Leaders of the largest union representing state workers are asking its members what actions they are willing to take, up to and including a strike, following the decision of Gov. Arnold Schwarzenegger (R) to furlough them for three days a month, lay off more workers, and continue to call for pay cuts to close the state budget deficit. The leadership council of Local 1000 of the Service Employees International Union (SEIU), representing 95,000 state workers, is holding advisory meetings with members around the state following President Yvonne Walker’s announcement that the council decided to “authorize concerted activities up to and including a strike if necessary.”

Local 1000 spokesperson Jim Zamora says that Walker is meeting with groups of members informally, and is not asking members for a strike authorization vote. Zamora says the leaders are asking members, “How far are you willing to take this?” They are considering job actions in light of what they consider a continued assault from Schwarzenegger as he and lawmakers struggle to close a $26 billion deficit. The governor increased the number of mandatory furlough days from two per month to three as of July 1, translating into a 14 percent pay cut for workers. He also has proposed a 5 percent across-the-board pay cut to be included in the budget deal he is negotiating with lawmakers.

Most recently the Schwarzenegger administration advises Local 1000 and other unions representing state workers that he is increasing the number of immediate layoffs and eliminate positions from 5,000 to 7,000. The Department of Personnel Administration (DPA) sent out 4,600 layoff notices in May, and eliminated 400 vacant positions to reach an original target of 5,000 layoffs or eliminations, according to the DPA spokesperson Lynelle Jolley. The administration will not be sending out more layoff notices to reach 7,000, but is changing the methods that department managers may use to meet the new goal by allowing them to count vacant positions toward their payroll reduction targets. Without that option, departments and agencies have been able to keep vacancies on their books and use that funding to cushion their overall budgets. Now, managers will have to decide whether those vacancies are critical and must be filled, or whether they must be eliminated to reduce payroll costs. She calls the increase in total layoffs an “incremental step” in the overall efforts to reduce state payroll expenses.

In the DPA view, Local 1000 and other unions representing state workers may not engage in job actions such as strikes or walkouts. Although employees are working under a union contract that expired June 30, state law requires that the previous contract remain in effect until a new agreement is reached. All state collective bargaining agreements prohibit actions including strikes and sickouts, and employees who engage in them are subject to disciplinary action, Jolley says.

The status of Local 1000’s expired contract is not clear, according to Zamora. The union and the administration reached an agreement on a new contract in February, and Local 1000 members ratified it, so the union is not engaged in bargaining at all. However, legislation necessary as the final step to activate the pact has stalled in the Legislature, with Republicans refusing to approve it until a budget agreement is reached. Union lawyers and others are examining the legal questions raised by the unusual circumstances surrounding the SEIU’s new contract and whether members are required to work under the terms of the contract that has expired.

Meanwhile, Schwarzenegger and legislative leaders continue talks on a plan to close the $26 billion deficit. Although a budget is in place for the fiscal year that began July 1, the state’s financial condition has deteriorated rapidly in the past few months, prompting new talks to plug a huge and growing hole in state revenues.