

# CAPSule

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May 2015, Issue #15-5

## Photo Highlights from the 27<sup>th</sup> Annual State Scientist Day

CAPS' 27th Annual State Scientist Day was held on May 13 on the west steps of the State Capitol. Dozens of state departments educated and entertained thousands of elementary-aged children from area schools, providing kid-friendly interactive displays that showcased the important work of state scientists.

You can view many more photos from State Scientist Day on the CAPS webpage at [www.capsscientists.org](http://www.capsscientists.org)!



Bonnie Sanders and Jeff Tiedeman of SCIF Safety & Health Services entertain the kids.



Assembly Member Lorena Gonzalez (D-San Diego, right) assists with experiments at the Mad Science Show. Assembly Member Gonzalez was named the 2015 Honorary State Scientist for the day for authoring ACR 35, the resolution designating May 13, 2015 as State Scientist Day.



Luna Taylor and Annie Frankel of the Calif. Coastal Commission hand out goodies.



Michelle Ramirez and Brian Brown with the Dept. of Water Resources keep the kids curious.



## STATE SCIENTIST DAY HIGHLIGHTS

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Shaun Winterton staffs the Department of Food and Agriculture's wildly popular booth.



(l-r) CAPS staff Erin Rodriguez and Bianca Gutierrez with CAPS Board members Valerie Brown, Ryan Kinsella and Margarita Gordus.



Matt O'Neal of the Department of Conservation describes the important work of the California Geological Survey.



Ed Newman, with the Office of Emergency Services Fire and Rescue, shares with a rapt audience.

View many more photos from State Scientist Day on the CAPS webpage at [www.capsscientists.org](http://www.capsscientists.org)!

## YOUR RIGHT TO REPRESENTATION



*Your supervisor begins to ask you questions about a recent project or office interaction. Something in her questions suggests that trouble is brewing. What should you do?*

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 the employee has 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 (essentially voluntarily giving up one's rights to union representation-*NOT a good option*).

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 must be exercised tactfully. Don't walk out of the interview. Instead, request CAPS representation 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. 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, that doesn't 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 takes an unanticipated nasty turn, ask for a break and contact your nearest CAPS office.

# WHERE'S THE BEEF?

By David Miller, President

Increasingly I'm asked why hasn't CalHR made a salary offer to CAPS? Or, whatever happened to our Reclassification and Pay Project — was this just a ruse by CalHR to get agreement on the last contract? Or, will the state EVER meet the salary needs of state scientists?

These are all fair questions. They result from the state's failure thus far to make a compensation offer to CAPS. There has been no salary proposal, even after months of bargaining, and an even longer period of revising and consolidating every Unit 10 classification specification — the Reclassification and Pay Project. Dozens of CAPS members served as subject matter experts, and took this project seriously.

During bargaining on May 15, CalHR *still* didn't make a salary proposal. Instead, the Department of Finance presented the CAPS Team with eight separate proposals that would shift health care costs from the state to employees. This complex series of proposals would increase the employees' share of health care costs by changing the formula for payment of monthly premiums, and by creating a trust funded with equal contributions by employees and the state employer. These would ostensibly pay down the unfunded liability that currently exceeds \$70 billion, and pre-fund post-retirement health benefits.

Problem is that health benefits during retirement were promised to all of us when we were first hired, the debt has been building for years (to no one's surprise), and Governor Brown isn't offering an offsetting salary increase with which to pay for it! So, as of today, CalHR is proposing nothing but salary reductions at a time when we are still recovering from years of mandatory unpaid furloughs, a severe recession and lost purchasing power. We have a well-documented salary lag of over 40%!

In spite of this painful history, I'm not surprised to see this proposal from Governor Brown. He promised to address the problem in his January budget proposal. The debt has been building for decades and needs attention. Unfortunately, it's dropped in our laps to solve on a coequal basis.

What is unexpected and not appreciated is the stony silence on our issues of concern, principally salaries. This problem also



has been building for many years. Addressing it has been difficult or impossible because of past budget deficits. But now the state is flush with money. Governor Brown himself projects that state revenues are \$6.7 billion more than he estimated last January. Other credible estimates have the budget surplus substantially larger.

So, then, Governor Brown: Where's the Beef? Why do we have to again languish without any relief after years of helping the state through its budget troubles?

Last summer, Governor Brown recognized the problem of state scientific supervisors' salary when he funded the CAPS Like Pay for Like Work appeal. That meant salary increases of over 40% for most state scientific supervisors. I am grateful that he took this action because it recognized the historical inequity that plagued state scientist supervisors. But what remains is a glaring salary inequity for the remaining state scientific supervisors and ALL rank-and-file state scientists. We need financial relief, and now is the time to make it happen!

*"... Governor Brown recognized the problem of state scientific supervisors when he funded the CAPS Like Pay for Like Work appeal."*

The Reclassification and Pay Project is the best way to achieve salary equity. It remains our plan. We haven't heard much lately from CalHR regarding this project, but the work is largely done. Thousands of hours of work by both state management and CAPS subject matter experts has updated every Unit 10 class specification, and consolidated dozens of classes into just 15 new or existing class titles. All that's needed are new salary

ranges. Section 17.4 of her current MOU clearly states: **"...the parties shall endeavor to reach agreement regarding compensation related to these classifications for the successor agreement prior to their submission to the State Personnel Board."**

If we're gonna get a big stick — the proposed changes to health benefits are clearly that — then we need several large carrots to compensate. The CAPS Team has made it abundantly clear that any final contract must include salary increases via the Reclassification and Pay Project. Anything short of that will be rejected by the CAPS Team.



CALIFORNIA ASSOCIATION OF  
PROFESSIONAL SCIENTISTS

● 455 Capitol Mall, Suite 500  
Sacramento, CA 95814

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FIRST-CLASS MAIL  
U.S. Postage  
PAID  
Permit No. 420  
Sacramento, CA

CAPSule (ISSN 10446230) is published monthly by the California Association of Professional Scientists, 455 Capitol Mall, Suite 500, Sacramento, CA 95814. Periodicals Postage Paid at Sacramento, CA. POSTMASTER: Send address changes to: 455 Capitol Mall, Suite 500, Sacramento, CA 95814-2483.

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## June 1 Deadline for Dependent Scholarship Applications



College costs continue to rise, and CAPS is doing its small part to help. Any CAPS member with a dependent in college, or bound for college NEXT fall, may apply to CAPS for one of several \$500 cash scholarships. The number awarded this year will depend on the number of applicants and availability of funds. In the past that has meant a dozen or so scholarships awarded each year. Only ONE scholarship may be awarded to each family, and CAPS Board members may not apply.

To obtain the dependent scholarship application, go to the CAPS web page: <http://capsscientists.org/benefits/scholarships/>. This is for CAPS MEMBERS ONLY! If you aren't yet a CAPS member, or you know someone who should be, apply online for CAPS membership: <http://capsscientists.org/contact/application/>.