Stracener defends taking ‘extra’ pay at previous job

By Cole Mayer, Mountain Democrat

Judge Warren “Curt” Stracener received more than $200,000 upon leaving his job at the Department of Personnel to become a judge as part of a payout for time off he had accrued. He was also paid arduous pay, a little-known method of paying for excessive hours worked. It has been alleged, however, that both of these payments were not above reproach.

Stracener, currently embroiled in a campaign against judicial candidate Joe Hoffman, left the Department of Personnel – now known as the California Department of Human Resources or CalHR and essentially acting as the HR department of state employees – with a salary of $138,768, according to DPA/CalHR spokesperson Lynelle Jolley. This was his salary, including furloughs, for 2009 and 2010.

According to records from the Controller’s Office, Stracener retired on Dec. 31, 2010. Over two payments, Stracener received a total of just under $208,000 in cashing out unused paid time off, or PTO, that he had accrued. This is in addition to his normal salary.

The extra payout was the result of having a total of 3,116 hours of PTO upon retirement. However, according to an internal memo on April 12, 2010, sent from John Barlow, chief of human resources in the then-DPA, the cap on hours is 640 – far less than Stracener’s total.

The memo states, “The expectation is that division management will encourage employees with projected leave balances in excess of 200 hours (840 plus hours) to submit a plan to start using down their time this calendar year.” The goal was for every employee over the cap to create a plan to whittle down

the number of leave hours available by taking time off. It also has a list with 12 redacted names over the 640 cap. It shows five employees with leave balance of more than 1,000 hours, with one just more than 1,900 hours as of March 17, 2010.

According to Jacob Roper, a spokesman for the Controller's Office, a personal leave program had been instituted in previous years that a 5 percent reduction in salary resulted in more leave time to compensate. Time off had also been given in lieu of a promotion, he said, due to the budget crunch at the time. Thus, it had been fairly easy to accrue leave time under previous administrations.

Stracener, however, said that the number the Controller's Office gave is 700 hours too high and the 640-hour cap "is not a hard cap." Rather, he said, the cap and the plans for spending the time off acted as a "tool to put people off on vacation. They could be ordered to take a week or two weeks off."

Stracener also went over how he was able to accrue the hours: Every month, 20 hours are accrued during furlough times, plus annual holidays, plus a personal day off meant as a "birthday" holiday. Leave time for actual furlough days amounts to about 280 hours, given if an employee works during the furlough as Stracener did during litigation "defending the right of the governor" to institute the furlough system. All of this added to two 5 percent pay cuts, one in 2003 and one in 2010, each of which added 100 hours to the Personal Leave Program; paid time off, he said, is inaccurate.

"That's about 630 if you had all these, not including the Personal Leave Program," Stracener said. He added that the plan to manage those hours had to be "modified and changed on the fly by workload."

Being the deputy chief attorney, he found it hard to take time

off. Instead, he would take long weekends, often as part of holiday weekends. For example, he said, he would take six days off in a row, but only three of the days would be counted toward his vacation time as one day was a holiday and the other two were the weekend. His original plan, however, would be to take a week off a month – something that, with litigation, was no possible.

Management positions, he said, would be filled by a "rank and file" member of the organization that would be temporarily promoted for the "out of class assignment" and paid time-and-a-half. Or, another supervisor would take over and have to do the work of two supervisors.

Jolley and Roper stressed the PTO payout did not affect Stracener's pension.

Meanwhile, there are also allegations that Stracener used a loophole to receive "arduous funds," meant for firefighters, police and the like when responding to disaster situations. Specifically, it is meant for managers who are not normally eligible for overtime, while their subordinates are.

Joan Branin, a retired attorney for the DPA, noted that Unit 2, the unit for lawyers and attorney generals, is not listed on the state's pay differential list for arduous pay. However, "Excluded" employees are. Excluded means the employees are "considered confidential," Branin said, referencing their knowledge, and that they dealt with collective bargaining. "Every DPA employee was 'excluded,' even lawyers," she said. "That little word allowed Bill Curtis (chief attorney) and Curt Stracener…it gave them a little hook to slide the lawyers in. Are they violating the exact words? Probably not. Are they violating the spirit of arduous pay? Absolutely."

This, she said, was Curtis and Stracener's way of getting around furloughs – which they said in the staff meeting where they introduced the pay differential.

“One of the things Curt said was, ‘This is just a way we can ease the pain of the furloughs.’ (Arduous pay) was never meant to ease the pain of the furloughs,” she said. “It’s not what the differential was meant for.”

Every month between March 2009 and June 2009, Stracener was paid $1,200 in arduous pay, according to the Controller’s records. The same was true for between December 2009 and May 2010.

Even more, Stracener was considered a CEA, or Career Executive Assignment – something the pay differential rules say cannot be given arduous pay unless the governor declares a disaster, something that was not done during that time, Branin said.

“It was never meant for lawyers or to ease the pain of furloughs,” she said. “It was certainly misapplied.”

Stracener said that a variety of departments, including his, have an arduous pay program, including the Department of Finance and the Franchise Tax Board and that it was a fairly normal program. As to being a CEA getting arduous pay, Stracener said that the governor, contrary to what Branin said, did indeed declare emergencies – twice. Once in 2008 and once in 2009. There was no time frame on declarations, which were declared during times of financial emergency for the state, “to deal with the fiscal crisis.”

The judge also noted that it had nothing to do with “overtime,” meaning working over 40 hours in a week. Rather, it dealt with “excessive hours,” as attorneys do not get paid time-and-a-half overtime. “They do what’s needed to get the job done,” he said. As an example, he said, litigation may cause an attorney to “work 14 or 15 days straight without a break, or 12 hours straight, such as during furlough litigation.” Or there might only be a half day off in two weeks with no weekends off.

He also noted that arduous pay was, again contrary to Branin’s

statement, not his idea. “I never requested arduous pay, the decision was made by the executive office, and they included me in it,” he said. He said he wanted the people who worked for him to have it, but he “specifically asked” to not be included in the arduous pay program.

Stracener was working three different pieces of litigation in the past few years, including working on the “last vested offer” for contracts for the Department of Corrections, essentially making sure things went “without a hitch” for three years while a new, final contract was made; litigation surrounding the Department of Corrections and the contract issue; and the litigation surrounding the furloughs.

“Any one of those jobs could keep a person busy full time,” Stracener said, between meetings, monitoring the situation, prepping for court and actually being in court.

Though he has not been on a traditional family vacation in close to 20 years, he would still take a day or two off periodically – but the time off accrued surpassed time he could spend away from court. “I’ve just always been a very hard worker.”

Placerville resident injured in Afghanistan coming home for visit

Army Spec. Charles Douglas Harris is coming home this week to Placerville for a visit.

On May 3, the 22-year-old Harris received serious injuries in

Afghanistan to both legs and his right arm when an improvised explosive device was set off. His right leg was removed below the knee, his left leg was removed from the middle of the knee down and he received extensive treatment to a broken elbow and damaged arm muscle.

Harris has been receiving medical treatment at Walter Reed National Military Medical Center in Maryland. This will be his first visit home since he was injured. He will have to return to the hospital for further

Harris will arrive at Sacramento International Airport on Oct. 31 at 7:10pm. The Harris family invites anyone to the airport or at any safe location along his route back to Placerville. He will be picked up at the airport by a Hummer limo and will be taken to the Placerville Veterans Hall at 130 Placerville Drive, Placerville.

Nevada think tank exposes government waste

By Sean Whaley, Nevada News Bureau

CARSON CITY – From double-dipping employees to the questionable use of credit cards, the newest edition of the Nevada Policy Research Institute's "piglet book" released this week offers highlights of recent questionable government agency actions.

"The Nevada Piglet Book 2012" is authored by Geoffrey Lawrence, deputy policy director for NPRI, a libertarian think

tank based in Las Vegas. The third edition comes out as lawmakers prepare to return to the capital for the 2013 legislative session.

In the 40-page report, Lawrence also reviews and raises questions about recent political and policy developments in Nevada, including the successful effort by Gov. Brian Sandoval and others to lure Apple to Reno, and Sen. Harry Reid's efforts to promote green energy projects in the state using taxpayer subsidies.

"While Reid regularly trumpets these deals as ways to 'create jobs' in the state, these deals – it's clear upon review – are really about transferring wealth from taxpayers and electric ratepayers to campaign donors and allied politicians," Lawrence writes in the report.

He cites the work of fellow NPRI staff in criticizing the effort: "Since 2009, with Reid's backing, over $1.3 billion in federal taxpayer subsidies has gone into renewable-energy contracts in Nevada. Yet the projects those subsidies fund are projected to create only 288 permanent jobs in the state – a cost to taxpayers of $4.6 million per job."

Reid has strongly supported green energy development in his Senate career. His website says: "Our country is too dependent on oil and fossil fuels, which pollute our air, place our economy and national security at risk, and contribute to climate change. As the Senate majority leader, I am working on building a clean energy future that will help provide Americans safe, reliable, and affordable supplies of clean energy."

As to the decision by Apple to build a data center in the Reno area after receiving large tax breaks, Lawrence said in the report: "To help it win the tax breaks it sought, Apple hired lobbyist and Sandoval adviser Greg Ferraro to represent the company before the Governor's Office of Economic Development –

where insider Ferraro was already under contract to perform public relations work for $200 per hour."

This relationship was reported by the *Las Vegas Sun* in August. Ferraro told the *Sun* he represented only Apple in the dealings that netted the company $89 million in tax breaks, not the state as well.

While some of the information in the Piglet Report comes from reporters and others looking into questions at all levels of government, many issues cited are uncovered by government agencies themselves through audits.

"Most people don't follow audits, they don't read them, so they don't know what they say, and the problems that some of the cities and counties and state have had," Lawrence said in a telephone interview in advance of the release of the report. "So this is kind of a nice way to make that information more easily accessible to the public."

The audits are an important source of information on the activities of government agencies, but not all entities, including most counties and many cities, do not have an internal audit function, he said. Getting local governments to invest in such reviews would be a benefit to the taxpayers, Lawrence said.

Lawrence also cites a *Nevada News Bureau* story in the report regarding some questionable use of welfare cash grants, called Temporary Assistance to Needy Families, by recipients.

"Over a seven-month period in 2011, Nevada TANF funds were withdrawn in 35 different states, Guam and the District of Columbia," he said. "About a hundred withdrawals took place in liquor stores. Others took place in casinos and slot parlors. Some occurred in tourist destinations like New Orleans, Hawaii, Angel Stadium, Magic Mountain, SeaWorld San Diego, Knott's Berry Farm and Pier 39 in San Francisco. While withdrawals of this nature were a minority, they indicate that

at least some welfare payments went to fund indulgences – not necessities."

The book, and other transparency efforts by NPRI, does have an effect on policy makers, Lawrence said. One example was the successful push for electronic reporting of campaign contribution and expense reports by candidates and elected officials, which was sought by others as well in the 2011 session including Secretary of State Ross Miller.

"These transparency issues especially are things that resonate with people on every end of the political spectrum," Lawrence said. "So it's easy for the public to get behind each of these measures. It's perhaps a little more difficult for lawmakers who may not want to make things quite as transparent."

But for everyone else the changes are clearly a benefit, he said.

Tahoe Tails – Adoptable Pets in South Lake Tahoe

Are you looking for an companion for runs or long walks? Someone with short, easy to groom hair? A big smile with beautiful white teeth?



Katie could be your new best friend. She is a sweet, young adult black Lab, who is quite affectionate.

She’d probably keep your yard clear of squirrels, and would probably keep your feet warm. (She likes to sit on feet!) Katie will make a great addition to just about any household.

Katie is spayed, microchipped, and vaccinated. She is at the El Dorado County Animal Services shelter in Meyers, along with many other dogs and cats who are waiting for their new homes.

Go online to see photos and description of all pets at the shelter.

Call (530) 573.7925 for directions, hours, and other information on adopting a pet.

For spay-neuter assistance for South Tahoe residents, go online.

– Karen Kuentz

Opinion: Prop. 30 is a good thing for LTCC

By Kindred Murillo

As the debate on how to vote on Proposition 30 has raged on, many of us have stayed in the background because it is hard to advocate to our family, friends, colleagues, and neighbors to vote yes on a proposition that has been described as “holding a gun to the voters’ head.” While it is unfortunate that automatic “trigger” cuts have become the preferred method of the Legislature for addressing our state’s budget woes, it also provides an opportunity for us as Californians to be clear on what we value by even more closely linking our voice to our vote.

It is for this reason that it is important to really understand what is at stake. If Proposition 30 fails, the reality is that California K-12 districts, community colleges, and university system will suffer further reductions that will have crippling effects on the education of our youth. These reductions would be on top of the past four years of continued cuts of more than $800 million for the community college system alone. Most of our educational systems are operating at pre-2007-08 budget levels.



Kindred
Murillo

Further reductions to education, particularly for community colleges, threaten our ability to maintain access to higher education, and in particular access for small rural communities like ours. Small educational districts are already stretched to the maximum trying to provide a quality education to their local communities. Here at Lake Tahoe Community College we have had to cut classes and reduce staffing over the past four years. This next round of cuts to our budget will force us to cut critical services that will directly impact our students.

Until now we have kept many of the cuts away from services to students because of our commitment to access and student success. This next reduction of almost $700,000 will begin eroding the critical educational and student support services of our local college that have been essential to not only access, but the success and achievement of our students.

Did you know Lake Tahoe Community College transfers more students to the University of California system that colleges two and three times our size? Did you know that last year we graduated the most students in the 38-year history of LTCC? Not only that, but we issued $2.5 million in Pell grants to our students and gave out almost $80,000 in scholarships last year. This is on top of our almost $10 million payroll and multiple services provided to our local area. We are an integral part of the South Shore community and economy as well as the only public higher education institution in the basin.

Ensuring access to higher education is critical to our local economy and the well being of our local community. As you fill out your ballot, please consider the future of our local community, our state, and our nation; and the importance of educating our current and future generations.

A continued cycle of reductions to education means less opportunity for our children, grandchildren, and their children. This is why I am writing to urge your yes vote on Proposition 30. While I disagree with the way the budget "trigger cuts" have been focused on education, I am more concerned with the harm to our students, our staff, and our community of further reductions to our K-12 and higher education systems.

Kindred Murillo is superintendent-president of Lake Tahoe Community College.

Study: Nevadans more likely to get cancer than neighboring states

By AP

Nevadans are more likely than residents of three neighboring states to contract and die of cancer, according to a study.

The report, released by the UNLV and Nevada State Health Division last week, notes cancer rates in the region comprising Nevada, California, Utah and Arizona historically have been lower than the national average.

But Nevada showed significantly higher rates of all cancers than those other states between 2006 and 2008, according to the report. Nevada had a cancer incident rate of 457 per 100,000 people, compared with 442 for California, 397 for Utah and 394 for Arizona.

The Silver State also had a higher cancer mortality rate during the same period, with 182 deaths per 100,000 compared with California's 162, Utah's 128 and Arizona's 152.

Dr. Paulo Pinheiro, a UNLV researcher and epidemiologist, argues in the report that Nevada suffers from a lack of screening and less specialized expertise, which forces nearly 10 percent of cancer patients to be diagnosed or treated outside of the state.

The exodus of cancer patients has a major impact on patients' quality of life, he said, and has a negative financial impact on state health care providers and private insurance companies.

The report features a comprehensive analysis of all cancer cases in Nevada from 2006 to 2008, and relies on data from the

Nevada Central Cancer Registry. Nevada had an annual average of 11,209 new cases of cancer over that period.

The report also found “alarming disparities” in the level and quality of care between northern and southern Nevada.

For instance, survival rates for breast cancer in northern Nevada are about 82 percent after four years, which is roughly the national average. In southern Nevada, survival rates are nearly 10 percentage points lower.

“If you are residents of a state you would expect the same level of care anywhere in that state, but this is not happening in Nevada,” Pinheiro said. “This discrepancy does not exist in other states around the nation and points to major differences in access to screening as well as quality health care between the two regions.”

Pinheiro suggests Nevada boost prevention efforts to curb cancer rates.

“An increase in the screening rates especially for those of low incomes, as well as strengthening the interventions to reduce tobacco use and second-hand smoke, could go a long way toward diminishing the cancer risk in Nevada,” he said.

Construction alters access to El Dorado County offices

A portion of Fair Lane Road in Placerville will be temporarily closed for construction.

From Nov. 7-Dec. 21 the El Dorado County Government Center can be accessed via Forni Road or Ray Lawyer Drive. Access to businesses along Fair Lane will remain open via Placerville Drive.

A howling good time at canine Halloween party

By Kathryn Reed

Kiss, sit, dance, do a trick, eat fast – oh, and look really cute.

Halloween games aren't just for kids. They aren't even just for humans. Dogs got into the act Saturday during the second annual Howl'ween Party at Tahoe Best Friends in South Lake Tahoe.

Owner Paige Rice loves Halloween almost more than she loves dogs. And she isn't the only one.



Susan and Ernie compete in the Oct. 27 dancing competition at Tahoe Best Friends. Photos/Kathryn Reed

More than two dozen four-legged critters showed up at Oct. 27 party. And most were in costume.

According to the National Retail Federation, pet owners will spend more than $370 million this year on costumes for their dog or cat. Considering this is an increase of about $40 million from 2011, people clearly have money for their animals. And this compares to the $80 million people spend on candy and decorations for Halloween.

Chelsea found a hot dog out fit for Shiloh in San Francisco. This seemed appropriate for the wiener dog.

And the Dachshund had lots of kisses to give her owner – enough to tie for first in the licking contest. Tony and his "Angora Brindle" Ollie were the other winners at Tahoe Best Friends. The contest was to see whose dog gave their owner the most kisses. A few people took Rice's advice and rubbed bits of hotdogs on their face to entice their dog.

The afternoon started with a form of dog musical chairs. As soon as the music stopped dogs had to sit. Not only that, they

had to stay. Each round one dog would have to step aside. The last dog sitting – AJ – came away with a coupon to make her stay at Tahoe Best Friends a little cheaper next time. (AJ, who was dressed as a San Francisco Giants fan, is this reporter's dog.)

But when it comes to tricks, sitting is ordinary. Just say "touch it" and Hailey, a 1-year-old pocket beagle, will do that. Pixie the Chihuahua jumps and jumps like a yo-yo. And with her costume, that is just what she looks like – a yo-yo. The two won the trick contest.

Many of the dogs enjoying the fun aren't even regulars at Tahoe Best Friends, but instead have owners who love to have a good time. TBF is a doggie day-care center that offers "dog sitting" by the day or overnight. And a human is always on site.

People definitely are making their pets a member of the family. According to the U.S. Census Bureau, families spend an average of $58 per month on their pets. That is an increase of 99 percent since 1999. All together, $50 billion is what Americans are expected to spend on their pets (not just dogs) this year – from grooming, boarding, pet hotels, pet-sitting and day care – according to American Pets Products Association.

While the afternoon was all about Halloween fun for four-legged family members, Oct. 31 can be stressful for them. That is why the American Society for the Prevention of Cruelty to Animals offers these tips:

• Limit treats to trick-or-treaters. Chocolate – especially dark or baking chocolate – can be dangerous for dogs and cats. Candies containing the artificial sweetener xylitol can also cause problems.

• Pumpkins and decorative corn are considered to be relatively nontoxic, but they can produce an upset stomach in pets.

• Wires and cords from electric lights and other decorations should be kept out of reach of pets.

• Use battery powered lights instead of candles. Pets can easily knock a candle or candlelit pumpkin over and cause a fire.

• Don’t put your dog or cat in a costume unless you know he or she loves it. For pets who don’t like them, wearing a costume might cause undue stress.

• If you do dress up your pet, make sure the costume isn’t annoying or unsafe.

• All but the most social dogs and cats should be kept in a separate, quiet room away from the front door during peak trick-or-treating hours. Too many strangers can be scary and stressful for pets.

• When opening the door for trick-or-treaters, take care that your cat or dog doesn’t dart outside.

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Giants – World Champions!



Giants fans send a message during Game 2 in San Francisco. Photo/Kathryn Reed

San Francisco Giants – World Series champs!

They won Sunday night in the 10th inning – 4-3. It was a four-game sweep.

Letter: Is Superstorm Sandy the new normal?

To the community,

In the popular movie "The Day After Tomorrow" audiences are confronted with disturbing scenes of a "superstorm" that dwarfs all other storms. At the time, most experts derided the movie and questioned whether such sudden catastrophic superstorms are really possible.

Today, with the emergence of Superstorm Sandy, there is no

longer any doubts about the potential for massive superstorms to emerge from our global climate change. Many people believe we are headed for global warming, but new evidence suggests global cooling may be where we are actually going.



Steve Kubby

Until recently, scientists considered any theory of catastrophic change to be heresy. However, science has undergone an astonishing paradigm shift and now accepts the compelling evidence that catastrophic climate change can occur much more rapidly than previously thought.

An example of an extremely quick climate change came during a period of time known as the Younger Dryas, which happened right after the last ice age ended, about 12,000 years ago. The Younger Dryas itself lasted about 1,000 years. What we didn’t know until recently was just how quickly the Younger Dryas started and stopped.

In a period of less than 50 years, the climate from the eastern U.S. and Canada to much of Europe went from climate conditions much like today’s, to frigid readings more like the Ice Age, at least a ten degree Fahrenheit change. That’s how it stayed for a thousand years – and then the climate flipped back to normal in as little as 20 years.

Greenpeace released a classified study, prepared for the Pentagon, that warns of increasingly unstable and violent weather. This Pentagon Weather Report paints a grim picture of the Gulf Stream failing to deliver warm water to the North Atlantic, triggering widespread weather disasters: “A world thrown into turmoil by drought, floods, typhoons. Whole

countries rendered uninhabitable. The capital of the Netherlands submerged. The borders of the U.S. and Australia patrolled by armies firing into waves of starving boat people desperate to find a new home. Fishing boats armed with cannon to drive off competitors. Demands for access to water and farmland backed up with nuclear weapons."

The idea that the Earth has been molded by sudden, catastrophic climate change is something that scientists have resisted for many decades, according to a scientific analysis of the past few decades of climate research by Spencer Weart, director of the Center for History of Physics at the American Institute of Physics.

In an article published by *Physics Today*, Weart explains how weather scientists have historically refused to comprehend the evidence before them supporting rapid climate change. Each new discovery keeps shortening the time in which massive global climate changes are recognized and understood to have occurred.

Here's how the National Academy of Sciences describes the situation: "Paleoclimatic records show that large, widespread, abrupt climate changes have affected much or all of the earth repeatedly over the last ice-age cycle as well as earlier — and these changes sometimes have occurred in periods as short as a few years."

The sudden appearance of Superstorm Sandy may be a freak event, or it may become the new normal. Is Superstorm Sandy the harbinger of things to come? Are we headed toward a new Ice Age?

Apparently, we are about to find out.

Steve Kubby, South Lake Tahoe