

# **National Lawyers Guild**

## **Labor & Employment Committee**

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February 23, 2010

State Senator Mark DeSaulnier, Chair  
Senate Labor & Industrial Relations Committee  
1020 N Street Room 545  
Sacramento, CA 95814

via fax (916) 323-5703

Re: SB X8 66 (Cox) – OPPOSE

Dear State Senator DeSaulnier:

On behalf of the National Lawyers Guild Labor & Employment Committee [L&EC], I am writing to express our opposition to Senate Bill X8 66 (Cox) which would undermine the fundamental right to the eight-hour day for California workers under the guise of increased flexibility. This bill will be heard on February 24 in the Senate Labor & Industrial Relations Committee. We urge you and all committee members to vote against this bill.

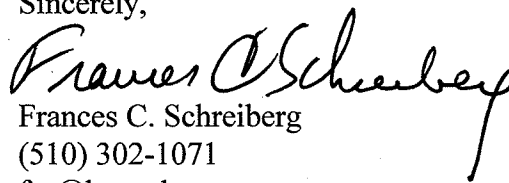
Since 1937, the National Lawyers Guild has provided legal support to movements for social change, principally on a volunteer basis. The Labor & Employment Committee focuses on struggles for economic and social justice. In the 1930s the Guild focused on workers' rights, supporting New Deal legislation to assist working people and the unemployed; in the 1950s the Guild defended labor leaders and others attacked for their progressive political views. Then and now, the Guild L&EC actively supports progressive labor and employment law struggles. The L&EC is comprised of almost a thousand labor and employment attorneys across the country.

We oppose this bill because it is unnecessary and would expose workers to potential coercion and unfair treatment. Current law promotes flexibility at the workplace as well as the protection of workers' rights. An employer may initiate a vote to move employees to an alternate schedule or negotiate such through collective bargaining. And an employee may ask to do "make-up time" on an occasional basis. But SB X8 66 would replace the current system of carefully crafted protections by giving employers the right to negotiate alternate schedules one individual employee at a time. There would be no criteria for schedules to be approved or denied and nothing to prevent employers from awarding desirable schedules to employees based purely on favoritism. There would be no protection for workers who feel pressured to waive daily overtime because the workplace election would be replaced by a one on one discussion with the boss.

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Because the current election process strikes the right balance between the fundamental right to daily overtime and the need for flexibility, we urge you to oppose SB X8 66 (Cox) when it comes before you in the Senate Labor and Industrial Relations Committee on Wednesday, February 24, 2010. We apologize for the lateness of this letter, but only recently became aware of this matter being on your schedule. Please feel free to contact me with any questions.

Sincerely,

  
Frances C. Schreiber  
(510) 302-1071  
fcs@kazanlaw.com

cc: State Senator Dave Cox

Committee Members:

State Senator, Mark DeSaulnier, Chair  
State Senator Mark Wyland, CoChair  
State Senator Denise Moreno Ducheny  
State Senator Dennis Hollingsworth  
State Senator Mark Leno  
State Senator Leland Yee