



CAPSULE

I Work with Mark Janus. Here's How He Benefits from a Strong Union.

(Editors Note: Courtesy of Labor Notes, a media and organizing project that has been the voice of union activists who want to put the movement back in the labor movement since 1979...www.labornotes.org)

May 11, 2018 / Donnie Killen

Like everyone else in the labor movement, I'm nervously awaiting the Supreme Court ruling in *Janus v. AFSCME Council 31*, which would weaken public sector unions by letting workers receive the benefits of representation without contributing toward the cost.

But I've got a unique vantage point: I work in the same building as the plaintiff, Mark Janus.

We're both child support specialists for the state of Illinois, where we do accounting on child support cases. I do this work because it's fulfilling to help kids and single parents get the resources they need to support themselves.

What convinced Mr. Janus to join this destructive lawsuit? Your guess is as good as mine. I do know it's much bigger than him. He's the public face, but this case is backed by a network of billionaires and corporate front groups like the National Right-to-Work Foundation.

But the truth is, even Mark Janus himself benefits from union representation. Here are a few of the ways:

1. Without our union, Mr. Janus's job would probably have been outsourced by now.

A drastic provision in the state's "last, best, and final offer" in 2016 would have given Governor Rauner the right to outsource and privatize state employees' jobs without accountability. Our union is all that's preventing critical public services from being privatized.

Our agency would be at particular risk, because Illinois already has a longstanding contract with a scandal-ridden, for-profit corporation called Maximus to perform some of our agency's functions. They modify child support orders and interact with employers about income withholding—pretty simple tasks, yet state employees regularly have to correct their work. If they were to take over more complex tasks, we can imagine how badly that would go! Their concern is for profit, not kids.

If the governor could get away with it, it's very likely he would expand the Maximus contract to privatize jobs like mine and Mr. Janus's. He already did something similar to nurses in the prison system. But our union has to be consulted before the state can outsource anything. And when they do outsource, we monitor the contract and discuss how long it will continue. I go to those meetings for our union. Right now, instead of letting management expand its deal with Maximus, we've been pressing to cut that contract.

2. Mr. Janus has received \$17,000 in union-negotiated raises.

Over his years working for the state, Mr. Janus has earned general wage increases and steps that would not have been guaranteed if not for the union.

3. The public—including the parents and kids Mr. Janus serves—has access to resources like childcare that our union has fought to defend.

Our union allows us speak up together on matters far beyond money. When Governor Rauner tried to cut childcare benefits for low-income single parents, we teamed up with outraged community members and made him back off. And when the budget impasse was forcing domestic violence shelters to close their doors, we kept pushing for years until a veto-proof budget was passed.

4. Our union blocked the employer from doubling the cost of Mr. Janus's health benefits.

In negotiations the state has pushed to double our health insurance costs and drastically reduce coverage. The employer declared impasse and walked away from the bargaining table. AFSCME took the matter to the Labor Relations Board and the courts—securing a temporary restraining order that prevents the governor from imposing his extreme demands.

5. We make sure Mr. Janus's office is warm in the winter and cool in the summer.

As a union we deal with health safety issues large and small. In the department that rescues children from household abuse and neglect, we're continually pushing for sufficient staffing. The stakes are high: one member was killed on the job after she went out on an urgent call alone.

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EnCAPSulations...

Rae Vanderwerf: CAPS' Choice for American River Flood Control District Trustee. CAPS has encouraged State Scientists to take their passion for public service to the ballot box, and that's exactly what Environmental Scientist Rae Vanderwerf has done. You can join CAPS in supporting her bid for public office. Learn more about Rae and her candidacy here:

<https://www.vanderwerf2018.com/>

Health Plan Contributions On The Rise. CalPERS recently released preliminary health plan rates for 2019. These are rates negotiated between CalPERS staff and the various health plans made available to CalPERS members. Several CalPERS board members, including CAPS Member (and State Scientist) David Miller have expressed dissatisfaction about the proposed numbers, and encouraged staff and the health plans to work together to lower their rates before they are presented to the Board for final approval in June.

Correctional Officers' New MOU. The media has reported that California's state correctional officers have reached tentative agreement on a new MOU that grant them their biggest raise since the recession. They must still approve a tentative agreement on a one-year contract that includes a 5 percent general wage increase. It would take effect on July 1, 2019. The CCPOA's current MOU had raises of nine percent over three years.

Virus Outbreak Threatens Chicken Flocks, But No OT For State Vets

When it's time to evaluate and contain threats to California's multi-billion dollar livestock industry, California State Scientists are front and center. The California Department of Food and Agriculture (CDFA) announced just days ago that the virulent Newcastle Disease was detected in a small flock of backyard exhibition chickens in Los Angeles County. The detection was confirmed by the Animal and Plant Health Inspection Service of the US Department of Agriculture (USDA). This is the first case of virulent Newcastle Disease in the U.S. since 2003. That outbreak devastated California's commercial chicken industry.

CDFA personnel, led by a small but dedicated cadre of State Scientist Veterinarians, is working with federal and local partners as well as poultry owners to stem the spread. The response to this outbreak could take weeks or months, involving long hours of work by all concerned.

The irony of this situation is that State Veterinarians are exempt from the Fair Labor Standards Act (FLSA) and thus not entitled to earn overtime compensation like many of the professionals with whom they are working shoulder to shoulder. CAPS has proposed that that this egregious situation be corrected by making State Vets (and all FLSA-exempt State Scientists) eligible for overtime during declared emergencies. The State has yet to agree.

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Other matters are less dramatic. In state office buildings we solve problems like flooding, mold, leaky windows, and toxic pigeon feces. One building had someone creeping up on employees in the parking lot, so we worked with management to get better lighting and security patrols.

In the building where Mr. Janus and I work, the heating and cooling system is extremely old. Twice a year they bring in a computer from 1982 to switch from heat to air conditioning for the summer, and vice versa for the winter. So when the weather fluctuates, we work to get portable heating or cooling units deployed where they're needed.

Many of these are ongoing issues, where our union acts as a watchdog. We have a health and safety chair on the union executive board. Any time a problem comes up, he starts by approaching management to resolve it. If that doesn't work, he can file an OSHA complaint plus a high-level grievance.

6. Thanks to our union, Mr. Janus will retire with a pension.

Our union has fought to save the defined-pension that Mr. Janus will receive upon retirement. A coalition of unions including AFSCME took the issue to court—and won. The Illinois Supreme Court ruled that employees' pension benefits cannot be cut.

7. Mr. Janus can get sick and still have a job when he comes back.

Before this job I worked without a union, in the retail industry, where I experienced what it means to be an at-will employee. Three absences would cost an employee their job—even if they called in sick and provided a doctor's note.

8. Our union ensured that Mr. Janus could be fairly hired, regardless of his politics.

In public service our ultimate bosses are elected officials. There was a time in Illinois when to be hired or promoted, you were expected to make a contribution to the political party in power. But a 1990 Supreme Court case called *Rutan v. Republican Party of Illinois* put an end to that. Today our union enforces a triple-blind system for fair treatment in hiring and promotions, making sure seniority is followed. It's one more way that even Mr. Janus benefits from having a union on the job.

Donnie Killen is a child support specialist for the state of Illinois and vice president/executive steward of AFSCME Local 2600.

Gavin is the Best Choice

by Patty Velez, President



Your CAPS Board of Directors on Saturday, May 19 voted unanimously to endorse Lieutenant Governor Gavin Newsom to succeed Governor Jerry Brown. This was based on a recommendation from the CAPS Political Action Committee, which had taken up the matter the previous afternoon.

The decision wasn't hard. Newsom has been a longtime friend of CAPS on issues that count the most – compensation, retirement protection and the importance of independent, fact-based science and public policy decision-making. He is the clear front runner in the race, having led in every single major poll to date. He has also accumulated nearly \$20 million in campaign cash. As mayor of San Francisco, he largely opposed outsourcing public employee jobs and worked collaboratively through collective bargaining with the city unions on pension reform ballot measures that were ultimately endorsed by labor groups.

As a candidate, he has pledged to enforce the "California Rule" regarding keeping the promise made to every California public employee when hired – that YOU WILL RECEIVE the retirement benefit calculated by a defined-benefit formula based on age, length of service and final compensation. Newsom has also won the endorsement of the vast majority of labor groups that have taken a position in the race, including SEIU, the California Teachers Association, the California Faculty Association, the California Schools Employee Association, the California Professional Firefighters, the Professional Engineers in California Government, and the California Labor Federation.

This decision in no way diminishes the appreciation we have for several other fine candidates in the race, notably State Treasurer John Chiang, who has repeatedly proven his support and close friendship with State Scientists and all state employees.

There comes a point at which decisions like these become a political reality. The Governor's office is by far the most important when it comes to the working lives of State Scientists. So we take very great care in reviewing the facts and reaching a decision. The conclusion was, and is, Gavin Newsom.

Newsom will inherit a healthy state economy and a surplus state budget. We expect him to continue investing wisely in California, and that means California's essential scientific programs, and in the scientists who make them work. There is every indication that he will do so.

California recently eclipsed the United Kingdom as the fifth largest economy in the world. We Californians continue to set the pace in the example for the world on groundbreaking efforts to manage and limit greenhouse gases, to develop important products, services and processes that positively affect every part of our lives, and to show compassion for people in need, domestic and foreign.

California's state scientific programs are the envy of the world in many areas: consumer protection, natural habitat preservation and management, public health, water management, protection against harmful chemicals, preservation of items of archaeological significance, protection of our many important agricultural and other products that serve the world, and so much more.

Please join CAPS in supporting Gavin Newsom for Governor of California!



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by Patty Velez,
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CAPS Board of Director's Meeting Summary

The CAPS Board of Directors met on Saturday, May 19, 2018 in Sacramento. This was the Board's third meeting of its two year (2017-2019) term. Meeting highlights:

- The Board endorsed Gavin Newsom to succeed Jerry Brown as Governor of California, based on a recommendation from the CAPS Political Action Committee.
- The Board reviewed progress in Bargaining. Bargaining Chairperson Stephanie Lewis reported that there is still no economic offer from Governor Brown's CalHR, but expectations by the CAPS Bargaining Team remain high. The goal remains: **Salary Equity for ALL State Scientists!**
- The Board committed to continuing the current paid media program through its scheduled completion early this summer. That program involves ads on television and radio in the northern California market carrying the message: Science Matters, and SCIENTISTS MATTER!
- The Board reviewed with legal counsel the case CAPS is making to return the reporting structure for Senior Environmental Scientist Specialists to the status quo. This case has been fully briefed and awaiting hearing before the Third District Court of Appeal.
- Environmental Scientist Tom Price as a new Local Representative for the Department of Toxic Substances Control in Berkeley. Thanks for volunteering Tom!

The next Board of Directors Meeting will be held on Saturday August 25, 2018 at the Sheraton Grand Sacramento Hotel (1230 J Street, Sacramento, CA 95814). All members are welcome.

