

ATTACHMENT C

**RESPONDENT'S ARGUMENT REGARDING THE PETITION FOR
RECONSIDERATION**

Respondent's Argument

Hello,

In consideration of my appeal calendared for June 20, 2023 regarding an Industrial Disability Retirement (IDR) best benefiting myself of a future CalPERS member. I designate the decision of as precedent, in whole or in part, if adopted.

As a State industrial member of CalPERS at the time of my retirement the current Government Code section 20048 would only apply to an IDR if a non custody staff member/ State Industrial member be violently attacked by an inmate or parolee as a direct result of their work related injury and disability. Although I was not violently attacked by an inmate, the result remains the same and led to my disabilities and retirement subsequently. A custody staff member does not even have to be violently attacked by an inmate or parolee.

I have been diagnosed with rheumatoid arthritis, which resulted from the rod and 7 pins placed in my forearm they believe during that surgery and exasperated my work related injuries. This has taken 5 years, a string of doctors and countless tests to finally have some answers. For the rest of my life I may have to take medication which is extremely hard but but I have hope it will alleviate some symptoms. This entire process has lead to so many other questions and symptoms, depression, at some points I have questioned my own sanity.

I went from an independent working person to needing a care provider, my goal still remains the same that I get back to my old self and am able to be independent and take care of self. I first applied for an Industrial Retirement as CalPERS staff Members like myself and others who were injured outside of the government code are only eligible to receive a disability retirement based on years of State Service. Being appointed incorrectly, my years of State Service not matching so I do not even have the 10 plus years or the Worker's comp years to assist me in ensuring my retirement is compensable and allows me my independence. Someone such as myself who was appointed incorrectly, put into the incorrect retirement and has had to fight to have these items addressed and corrected and yet it still has not been completed to my knowledge has been so difficult. All of this has put a toll on my mental health as well. I was not given that opportunity to work my 30 plus years and retire and have a pension to take care of myself. I would like to appeal to the Board to look at cases individually or place a clause in the government code outside of those two circumstances, employees have worked and in some instances put their health at risk trying to work for their retirement and are disabled but still a work related injury/disability.

CalPERS own website states the difference between a Disability Retirement and Industrial Disability Retirement is a job related illness or injury, Disability is defined as an injury or illness that doesn't need to be job related.

Thank you in advance for your time and consideration.

Respondents argument

Hello, in consideration of my appeal calendared for July 2023, regarding an Industrial Disability Retirement IDR which would be the best benefit for myself or future CalPERS members. I designate the decision of a precedent, in whole, or in part, if adopted.

As a State Industrial member of CalPERS at the time of my retirement, the current government code section 20048 would only apply to an IDR if a non-custody staff member, such as myself "state industrial member" be violently attacked by an inmate, or parolee as a direct result of their work related injury, and Disability.

Although I was not violently attacked by an inmate, the result remains the same and led to my disability and subsequently my retirement. A custody staff member would not be held to the same standard, they would not have to be violently attacked by an inmate or parolee to receive their best benefit and Industrial Retirement which is biased to other CalPERS retirement members. Even though, Custody staff are more likely to have violent interactions with inmates or parolees.

Working in the prison, you would think my only worry was to be attacked by an inmate or parolee, my worry was being violently attacked by my Manager, Supervisor and Administrative staff, especially my department Personnel. I wrote countless memos, went to countless administrative staff to try and rectify the situation to figure out exactly what I had done to warrant such aggression and mistreatment towards myself and fellow staff members. I also went to Legal, I went to the union. I was met with more harassment. I was never told what the reason was, I was just met with more harassment. Administrative staff knew of the mistreatment in Personnel and did nothing to protect us. One instance after the IPO left CMF she was spotted in the parking lot and upper Administrative Staff (Business Managers, etc) sent my Supervisor to come and walk me to my vehicle. Although she no longer worked at CMF, I still had to fear for my safety and still do. I'm still unsure as to why the police weren't called in that instance, why the police weren't involved, there were never answers or solutions. Administrative Management knew enough to call my Supervisor and let her know to walk me to my vehicle, that let me know right then that they knew I was in danger, and they did nothing to protect me. I asked her what did I do now? She state the previous IPO was spotted in the parking lot and she was told she had to walk me to my car and we had to go now. I live in fear every single day, every single day that I could be attacked. I was just recently outside, locally in town, and saw my previous supervisor, I immediately left where I was. This is not something that is to be taken lightly. This has completely changed the course of my career. I'm not the same person that I was before I worked at California Medical Facility, CMF. I now walk with a cane or a walker, yes, I fear if someone were to try to attack me right now, I could not defend myself. It's exhausting living in fear, constantly not knowing if your job is still coming after you. I still have nightmares. I have nightmares of my Manager, trying to run me over in the parking lot and play like a dodgeball like game with me as I run in between the cars. I don't think that people understand how much of a hostile work environment that place is and how those environments alters your brain, your life, your daily activities on top of all my physical disabilities, which are direct result of my on the job work related injuries. I am pleading with the board to adapt some government code and add Management, staff and employers to the government code above 20048 or create a new one. I was unprepared to deal with, and defend myself against Management, something has to be done to protect staff. It is upsetting and appalling, knowing how many times these instances arise. Again, someone has to protect people, it starts at the top. The Board, legislative rules, regulations and policies should and must to be put into place to ensure that this never happens to anyone again, the torture that we endured while working for the California Department of Corrections CDCR, specifically California Medical Facility CMF is absolutely ridiculous and has been life altering. I would like to appeal to the board to look at cases individually, or place, a clause in the government code

outside of those two circumstances. Employees have worked in some instances, put their health at risk, trying to work for their retirement and retire with their full retirement and age and some have been disabled in the process, but still work related injuries/disabilities. CalPERS on their website states the difference between a disability retirement in an industrial disability retirement is a job related, illness or injury.

I am merely providing instance where this entire process including Workers Compensation process has been an uphill battle I've had to fight for every test, every Doctor all to find out what's wrong with me? There are times I have had to question my own sanity, my arms and limbs, body parts affected are swollen to the point they limit my mobility and I look like a victim. I've tried to do everything the doctors have asked of me and all I've ever asked was to find out what's wrong with me? I'm just now getting those answers, I have submitted my Doctors notes dating back to 2012. I don't know if I'll ever be the same, I don't know if my body will ever work the way that it did before but I do know that after working for the state of California, specifically the California Department of Corrections, CDCR CMF I would never wish this result on anyone. No one deserves to be tortured while trying to earn a living and provide for themselves and their family.

Below are just a few instances of treatment I endured while at CMF:

My person and desk were searched by ISU in front of everyone in my department. I thought ISU was there to search the department, but not just me. Nothing was found and treatment as such continued. Everyone who was in an insubordinate position was afraid of retaliation and what management would do next. I was yelled at while at my desk, cursed at when trying to attend meetings on my lunch when it was my own time, consistently told I was failing as a Personnel Specialist. Walking in every morning my Supervisor or Manager would wait and belittle me on projects and daily activities. If I had an idea to fix a problem or complete my staff work I was told I was wrong and had to sit at my Supervisor's desk on countless instances while Management called SCO to prove I was wrong, when I ended up being correct. Emails calling me out stating I did not complete tasks and what was taking me so long, when I was only completing the audit the correct way. I would read and interpret contracts then act on them, I was told I was keying wrong one time for Overtime purposes, I copied and pasted the verbiage directly from that contract where it was stated that overtime was paid after 40 hours and my Supervisor was trying to make me pay Psych Techs incorrectly. My emails were forwarded all the way to the Business Manager and I was told to just do what they want Christina, you're wrong. I explained over and over again I was aware that I was taught to pay that way but it is incorrect, if an employee did not work 40 hours then their OT obligation was not met and I could not pay them OT. I would be telling the State and Federal Government to tax them at a higher rate when that was incorrect. I loved being a Personnel Specialist but not at CMF, that was the most toxic environment I could have been in.

Thank you for your time and attention,
Christina Alderete-Gray