

Department of Corrections - OVERTIME - FELONY EMBEZZLEMENT

Please do COMPARE the EVIDENCE found in Article 11 on Page 85 and Page 86 as it refers to "OVERTIME" that is CORRECTLY CALCULATED AND ENFORCED upon ADHERENCE of all laws, rules, and regulations of the Fair Labor Standards Act (FLSA) below that clearly **EVIDENCES Article 17 is in DIRECT VIOLATION** thereof upon said language therein found on Page 170 and Page 171 in the:

"AGREEMENT Between STATE OF CALIFORNIA AND CALIFORNIA CORRECTIONAL PEACE OFFICERS ASSOCIATION - Covering BARGAINING UNIT 6 CORRECTIONS; July 3, 2013 Through July 2, 2015"

[...and yet the CURRENT and ALL previous 'Memorandum of Understanding' (MOU)'s dating back to 2002 and earlier are NO longer available online for review!?!]

ARTICLE XI HOURS OF WORK AND OVERTIME

11.08 Overtime

A. Except for 7k exempt employees, any employee working more than forty (40) hours per week shall receive compensation at time and one-half.

B. 7k exempt employees:

It is in the State's and Union's interest to offer a more efficient and streamlined scheduling model which comports with the State's monthly payroll system. Within sixty (60) days of Total Tentative Agreement, **the State and CCPOA will meet to complete the transition plan for applicable classifications FROM A 28-DAY WORK PERIOD** of 164 hours to a 7 day work period of 41 hours, which will be implemented by the beginning of February 2014.

2013 method

Overtime is defined as any hours worked in excess of one hundred sixty-four (164) hours **in a twenty-eight (28) day work period.** Additionally, no employee shall be credited less than one hundred sixty-four (164) hours of time worked in any work period unless he or she was on an unpaid status, **during the work period** and then only the time on unpaid status shall be deducted from the one hundred sixty-four (164) hours.

2014 method

Overtime is defined as any hours worked in excess of forty-one (41) hours in a seven (7) **day work period.** Additionally, no employee shall be credited less than forty-one (41) hours of time worked in any seven (7) **day work period** unless he or she was on an unpaid status, **during the work period** and then only the time on unpaid status shall be deducted from the forty-one (41) hours.

Department of Corrections - OVERTIME - FELONY EMBEZZLEMENT

C. For the purposes of computing the number of hours worked, time when an employee is excused from work because of the use of any leave credits shall not be considered as time worked by the employee for the purposes of determining if overtime has been earned.

2013 method:

The *METHOD OF CALCULATING* the hourly overtime rate shall be based on the one hundred sixty four (164) hour work period according to the following formula:

MONTHLY SALARY + monthly differentials (except shift differential received) x 12 = ANNUAL SALARY DIVIDED BY 13 = SALARY PER 28-DAY WORK PERIOD. [Emphasis Added!]

Salary per 28-DAY WORK PERIOD + shift differential received in the work period DIVIDED BY 164 hours (HOURS WORKED IN 28 DAY WORK PERIOD) = HOURLY RATE OF PAY x 1.5 = overtime hourly rate.

2014 method:

The *METHOD OF CALCULATING* the hourly overtime rate shall be based on the forty one (41) hour work period according to the following formula:

MONTHLY SALARY + monthly differentials (except shift differential received) x 12 = ANNUAL SALARY DIVIDED BY 52 = SALARY PER 7 DAY WORK PERIOD.

SALARY per 7 day work period + shift differential received in the WORK PERIOD DIVIDED by 41 hours (HOURS WORKED IN 7 DAY WORK PERIOD) = HOURLY RATE OF PAY x 1.5 = overtime hourly rate.

D. There shall be no change in the current hourly rate formula used to calculate overtime for non-7k exempt employees.

E. An employee who is required by the supervisor to conduct business telephone calls outside his or her work hours of more than seven and one-half (7½) minutes will receive credit for time worked. This section does not apply when a business call results in a call back to work.

Department of Corrections - OVERTIME - FELONY EMBEZZLEMENT

17.02 Fire Captain Hours of Work and Compensation

- A. The regular work schedule for full-time 7K exempt Fire Captains on twenty-four (24) hour shifts employed by CDCR as of March 17, 2002, shall be one hundred and ninety-two (192) hours in a **twenty-eight (28) day work period** beginning March 18, 2002.
- B. The regular work schedule for full-time 7K exempt Fire Captains on twenty-four (24) hour shifts hired by CDCR beginning on or after March 18, 2002, shall be **two hundred sixteen (216) hours in a twenty-eight (28) day work [IDENTICAL ENTERED LANGUAGE OF ALL PREVIOUS MOU'S SINCE 1989]** period beginning March 18, 2002. These Fire Captains' monthly salary includes the straight time portion of overtime worked between two hundred and twelve (212) and two hundred and sixteen (216) for each work period. These Fire Captains will also receive a supplemental warrant for the remaining half-time due for overtime worked between two hundred and twelve (212) and two hundred and sixteen (216) hours for each work period.
- C. Overtime shall be calculated at the end of each twenty-eight (28) day work period, the first of which shall begin at 0800 hours on March 18, 2002. Base pay and any applicable salary differentials shall continue to be paid on a pay period basis.
- D. In accordance with MOU Section 17.07, each institution shall develop a Fire Captain schedule which reflects the 7K exemption provided under the Fair Labor Standards Act, except SATF, SVSP, and Lancaster. Each Fire Captain will be notified by his or her institution that he/she has been placed in the 7K exemption waiver. Fire Captain employees will not be moved in and out of the 7K exemption waiver to avoid overtime payment.
- E. All full-time 7K exempt Fire Captains **employed by CDCR as of March 18, 2002, shall be normally scheduled eight (8) twenty-four (24) hour shifts PER WORK PERIOD** beginning March 18, 2002, except Fire Captains at SATF, SVSP, and Lancaster. All full-time 7K exempt Fire Captains **hired by CDCR beginning on or after March 18, 2002, shall normally be scheduled nine (9) twenty-four (24) hour shifts PER WORK PERIOD, [as AGREED since 1989 MOU!]** except at SATF, SVSP, and Lancaster. The Fire Captains at SATF, SVSP, and Lancaster shall be 7K exempt per Section 11.11.
- F. The method of calculating the hourly wage for twenty-four (24) hour shift Fire Captains is as follows:
- 1) **Base salary per month ÷ 192 or 216** hours depending on the employee's date of hire = straight time hourly rate of pay
 - 2) Straight time hourly rate x 1.5 = overtime hourly rate of pay
 - 3) Straight time hourly rate ÷ 2 = half-time rate of pay

Note: Appropriate premium/supplemental pay shall be included in the above formula to determine FLSA overtime rates.

WTF!?! HERE WE GO YET AGAIN!!! THESE ARE THE NUMBER OF HOURS REQUIRED TO WORK IN A FOUR (4) WEEK / 28-DAY FLSA WORK PERIOD! THERE ARE 52 WEEKS PER YEAR AND THEREFORE FOUR AND ONE THIRD (4 1/3) WEEKS PER MONTH! **THE DIVIDING FACTOR IS AGAIN MISCALCULATED TO PRODUCE A HIGHER HOURLY RATE OF PAY THAN ACTUAL** AS BOTH DIVIDING FACTORS MATHEMATICALLY ARE PROVEN INACCURATE AS STATED ABOVE TO YIELD AN EVEN HIGHER THAN DESERVED RATE OF PAY TO INVISIBLY "RAPE ALL STATE AND FEDERAL TAXPAYERS" INSTEAD OF THE MANDATED ACCURATE:

BASE SALARY PER MONTH DIVIDED BY 208 OR LAWFUL 234 ONLY!!!

WHO ARE THESE (ALLEGED) BEAN COUNTERS IN SACRAMENTO WHO MISSED THIS ANYWAY?

Department of Corrections - OVERTIME - FELONY EMBEZZLEMENT

THEY MUST HAVE ATTENDED THE CAL FIRE ACADEMY IN IONE TO LEARN BASIC MATH!!! BRING IT ON CALIFORNIA'S BEST 'APPOINTED' FELONS!!!

THIS IS AN INVISIBLE '**RAPE' TO STATE AND FEDERAL TAXPAYERS** WHEN CALCULATING OVER-TIME ABOVE 212 HOURS IN A MAXIMUM 28-DAY FLSA CYCLE IN THE CALCULATED **ADMISSIBLE EVIDENCED FELONY EMBEZZLEMENT** upon the **PURPOSELY MANIPULATED EXTORTION** PER:

Upon assignment of the NEW AND IMPROVED 104 REDUCED ANNUAL twenty-four (24) hour shifts vs. the CONTINUOUS 1989 CONTRACT LANGUAGE **MANDATORY 117 ANNUAL** twenty-four (24) hour shifts resulted in THE **INSTANT 12.5% PAY RAISE** PER HOUR WITH AN **ADDITIONAL 312 HOURS OF LEAVE TIME** ADDED TO ONE'S VACATION, HOLIDAY, AND SICK LEAVE TIME BANK! **...FOR FREE!!!**

But now that the DIVISION FACTOR to calculate the HOURLY RATE is the MONTHLY SALARY divided by the NUMBER OF HOURS ASSIGNED IN A TWENTY-EIGHT (28) DAY CYCLE therefor increases the HOURLY RATE OF PAY TO PAY OVERTIME [IN WHICH THE FIRST THIRTEEN (13) SHIFTS ARE REQUIRE TO BE PAID BACK] IS NOW **ILLEGALLY CALCULATED** AT THE HIGHER RATE OF PAY PER HOUR that RESULTS IN **17.95% PAY RAISE** UPON OVERTIME THAT **SHOULD NOT EVER BE PAID EVER!** **...FOR THE MONEY! MONEY!! MONEY!!!**

...AS THE FIRST 312 HOURS IS OWED BACK TO BOTH THE CALIFORNIA AND FEDERAL TAXPAYERS!!! **...YET IS INSTEAD ADDED AS HIDDEN LEAVE TIME!**

THIS THEREFOR MAKES LITERALLY EVERY PAYROLL SHEET COMPLETED AND SUBMITTED AS AN OFFICIAL TIME KEEPING RECORD BY EACH AND EVERY OF THE 118 CORRECTIONAL FIRE CAPTAIN ASSIGNED THE STATE OF CALIFORNIA AS AN **ADMISSIBLE EVIDENCED FALSE CLAIM** AGAINST BOTH THE STATE OF CALIFORNIA AND THE FEDERAL GOVERNMENT AT AN ESTIMATED **37,262 FALSE CLAIMS** TIMES **\$20,000.00 EACH** FILED AGAINST ALL **U.S. TAXPAYER VICTIMS** THRU 5/13/16!

CURRENT QUI TAM CASE LIABILITY to **'MAFIA' CCPOA: \$886,491,345.70!**

...INCREASING AT THE MERE RATE OF ONLY \$19,885.78 PER DAY!!!

WHO DO THEY THINK THEY ARE FOOLING!?! YOU!?! YEAH! ...SO FAR!!!

AM I THE ONLY ONE WHO SEES A PROBLEM HERE!?!

Department of Corrections - OVERTIME - FELONY EMBEZZLEMENT

Correctional Fire Captain, Richard William Hoffmann, Sr., of Avenal State Prison, reported this in March 1994 in which he was **FORCED** to accept a NON-Industrial Disability Retirement in May 2000 - **LIFE THREATENED** to remain **QUIET!** ...until **NOW!**

Millions have been stolen via EMBEZZLEMENT from the taxpayers of California due to a simple Overtime Sheet I reported as ILLEGAL in Mar-94			FLSA STATUTE & CCPOA CONTRACT Mandated Language	Manipulated VIOLATIONS 1989 to 2002	CCPOA & State of CA ALLEGED "REMEDY" Eff. Mar-18-2002
34 Prisons up to Five (5) Personnel (2007)	Maximum FLSA Hrs. per 7-Day Week	Maximum FLSA Hrs. per 28-Day Cycle	9 Shifts per FLSA 28-DAY "Cycle"	9 Shifts per MONTH	8 Shifts per FLSA 28-DAY "Cycle"
118	53	212	117	108	104
Published Salary	"KSA" Listing	Tasks/Duties	(9 Shifts * 13 Cycles)	(9 * 12 mo.)	(8 Shifts * 13 Cycles)
Monthly Salary	\$6,644.00	Hourly Rate	\$28.39	\$30.76	\$34.60
ANNUAL Salary	\$79,728.00	Hours/Wk.	54.00	49.85	48.00
O.T. HRLY. RATE:	\$30.76	Hours/Cycle	216	199.38	192
CCPOA Contract:	Hours/Comp.	Hours/Month	234	216	208
Attrition Rate Yrs.	22.6	Annual Hours	2808	2592	2496
"FREE" TIME OFF TO ADD TO VACATION, HOLIDAY, SICK, AND "PLP" PER YEAR:				216	312

UNRATIFIED EMBEZZLEMENT - 7/1/1989 thru 3/17/2002 w/ Nine (9) EXTRA SHIFTS OFF!

Pay Raise	8.33%	False Claims:	1,416	Total Claims:	17,936
7/1/1989 3/17/2002	<u>EXTRA Pay</u> per Month	<u>EXTRA PAY</u> Per Year	<u>EXTRA Pay for ALL Personnel per Yr.</u>	# of Years 12.71	Total <u>EXTRA Pay</u> for 12.71 Years
Sched. Overtime	\$61.52	\$738.22	\$87,110.22		\$1,107,092.82
FREE "Leave"	\$511.08	\$6,132.92	\$723,684.92		\$9,197,386.48
FREE "Overtime"	\$1,107.33	\$9,966.00	\$1,175,988.00		\$14,945,753.03
[Nine (9) Shifts @ \$1,107.33 for FREE!!!]			FELONY Embezzled/yr.		
Total EXTRA Pay 7/1/1989 thru 3/17/2002			\$1,986,783.15	TOTAL:	\$25,250,232.34

RATIFIED "REMEDY" March 18, 2002 to CURRENT w/ 13 EXTRA SHIFTS OFF!!!

Fire Captains hired AFTER Mar-18-02 are FINALLY REQUIRED to work the required "1989 CONTRACT" 117 Shift

Hrly. Pay Raise	17.95%	False Claims:	1,534	Because 108 Shifts that cheated MILLIONS against the State is NOT divisible by 13, two (2) choices were presented: 1.) Increase BACK to 248 Days OFF as AGREED per CCPOA Contract Language OR 2.) Reduce to work only eight (8) shifts per Cycle thus increasing to 261 days off/year! They felt " <u>CHEATED</u> " to be OFF <u>only 248!</u>
3/18/2002 5/13/2016	<u>EXTRA PAY</u> Per FLSA Cycle	<u>EXTRA PAY</u> Per Year	<u>EXTRA Pay for ALL Personnel per Yr.</u>	
Sched. Overtime	-\$69.21	-\$899.71	-\$106,165.58	
FREE "Leave"	\$681.44	\$8,858.67	\$1,045,322.67	
FREE "Overtime"	\$899.71	\$11,696.21	\$1,380,152.58	
[13 Shifts UP TO \$1,245.75 each FREE!!!]			FELONY Embezzled/yr.	
EXTRA Pay Per Year 3/18/02 to Current			\$2,319,309.67	

My kids were FELONY KIDNAPPED on June 9, 2014 and NOT SEEN since June 16, 2014 **DAYS IMPRISONED!!!**
PLEASE PRAY FOR THEM NOW!!! EVERY HOUR OF EVERY DAY!!! **704**

Years Until Separation	Attrition Rate	Mar-18-2002 to END EMBEZZLED/Yr.	FALSE CLAIMS From HIREES	"SCHED. O/T" ILLEGAL "PAY RAISE"	FALSE CLAIMS ILLEGAL DIV. FACTOR
22.6	4.42%	\$2,319,309.67	Mar-17-2002 and Prior		192/216 vs. 208/234
Mar -17-2003	95.58%	\$2,216,685.35	1,466	\$4,175.64	68
Mar-17-2004	91.15%	\$2,114,061.02	1,398	\$8,351.27	136
Mar-17-2005	86.73%	\$2,011,436.70	1,330	\$12,526.91	204
Mar-17-2006	82.30%	\$1,908,812.38	1,262	\$16,702.55	272
Mar -17-2007	77.88%	\$1,806,188.06	1,195	\$20,878.19	339
Mar-17-2008	73.45%	\$1,703,563.74	1,127	\$25,053.82	407
Mar-17-2009	69.03%	\$1,600,939.42	1,059	\$29,229.46	475
Mar-17-2010	64.60%	\$1,498,315.09	991	\$33,405.10	543
Mar-17-2011	60.18%	\$1,395,690.77	923	\$37,580.74	611
Mar-17-2012	55.75%	\$1,293,066.45	855	\$41,756.37	679
Mar-17-2013	51.33%	\$1,190,442.13	787	\$45,932.01	747
Mar-17-2014	46.90%	\$1,087,817.81	719	\$50,107.65	815
Mar-17-2015	42.48%	\$985,193.49	652	\$54,283.29	882
Mar-17-2016	38.05%	\$882,569.17	584	\$58,458.92	950
Mar-17-2017	33.63%	\$779,944.84	516	\$62,634.56	1,018
Mar-17-2018	29.20%	\$677,320.52	448	\$66,810.20	1,086
Mar-17-2019	24.78%	\$574,696.20	380	\$70,985.84	1,154
Mar-17-2020	20.35%	\$472,071.88	312	\$75,161.47	1,222
Mar-17-2021	15.93%	\$369,447.56	244	\$79,337.11	1,290
Mar-17-2022	11.50%	\$231,404.22	176	\$83,512.75	1,358
Mar-17-2023	7.08%	\$142,402.60	109	\$87,688.39	1,425
Mar-17-2024	2.65%	\$53,400.97	41	\$91,864.02	1,493
Mar-17-2025	0.00%	\$0.00	0	\$94,369.41	1,534
Mar-17-2026	0.00%	\$0.00	0	\$94,369.41	1,534
Mar-17-2027	0.00%	\$0.00	0	\$94,369.41	1,534
Mar-17-2028	0.00%	\$0.00	0	\$94,369.41	1,534
Mar-17-2029	0.00%	\$0.00	0	\$94,369.41	1,534
Mar-17-2030	0.00%	\$0.00	0	\$94,369.41	1,534
Mar-17-2031	0.00%	\$0.00	0	\$94,369.41	1,534
TOTAL:		\$24,995,470.37	16,250	\$1,717,022.14	27,911

Though both of the following are estimated based on ALL personnel have achieved "Range - M" as I did, the maximum potential State Funds stolen through DELIBERATE FELONY EMBEZZLMENT as a result of this "INNOCENT" calculation sheet, it does NOT include Funds paid WHEN a Correctional Fire Captain is MANDATED to work a second Over-Time shift in the same FLSA Cycle BEFORE he/she works 13 per year, it should be very clear the TRUE DAMAGE this has caused YOU!!!

TOTAL False Claims per Duration of Attrition Rate:	False Claims	FUNDS FELONY EMBEZZLED
Total EXTRA Pay 7/1/1989 thru 3/17/2002	17,936	\$25,250,232.34
22.6 YEARS @ 4.42%	16,250	\$24,995,470.37
FALSE CLAIMS PER ILLEGAL DIV. FACTOR THRU ATTRITION RATE:	18,419	\$1,056,436.29
Federal & State Funds FELONY EMBEZZLED:	52,604	\$51,302,138.99

My kids were FELONY KIDNAPPED on June 9, 2014 and NOT SEEN since June 16, 2014	DAYS IMPRISONED!!!
PLEASE PRAY FOR THEM NOW!!! EVERY HOUR OF EVERY DAY!!!	704
http://hftfire.com © 2014-2016 (888) 602-FIRE rich@hftfire.com	http://CALFIREEnd.com

Estimated "False Claims" FILED until RETIREMENT when FULL "Attrition" is achieved:

4.42% Attrition rate of spanning over 22.6 years until separation.

	Total Personnel	False Claims per Year	Duration Years	Total FALSE Claims	GRAND TOTAL since July 1, 1989
7/1/1989 thru 3/17/2002	118	12	12 yrs, 9 mo.	17,936	
Attrition Rate: 4.42%	118	13	22.6	34,668	52,604

CURRENT Damages & Fines for Each "False Claim" [Payroll Record] Filed Against TAXPAYERS

5/13/2016	Total <u>FELONY EMBEZZLED</u> from 7/1/1989 thru 3/17/2002				\$25,250,232.34	
6/9/2014	Total <u>FELONY</u> Embezzled from Mar-18-2002 thru 5/13/2016				\$21,831,909.02	
704	Current <u>DAMAGES</u> to ALL State of California and Federal <u>TAXPAYERS</u>:				\$47,082,141.35	
3/18/2015	1.16	False Claims Filed	State @ \$10,000.00	Federal @ \$10,000.00	Three (3) Times Amount EACH	Grand Total
July 1, 1989 thru Mar-17-2002		17,936	1.79E+08	1.79E+08	7.58E+07	\$434,470,695.12
3/18/02 thru 5/13/2016		19,326	1.93E+08	1.93E+08	6.55E+07	\$452,020,650.59
Total:		37,262	3.73E+08	3.73E+08	1.41E+08	\$886,491,345.70

POTENTIAL Liability to Qui-Tam DEFENDANTS Through 5/13/2016 \$886,491,345.70

Fines and Three (3) times FELONY embezzlement create the potential liability to DEFENDANTS: **\$886,491,345.70**

My life was threatened on Day 3 of employment upon the IMMEDIATE discovery of said FELONY EMBEZZLEMENT

authored by Patrick Robert Mitchell of Hanford and David Christopher Dixon of Madera who created/presented said "FLSA Overtime Calculation Sheet" deceptively as "COMPLIANT" thru CCPOA to the State of California. In April 1999 I was FELONY poisoned w/ Amphetamines by Chris Dixon but said EVIDENCE of eight (8) items of evidence: **#1 thru #4) FOUR (4) CONFIRMED Amphetamine tablets;** #5) 32 ounce cup; #6) Straw; #7) Lid; and #8) one (1) ounce orange juice.

"Chain of Custody" was documented/secured by Watch Commander and Investigative Lieutenant to "Evidence Locker"

yet Department of Justice HQTS in Sacramento CONFIRMED only two (2) items: **#1) 'Tic-Tac' mint FORCIBLY JAMMED in bottom of a #2) Straw.** No record of any evidence AND ALL records of six (6) months of **SEXUAL HARASSMENT** and

SEVERE HOSTILE WORK ENVIRONMENT complaints against Patrick Mitchell and Christopher Dixon were DESTROYED

with NO records maintained in any file at Avenal State Prison. My State appointed Psychologist was forced to remand

his DEMAND me AND my family be IMMEDIATELY relocated for our LIFE SAFETY. ALL Evidence was FELONY DESTROYED

IN THE NAME OF MAINTAINING THE STATUS QUO - THE LAWSUIT AGAINST THE STATE WAS MORE THAN INTEGRITY!

Go to: <http://tinyurl.com/CDCEmbezzlement> ...to GET REAL about REAL at time-line 2:00:00 for the rest of the story!

My kids were FELONY KIDNAPPED on June 9, 2014 and NOT SEEN since June 16, 2014 DAYS IMPRISONED!!! PLEASE PRAY FOR THEM NOW!!! EVERY HOUR OF EVERY DAY!!! 704