

CAPSule

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Brown Joins David Miller on CalPERS Board

Margaret Brown was declared the unofficial winner of the runoff election for a Member-at-Large seat on the CalPERS Board of Administration. Brown and incumbent Michael Bilbrey faced each other in the runoff held for Position B after the September primary election, in which David Miller was elected to Position A. All results are considered unofficial until formal certification by the California Secretary of State.

The unofficial election results indicate Brown received 77,969 votes, which represents 53 percent of the votes cast during the voting period of November 10 through December 11, 2017. Bilbrey received 69,123 votes, or 47 percent. None of the four candidates running for Position B received a majority of votes cast, so the top two finishers — Brown and Bilbrey — vied in the runoff.

Margaret Brown and David Miller will each serve four-year terms beginning January 16, 2018. Brown works for the Garden Grove Unified School District. David Miller serves as a state regulator,

is a long-time CAPS leader and union activist, and a mediator. He is a Senior ES Specialist with the California Department of Toxic Substances Control. The 13-member CalPERS Board of Administration sets policy and oversees the administration of retirement and health benefits on behalf of California public employers, and their active and retired employees. The Board also oversees administration of the pension fund's investments. Under the California Constitution, the CalPERS Board has exclusive authority to administer the CalPERS Pension Fund.

CalPERS builds retirement and health security for state, school, and public agency employees. CalPERS retirement plans serve more than 1.9 million members. It administers benefits for more than 1.4 million members and their families in its health benefits plan offerings, making it the largest defined-benefit public pension in the U.S. CalPERS' total fund market value currently stands at approximately \$346 billion. For more information, visit www.calpers.ca.gov

CAPS Represents ALL State Scientists

CAPS was formed by State Scientists in 1983 and was elected in 1984 to represent all State Scientists in state Bargaining Unit 10. That is also when CAPS began representing state scientific supervisors.

State supervisors and managers have the right to representation just like rank-and-file employees. CAPS has always welcomed their involvement, understanding that there will be worksite conflicts to be resolved from time to time. Membership by state supervisors and managers makes CAPS stronger by increasing membership and providing essential resources for representing ALL state scientists even better. The reciprocal benefit is that supervisory and managerial members get expert representation when they need it.

Supervisors are not covered by the Ralph C. Dills Act (Government Code sections 3512-3524), which means they don't have the

benefit of reducing formal agreements to binding written contracts as a result of the meetings with CalHR regarding wages, hours and working conditions. Supervisors are subject to the "Excluded Employees Bill of Rights Act," passed in 1990, that requires CalHR to meet and confer with organizations representing these "excluded" employees. CalHR is obligated to listen to CAPS on supervisory issues, but isn't obligated to "negotiate" as it must with CAPS on behalf of rank-and-file scientists.

CAPS remains a stalwart supporter of high integrity when it comes to the role of science, for sufficient funding for science programs and fair compensation for state scientists. You can help ensure that CAPS remains strong. Maintain your membership. Encourage your scientific colleagues to join CAPS!

Join CAPS today!
Become part of the union that represents YOU!

Science Matters. California State Scientists

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Your Duty Statement and You!



Everyone in state service has a classification specification and a duty statement. But not every State Scientist has had the same experience when it comes to the development of their duty statement. Some are generic and include a wide range of responsibilities, including some that may be objectionable, like support functions. Other scientists have duty statements that are so specific to their work that it's hard to imagine how their skills will be deemed transferrable to another position when it's time to move to a new position. So which is better?

The first rule of thumb is that your duty statements should fall within the scope of your classification. You can find your classification scopes by performing a simple Google search for "CalHR + your class title." After reading your duty statement – consider whether or not the duties fall within the scope of the classification specification. If not there may be reason to seek clarification or correction. If you are doing work normally assigned to a classification with higher pay, you may have a case for "out of class" pay.

It's not unusual for a supervisor to change a duty statement with little discussion or review, then to ask the affected rank-and-file scientist to review and acknowledge the new document with a signature. If this happens, simply request a meeting with your supervisor to discuss it before signing. If necessary, call CAPS to assist. Duty statements are reviewed and signed by your supervisor, but they typically go through a review process that involves upper management and even CalHR.

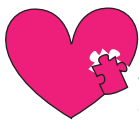
A good time to review your duty statement with your supervisor is at your annual Individual Development Plan or Performance Appraisal Summary. This will help ensure that you are being evaluated against a known template. This way if there are any inconsistencies, you and your supervisor can work on the language change together. Regardless, if you have a question on the language or duties in your duty statement, contact CAPS!

EnCAPSulations...



Court of Appeals Provides Briefing Schedule In CAPS ES Litigation. A California Appeals Court moved another CAPS pending case closer to finality.

The Court finally provided a briefing schedule for CAPS' challenge to DFW's use of the Senior ES Supervisory class to supervise their peers in the Senior ES Specialist classification. CAPS' opening brief will be due to the court in late January with response brief deadlines falling in February. After briefing is completed, there will be another waiting period of indeterminate duration until oral argument is scheduled.



Environmental Scientist Needs YOUR help! ES

Nicole Constantinedes works in the Water Branch of the Department of Fish and Wildlife. She is off work with a serious medical condition and has exhausted her leave balances. She needs catastrophic leave donations in order to continue receiving pay and benefits. Section 3.10 of the CAPS MOU allows transfer of leave credits as catastrophic leave: CTO, Personal Leave, Annual Leave, Vacation, Personal Day, and/or Holiday Credit. If donating Personal Holidays, they must be donated in whole day increments per the donating employee's time base. All other donations must be made in a minimum of one hour (1.00) increments. Sick leave cannot be donated. If you can spare even ONE HOUR, Ms. Constantinedes would be hugely assisted and moved by your generosity. Donate via the CAPS web page: <http://capsscscientists.org/catastrophic-leave-donations/>



Budget Analysis Shows Surplus. According to the State Legislature's nonpartisan Legislative Analyst, "the near-term budget outlook is positive." Under its current estimates, "the state would have \$19.3 billion in total reserves

(including \$7.5 billion in discretionary reserves) at the end of 2018-19, assuming the Legislature makes no additional budget commitments." This is definitely good news as we approach the next round of collective bargaining. See the full report at the LAO web site: <http://lao.ca.gov>



Harassment Claims Must Be Taken Seriously. October

was Bullying Awareness Month – but that doesn't mean October is the only month to speak about bullying and harassment claims within the workspace. CAPS has developed a few different infographics to help identify bullying behavior and know when it crosses the line into harassment. You can view them here: <http://capsscscientists.org/benefits/workplace-bullying/>. Additionally, all state departments have their own Workplace Violence and Prevention Policies that include how to report claims of bullying, violence and even sexual harassment in the workplace. If you or anyone you know has been subject to this behavior, report it immediately! If you need further assistance in identifying behavior that is questionable, contact CAPS: caps@capsscscientists.org



Fire Disaster Hits Members. The latest wildfires

in Southern California have hit at least two State Scientist families pretty hard with the complete loss of homes and family heirlooms. CAPS has followed up in both cases to provide assistance with fundraising to cover gaps in insurance coverage. Thanks to ALL members who continue to work on fire recovery, and to help the CAPS members and other people who have lost so much to these devastating wildfires. If you know of any CAPS member in need of assistance, feel free to contact CAPS.

Forward View

by Patty Velez, President

This is the time of year I typically look back and assess what we have accomplished. I find it useful and gratifying to reflect on the many things for which I have to be thankful. But this December I am also looking forward. This is what I see.

Salary Equity NOW! I am supremely aware of what our MOU *doesn't* provide — full salary equity. But we can all see the many benefits it does provide — significant salary growth, protection of our many leaves and benefit programs, and stability to plan for the future. Relative to any of the current contracts negotiated on behalf of other state employees, the CAPS agreement is easily the best. We are receiving significantly more in general salary increases, we are receiving them sooner, and our contribution to guaranteed post-retirement health benefits is less. Regardless, your CAPS Bargaining Team has its sights set on improvements in many critical areas of the MOU when negotiations commence this coming Spring. Salary equity is tops on the list, but there are many other areas that need to be addressed. I will be guided in that effort by the results of our member bargaining survey, which will be released in early 2018. So please look for it, and return it with your choices and your thoughts.

Retirement Security Remains A Priority. We've beaten back efforts to degrade public sector retirement plans in California, but they continue. Every one of us deserves a secure, reasonable retirement based on a formula we were promised when hired. To have that promise changed while working—or worse, after you retire—would be a monumental failure by our elected officials. It's simply unconscionable. We have done everything possible to strengthen our sustainable defined-benefit retirement plan: lowered benefits for new hires; increased contributions for those still

working; lowered the assumed rate of return by the retirement fund; eliminated scams by those who would pad their retirement at the expense of the system; and successfully fought efforts to terminate our plan in the State Legislature and at the ballot box. **NOTHING** is more important than ensuring a secure, known retirement annuity promised after a career of dedicated public service.

CAPS Representation. Over the past 12 months, hundreds of state scientists counted on CAPS to represent them on work-related disputes — conflicts with supervisors, disciplinary actions, salary disputes, classification questions, workload and overtime issues.

“*NOTHING is more important than ensuring a secure, known retirement annuity promised after a career of dedicated public service.*”

CAPS remains the one place every CAPS member can count on to receive a sympathetic ear and expert representation. That tradition will continue.

Membership Matters. We expect a decision from the U.S. Supreme Court this summer that could eliminate fair share fees nationwide. Such

a decision would reduce our income and our ability to represent YOU in every forum. We are planning for this eventuality just like every other union nationwide. Not only does Science Matter, but our Union does too. CAPS will remain your strong advocate, but only if State Scientists continue to support CAPS voluntarily. Keep CAPS strong. Maintain your membership!

Thank You! Finally, I'd like to thank YOU for supporting your Board of Directors and Bargaining Team during these trying times. There is so much more to accomplish. Working together, we will succeed.

Salary Equity for One and ALL State Scientists!

Image Credit: Vecteezy.com



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CAPS
WISHES
YOU AND YOURS
A PEACEFUL
HOLIDAY SEASON
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YEAR!