



June 17, 2008

The Honorable John Chiang
California State Controller
300 Capitol Mall, Suite 1850
Sacramento, CA 95814

Via Hand Delivery

Re: Implementation of Salary Increases for Fourteen State Scientist Supervisory Classifications

Dear State Controller Chiang:

On behalf of the approximately 320 employees in fourteen covered state scientist supervisory classifications, the California Association of Professional Scientists is asking you to draw warrants to pay the salaries of these 320 employees as fixed by the Department of Personnel Administration (DPA) in its April 28, 2008, Director's Decision.

Pursuant to Government Code section 19826, the Legislature has delegated to the DPA the salary setting function for various employees, including supervisory employees excluded from collective bargaining.

In 2006 CAPS challenged the salary ranges for fourteen supervisory scientist classifications claiming that the pay levels violated the principle that "like salaries shall be paid for comparable duties and responsibilities." The quasi-legislative challenge was heard before the DPA through 8 days of hearing. CAPS prevailed in full.

The attached April 28, 2008 decision of the DPA concludes that the duties and responsibilities of certain supervisory engineers and supervisory scientists require comparable pay. The decision fixes the salaries of five supervisory scientist classifications at the same level as the comparable engineering classifications, six scientific classifications at 5% less than the comparable engineering classifications, and two scientific classifications at 10% less than the comparable engineering classifications.

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The DPA's approval authority over the salaries of these supervisory scientists is set forth in Government Code section 19825 subdivision (a) which provides that such salaries are subject only to the approval of the DPA before they become effective and payable. (Also see *Tirapelle v. Davis* (1994) 20 Cal.App.4th 1317, 1338.)

As DPA has acted within its fundamental statutory authority in fixing the salaries of these fourteen supervisory classifications, CAPS requests that your office audit this claim for compensation as fixed by DPA in the April 28, 2008 decision and, upon finding that unexhausted appropriations are available to meet the claim, to pay the salaries as fixed by the DPA.

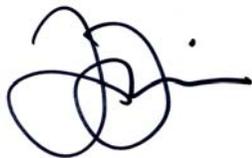
Since the approved 2007-2008 budget contains hundreds of millions of dollars of appropriated and unexpended funds for state employee salary increases, the salaries should be paid this year and at all times since July 1, 2005 where the salaries can be paid out of existing appropriations.

If CAPS can provide you any additional information regarding this claim, please contact me. Thank you for your role in processing this claim and paying these salaries.

Sincerely,



Christopher J. Voight
Staff Director



Ted Toppin
Legislative Director

Attachment – April 28, 2008 DPA Decision

c: David Gilb, Director, Department of Personnel Administration