

CAPSule

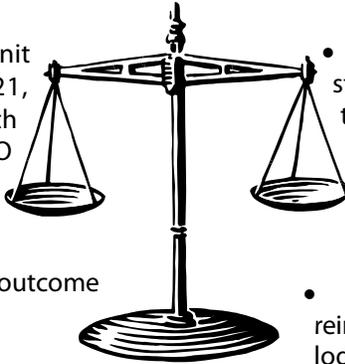
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June 2014, Issue #14-06

Proposed Agreement Gets No Recommendation

The CAPS Bargaining Team representing all Unit 10 Rank-and-File state scientists on May 21, 2014 reached a Tentative Agreement (TA) with CalHR for a proposed MOU. CAPS is making NO RECOMMENDATION on whether you should vote IN FAVOR or AGAINST ratification. That's because the agreement falls far short of the goals and expectations the Bargaining Team had for the outcome of negotiations.



In order for this Proposed Agreement to be effective, it must be ratified BOTH in the State Legislature and by a majority of CAPS members voting in a ratification election.

Ballots Mailed June 13. An independent balloting service, TrueBallot, will coordinate all balloting. Ballots will be mailed June 13 and counted June 30. Only members — not fee payers — can vote in this ratification election.

Summary. Individual tentative agreements can be viewed on the CalHR webpage:

- **General Salary Increases.** The agreement (July 2, 2013-June 30, 2016), would include a general salary increase of 2% on July 1, 2014 and 2.5% on July 1, 2015.
- **Additional Salary Increases.** This is limited to the Senior Environmental Scientist Specialists (class code 0765), who would receive an additional general salary increase of 1.5% on July 1, 2015. This affects approximately 450 Sr. ES Specialists.
- **Health Benefits.** The agreement confirms the employer's mandated contributions to fund employee health benefits. This is subject to the "80/80" funding formula.
- **Dependent Health Care.** Would improve the dependent health care coverage by granting new employees the full state's contribution for dependents after the first year of employment.

- **Leave Cash Out Option.** Starting in 2015, individual state departments would be allowed to offer scientists the ability to cash out up to 20 hours of accrued vacation leave based on availability of funding.

- **No Mandatory Unpaid Furloughs** would be allowed during the contract term.

- **Travel Reimbursement Increases.** The new travel reimbursement schedule would be confirmed. It increases lodging and meal amounts, except for three Bay Area counties where lodging reimbursement is reduced (CAPS

won a grievance arbitration on this topic recently, and the MOU would lock in the new schedule).

- **Professional Conferences.** Every state scientist would be entitled to propose a professional development plan annually with a written response required within 30 business days. That plan may include up to two job-related professional conferences, and may involve reimbursement for travel, registration, materials and state time. All this is subject to departmental approval.

- **DWR Incentive Program.** Approximately 13 DWR Environmental Scientists would be allowed to participate in an existing incentive program that awards CTO for meeting program goals. The incentive plan already includes employees from certain other bargaining units.

- **Status Quo for Remainder of MOU.** The balance of the CAPS MOU would remain in effect during the term of the agreement with few substantive changes.

What if the CAPS Membership REJECTS the MOU? The contract is NOT approved and its provisions are NOT effective. The CAPS Bargaining Team would immediately resume negotiations for a successor MOU. Provisions of the existing MOU would apply, as they do now.

What if the CAPS Membership APPROVES the MOU? Then the contract becomes effective. The CAPS Bargaining Team would not have the right to renew negotiations until just prior to the expiration of the MOU during spring 2016.

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EnCAPSulations...



MOU Balloting Time Frame Includes Review.

Some members have asked why the MOU ratification ballot count doesn't conclude before the end of June. That's because a few weeks are needed in order to properly prepare the ballot, and to schedule sufficient worksite meetings for members to access PRIOR to the balloting period. The CAPS Bargaining Team spent over one year to negotiate an agreement. To thoroughly understand the agreement, members should, if possible, attend one of the many worksite meetings scheduled around the state prior to voting. The June 30 ballot count also allows the verdict from the members to result in timely action by state management with respect to the proposed salary increase for the July pay period.



Operating Engineers Reject MOU, Threaten Strike.

The International Union of Operating Engineers Local 39 on June 2 informed CalHR that the 950 stationary engineers in state Bargaining Unit 13 had "soundly rejected" the tentative agreement proposed for that bargaining unit. The agreement closely resembles the tentative agreement subject to a vote currently before state scientists. There is also a close resemblance to the agreement negotiated last year by SEIU which is in place for most other state employees. The key feature: a 4.5% general salary increase over three years. The rejection by the Unit 13 membership appears to be a first of its kind because no other state bargaining unit has ever rejected a tentative agreement. The negotiators for Unit 13 now return to the bargaining table. The ratification vote also included a strike authorization for IUOE. The state's 950 stationary engineers in Unit 13 manage heating, cooling, water and other systems for prisons, office buildings, state parks and other state-owned facilities throughout the state.



AED Grievance Properly Filed.

During the summer of 2011, CAPS filed a grievance over the failure of CalEPA to deploy Automated External Defibrillators (AED's) in its massive headquarters building in

Sacramento. CalEPA had ordered and received these defibrillators, but it failed to deploy them for use in potentially lifesaving situations. Instead, the devices collected dust in a storeroom. CAPS insisted that they be deployed immediately and employees be instructed on their use. The CAPS grievance caused CalEPA to do exactly that — deploy the AEDs and train employees on their use. Ironically, the grievance was denied, noting that the CAPS contract doesn't specifically mention AED's or their deployment. In a more recent letter, CalHR acknowledged that CAPS "has the right to file a health and safety grievance whenever there is a belief that the health and safety of their members are put at risk by action or inaction of the employer." So while installation of AED programs in state buildings is not required by the MOU, and thus not grievable, the health and safety of state scientists certainly is because the device has been used previously at a DTSC regional office to resuscitate a state scientist.

Insurance News. Some CAPS members who have insurance through the CAPS group plan with The Standard Insurance Company will see an increase in insurance premium deductions effective with their pay warrants received at the July (August 1 warrants for retired CAPS members). Employees who had their 30th, 35th, 40th, 45th, 50th, 55th or 60th birthday since **July 1, 2013** will see an age-related premium increase as specified in plan brochures and other materials. (Please note that The Standard Insurance Company does not send individual letters notifying affected individuals of these increases.) If you are interested in learning more about reduced rate insurance through the CAPS group plan, or in obtaining a quote on insurance coverage you might be interested in, please visit the CAPS insurance information web page at: <http://capsscientists.org/benefits/insurance>.



Correction. In last month's *Capsule*, state scientist Raya Nedelcheva was incorrectly identified as Kaya Tuncer.

Please VOTE!
Ballots mailed June 13!
Ballot count June 30!

Not Enough!

By David Miller, President

As a member of the CAPS Bargaining Team, I sent a tentative agreement to the CAPS membership for a vote on May 21. It came with NO RECOMMENDATION on how to vote.

When my ballot gets to me, I am personally voting NO on ratification.

WHY did the CAPS Team reach tentative agreement with NO RECOMMENDATION, if indeed each of us plans to vote no on ratification, as we all plan to?

Simple: the decision on whether to accept or reject Governor Brown's final offer should come from the entire CAPS membership, not just the CAPS Bargaining Team. Had the CAPS Team recommended a NO vote, there would have been no tentative agreement and no opportunity for you to vote on it.

We have NEVER failed to forward the state's final offer to the membership for a vote, and we weren't about to start this year. Every CAPS member deserves the opportunity to examine that offer, get his or her questions answered about it, attend a worksite meeting to hear from a member of the CAPS Team personally, then vote on it. That's democracy, and CAPS was formed predicated on that principle. As your President, I am prepared to live with the final result.

I have heard detailed reasons from members who feel strongly both ways, and many who remain undecided. This is an important decision driven by personal circumstances and strong feelings. I have my own, but I also respect the right of every other CAPS member to make their own, where it counts the most, on an election ballot. So ballots will be mailed on June 13 and counted on June 30, all by TrueBallot, an experienced and impartial independent contractor.

Should this MOU be rejected by the membership, we go back to the bargaining table with uncertainty and no guarantee that Governor Brown will improve his offer any time soon. The 2% salary increase scheduled to be effective for the July pay period won't happen. Other state employees will see that increase and you won't. All true.

Should the MOU be approved, then we have a contract in place through June 2016. It provides very modest salary increases in it, but no opportunity to negotiate anything more during its term.

“...the decision on whether to accept or reject Governor Brown's final offer should come from the entire CAPS membership...”

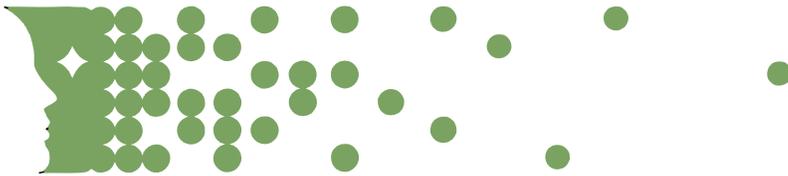
Still, in spite of the future uncertainty, I am voting no. After years of empty promises from state management to fix this problem, years of widening salary inequities with our state government engineering colleagues, and equivalent disparities with our local

government scientist counterparts, I am fed up with waiting. Governor Brown can do better by state scientists. He must, if he expects my support for a new contract.



Your CAPS Bargaining Team, led by chair Patty Velez, worked for over one year to achieve salary equity, or to establish a clear pathway to it. We came up short, but not for lack of effort, or for lack of support from all of you. The message from CAPS was clear, consistent and it came from EVERYONE: at the bargaining table, on petitions, emails to the Governor, meetings with management, even from some in the media: SALARY EQUITY NOW!

I respect everyone's opinion and situation, and I trust you to make this difficult decision. I simply ask that you make this a topic of discussion at your workplace, examine the issues carefully, and cast your ballot! And, as always, THANKS for your support. We need it now more than ever!



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OEHHA Scientist Shines in Climate Series

The dangerous impacts of climate change are the focus of a recent nine-part documentary series airing on the cable channel Showtime. The program called *Years of Living Dangerously* features celebrities joining up with scientists, researchers and other experts to investigate the impact climate change will have on humans and the planet.

Among those featured is a state scientist and CAPS member! Dr. Rupa Basu, a research scientist at the Office of Environmental Health Hazard Assessment (OEHHA), joins actor Matt Damon to provide expertise on heat waves and heat-related illnesses and deaths that are often misdiagnosed and underreported. She discusses the threat from an increased number of heat waves, their intensity, and higher than average temperatures. Dr. Basu also talked about her work on climate change issues, how she personally got interested in the field, about her family and how they've influenced her work.

The program was produced by former Governor Schwarzenegger and Hollywood director James Cameron. Producers said they picked Dr. Basu to appear after



Matt Damon talks with Rupa Basu about her research into heat waves and vulnerable populations and just how bad things could get for the next generation.

seeing her conference presentations on YouTube. You can watch a clip of Dr. Basu on *Years of Living Dangerously* on the www.capsscscientists.org home page.

Dr. Basu's appearance in this documentary series is a strong reminder of the kind of top level scientific talent serving Californians every day!