. I worked on that for about 6 months and got CUBS onto the Court network.

So the Court worked on V2 from 2007 to 2009 and it became really apparent in about 2008 that V2 just wasn't going to make it. The software wasn't there and the hardware wasn't there. In that year, the technology was there, but Deloitte and Touche, who were the developers of the system, just were not able to make it work sufficiently and efficiently enough for the Court system in California. The press came out and gave it all kinds of scathing review and the AOC (Administrative Office of the Courts), at that time, finally ended up admitting they had spent over \$2 billion on this system with nothing to show for it. There's plenty of press articles on it to support that. So in about 2009, the Court realized it wasn't going to work and in 2010 the State actually declared V2 as a dead project and Sonoma Court abandoned it.

The Courts were pretty much told you're going to have to do your own case management now. You're going to have to upgrade to whatever products are available out there in the marketplace. A lot of private companies are developing this software. Very complex. The Courts are very specific to the type of software that they use.

In 2011, the Court hired David Chulick as IT Director and in April, they selected Ecourt to replace just the MOS system—just the Traffic tickets—but it had the ability to scale up to do all case types. This was a product from Sustain, who has been developing successful court software for many years. But we were going to go on a new version, a web-based version and José was really pushing this. He selected it. It was going to take care of everything, be really efficient, and everybody would be able to get their work done faster, better, cheaper. Great idea.

The Ecourt project to get traffic tickets off the County network and onto the Court network was supposed to be a 6-month project—pretty reasonable. We started working on it, had a lot of people, hired in some consultants, got some court people working on it, started spinning up the servers, getting it implemented and it started having problems. The more we got into it, the more problems it had. It seemed like it wasn't very fully developed yet.

We kept working on it and at the same time, José had the IT department implement a new website. The website was to use templates from the AOC, for the same look and feel of the website

across all courts. You could go to the website and pay your traffic ticket online—another great idea. Very good public service. So, we went live with this new website in January 2011 at the same time we were working with Ecourt. By May, I was assigned a ticket (a work order) to fix something on the website. I started working on what I was assigned and I noticed something very disturbing: that when they had deployed the website for the traffic payment portal, they did not use the security certificate which was exposing everybody's credit cards, credit card expiration dates, cvv numbers, and their personal information over the internet. That's about 6000 transactions over this 6-month period, from January to May, where people, who went to the public website to pay their traffic ticket, had exposed all their information. Very serious breach of security. I brought it up to the Administration; they said they would take care of it.

I never really heard much back from that. I think, they acknowledged it was a huge mistake but the public was never notified of what happened and that's a serious problem. Coming right from the banking industry into the Court and seeing this, I was really upset. Because nowadays everyone knows when they get hacked or data is exposed, they let people know. That's the right thing to do. The Court did not let anybody know. I was really upset with that but I let them do their job and let them do what they thought was right.

David Chulick was hired in June, after this breach of security on the website. José said he had these credentials. He's done this before. He's going to save the Court and the Court IT and we're going to get really efficient. He was charged with getting Ecourt implemented, hopefully in that 6-month timeframe. We were already starting to get behind schedule.

Concerns that the Ecourt software was not complete started to come up. It couldn't do a lot of the things the company said it could do and it couldn't interface to the DMV correctly. It had a lot of problems taking web payments; a lot of the financial aspects of the software were incomplete. The Court was trying to work with Ecourt to get this finished and fixed and in place through 2012 and 2013. We're 30 months into this 6-month project, two and half million dollars over budget and the Ecourt project started to really fall apart. Finally, they just had to go live with it because the MOS system, which was an aging County legacy system, was just past its lifespan and they were going to shut it off. So we were forced to go live with Ecourt software that wasn't ready: we're still on the beta version.

There was such bad blood developed between the Court and Sustain Ecourt that they just didn't want to deal with Sonoma Courts anymore. The Administration of the Court had just burned that bridge, big time. It's been working on our Court network. People have been using it. Not real good. It's slow. It's inefficient. It has problems. The financials were a huge problem.

Then, right after we went live with Ecourt in May, David Chulick, the IT Director, lost the data without backup. The public financial data in the Ecourt system had been lost. This was a major problem because Accounting couldn't reconcile the traffic ticket cases. They didn't know who owed what, who paid what, who did what. Another huge problem: a severe security problem. If you're in

IT, you pretty much know that any IT Director in the history of IT, if he loses data without backup, they're looking for a new job. Not at the Sonoma Superior Court. He continues to work there. It was a huge, huge problem.

They called in some experts. I worked on it. We were able to recover some of the data. We were able to get it back and, at least, to the point where we could still use Ecourt and the County could run their reports. But we didn't know what the extent of the corruption was. We didn't know still who owed what, who had paid what, for the most part.

By May of 2014, we have V2 that failed and Ecourt, essentially a failed case management system that Sonoma Superior Court Administration barely got running for Traffic, and they realized that the software was not ready. So, they selected Tyler's Odyssey case management system to replace Ecourt; yes, in the same month that we went live with Ecourt. Tyler Odyssey (a Texas company) is supposed to be the Cadillac of case management systems with many installations in courts around the country. It's kind of sad—at least with Sustain Ecourt, a California company, taxes stay in California.

This new, modern case management system, selected by the Administration and David Chulick, was supposed to do all case types. Odyssey and the Court agreed it would take about 16-18 months to convert everything—to get off IJS, off the County system, and replace Ecourt, which was already on the Court's network. So, an 18-month project. \$2.7 million for the software. Probably not a bad deal. It's probably pretty reasonable for the computer system—there's a lot of support and hardware that goes with it: data lines, servers, etc.

To date, in January 2017, Odyssey is still not fully implemented. Now we're at 30 months, pretty much 3 years come this May, and \$2.7 million, on an 18-month project.

We were able to go live last August with Civil and Family Law, go paperless in some courtrooms—a really small win. We're still on IJS, we're still on Ecourt and now we are on Odyssey for Civil and Family Law. So now we are on 3 different case management systems, when the goal 11 years ago was to be on one, modern, efficient case management system.

We'll be spending \$700,000 per year to still support IJS, the \$2.7 million that we spent on Odyssey and going forward costs of staying on both Odyssey and the Ecourt. The Administration of this Court has taken us from one integrated justice system and exploded it into 3 different case management systems.

To summarize: The Sonoma Superior Court must be held responsible to the public for the estimated waste of well over \$10 million dollars for 3 failed court CMS systems over an 11 year period. The failure to manage these projects properly with a lack of transparency is a major public concern. These failed systems have caused security breaches, lost data and civil rights violations. This deplorable waste of tax payer dollars is severely reducing court services to the public, reduced court staffing and most importantly reduced access to justice. ●

Workers report years of fruitless efforts to address their concerns

Several Superior Court workers testified that working conditions have continuously deteriorated over many years and that court employees have made numerous attempts to voice their concerns to management. The WRB also attempted to contact management about working conditions described by court employees and management's reply has been the same: managers believe there are channels in place to address the employees' concerns. Those channels include the contractual grievance-arbitration provisions and the Public Employment Relations Board. However, according to court employees, these channels have not yielded resolution for numerous problems.



IRENE ROSARIO

"The Union Bargaining Team attempted to address the working conditions during negotiations and the response from the court management bargaining team was: they refused to discuss any such issues, citing all employees were happy working at the Court. No access to the Judges? ...The real issue is the Court

Administration has no oversight when it comes to dealing with staff. The Judges refuse to provide some avenue for employees to address these issues. The [CEO] and the Assistant [CEO] do not provide a fair, transparent, safe environment for employees. The Judges hire the Court Executive Officer; it is their responsibility to ensure the Court treats their employees with respect and provides a fair process to address workplace issues....The Courts are required to provide a fair and just process for litigants, defendants, etc. but they refuse to provide the same for their employees. Shame on them!"

Irene Rosario is Field Representative for SEIU 1021 that represents Superior Court workers. Irene also worked for the Court for many years before retiring. She reports on the efforts made by employees and by herself to address working conditions and reveals that those issues have not only remained unresolved, but these efforts have resulted in retaliation against employees who voice their concerns and propose solutions.

I am a retired court employee now working as the union Field Representative, recently assigned to represent court employees. I was taken aback by the working conditions of Court Employees: the lack of respect, the micro-managing, the mismanagement and the refusal of the Judges to provide some avenue for employees to raise their concerns regarding the Court Administration. Judges who on a daily basis provide the forum that ensures the public have independent and fair process for legal disputes, however,

do not provide the same for their employees. Employees who for years worked shorted staffed, lack the tools to do their job and face an oppressive work environment.

The types of treatment employees have received include: angry and threatening demeanor by management, constantly being watched, yelled at by management in front of the public or other employees, retaliation for addressing work issues, denied vacation, denied time off to care for their self/children (sick, school, etc.). Employees feel they are treated more like enemies, in an us-versus-them environment. This is not just a couple of employees; it has come from employees in all departments, in all classifications of the court, including non-represented employees. Employees are fearful to speak up, for fear of retaliation.

Around September 2016, to assist my colleague (Lorenzo Sotelo, who was then assigned to the Courts) I reached out (by phone) to the Presiding Judge Raima Ballinger, asking to meet with her to discuss the working conditions. I was very clear that this was not about the current negotiations, rather about the working conditions. Judge Ballinger did not return my call. Once I was assigned to the Courts (in November) I again contacted Judge Ballinger (via e-mail), again asking to meet with her to discuss the working conditions not contract negotiations. She did not respond. She forwarded my e-mail to José Guillén, Superior Court CEO. Mr. Guillén contacted me and advised me that all non-judicial functions were handled by him and his Administrative staff. However it is important to note, the Union Bargaining Team attempted to address the working conditions during negotiations and the response from the court management bargaining team was: they refused to discuss any such issues, citing all employees were happy working at the Court. No access to the Judges? Really? When did that law pass??

The real issue is the Court Administration has no oversight when it comes to dealing with staff. The Judges refuse to provide some avenue for employees to address these issues. The Court Executive Officer and the Assistant Court Executive Officer do not provide a fair, transparent, safe environment for employees. The Judges hire the Court Executive Officer; it is their responsibility to ensure the Court treats their employees with respect and provides a fair process to address workplace issues. There is no law, legislation, policy that has been provided that states Judges cannot participate. I find it appalling they refuse to provide some avenue to address this draconian management, which they have hired. The Courts are required to provide a fair and just process for litigants, defendants, etc. but they refuse to provide the same for their employees. SHAME ON THEM!

Who is watching the watchers? Court management has spent millions of the taxpayer dollars on two Case Management Systems, one that is soon to be obsolete and purchasing 3 systems over 11 years that to date have failed. This mismanagement directly affects the community's access to the justice system with shortened public hours, short staffing, a backlog in case filings, excessive wait times for calendar dates, etc. It is not fair to the public or to court employees.

From **Kari Korreng**: We are concerned, frustrated and hopeful that this forum can actually make a difference. We have made numerous attempts, as this has been going on for years; however it is ignored

or used as retaliation against us, for those who have the courage to speak out. I'm here today to let our voices be heard. It has not been heard for all these years. We have been working to and through this situation, to no avail.

From **Becki Peterson**: We are in negotiations with management for our labor contract. I had high hopes when we began bargaining last May that we would reach agreements that would benefit both staff and management. It is not meant to be. On Tuesday, January 10, the management and their chief negotiator walked away from the table. They indicated they wanted to caucus after both sides had verbally countered each other, and when they left the room, they indicated they would let us know when they were coming back. What could we say but okay? After about 30 minutes had passed, I checked my cell phone to see if there was a message, and lo and behold, they said negotiations were done for the day and they would e-mail Irene. While we were in the negotiations room waiting in good faith to negotiate, they walked away from the table and the CEO of our courts sent out an e-mail to all of our members and unrepresented employees indicating an offer that we never agreed to, completely bypassing the negotiating team. This is a very good example of how the CEO on down through management just do what they want regardless of the rules that they put in place.

From **Pat Graham** (Courtroom Clerk who gave up her speaking slot for Wendell): I've been in the Courts for 17 ½ years. We have a labor-management committee that used to meet once a month with management to go over the morale, any issues that we had. They changed it to quarterly—on their own. We have been bringing up issues, just like everyone has been saying, for the last 5 years, if not more. Every labor-management meeting we try to get management to at least look at their supervisors and managers, and the way that they treat the employees. They know our morale is just out the door. When we did an action at lunchtime, the door was open to the Accounting Department. They put Deputies in the doorway to shut the door so that they couldn't hear us. This is what he [José] says all the time. When we bring problems up, he tells us it's not the forum. We have to pick the forum. Well, there aren't any more forums and that's why we came to you.

More from **Irene**: I have only been the union Field Rep for the courts since November, but my understanding is there have been several attempts, usually during representational sessions, to try to express those issues but what happens is they have it so locked down and really want to stick to procedures when it comes to dealing with anything. They really don't want to hear it. It was very clear at the negotiating table—that the bargaining team members are elected by the employees—and they repeatedly wanted to address the work conditions and they refused, again saying, “No, we don't want to talk about it. Everybody's happy.” That was their response, “Everybody's happy.” Again I reached out to the Judges—some employees do talk to their Judges—the responses they get: We aren't supposed to talk to you. There's an internal policy—I don't know if it's written—but maybe a verbal policy—they are not to get involved in personnel issues. So there is no avenue past the

Administration when the Administration is the problem because of the way they treat employees.

Response of the CEO of the Superior Court to Worker Testimony

José Guillén, the CEO of the Sonoma County Superior Court, declined to attend and participate in the Workers' Rights Board Hearing on January 14th; but he did correspond with the Workers' Rights Board in two emails. The first email below is what he submitted prior to the hearing.

Thank you again for your invitation and service you provide to the WRB. We appreciate your offer to provide written response to court worker “testimony,” before publication of your report. Our Court is very appreciative of the work and service our employees provide to the public and reaffirms its commitment to continue to work collaboratively through its established processes to resolve employees' labor issues. I believe the union's tone of disappointment and frustration implies that the Court has not met in good faith or negotiated to meet their needs, and neither is an accurate presentation of the facts.

Throughout this process we have been listening, responding, and striving to collaborate. In fact in mediation in October the parties signed a Tentative Agreement on one-time money for a contract, which the Union team agreed to recommend to the employees. However the employees voted it down.

Following that vote we have been back to the table. The Court conceded to an ongoing raise of 2% increase in pay, which represents an ongoing commitment of \$326,000 court-wide, in perpetuity.

In addition, in response to the Union advocacy for one-time money as well as the ongoing raise, the Court now is offering a one-time bonus of \$500 each to every employee, which represents an additional \$90,000.

And further in addition to that, the Court orally offered that each SEIU-represented employee would receive a one-time bonus of 8 hours paid time off to be used by the end of the contract in September 2017, if the offer was ratified by January 31, 2017.

The Court has offered the Union specific available times to meet to address workplace concerns, and will continue its willingness to meet and address issues as they arise. For confidential personnel issues, we believe the best way to address them is in direct communications between the employer and the union in a confidential setting, rather than airing an individual's personnel matter in public.

Once again, thank you for providing us the opportunity to provide a response before publication and your effort to build better labor relations in our communities.

Sincerely yours,

José Octavio Guillén
Court Executive Officer/Jury Commissioner
Superior Court of California, County of Sonoma

The Workers' Rights Board sent José Guillén the unedited testimony provided to the WRB panel at the hearing. Mr. Guillén then sent the Workers' Rights Board the following statement.

Thank you for sharing the WRB's information. I would like first to report that the Court and SEIU Local 1021 have recently reached an agreement for a new contract, and I will describe those terms to you. I would also like briefly to respond to the comments you shared with me. First, the terms of the agreement ratified by SEIU include a 2.0% raise in salary and a \$500 one-time lump sum payment to each bargaining unit member. In addition, eight hours of Paid Time Off is provided to each bargaining unit employee as a signing bonus. The Court also agreed not to provide a greater across-the-board raise in pay to managers and supervisors than that provided bargaining unit members.

As stated in my previous correspondence, our Court continues to be committed to collaboration, respect, professionalism, and delivery of the highest level of service to the public we serve. To this end, the Court and SEIU Local 1021 have also recently agreed to an important, mutual commitment designed to improve communications between management and the union and the employees. The parties have agreed to engage in mediation to identify a process to address workplace issues. Our mutual commitment is as follows:

1. The parties agree that as soon as possible, but no later than 45 days after contract ratification, they will develop mutually agreed upon ground rules for the mediation process described herein.
2. Once ground rules are developed, the parties will meet with an agreed-upon third-party neutral such as a mediator from SMCS or other agreed upon individual, for facilitated discussion of the best processes, procedures, and communication protocols to put in place in order to better address workplace issues and better resolve workplace disputes.
3. This Mediation to Identify Process is not intended to replace any existing dispute resolution mechanism or discussion processes such as the contract grievance procedure, the labor management committee, or either side's ability to seek redress from PERB.
4. The parties have the mutual intent to use an interest-based, collaborative, and mutually respectful approach in the Mediation to Identify Process.

Now I would like to address some of the specific comments you shared with me. Much of their content involves confidential personnel information that I cannot discuss. Individual employees' personnel matters are accorded privacy protections under the law. Even though some employees participating in the WRB process decided to discuss their own issues, we as management cannot similarly discuss personnel matters in public because of restrictions on employers concerning the private and confidential nature of such matters.

Next, there was significant discussion at the WRB of the Court's efforts at updating our complex case management systems (CMS). The information referenced about the California Case Management System and Sonoma Court's decisions regarding conversion from County legacy case management systems, as well

as expenditures are inaccurate. The Court through its governance process has prudently managed its resources. Statewide, most all the trial courts in the 58 counties have experienced numerous fits and starts, and frustrations, in bringing superior court case management systems into the 21st century. About half the county courts in the state are either already on, or are going on to the Odyssey system. We at Sonoma are fortunate to be able to learn from courts that have gone before us. The time and expense of the shifts, as statewide decisions and local decisions interact, has been challenging. Nevertheless we are confident we will continue to roll out our CMS improvements as efficiently and effectively as we possibly can.

On another topic addressed in the comments you shared with me, descriptions of short-staffing and closing early to the public leave out the fact that these constrictions in service are directly related to the severe funding cuts to the state's trial courts since 2009. This funding crisis continues to date. I attach for your information the February 16th letter to Governor Brown from our court and dozens of other courts in the state, addressing the ongoing lack of adequate trial court funding.

Unlike some other trial courts, including other courts in the greater Bay Area, Sonoma has not laid off employees. Instead we are responding to funding cuts by doing what we can to continue to provide service to the public and at the same time avoiding involuntarily putting people out of their jobs due to these economic constraints.

I would disagree with the assertion that administration is not part of the Court nor engaged in service to the public – to the contrary, every single Court employee plays an important role in providing access to justice in the county.

Attrition has affected nearly all classifications, including court reporters as reflected in the comments you shared with me. The Court has responded in labor negotiations for the last three years (counting the deal we just reached) with raises and with one-time money. All of this, at a time of funding reductions. Still, we cannot avoid layoffs and give raises (both of which we have done), while at the same time filling every single vacancy, which we cannot do.

Court management cares very much about timely transcripts – but has little control over that part of a court reporter's job as they get paid for transcripts separate and above the “negotiated compensation package” and transcripts are often paid by third parties. Transcripts are not meant to be completed during the 8-hour day when a reporter is on the clock for the Court, but instead a part of that job includes sometimes working on one's own time on transcripts.

Court management is committed to undertaking serious efforts, starting with the Mediation to Identify Process described above, at addressing workplace issues and improving access to justice for the public who we all serve.

Once again, thank you for the courtesy in sharing the information.

José Octavio Guillén

Court Executive Officer/Jury Commissioner
Superior Court of California, County of Sonoma

Workers' Rights Board Findings and Recommendations

The Sonoma County Superior Court displays a poster titled, "Justice In Focus, The Strategic Plan for California's Judicial Branch 2006-2012" on the walls in many of the rooms and offices of the Court at the Hall of Justice in Santa Rosa. The poster communicates the goals of the Judicial Branch of California and proclaims that the Court provides "Access to Justice" for all Californians and that the courts "will treat everyone in a fair and just manner."

FINDING #1

Some of the Court's practices contradict these principles. For example, court offices are closed each day by 3:30 PM. Many Sonoma County residents often leave work to come to court offices and may be frustrated with these limited afternoon hours.

Some Court offices are significantly understaffed compared to the Court's main administration office, and court workers are under tremendous pressure given their constantly increasing work-loads.

The number of court reporters has declined from 22 reporters in 2010 to 13 currently. Court reporters indicate that on many occasions they rush to finish their work in one courtroom and then arrive late at the next courtroom to find that the judge, the attorneys, and their clients have been waiting for their arrival to begin court proceedings. Understaffing wastes the time of the judges and the attorneys, and increases costs to clients who must pay for their attorneys' time while they wait for the arrival of the court reporter.

Due to the shortage of court reporters, multiple reporters are often rotated in and out of a single court case, making it very difficult to prepare a coherent transcript of the proceedings. This is especially so when new and inexperienced reporters substitute for veteran reporters. New reporters often lack the composure and skills required to transcribe accurately under pressure and are less able to move quickly from one court proceeding to another.

In the past there was a court reporter supervisor who understood the tasks of court reporters and was sensitive to the demands placed upon them. He/she was responsible for scheduling reporters and allegedly did a fine job. But when the last supervisor left, she was replaced with someone with inadequate training and experience, and many veteran court workers believe the courts are in disarray as a result.

Court reporters are highly skilled, licensed professionals. Their equipment, which reporters purchase, must be left on site and cannot be accessed after work. This increases stress on the job as workloads have increased, reporters are responsible for meeting deadlines during normal hours, and their compensation is docked if they fail to do so. In addition, court reporters are required to complete their required ongoing professional training activities/classes at their own expense and on their own time.

Many frontline court workers, who deal with the public, also voiced concerns about understaffing.

The WRB heard detailed descriptions of declining morale

due to employee mistreatment by management. Numerous court workers testified about short staffing, stressful working conditions, and bullying and retribution by managers in response to worker complaints. Several workers have been disciplined when they could not complete the increased workloads in the allotted time, and others because they voiced their concerns about understaffing.

A committee comprised of representatives from labor and management has met on a monthly basis to discuss working conditions. Court workers were able to offer recommendations about changes needed to improve the efficiency and quality of services. However, management recently decided unilaterally to schedule only quarterly meetings and then suspended meetings of the committee entirely during contract negotiations.

According to the field representative for SEIU 1021 that represents the court employees, issues about working conditions and particularly understaffing were communicated to management during these meetings. Management assured that union that it would look into these concerns. However, at this moment (January 2017), management has not addressed these issues. In addition, when the union requested a meeting with one of the judges to discuss the working conditions, the judge declined to meet and referred the union to the CEO José Guállén.

RECOMMENDATION #1

The Superior Court should fulfill its commitment to "Access to Justice" that is posted in court offices. The Court should remain open until 5 PM. Staffing should be increased to improve the efficiency of public services and to provide reasonable and fair workloads for staff. To improve communication and facilitate collaboration, management should also reinstate monthly labor management meetings.

FINDING #2

A toxic work environment exists in the Superior Court. Management has adopted a top-down business model that excludes court employees from the decision making process, prioritizes management's fiscal needs, and shows a lack of respect for court workers.

For example, management is not responsive to requests by court employees for emergency leaves of absences. A worker who informed her supervisor that she had just been evacuated from her home in Lake County after the recent wild fire was told that she had to call in each day to inquire if she was needed at work. Her supervisor, after learning that the employee had attempted to arrange time off with Human Services Department, verbally reprimanded the worker for not wearing appropriate "court-approved attire" (see testimony of Cathleen Albright).

Another court employee discovered a pay deduction due to an emergency hospitalization and absence from work when she was seriously ill. When the employee requested that management apply

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her accrued vacation time to avoid loss of income, management declined to accept the use of vacation time on the grounds that it had not been “pre-approved” (see testimony of Yasmín Mandujano). The contract does state that vacation leave should be pre-approved, but elsewhere the contract indicates that employees must exhaust all of their leave resources before they take a leave without pay. The contract also permits a supervisor to approve the use of this employee’s accrued vacation leave for emergency medical leave over which the employee had no control. The failure of the supervisor to work with the employee to ensure that her illness did not result in a loss of pay reveals a lack of respect for the wellbeing of the employee and her family.

Moreover, management has prioritized funding a 16% raise for selected management personnel and has filled all staff positions in the Court’s main administration offices. In comparison, management offered court employees only a 2% raise, a one-time bonus of \$500, and a one-time bonus of 8 hours paid time off (all included in the contract settlement). Management has consistently refused to address the short staffing of court reporters and other court employees.

Many employees claim that heavy workloads have accentuated stress and anxiety on the job, particularly when supervisors press court employees to meet unrealistic deadlines. According to court workers, management disregards their suggestions about how to change working conditions and lower stress.

Court employees also assert that management has taken punitive actions against workers in order to silence them – for example, transferring court employees who speak out about increased workloads to less desirable positions. Consequently, many workers have a well-founded fear of retaliation by management if they voice their concerns about working conditions. Overall, working conditions have deteriorated over the last 8 years. Workers with ten years of service uniformly report that their relationship with management was much better a decade ago.

RECOMMENDATION #2

It is critical that management establish a climate of respect to restore trust between labor and management. Respect applies not only to interactions between management and employees but should guide the development of court policies that support and accommodate the needs of workers. The Court should view worker input and suggestions as vital to the success of the agency. It must address employee concerns about their working conditions, including understaffing and workloads, so that management can rebuild trust and maintain credibility with their employees. Workers should not be penalized for speaking up about understaffing or about their working conditions. Management needs to be more respectful of and sensitive to the personal and family needs of court employees. More considerate management behavior will reduce worker turnover, which tends to undermine the quality of services provided to the public.

FINDING #3

Worker testimony suggests that decisions regarding the purchase and installation of new data management systems for the Court were problematic (see the testimony of Wendell Phillips). This financial mismanagement has adversely impacted the Court’s budget and has resulted in less funding to address understaffing and other worker needs. Moreover, there is a lack of transparency by management about decisions concerning the Court’s data files. In May of 2011, a serious data breach exposed thousands of people’s personal and credit card information (6,000 credit card transactions) to online viewing for 6 months. Citizens whose personal information was compromised and displayed on the Court’s website were never notified of this breach.

RECOMMENDATION #3

Those responsible for the decisions to purchase new information technology, and for not notifying the public of a serious data breach, should be held publicly accountable. The Court must ensure transparency regarding these financial and technology issues. The Court should manage the budget so that funds are set aside to hire more workers and to respond to other needs identified by court employees and their union.

FINDING #4

There is a lack of accountability at the top of the management structure of the court system. Judges sign and agree to the labor contract. They are responsible for hiring the CEO and ultimately for the management of the Court. However, the judges are unwilling to investigate worker grievances and suggestions about how to improve the quality of services. As elected officials, the judges are accountable to the community when they stand for re-election. There is no evidence that the judges are providing feedback or direction to the CEO that might lead to improved relationships between management and workers.

One of the biggest concerns stated by employees was the excessive delays in conducting court proceedings because of the shortage of court reporters; those delays must surely be obvious to the judges, and at least as vexing to them since it is in their own courtrooms that major delays occur. Why have they not acted to address this issue? It is puzzling that the judges have remained detached and disengaged.

We are particularly troubled that the Judges’ Council is reluctant to address workload issues raised by court employees and that the Council claims all such concerns should be handled by the CEO. We appreciate the difficulties that can occur if the “chain of command” is not observed, but ultimately, the Judges are responsible for oversight of the courts, and they must be open to at least informal communications with staff. According to California Government Code Section 71601: Definitions; 1 (2), “Subject to

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the trial court's right to control the manner and means of his or her work because of the trial court's authority to hire, supervise, discipline, and terminate employment. For purposes of this paragraph only, the 'trial court' includes the judges of a trial court or their appointees who are vested with or delegated the authority to hire, supervise, discipline, and terminate." In short, judges do have the ultimate responsibility for the Court's employees.

RECOMMENDATION #4

While the judges have roles and responsibilities that differ from the CEO's and those of other management staff, the WRB believes there should be more direct involvement and oversight of management by them. The judges should ensure that the CEO addresses staffing issues, the needs of the public and the needs of workers. If the CEO fails to address those issues and implement management practices that enhance the ability of workers to meet their workloads, then the judges should provide direction to the CEO. There should be a system of accountability for all employees including the highest levels of management of the Superior Court.

CONCLUSION

Although the State of California may not be adequately funding the Superior Courts across the state, Sonoma County Superior Court management has made poor decisions, wasted public money for the purchase and operation of data management systems and, consequently, further strained the court's budget. Management has attempted to save money by understaffing frontline clerks and reducing the number of court reporters. As a result, employees in understaffed court offices experience tremendous pressure by management to complete the added workloads, and are reprimanded when they cannot do so. Moreover, when workers have spoken up about these work environment issues, they have been unfairly disciplined. Management's message to the workers does not reflect the public interest, but rather is focused on lowering costs and disciplining employees.

The judges have failed to hold upper management accountable for the court's budget shortfall and the employer's attempts to cut costs by increasing staff workloads and punishing court employees who protest. We call upon the judges to take direct responsibility for management practices at the Court. At a minimum, judges should recommend to management that staffing must be increased and a process must be established that enables court employees to provide meaningful input about how to improve the quality of legal services—and to reduce the level of employee stress at the workplace. If working conditions do not improve, the judges should also consider replacing the CEO and the Assistant CEO in order to set a new course for the Court. Furthermore, all members of the Sonoma County Bar Association should be greatly concerned about the decline in the quality of services provided by the courts.

The Bar Association and other civic organizations should consider developing an ongoing dialogue with court management about the issues raised by court employees in their testimony.

Finally, court management and court employees have agreed to work with a mediator to address the unsatisfactory working conditions described in this report. It is imperative that court management not just go through the motions of mediation (with the intent of maintaining business as usual) but use mediation as an opportunity to demonstrate that management is serious about resolving these issues, and committed to transforming management practices to create a respectful and cooperative working environment for all. It is clear to the WRB that, without substantial improvement in working conditions, court employees may be forced to seek alternative avenues to address their concerns. ●



The Workers' Rights Board



The Workers' Rights Board is a public forum where workers can bring complaints against employers for violating their human and legal rights in the workplace. The Board is particularly concerned with protecting the rights of low-wage workers, who are often women, immigrants, young workers, and workers of color as they strive for justice in their workplaces.

The Board is comprised of 23 community leaders who intervene with employers and the public to help resolve situations that threaten

workers' rights. The Board believes that safe, living wage jobs, where workers are not discriminated against for speaking up for their rights, are the backbone of any healthy community. To accomplish its goals, the North Bay Workers' Rights Board will attempt to resolve issues in a variety of ways.

Workers' Rights Board activities may include:

- Meeting with employers who have been accused of violating workers' rights or resisting efforts of workers to have a voice in the workplace.
- Holding public hearings or press conferences to expose injustices to public scrutiny.
- Supporting and strengthening the democratic rights of working people including the right to organize through community education.
- Establishing community standards about fairness in the workplace and corporate responsibility.

North Bay Workers' Rights Board Members

Matt Myres – Workers' Rights Board Chair

Retired Teacher, Principal
K-12 Education

Sr. Dianne Baumunk, OSU

Program Director, Public Relations
Angela Center, Santa Rosa

Teresa Barrett

Petaluma City Council

Jeanette Ben Farhat

Political Science Instructor
Santa Rosa Junior College

Julie Combs

Santa Rosa City Council

Rev. Raymond Decker

Executive Committee
Catholic Scholars for Worker Justice

Nancy Dobbs

Health Issues Consultant
Manager in Media Field

Noreen Evans

Principal Consultant
Evans Strategic Solutions

Debora Fudge

Mayor, Windsor Town Council

Debora Hammond

Professor of Interdisciplinary Studies
Hutchins School of Liberal Studies,
Sonoma State Univ.

Rev. Lindsey Kerr, Pastor

Christ Church United Methodist, SR
First United Methodist Church, SR

Rick Luttmann

Professor Emeritus of Mathematics
Sonoma State University

Lisa Maldonado

North Bay Field Director
SEIU 1021

Daniel Malpica

Professor, Chicano Studies
Sonoma State University

Rafael Miranda

President & North Bay Director (retired)
Teamsters Union Local 665

Omar Medina

President, North Bay Organizing Project

Andy Merrifield

Professor of Political Science
Sonoma State University

Bonnie Petty

Communications Vice President
Santa Rosa Democratic Club

Rev. Ramon Pons

Parochial Vicar
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