

CAPSule

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March 2016, Issue #16-03

MOU Ratified—What Now?

Now that CAPS members have ratified the new three-year Memorandum of Understanding between CAPS and the Brown Administration, what's next? Here's what:



All Hands on Deck. Every member can help, with eyes and ears, to make sure the MOU is properly implemented, that

CalHR and every department honors all terms, and that every issue or problem—no matter how seemingly insignificant—gets addressed.



Request a Copy. CAPS is going easy on the environment and reducing costs by limiting this print job. So you **won't** get a hard copy of the new CAPS 2015-2018 MOU unless you **request** one. Even without a hard copy, you

can always access the MOU. Just go to the CAPS web page. If you want a hard copy for any reason, that's fine too. Just let us know (caps@capsscintists.org), and we'll drop one in the mail to you promptly. One copy per member, please.



Making Appropriate Noise. Yes, we have a new MOU in effect. We should be committed to enforcing and honoring it. That also means making appropriate **noise** with management at all levels regarding improvements that still need to be made. There are the obvious ones, like

Salary Equity for One and **ALL**. There are others too, like regional geographic inequities, educational achievements that aren't being recognized or rewarded, safety equipment not fully reimbursed, lodging reimbursements that don't fit the location, and many more. All these efforts should be routinely communicated, with a copy to CAPS.



Civil Service Reform. We **know** this is an important legacy issue for Governor Brown. After all, this was assigned to his Government Operations Agency

(GovOps) to complete after a personnel shakeup at CalHR in 2014 following its failure to make significant progress. Governor Brown's proposed budget for 2016–17 includes 16 new positions and \$1.9 million (\$600,000 General Fund) to develop and implement statewide solutions for workforce and succession planning, retirement, and training. CAPS will be pressing GovOps to include classification changes addressed

previously for state scientists.



Reinforcing the Positive Image of State Scientists. We

DO essential work for public health and the environment. Our work IS appreciated by our stakeholders, state decision-makers and the public. We ALL need to make sure they are constantly reminded about the work we do and the role we have as scientific professionals. Some departments are better at promoting individual efforts than others. CAPS can help, but only if official state work is coordinated with the appointing power. CAPS will also continue its ongoing promotional efforts for the work of state scientists, individually and as a group.



Improving Internal Communications. CAPS is

committed to continuous improvement when it comes to communications and being responsive. The CAPS Board of Directors and key staff are devoting considerable time towards review and planning on this and related topics in the weeks ahead.



Making Money Available. Most of CAPS objectives

require state funding. So the CAPS governmental relations program is doubling down on efforts to ensure that State Departments that employ state scientists, and their scientific programs, are sufficiently funded for continued operations and growth in the future. Any member who identifies areas where improvements can be made should not hesitate to contact CAPS.

California State Scientists ... Knowledge, Innovation, Protection

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YOUR Right to Representation



State Scientists (and all state employees) have the right to request a union representative to attend a meeting they reasonably believe will result in a disciplinary action. These rights are called Weingarten rights which are derived from a 1975 Supreme Court Case (*NLRB v. J. Weingarten, Inc.*). These rights apply in investigatory interviews and meetings, where you have a reasonable belief that formal discipline may result. State Scientists may request union representation before **or during** such an interview. When representation is requested, the supervisor must do one of three things: grant the request and delay questioning until the representative arrives; deny the request and end the interview immediately; or offer the option of having the interview without representation. In the last instance, this is essentially giving up your right to union representation voluntarily - *NOT a good idea*.

If the supervisor denies the request for union representation and continues the interview, you have the legal right to refuse to answer questions. This option should be exercised tactfully. Rather than walk out of the interview—which could be viewed as insubordinate—request a CAPS representative, but **don't** answer questions without your CAPS representative present. If you are *pressured* into answering, the information gathered at the meeting may be excluded in any disciplinary action.

Most importantly, don't **enter** an investigatory interview without CAPS' assistance when the result could lead to discipline. How will you know? Ask the supervisor or interrogator if the interview could lead to discipline. If the answer is "yes" or "possibly" or "I'm not sure," then you should have a representative present.

Also remember: not every meeting gives rise to a right to representation by CAPS. For instance, if your supervisor issues you a negative performance evaluation, or a counselling memorandum, that doesn't automatically entitle you to have a CAPS representative present when discussing it. A good rule of thumb: if a meeting's purpose is to give you direction of what to do going forward, you don't have the right to a representative. If a meeting's purpose is to ask you questions about something negative that happened in the past, consider contacting CAPS before answering questions. If a meeting already underway takes an unanticipated nasty turn, ask for a break and contact your nearest CAPS office.

EnCAPSulations...



Document Your Travel Woes. Lodging reimbursement amounts continue to be inadequate in many parts of the state. This means that State Scientists often use substandard lodging, or in locations far from their work, in order to stretch the state's dollar. **PLEASE** continue to document these inadequacies and share a copy with CAPS. Any other part of the travel process that isn't up to par should likewise be documented and communicated to CAPS in preparation for 2018 negotiations.



CAPS Membership Has Its Privileges. Maintaining and increasing membership is very important to CAPS. It shows unity to CalHR, keeps members informed about important salary and work-related events, and helps CAPS do the heavy lifting in representing all State Scientists. That's why CAPS membership remains in full force and effect throughout the term of the current agreement—Rank and File members must maintain their membership through June 2018 in accordance with MOU provision 11.1. The extra \$4.34 for full membership is more than worth its value considering the additional benefits received. These can be reviewed on the CAPS webpage: www.capsScientists.org. Thanks for YOUR membership!




CalPERS Message. CalPERS reports that the burden of meeting members' financial needs in the future continues to increase. Members are living longer: a decade ago the ratio of active workers to retirees was over 2 to 1. That ratio is now 1.3 workers to every retiree, and CalPERS pays out more in benefits than it receives in contributions. In response, CalPERS reduced its 7.5 percent assumed rate of return on investments, with the goal of paying down its unfunded liability and reducing risk and volatility. Last year, CalPERS also saw lower health care premiums for 570,000 of its members by removing ineligible persons from its health plans and introducing a new alternative Medicare plan, resulting in a savings of \$124 million. CalPERS also expects greater volatility in the financial markets, and that may raise uncertainties in the global economy.



CAPS Co-Sponsors a STEM Fair. CAPS is a proud sponsor of the 2016 Synopsys Sac STEM Fair (formerly the Sacramento Regional Science & Engineering Fair). We help organize the Fair, and dozens of CAPS members already volunteer to judge projects. This year, the **Fair is April 2nd at American River College in Sacramento**. CAPS helps recruit volunteer judges, general volunteers and helps to raise funds to operate the Fair in conjunction with the other sponsors including PECCG, Intel, the Synopsys Outreach Foundation, Liberty Mutual, and American River College, among others. If you can help judge this regional fair, please contact Foundation Coordinator Nadia Compton: ncompton@sacstemfair.org.

28th Annual

state scientist day 

May 18, 2016

May 18 State Scientist Day a Double Whammy! This annual event—the 28th consecutive—celebrates both the contributions rank-and-file State Scientists make to the people of California, and provides thousands of elementary age school children a thrilling science-based field trip. Dozens of state departments support the event by providing time and equipment for State Scientists to strut their stuff with state legislators and the public. CAPS coordinates the event and provides infrastructure for all exhibitors. This year's event will again be held on the West steps of the state capitol from approximately 10am to 1pm. **EVERYONE** is welcome!

Taking a Minute

By Patty Velez, President

Ratification of the MOU concluded several contentious rounds of contract bargaining with CalHR and the Department of Finance. The vote confirmed a unanimous vote by the Bargaining Team. I understand it doesn't achieve the goals set by the members or the Team. But it does reflect, I believe, a vote of confidence in the decision made by the Team to reach tentative agreement. We produced the best possible results, which now several other state employee bargaining units want. So I'm taking just a minute to reflect on things.

This isn't easy work. Every single member of the CAPS Team was determined to achieve full Salary Equity during this round of bargaining. When it became clear that we weren't going to get Governor Brown to increase his offer, a decision had to be made. I believe that decision — now confirmed by the membership — is the best path towards full salary equity.

I want to thank every member of the CAPS Bargaining Team for their contributions and perseverance throughout this difficult process. Unless and until you participate in something like this, it's difficult to fathom just how contentious it gets. Strong feelings get vented, it can get very personal, and the issues are only partially settled when the votes are counted. While the outcome was convincing, still there were **360** members who voted NO. I hope in time everyone increases their own comfort level with the outcome.



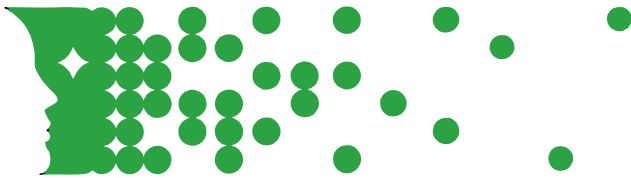
I also wish to thank every CAPS member who took the time to attend a worksite meeting, and to cast a ballot. Our outstanding staff support also deserves credit for their professionalism and hard work to ensure that every possible avenue for success was explored. The process we followed ensured that YOU, the members, made the final decision.

I understand expectations remain high for the future. I share these. I pledge to continue to work hard on behalf of all members to achieve important gains for every **single** State Scientist. No one deserves to be left behind. This starts with Salary Equity.

I'd also like to take a moment to acknowledge the passing of Wesley Carr on February 4. Wes was an outstanding State Toxicologist and CAPS' long-serving Treasurer. He was passionate in his commitment to improving salary and benefits for State Scientists; he was a trusted colleague, and a great friend. Wes led by example, sought to understand others before being understood himself, and gave so much of his time and energy in service to CAPS. My deepest condolences to his wife Barbara, his family and friends.

By the time you have read this, the minute mentioned above has come and gone. I'm already back to the many urgent needs of getting things done for ALL state scientists!

"I want to thank every member of the CAPS Bargaining Team for their contributions and perseverance throughout this difficult process . . . I also wish to thank every CAPS member who took the time to cast a ballot."



CALIFORNIA ASSOCIATION OF PROFESSIONAL SCIENTISTS

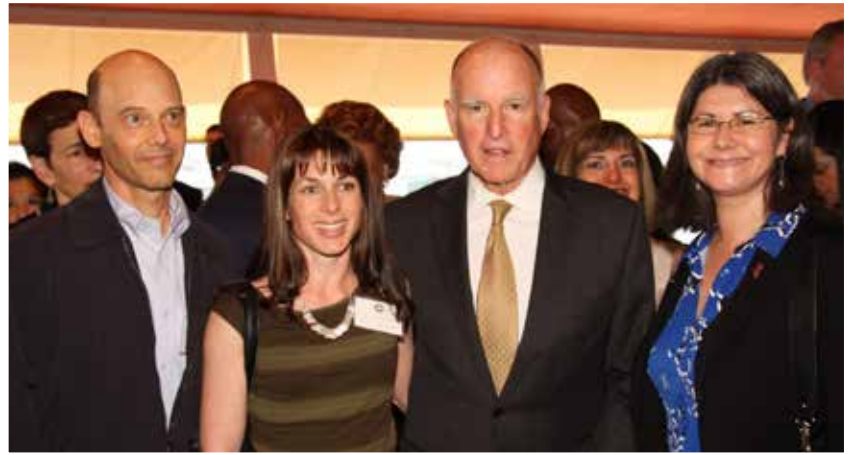
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CAPS leaders on February 24 rubbed elbows with Governor Brown and other dignitaries at the annual fundraiser luncheon for the Oakland Military Institute. The OMI is a college prep school in Oakland that Governor Brown founded in 2001. Last year it graduated 100% of those eligible, and of those, 97% went on to attend college. CAPS Board members (l-r) District IV Director David Rist; District II Director Kelley Aubushon; and President Patty Velez) had the opportunity to chat briefly with the Governor. OMI staff solicited CAPS to attend their career fair. CAPS is also exploring with OMI how to make state scientist mentors available to encourage students to consider science careers.