

# CAPSule

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June 2015, Issue #15-6

## SALARY DISCUSSIONS BEGIN

Governor Brown's Bargaining Team consists of representatives from CalHR, the Department of Finance (DOF) and various state departments that employ scientists. These are the people responsible for reaching a new tentative agreement with the CAPS Bargaining Team, which consists of elected and appointed CAPS leaders (all state scientists), plus professional staff support.

Any agreement reached by the two bargaining teams is "tentative," meaning it's subject to ratification by **BOTH** the state legislature and the CAPS membership on a majority vote. If the parties can't reach agreement, there may be an opportunity to use a mediator. The mediator can suggest alternatives but can't force either party to agree to anything. The goal of both parties is to reach full and final agreement that gets ratified and implemented before the state legislature departs for the year on September 11, 2015.

The CAPS Team always feels urgency in salary negotiations. The CalHR Team not so much. That's why negotiations tend to drag on for months and produce little of substance. CalHR seems to always wait until **after** the May Budget Revision to make a compensation proposal. CAPS can't force them to do it sooner, and this year is no different. Governor Brown's Bargaining Team finally did make an opening compensation offer on May 22. That offer followed changes CalHR proposed in the way post-retirement health benefits are paid for, something that would actually reduce state scientists' take-home pay.

The parties remain far apart on financial terms, so there is no tentative agreement. The next session is scheduled for June 18 and 19—and there will likely be additional meetings. The CAPS Team will continue to negotiate in good faith until a full and final tentative agreement is reached, or, alternatively, the parties reach impasse.

Details of the negotiations, especially the give-and-take regarding amounts, will remain confidential to the CAPS Team. The CAPS Team asks for continued understanding and patience while negotiations are underway.

**Salary Equity NOW!** The goal of the CAPS Team is to achieve salary equity during the term of the next MOU, regardless of its duration. That's one reason why the CAPS Salary Compensation Proposal would be effective August 1, 2015 — just one month after the previously negotiated 3% General Salary Increase. Details of the CAPS proposal can be found on the CAPS Forum, or the webpage:

[www.capsscientists.org](http://www.capsscientists.org).

**The State Budget.** A state budget was adopted by the legislature on June 15—as expected—without having a new CAPS MOU in place. Nevertheless, there is still time to approve the provisions of a new agreement in a budget trailer bill after June 15. The June 15 budget does include funding for the 3% General Salary Increase set to take

effect July 1, 2015. Governor Brown can be expected to make his "blue pencil" vetoes to the state budget and sign it by the July 1 constitutional deadline.

**Making NOISE!** CAPS members all over the state signed letters and petitions supporting salary equity and submitted them to departmental management. The CAPS Team reinforced this effort by presenting many of those during bargaining. The petitions came from a wide variety of state departments, scientific classifications and geographic locations. Although the circumstances described in the petitions varied somewhat, the messages were passionate and focused: salary equity for ALL state scientists is long overdue!

**Thanks to everyone who is MAKING NOISE in support of the CAPS Team!**



**"The parties  
remain far apart  
on financial  
terms..."**



# Was YOUR Range Placement Correct?



Many state scientists had **years** of scientific experience prior to being hired by the state.

That work often involved work in a lab or in the field, and could range from an internship to specialized lab research. The lesson during the hiring process? Experience usually counts when it comes to placement into a state classification's salary range. Past work experience helps determine the amount of starting salary, and can have huge financial ramifications over a long career in state service.

Sound judgment needs to be exercised when evaluating the education achievements and the level of complexity of work experience. Most often proper credit is given. But sometimes the person making these determinations is a personnel analyst who isn't well-versed in scientific work. From time to time, newly hired scientists don't receive proper credit for their prior professional scientific experience.

If a problem is suspected, an experienced CAPS staff professional can assist new state hires in evaluating whether he or she received the proper credit. CAPS can help make things right, often involving the award of back pay.

Don't wait too long. This post-employment evaluation should occur within a reasonable time after the date of hire, typically within three years. Factors to be considered include the type of work performed, its duration and complexity. Other issues may also warrant evaluation, such as the transfer of retirement credits from another system compatible with CalPERS.

A CAPSule article last March mentioned a successful range placement adjustment achieved by CAPS. Since then, CAPS has received many inquiries and had two more range placements upgraded retroactively. This means that the CAPS members involved were moved up in the pay range, had that assignment backdated to the date of hire, and received a check for back pay. If you suspect that you have outside scientific experience that was not credited at the time of hire, contact CAPS:

[caps@capsscientists.org](mailto:caps@capsscientists.org).



# Petition Drive Threatens (Some) State Departments



In the process of “making noise” in support of the CAPS Bargaining Team, some Unit 10 scientists have suggested that scientific supervisors and managers also show their support for rank-and-file state scientists by signing a letter or petition. Sounds reasonable enough – – after all, most state scientific supervisors last summer received salary increases of up to 43% as a result of past CAPS litigation and lobbying. Yet a couple of state departments — notably the Department of Toxic Substances Control and the State Water Resources Control Board — have cautioned their supervisors and managers NOT to sign any petition involving rank-and-file compensation under the threat of disciplinary action.

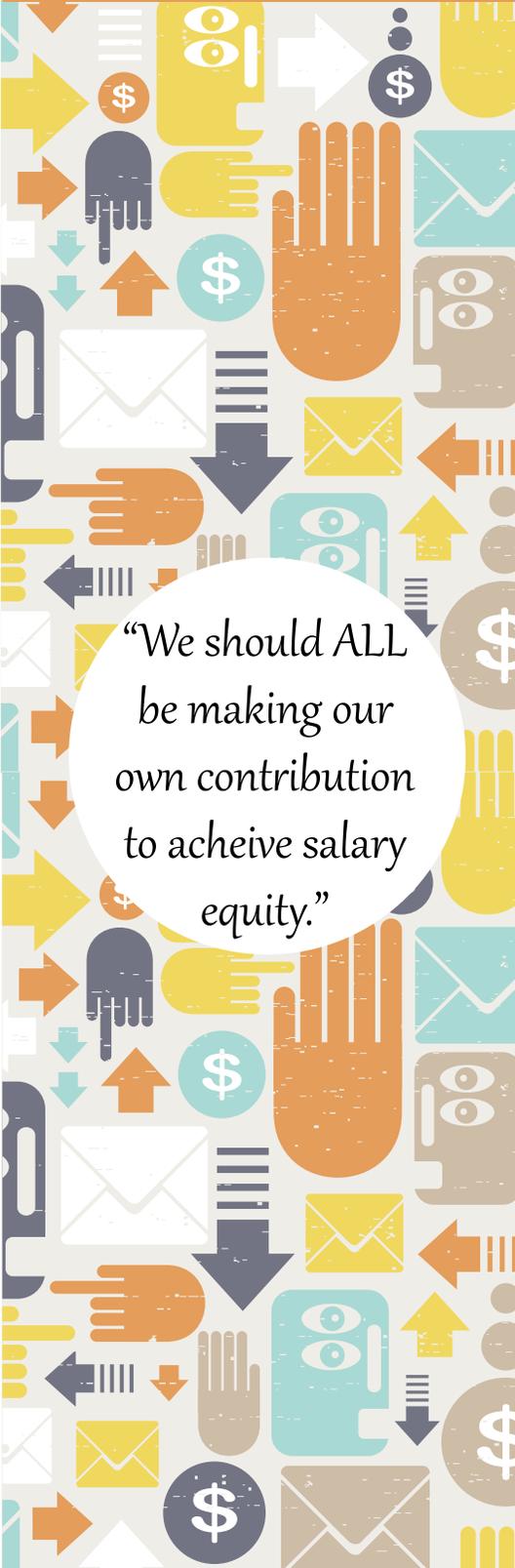
The DTSC even suggested that signing such a petition risks an unfair practice charge against the state of California. This is all alarmist and pretty ridiculous. State law (Government Code Section 3529) does prohibit state management from interfering with the bargaining rights of rank-and-file employees. But that's a far cry from prohibiting state supervisor and managerial scientists from signing a petition in moral support of their rank-and-file brethren.

In fact, state scientific supervisors and managers have their own statutory right to speak out on pay and benefits. State Government Code Sections 3525-3539.5 guarantees all state supervisors the right to express themselves on matters of pay and benefits. ANY state department that tells them not to is itself potentially violating state law. For example, Government Code Section 3538 says: *“The state employer and excluded employee organizations shall not interfere with, intimidate, restrain, coerce, or discriminate against supervisory employees because of their exercise of their rights under this article.”* State scientific supervisors and managers also have a First Amendment right to free expression under the U.S. Constitution.

So use discretion, and sign away!

# EXPECTATIONS

BY DAVID MILLER, PRESIDENT



*“We should ALL be making our own contribution to achieve salary equity.”*

I get asked regularly whether salary equity is realistic in contract bargaining this year.

While I can't predict a specific outcome at the bargaining table, I can say with certainty that the CAPS Bargaining Team is working hard as ever to achieve it this year—for ALL state scientists. That's been our focus over the last several years. It won't change.

Much depends on Governor Brown. The Team has made a comprehensive, focused and, we believe, fair compensation proposal. It extends the same salary increase provided to state scientific supervisors last summer to ALL rank-and-file state scientists. What's equitable for supervisors ought to be fair for rank-and-file scientists. (You can find the CAPS proposal on the CAPS Discussion Form and an abbreviated version on the webpage.)

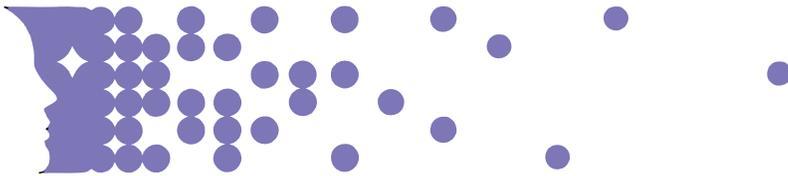
I believe Governor Brown is aware of our issues and our needs. But until recently, the giving has been the other way. We have given back to him. We were forced to accept mandatory unpaid furloughs. Our retirement contribution increased from 5% to 8% of monthly salary. Meanwhile, our purchasing power continues to decline.

During what was a very long economic downturn, I'm proud of our victories. We forced CalHR to reimburse everyone for two days of mandatory furlough that was taken illegally — with interest. We are on a different negotiating cycle from SEIU, we are very near a total makeover of the state's classification and pay program for state scientists, and we will all see a 3% General Salary Increase starting next month. Many individual scientists need help and get attention: those who work out-of-class, feel harassed by a supervisor, who are disciplined, or have other work-related problems. All receive timely, expert assistance from CAPS. That's why you pay dues!

I'm proud of our efforts to promote communication among our members. The CAPS Discussion Forum allows every member to review CAPS' proposals in detail, and to comment on them. It's moderated and isn't anonymous, two features that I believe promote healthy, productive dialogue. Everyone deserves courtesy and respect in their interactions with others, including on-line.

To get the contract we want, we need Governor Brown's agreement. So we have tried to find the right balance between making a clear, concise case (something that's pretty easy to do), and backing it up with noisy pressure that makes it clear we are ALL fed up with these ridiculous salary levels.

Expect contract bargaining to be contentious and challenging. Please don't make your only contribution to this process unbridled criticism and sniping at CAPS. There are many hard-working dedicated scientists volunteering their time to achieve salary equity. We should **ALL** be making our own contribution to achieve salary equity. You can help by "making noise" in ways already prescribed repeatedly by CAPS.



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## **CAPS Insurance Premium Adjustment**

Everyone should periodically review their estate plan to ensure loved ones are financially secure in case of death or disability. Insurance is a low cost tool that can protect assets from exposure in probate, and provide loved ones peace of mind with an important revenue stream at a time of great need. Many CAPS members choose the low-cost insurance options offered by CAPS to meet these needs, and YOU CAN TOO!

Some CAPS members who have insurance through CAPS with The Standard Insurance Company will see an increase in their insurance premium deduction effective with their pay warrant received at the end of July (August 1 warrants for retired CAPS members).

If you turned 30, 35, 40, 45, 50, 55, or 60 since July 1, 2014 you will see an age-related premium increase as specified in plan documents. (Please note that The Standard Insurance Company does not send individual letters notifying affected individuals of these increases.)



If you want more information about CAPS' low-cost insurance benefits, or to get a quote for insurance coverage—always with the convenience of payroll deduction—please contact CAPS ([caps@capsscscientists.org](mailto:caps@capsscscientists.org)), or visit the CAPS web page: [www.capsscscientists.org/benefits/insurance](http://www.capsscscientists.org/benefits/insurance).