

Minimum Wage VICTORY!

Question: Who would have thought that payment of minimum wage to state scientists would ever become reality?

Answer: Governor Arnold Schwarzenegger.

Fortunately, so far the Governor is just dreaming. It's increasingly likely that state employees will continue to receive full wages through at least September 2010--even if the budget impasse continues.

On July 26 Sacramento Superior Court Judge Patrick Marlette (yes, the SAME judge that upheld the Governor's first two rounds of furloughs), set August 26 as the first hearing in advance of a trial on the minimum wage litigation. The court won't decide the main issue in the case on August 26, which centers on the Controller's ability (or lack of it) to pay the federal labor law minimums using his antiquated computer payroll system. That hearing has yet to be scheduled, and this depends on the parties to the litigation exchanging information on relevant documents and witnesses. That will take more time.

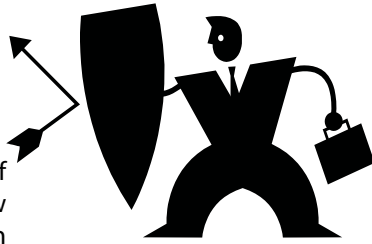
This is very good news for all who want to see state scientists and all state employees paid IN FULL AND ON TIME, and another defeat for Governor Schwarzenegger. In this instance, justice delayed is justice applied. The normal course of litigation in this case means that the Governor will likely never get the authority to see minimum wage paychecks issued to state employees.

CAPS continues to pursue a more permanent fix. This is to pass legislation (AB 1699 or AB 790) which would make the salary and benefits part a continuous appropriation, not subject to the passage of an annual state budget. Both bills are still pending in the state legislature, bound up in the almost intractable differences between the parties on fiscal issues. Nevertheless, this is the permanent fix that CAPS will continue to spearhead.



Your 2010 CAPS Bargaining Team: (L-R) Staff Consultant Kristen Haynie; Vice President (Associate Health Physicist) Valerie Brown; District III Director (Senior Hazardous Substances Scientist) David Miller; President (Staff Environmental Scientist) Patty Velez; Chief Spokesman (Consultant) Chris Voight; Secretary (Associate Industrial Hygienist) Ryan Kinsella and District Director (Research Scientist I) Chris Rogers. CAPS Treasurer (Associate Toxicologist) Wes Carr was not available for the photo. The CAPS Team is appointed by the CAPS President and ratified by the CAPS Board, typically every two years. The Team makes all decisions and is supported by experienced labor consultants, attorneys and legislative advocates.

Like Pay Like Work Battle Continues



During late July CAPS filed the latest brief in the Like Pay Like Work lawsuit now before the Third District Court of Appeal in Sacramento. A final brief by the Department of Finance is due within 20 days. After that, the case will be set for oral argument before a three judge panel of the Third District Court.

Read the brief on the CAPS web page: http://www.capsscientists.org/Lawsuits/CAPS_Brief.pdf.

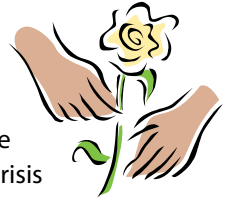
The case began several years ago. It lingers on because the Schwarzenegger Administration refuses to do the right thing and honor the ruling from his own Department of Personnel Administration. It all began in November 2006 when CAPS challenged the salary ranges for 14 supervisory scientist classifications. CAPS alleged that the salary inequity violated the principle that "like salaries shall be paid for comparable duties and responsibilities."

After eight days of hearing, an April 2008 administrative decision issued by DPA found that CAPS prevailed in full. When the Department of Finance showed no sign of honoring the decision, CAPS filed a lawsuit seeking to have the salaries paid because the Governor would not pay them voluntarily. Sacramento Superior Court Judge Lloyd Connelly issued a writ commanding DPA and the Department of Finance to present the funding needed to pay the increased salaries to the Legislature for its consideration. Finance appealed the decision but DPA did not. CAPS will continue to push for payment as quickly as possible with full retroactivity. While the case applies just to supervisors (rank-and-file scientists ostensibly benefit from the bargaining process), CAPS sees a win in this case as having indirect but substantial longer term benefits for scientists in the bargaining unit.



State Scientists in Need

CAPS makes it a point to provide opportunities for state scientists to help each other. One way is to provide leave credits to scientists in crisis who have run out of their own credits and are asking for help.



Two state scientists have exhausted their leave credits due to dire personal circumstances and need HELP! CAPS Member Dawn Plantz is an Integrated Waste Management Specialist at CalRecycle. Her husband was killed in a diving accident on July 2. This has created a serious health condition for Dawn. CAPS Member Jan Hillman is an Associate Health Physicist at the Department of Public Health. She has been on an extended medical leave. Both Dawn and Jan have been approved for donations in accordance with the CAPS catastrophic leave program outlined in Section 3.10 of the CAPS MOU. Each needs leave credits in order to receive a full paycheck.

CAPS appeals to any state employee who may be in a position to donate qualifying leave credits. For details on how to donate, look here: http://www.capsscientists.org/catastrophic_leave.htm.

CalPERS FACTS

CalPERS pays out nearly \$12 billion in pension benefits each year to retirees and beneficiaries using investment income and cash contributions from employers and members. Investment assets are not sold to generate cash and the fund continues to grow.

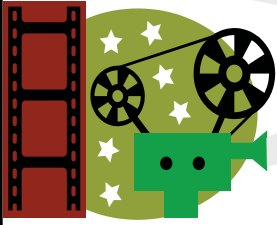
What You Should Know About Public Pensions

- Average annual pension is approximately \$25,000 a year for those working more than 20 years in public service
- Average age of retirement is 60
- 78% of all retirees earn \$36,000 or less in pension benefits per year
- Pension costs for the State of California are less than 5% of the State's \$86.1 billion general fund budget.**

* Source: CalPERS, Income over the last 20 years as of June 30, 2009.

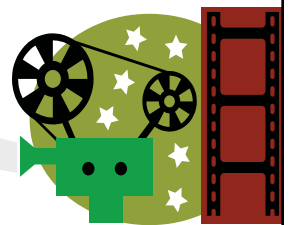
** Source: CalPERS, Department of Finance.





THE EXPENDABLES

By Patty Velez, President



The Expendables was #1 at the box office for its mid-August release. This is the movie written, directed and starring Sylvester Stallone, and an All-Star cast of action hero has-beens, including Arnold Schwarzenegger.

I haven't seen the movie and don't plan to. I would hope state scientists and state employees generally will refuse to plunk down their meager earnings to further promote our soon-to-be ex-governor.

One can't miss the irony of the title, which just as easily could describe how Governor Schwarzenegger has treated the state workforce. WE are truly the expendable ones in his book.

He refuses to negotiate in good faith. He implements unilateral cuts in pay and benefits with or without the agreement of CAPS or approval of the legislature. He calls state employees "selfish" for not embracing the unpaid furloughs and other paycheck pain he continues to dish out. He empowers his appointees and talking heads to vilify the state workforce while he publicly claims we do good work. He has aggressively sought to use the state workforce as leverage in his budget negotiations with the state legislature. He tried to pay minimum wage until State Controller John Chiang (supported by CAPS and other groups) thwarted him. When that failed, he ordered another round of furloughs until yet another judge issued a temporary restraining order. That TRO acted on the irreparable financial hardship being suffered by untold numbers of state employees as a direct result of the Governor's furlough orders.

In fact, the stated reason for the Governor's latest furlough order is to save money until a budget is adopted. When an Alameda Superior Court judge ordered a halt to a new round of furloughs, the Governor's threats grew darker. His spokesman Aaron McLear said that if the court delays giving the Governor authority to furlough state employees, he may double furlough days to six during September. If the courts disapprove his furlough authority altogether, he may implement layoffs. The legislature's refusal to pass a budget requires the cost savings furloughs will generate, he says. Finally, the Governor himself has repeatedly said that state employees aren't immune from the economic pain suffered by those in the private sector during this recession. After

what we've been through, I find this statement especially offensive.

As if the financial pain inflicted on the state workforce isn't severe enough. Depleted savings, ruined credit, bankruptcies-- these are now increasingly common among state employees and, yes, even among state scientists. It's not as if our fellow state employees are spendthrift or poor financial planners. How does one plan on a 10% pay cut for five months, and nearly 15% for another 12 months? How can one plan for the bizarre possibility that paychecks will be further reduced to the federal minimum wage rate of \$7.25 per hour? The fact is, we can't.

"...CAPS will fight the Governor's autocratic moves every step of the way."



CAPS will fight the Governor's autocratic moves every step of the way. We had a key hand in Controller Chiang's win that prevented the Governor from paying minimum wage. We continue to oppose the Governor's unwise and unnecessary furlough orders. We'd prefer peace. Lawsuits and media battles are time consuming and bruising. They don't increase wages and benefits.

But they CAN prevent bad things from happening. Our lawsuits haven't always won out, and they aren't always able to bring immediate relief. But, sooner or later, we expect to prevail, and for our members to be made whole. We are able to do this because of the OVERWHELMING support we get from our members. THANKS for your continued support!



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Third Quarter CAPS Grants

For years, CAPS has been proud to fund quarterly grants to promote professional development among its members. Four state scientists are randomly selected each quarter to receive a \$400 grant. "Professional development" typically involves travel to a professional conference or involvement in some other activity that enhances a scientist in his or her field of expertise. Below are the winners for the third quarter of 2010. You can apply for a CAPS grant by downloading an application from the CAPS webpage. While this program is funded from CAPS dues, it differs from the dependent scholarship program. Those annual dependent scholarships are funded from an endowment established several years ago. None of that funding comes from CAPS dues or fees.



Staff Toxicologist (Specialist) Marilyn Silva, Ph.D. of the Department of Pesticide Regulation, Medical Toxicology Branch, in Sacramento will use her grant to offset expenses of attending the Teratology Society meeting in Louisville, Kentucky during June 2010.



Staff Environmental Scientist Alicia Seesholtz of the Department of Water Resources in West Sacramento will use her grant to offset expenses attending the annual conference of the North American Chapter of the World Sturgeon Conservation Society in Montana during September 2010.



Energy Commission Specialist II Elaine Hebert of the California Energy Commission in Sacramento will apply her grant to costs associated with attending the annual conference of the American Solar Energy Society in Phoenix Arizona during May 2010, where she submitted a paper.



Associate Hazardous Materials Specialist Michael Traina of the Department of Corrections in Soledad will use his grant to cover expenses in attending the 21st Annual Continuing Challenge HazMat Emergency Response meeting in Sacramento during September 2010.

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