



CAPS STAND UP



How CAPS Stood Up for Members' Jobs, When No One Else Did

The most recent issue of National Law Review features the story of Assembly Bill 1492, a timber industry bill so unpopular that no one wanted to claim authorship, according to author Chris Micheli. However, as "A Case Study in California Legislative Advocacy" demonstrates, CAPS' representation – backed by the power of nearly 3,000 State Scientists – flipped the odds and won support for a law that benefited Unit 10 employees and California residents alike.

AB 1492, proposed in the summer of 2012, added a one percent tax on retail lumber sales to establish the Timber Regulation and Forest Restoration Fund (TRFRF). The fund would pay for better regulation and management of State forest lands, for fire suppression and land restoration programs. It also put new limits on legal liability for fire damages.

CAPS leaders and legislative staff reviewed the bill and determined that it would be good for State Scientists. They concluded that if the measure passed it would open job and promotional opportunities for Unit 10 employees whose education and expertise would be vital to the program's success.

Standing up for AB 1492 wasn't popular. "The only listed supporter," Micheli notes, "was the California Association of Professional Scientists."

Anti-tax advocates opposed the measure's tax provision. Environmental groups fought financial limits it placed on lawsuits against companies responsible for causing fires. Retailers worried about the cost of collecting the tax and its impact on sales. Opponents -- from Home Depot Inc. and Lowe's Co. Ltd. to the Howard Jarvis Taxpayers' Association and the Retail Industry Leaders Association - all lined up against AB 1492.

Furthermore, the measure needed votes from Democrats and Republicans to reach the two-thirds threshold required by state law for passing tax measures – a very high political hurdle. AB 1492 was so politically lethal that no individual legislator wanted authorship, so the Committee on Budget was assigned that responsibility instead.

CAPS' expert legislative advocates didn't give up, despite the long odds. They worked within the system, found common ground with other groups, formed alliances, and built momentum for the measure. And it worked.

"Ultimately, AB 1492 passed the Legislature with bipartisan support and strong backing" from industry and environmental groups, labor, counties, and trade organizations, Micheli writes.

Governor Jerry Brown signed the bill into law on September 11, 2012, opening many new jobs and promotional opportunities for State Scientists.

Was AB 1492 a longshot? Sure. And, with members' support, CAPS beat the odds.

CAPS Member Spotlight



Dr. Rupa Basu, a Supervisor with the Office of Environmental Health Hazard Assessment (OEHHA) – and a proud CAPS member – was recently on “SoCal Connected,” a show on Burbank’s Public TV station, KCET. The piece looks at climate change, with about six minutes focused on Dr. Basu’s research on the connection between higher environmental temperatures and human physical and mental illnesses. You can view the program online at www.kcet.org. Enter “Heat” in the homepage search box.

Dr. Rupa Basu (Left), a CalEPA epidemiologist and CAPS member, recently appeared in “Heat,” a PBS documentary that focuses on the impact of climate change in Southern California. Dr. Basu is an expert on the connections between rising climate temperatures and declining public health.

Behind the walls of an unimpressive cinderblock building in the Sacramento area, state scientist Ashley Spicer fights crime. Her job: employ molecular biology to find definitive proof of animal poaching and illegal trafficking.

The cases that come to the Department of Fish and Wildlife’s forensics lab have been a virtual menagerie: from tigers and sharks to exotic birds and fish. The biggest job; however, is enforcing AB 96, the 2016 law that tightened prohibitions on the sales of ivory and established those same restrictions on rhino horn sales. Ashley graduated from UC Davis and started working for the state in 2012. Today, she is one member of a team that in the last few years has developed new methods and technologies for genetically sourcing elephant ivory, rhino horn powder, and other animal remains.

The CSI-style work isn’t limited to trafficking cases, however. For example, the lab uses genetic markers from saliva left on clothing to identify animals that attack humans.

A reporter with Spectrum News, Los Angeles, interviewed Ashley for a story that will run soon in Southern California. CAPS will post the story on Twitter and YouTube when it airs. Stay tuned!



Ashley Spicer (Above), a Wildlife Forensic Specialist and CAPS member, shows a TV reporter two items confiscated by CDFW authorities: a woolly mammoth tusk dating back 10,000 years, and an elephant tusk.

CAPS in Your Corner

Did you know that California law lists 24 reasons for submitting a disciplinary action against a state employee? Among them: incompetency, dishonesty, drunkenness on duty, discourteous treatment of the public or other employees, and misuse of state property.

Then there’s this catch-all reason for discipline if none of the other 23 apply: “Other failure of good behavior either during or outside of duty hours, which is of such a nature that it causes discredit to the appointing authority or the person’s employment.”

Fortunately, the law also gives you due process rights. The employer must provide notice of impending discipline. The employee may take the case before an Administrative Law Judge at the State Personnel Board (SPB). The judge’s decision is reviewed by the five-member board.

CAPS members should **always** contact CAPS **at the first sign of trouble**. Even if it’s not a notice of formal discipline, or “adverse action,” your employer must allow you to have representation during a meeting that you reasonably feel could lead to disciplinary action. If you find yourself in such a meeting, request that the meeting be postponed until your union representative is available.

Members should contact CAPS **immediately** if served an adverse action notice. Our skilled, experienced professional labor relations consultants and lawyers can assess the situation, advise you of your rights, and recommend the best course of action.

Failing to act quickly may surrender your rights or waive them entirely. And there’s a lot at stake, including your livelihood, retirement earnings, health care benefits and more. One of the many benefits of membership is that CAPS is in your corner!

Your Rights as a CAPS Member

As a CAPS Member, if you believe that you are about to be interviewed for a workplace investigation or served a disciplinary notice, you have certain rights. Here’s how to use them:

- Contact CAPS for consultation if you think trouble is coming.
- Ask for a CAPS representative to be present during any investigatory interview or disciplinary meeting.
- If any meeting takes an unexpected turn, tactfully state that you decline to answer questions without a CAPS representative present.
- Avoid participating in disciplinary meetings or investigatory interviews before you contact CAPS.

CAPS’ experienced staff stands ready to help when you need to exercise your rights. Contact them via email, caps@capsscientists.org, to schedule a consultation.

HAPPY NEW YEAR

by *Patty Velez, President*

In last month's CAPSule, we looked back at significant events in 2018, including CAPS' new contract, membership gains, and our big success backing winners in November's election. Now we turn the page to a new year, a new governor in the Capitol, and new (and ongoing) opportunities for CAPS to serve and represent members:

Continue to press for salary equity. Although Governor Jerry Brown walked away from the reclassification project before it produced successful results, the Newsom Administration will give us a new chance to make a case for changing State Scientists' classifications and salary ranges accordingly. That should include a renewed commitment to a sensible and comprehensive update to all state scientific classifications by the Newsom Administration.

Refine our bargaining strategy. CAPS' leaders are already thinking about contract bargaining in 2020. The CAPS Board of Directors recently met to discuss lessons learned from the 2018 negotiations, and we will monitor the Newsom Administration's negotiations this year with more than a dozen Bargaining Units. The results of those talks will tell the CAPS team much about the new governor's priorities and further inform our bargaining strategy for 2020. Membership involvement will be tremendously important here.

Build and maintain key relationships. New administrations bring new faces to top state jobs and critical positions. CAPS, as the exclusive representative of State Scientists,

will monitor key appointments that affect our members' pensions, pay, benefits, working conditions, and programs. A slew of new legislators have taken office, many with CAPS' endorsement. We will talk to them about our issues. And of course, we will also maintain contact with the many assembly members, senators, agency secretaries, department directors, administrators, and essential staff who already know CAPS and our concerns.

"...CAPS, driven by the support and common interests of more than 3,000 State Scientists, will seize every chance..."

Defend members' pension benefits. The California State Supreme Court will probably rule this year on three pension cases challenging the "California Rule," a 40-year legal precedent which holds that when a public employee is promised a retirement benefit, that benefit cannot be taken away unless another of similar value offsets it. CAPS is monitoring the cases and, as a founding member of Californians for Retirement Security (CRS) – which represents 1.6 million public employees and retirees – will act appropriately to whatever fallout comes from the Court's decisions.

Recruit, recruit, recruit. CAPS made significant progress last year by adding 300 new members, an increase of about

11 percent, even after factoring in retirements and other separations. But we cannot rest. Members retire from state service every month, so when the state makes new hires, CAPS must recruit them or our collective strength suffers.

Defend members' rights. Last year, the Janus decision eliminated "fair share" fees that non-members paid for CAPS' representation at the bargaining table and in the workplace. This year, members – and only members – can call or email CAPS' expert labor relations and legal staff for assistance when they face disciplinary actions or have questions about matters such as range placement or their rights under civil service law. It's yet another reason to maintain your CAPS membership!

Commit to science education. CAPS will keep promoting science programs for young people through the Outstanding Young Scientist competition, various support to regional science fairs, State Scientist Day at the Capitol, and more.

There will be other opportunities in 2019. We can't anticipate them all. But CAPS, driven by the support and common interests of more than 3,000 State Scientists, will seize every chance to increase your pay, protect your pension, defend your benefits, and ensure your employer adheres to the legal terms and conditions of your employment.

May 2019 be the most prosperous year yet for you and your loved ones, and **Thank You** for your CAPS membership!



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455 CAPITOL MALL, SUITE 500
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Important Dates for 2019

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| <p>February</p> <p>2/9 CAPS Board of Directors' Meeting</p> <p>2/25 Chico Science Fair</p> | <p>April</p> <p>4/2 Riverside County Science & Engineering Fair</p> <p>4/6 Sacramento STEM Fair</p> <p>4/29 California State Science Fair</p> |
| <p>March</p> <p>3/1 Santa Cruz County Science & Engineering Fair</p> <p>3/12 Greater San Diego Science & Engineering Fair</p> <p>3/11 Fresno County Science Fair</p> <p>3/14 Synopsys Championship</p> <p>3/15 Monterey County Science & Engineering Fair</p> <p>3/17 Golden Gate STEM Fair</p> <p>3/18 Humboldt County Doris Niles Science Fair</p> | <p>May</p> <p>5/8 State Scientist Day</p> <p>5/18 CAPS Board of Directors' Meeting</p> |
| <p>3/20 Orange County Science & Engineering Fair</p> <p>3/21 Ventura County Science Fair</p> <p>3/28 Los Angeles County Science Fair</p> <p>3/30 Mendocino County Science Fair</p> | <p>August</p> <p>8/24 CAPS Board of Directors' Meeting</p> |
| | <p>November</p> <p>11/2 CAPS Board of Directors' Meeting</p> |

