

CAPSule

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October 2016, Issue #16-10

CAPS' RECOMMENDATIONS FOR NOVEMBER 8 CAST YOUR BALLOT!

CAPS has a strong interest in the salaries, benefits and working conditions of state scientists. Much of this is controlled by the Governor and the State Legislature. Consequently, CAPS has an aggressive legislative advocacy program that supports legislative bills that are good for state scientists and opposes the bad ones. CAPS is very active on the state issues that affect pay and benefits. At election time, CAPS makes a limited number of endorsements on state-level candidates and issues that it believes have the greatest potential for benefiting all state scientists. CAPS generally doesn't get involved in local or federal candidate races or issues.

CAPS is strictly nonpartisan—no blanket commitment to any political party. Having said that, the vast majority of endorsements made by CAPS this election cycle are for Democrats, not Republicans. That's because on the "bread and butter" issues affecting state scientists, including the funding for state scientific programs, Democrats are generally supportive, and Republicans aren't. Below are the endorsements the CAPS Board of Directors has made for the General Election on November 8.

Regardless of your political persuasion, please exercise your civic duty and CAST YOUR BALLOT!

Assembly Candidates *incumbent

AD 02 Jim Wood* (D-Healdsburg)
AD 04 Cecilia Aguiar-Curry (D-Winters)
AD 05 Frank Bigelow* (R-O'Neals)
AD 07 Kevin McCarty* (D-Sacramento)
AD 08 Ken Cooley* (D-Rancho Cordova)
AD 09 Jim Cooper* (D-Elk Grove)
AD 10 Marc Levine* (D-San Rafael)
AD 11 Jim Frazier* (D-Oakley)
AD 13 Susan Eggman* (D-Stockton)
AD 14 Mae Torlakson (D-Concord)
AD 15 Tony Thurmond* (D-Richmond)
AD 16 Cheryl Cook-Kallio (D-Pleasanton)
AD 17 David Chiu* (D-San Francisco)
AD 18 Rob Bonta* (D-Alameda)
AD 19 Phil Ting* (D-San Francisco)
AD 20 Bill Quirk* (D-Hayward)
AD 21 Adam Gray* (D-Merced)
AD 22 Kevin Mullin* (D-South San Francisco)
AD 25 Kansen Chu* (D-San Jose)
AD 27 Ash Kalra (D-San Jose)
AD 28 Evan Low* (D-Campbell)
AD 29 Mark Stone* (D-Scotts Valley)
AD 31 Joaquin Arambula* (D-Kingsburg)
AD 32 Rudy Salas, Jr.* (D-Bakersfield)
AD 37 Monique Limón (D-Santa Barbara)
AD 40 Abigail Medina (D-San Bernardino)
AD 41 Chris Holden* (D-Pasadena)

AD 44 Jacqui Irwin* (D-Thousand Oaks)
AD 45 Matt Dababneh* (D-Encino)
AD 46 Adrin Nazarian* (D-Sherman Oaks)
AD 47 Cheryl Brown* (D-San Bernardino)
AD 48 Blanca Rubio (D-Baldwin Park)
AD 49 Ed Chau* (D-Arcadia)
AD 50 Richard Bloom* (D-Santa Monica)
AD 51 Jimmy Gomez* (D-Los Angeles)
AD 52 Freddie Rodriguez* (D-Pomona)
AD 53 Miguel Santiago* (D-Los Angeles)
AD 54 Sebastian Ridley-Thomas* (D-Los Angeles)
AD 56 Eduardo Garcia* (D-Coachella)
AD 57 Ian Calderon* (D-Whittier)
AD 58 Cristina Garcia* (D-Bell Gardens)
AD 59 Reggie Jones-Sawyer* (D-Los Angeles)
AD 60 Eric Linder* (R-Corona)
AD 61 Jose Medina* (D-Riverside)
AD 62 Autumn Burke* (D-Inglewood)
AD 63 Anthony Rendon* (D-Lakewood)
AD 64 Mike Gipson* (D-Carson)
AD 65 Sharon Quirk-Silva (D-Fullerton)

AD 66 Al Muratsuchi (D-Torrance)
AD 69 Tom Daly* (D-Anaheim)
AD 70 Patrick O'Donnell* (D-Long Beach)
AD 76 Rocky Chavez* (R-Oceanside)
AD 78 Todd Gloria (D-San Diego)
AD 79 Shirley Weber* (D-San Diego)
AD 80 Lorena Gonzalez* (D-San Diego)

Senate Candidates *incumbent

SD 05 Cathleen Galgiani* (D-Stockton)
SD 13 Jerry Hill* (D-San Mateo)
SD 15 Jim Beall* (D-San Jose)
SD 17 Bill Monning* (D-Carmel)
SD 19 Hannah-Beth Jackson* (D-Santa Barbara)
SD 25 Anthony Portantino (D-Pasadena)
SD 27 Henry Stern (D-Thousand Oaks)
SD 31 Richard Roth* (D-Riverside)
SD 33 Ricardo Lara* (D-Bell Gardens)
SD 39 Toni Atkins (D-San Diego)

CAPS Statewide Ballot Measure Positions

Prop 55: The School Funding and Budget Stability Act of 2016 – SUPPORT

California State Scientists ... Knowledge, Innovation, Protection

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MEMBERSHIP HAS ITS BENEFITS

Do you have an issue at work that needs to be addressed or corrected? If you do, CAPS may be able to help. There are many benefits to being a state scientist and state employee. Make SURE you are getting everything you are entitled to when it comes to your pay, benefits and working conditions. Here are few outcomes where members did exactly that!



Chemist Left Behind at CDFW Corrected. A few weeks ago, six new Chemists were hired at the CDFW Rancho Cordova lab. All were placed in the entry level Range A salary range. One of the affected members called CAPS for help in obtaining a better range placement. CAPS contacted CDFW and requested the placements be reviewed. A few days later CDFW acknowledged that **ALL** placements had been in error and would be corrected. CDFW later called CAPS and said that actually one of the affected Chemists would **not** see the range upgrade due to insufficient past work experience. So CAPS immediately filed a Merit Issue Complaint. CAPS was notified shortly thereafter that this range placement, too, would be corrected. The new CAPS member was ecstatic saying, "I don't know how to thank you enough! :) You truly are amazing!!!!!!" It means an additional \$16,440 per year for this hard-working state scientist.

RS III Exam Appeal Successful. A Research Scientist I with CDPH was denied entry into the RS III exam. The Department of Public Health originally denied her entry to the exam on the grounds that her years of outside state service experience were not performed at the appropriate professional level. She contacted CAPS, and an exam appeal was filed for **TWO** RS III exams. Those appeals were ultimately successful, and the CAPS member was recently accepted into the most recent RS III exams. This victory enables her to compete for an RS III position. If she is successful, her responsibilities would commensurately increase and her salary will increase an additional 4 steps, or **nearly 20%**!

Resolution at the Waterboards. A CAPS member at one of the state Waterboards had a long and less than productive relationship with her supervisor. She was recently offered a new position within her department. Concerned that her supervisor would hold her in her current position for longer than a month once she accepted the tentative offer, she did not notify him. He then requested a meeting to review her annual Individual Development Plan. Upset that the review had the potential for being negative, she contacted CAPS. CAPS contacted the department and was able to negotiate an early release to her new position with no IDP review.

ENCAPSULATIONS...



Marin Decision Appealed. Four labor union groups in Marin County are now asking the State Supreme Court to reconsider a lower court ruling that would alter pension plans and retirement benefits for public employees currently on the job. The unions filed an appeal for the California Supreme Court to review a ruling issued in August by an appeals court allowing the state to reduce the amount of benefits offered to workers who are still working. The issue began in 2012, after California passed two state amendments creating new rules for county retirement boards in an attempt to curb pension spending. The law specifically targeted "pension spiking," or the practice of inflating income and retirement benefits in lieu of traditional employment benefits such as unused vacation time or bonuses. The case in Marin County was to determine whether employees who were already hired with specific pension benefits would have those locked in, or whether the state could reduce them. In August, a state appeals court ruled against the unions, arguing that the law only requires municipal governments to offer "reasonable" pensions. Reducing pensions and pension spiking does not violate the "reasonable" expectation, the court found. CAPS has filed papers with the Supreme Court encouraging that it review this appellate court's decision. CAPS may also file a brief in this case as "Friend of the Court." Thanks to a recent edition of the *Northern California Record* for making this information available.



Retiring Unsafe State Vehicles. CAPS is committed to ensuring that the vehicles provided to state scientists for the state's work are functional and safe. Recent reports indicate that many are not. That's why CAPS on September 15th filed a Public Records Request with the CDFW requesting detailed information pertaining to its vehicle fleet. This request is part of a broader discussion that CAPS is already having with CDFW management. CDFW apparently intends to comply with the request and is currently in the process of gathering the requested documentation. CDFW states that it expects to have the information ready to be released to CAPS as early as next week. CAPS' efforts on vehicular functionality and safety will be broadened to other departments as circumstances require.



State Scientific Supervisor TERMINATED. A long-time state scientific supervisor recently contacted CAPS for representation on his formal adverse action which terminates his employment with the state. Unfortunately, he discontinued his membership in CAPS soon after he was promoted to a supervisory position and thus is ineligible for representation by CAPS. Consequently, he will need to employ an attorney to represent him in the hearing process. Assuming the case goes to full hearing with discovery and other pretrial activities, the bill could be tens of thousands of dollars. Had he maintained his membership in CAPS, a seasoned attorney would represent him at no additional charge. Membership has its benefits!

IN FULL AND ON TIME

BY PATTY VELEZ, PRESIDENT

Salary equity for ALL state scientists remains my top priority. Having said that, I get regular reminders about just how important other stuff is. Retirement benefits, for example. There are few things more important than maintaining CalPERS as a purveyor of a sustainable retirement for generations to come. We

were promised a formula-based pension when we were hired, we've agreed to significant formula changes to maintain that formula and as state scientists we all pay our fair share every month to ensure that the retirement promise is kept. So the recurrent attacks on CalPERS--and on public employee retirement programs generally--simply can't be ignored.

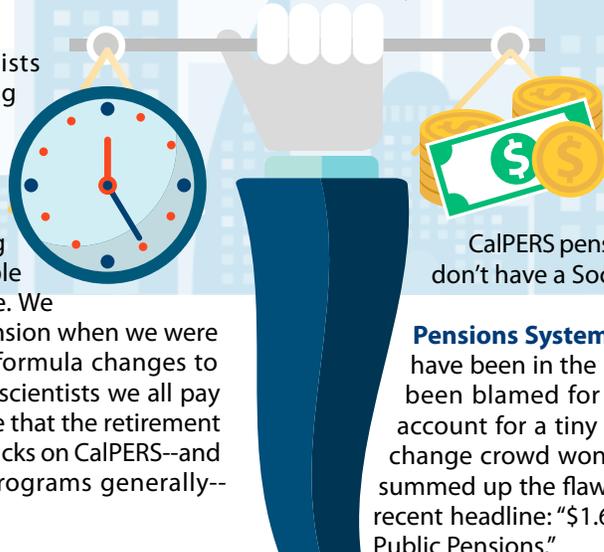
For more than a decade the so-called "pension reformers" have worked to put a measure on the statewide ballot that would downgrade retirement benefits for current and future California government employees. CAPS and other public employee groups have successfully fought off these attempts, whether by Republicans, such as former Gov. Arnold Schwarzenegger and former San Diego City Councilman Carl DeMaio, or Democrats, like former San Jose Mayor Chuck Reed.

Every major reform proposal has failed to gain traction. Wealthy anti-union interests have largely kept their checkbooks closed on these measures because they have been poorly written and hair-brained. Potential underwriters also fear facing CAPS and other public employee unions in an all-out battle over a ballot measure that would mobilize rank-and-file public employees like never before.

But past failures don't discourage the anti-public-pension crowd. There's little doubt that next year—2017— they will lay groundwork for a 2018 ballot measure, believing this time that shifts in the economy, politics and the law are moving in their favor. Here's why:

The Economy Could Be Headed For A Correction. Many experts believe that the nation is heading for an economic downturn. If that happens, 401(k) retirement savings and other defined-contribution accounts will take a hit and once again stir government pension envy. Pension-changers will pull out the old race-to-the-bottom message: Since private-sector employees lack retirement security, why should government employees have it?

Returns Are Down. Although CalPERS has a record-setting \$305 billion in assets to cover retirement payouts, pension-change advocates practically celebrated that the Fund's investment returns barely broke even last year. They pointed to the slide as proof that fund reserves can never catch up with the future cost of benefits. (Never mind the fact that average investment returns since 1988 have exceeded CalPERS' current investment goals.)



Pension Contributions Are Up. Because people are living longer, CalPERS is phasing in higher contributions from employers to provide for future benefits. Pension wreckers will seize on this as proof that public pensions are too rich. (Forget that the average annual CalPERS pension is about \$31,000 and that many employees don't have a Social Security backstop in retirement.)

Pensions Systems Vary Greatly. A handful of California cities have been in the news because their pension obligations have been blamed for their budget troubles. State pension costs account for a tiny fraction of state expenses, but the pension-change crowd won't make that distinction. The *New York Times* summed up the flawed one-problem-fits-all perspective with this recent headline: "\$1.6 Million Bill Tests Tiny Town and 'Bulletproof' Public Pensions."

The Media Loves the Fray. A law that rolled back public pensions for new hires has been on California's books for just three years, but news outlets are already beating the drum for more. The *Los Angeles Times*, Capital Public Radio and online journalism startup *Calatters* (which is funded by, among others, Silicon Valley business interests, eBay's founder and a charter-school proponent) have coordinated efforts on lengthy, multi-part stories about California public pensions. You can expect more of the same, especially if Reed or someone else announces a new push for a pension ballot initiative.

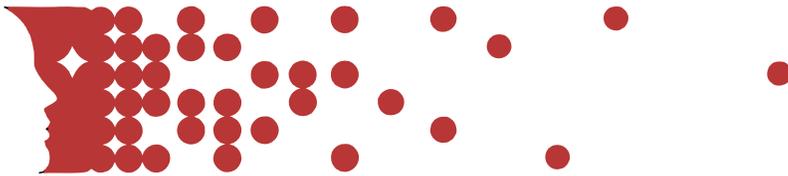
The Legal Wind May Be Shifting. For more than a half century, California courts have said that government pension promised when an employee is hired is a "vested right" with all the protections of contract law. In other words, *existing* pension benefits for *existing* employees can't be reduced without the loss being offset by a comparable new benefit.

But that's not good enough for pension changers like Reed and DeMaio, who want to cut pensions for **current** employees.

Now a court case is giving this crowd some hope. Marin County employees' unions in 2013 sued their retirement fund for removing stand-by duty pay, payments in lieu of health insurance and other special payments from counting toward their pensions as they had for decades. The county pension system claimed state law forced the changes.

The employees/unions lost at the trial court. An appellate court last month said that said the benefit cuts for current employees were legal if the pension benefit remains "reasonable." The unions have asked the California Supreme Court to review the case. CAPS has filed with the Supreme Court in support of the unions' Petition for Review.

That case bears more than just watching. If warranted, CAPS will also become a "Friend of the Court" in order to urge the appellate court to leave our pension formulas intact. This is also another reminder: salary equity may be our top priority, but there are many others, starting with making sure we ALL get our promised retirement benefits, IN FULL AND ON TIME!



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MORE CAPS GRANTS!

CAPS' Benefits Committee proudly awards FOUR \$300 professional development grants to CAPS members each quarter. This practice started many years ago because state departments do far too little to fund state scientists' professional development. Congratulations to these grant recipients for the **FOURTH** quarter of 2016:



Environmental Scientist Jennifer Olson of the Department of Fish and Wildlife in Arcata will use her grant to fund her attendance at the 41st Annual Conference of the Western Field Ornithologists in Fortuna during August 2016.



Associate State Archaeologist Greg Collins of California State Parks in Eureka will use his grant to purchase equipment and pay for a record search for a hands-on archaeological excavation of a late 1800's house site at Garfield Elementary School in Eureka, California. The excavation will provide hands-on experience for the application of the scientific method and archaeological field methods and analysis to 85 elementary school students from grades K-6 in support of the California's Archaeological Month, October 2016.



Environmental Scientist Caitlin Roddy of the Department of Water Resources in West Sacramento will use her grant to attend the annual meeting of the Western Section of the The Wildlife Society in Reno, Nevada during February 2017.



Research Scientist III (Epidemiology and Biostatistics) Dharshani Pearson of the Office of Environmental Health Hazard Assessment in Oakland will use her grant to partially offset the costs of attending the 2016 International Society for Environmental Epidemiology (ISEE) Conference in September 2016 in Rome, Italy.

ANY CAPS member can apply for a CAPS grant via the CAPS webpage: www.capsscientists.org.