

CAPSule

E-Mail CAPS at: caps@capsscientists.org

Website: www.capsscientists.org

July 2014, Issue #14-07

★ 2014 Dependent Scholarship Winners ★

CAPS has awarded \$500 scholarships to dependents of 15 CAPS members in support of their college education. These lucky 15 were among the several dozen applicants for this year's scholarship program. CAPS will keep 2014 applications on file for next year's drawing. Thanks to everyone who participated! *NOTE: These scholarships are not funded by dues or fees from state scientists.*



Stefan A. Awender, son of CAPS member Stefan R. Awender (DFW), is majoring in physics at CSU San Bernardino and will graduate in 2015.



Caitrin Saiki, daughter of CAPS member Cathy Saiki (CDPH), is majoring in mathematics education at Brigham Young University and will graduate in 2015.

Dawnia K. Brody, daughter of CAPS member Shideh Khashe (CDPH), is majoring in physics and math at UC Berkeley and will graduate in 2018.



Matthew Owen, son of CAPS member Dawn Plantz (CalRecycle), is majoring in chemistry at Sacramento City College and will graduate in 2017.



Amelia Carder, daughter of CAPS member Nancy Carder (DTSC), is majoring in law at Tulane University School of Law and will graduate in 2017.



Rebecca Stroik, daughter of CAPS member Gail Krowech (OEHHA), is majoring in global studies at Eugene Lang College The New School for Liberal Arts and will graduate in 2016.

Melecio Estrella, son of CAPS member Sarah Estrella (DFW), is majoring in environmental engineering at Portland State University Honors College and will graduate in 2016.



Rebecca Vail, daughter of CAPS member Elizabeth Vail (CDPH), is majoring in aerospace engineering at American River College and will graduate in 2017.



Asitha N. Kaduwela, son of CAPS member Kamani A. Hewadikaram (CDPH), is majoring in computer engineering at UC Santa Barbara and will graduate in 2017.



Gregory Waters, son of CAPS member Wendy Wyels (DWR), is majoring in political economy at UC Berkeley and will graduate in 2016.

Jillian Klasing, daughter of CAPS member Susan Klasing (OEHHA), is majoring in respiratory therapy at San Joaquin Valley College and will graduate in 2015.



Jessa Wilber, daughter of CAPS member Monique Wilber (SWRCB), is majoring in communications at Westminster College and will graduate in 2017.



Adrian Macedo, son of CAPS member Richard Macedo (DFW), is majoring in wildlife management at Humboldt State University and will graduate in 2016.



Siyu Zheng, daughter of CAPS member Qinyan Zhu (CDPH), is majoring in molecular biology at UC Berkeley and will graduate in 2017.

Clare Saiki, daughter of CAPS member Cathy Saiki (CDPH), is majoring in graphic design at Brigham Young University and will graduate in 2018.



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Bargaining With CalHR

On July 11, CAPS and CalHR resumed negotiations for a new tentative agreement. This followed rejection of the last tentative agreement by CAPS members in a lopsided vote—nearly 70% of members opposed. At the July 11 meeting, CalHR came with no more money, and had no response to a new CAPS proposal, so the bargaining teams are scheduled to meet. CAPS suggested that a mediator be brought in to assist with negotiations. Thus far, CalHR hasn't agreed to mediation.

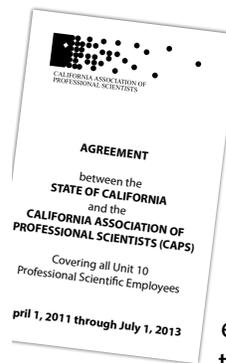
The CAPS Team shared some new ideas with CalHR. The foundation of the CAPS proposal remains the same: a 30% salary equity increase for all state scientists, a 10% differential for scientists working in high-cost counties, and resumption of the class consolidation project that CalHR insisted on dropping prior to the last tentative agreement. The difference is, CAPS expressly invited CalHR to “make a good-faith step, or multiple steps, towards achieving salary equity during this contract term.” Details of the CAPS proposal can be found on its webpage: <http://capsScientists.org>.



Membership Survey. The CAPS Bargaining Team is polling state scientists on what it will take for them to vote yes should there be another tentative agreement, and what actions they might participate in while there isn't one. That likewise can be found on the CAPS webpage.



Legislature Continues Its Recess. For an agreement to be effective before 2015, time is short. Any new tentative agreement reached by the CAPS Bargaining Team must be ratified by both the state Legislature and CAPS members. The state Legislature returns from its summer recess August 4. At the end of August, it will adjourn for the year, and won't reconvene until January 2015. So CAPS is focused on getting an acceptable agreement done, and is urging CalHR to do the same. The alternative is to have negotiations continue into the fall months.



Existing Terms Continue. State scientists continue to live under the terms of the old agreement, as required by state law: see Government Code Section 3517.8. This means that the state cannot unilaterally change your pay and benefits, and that CAPS as an organization cannot advocate or engage in any activity that interrupts the state's work, nor can state scientists participate in any such activity. Instigating a job action could expose CAPS to liability and individual state scientists to disciplinary action. CAPS will seek other creative and convincing means to move Governor Brown in a more positive direction.

EnCAPSulations



DFW Timekeeping Practices Rescinded. The Department of Fish and Wildlife several months ago decided to require scientists to change their time keeping procedures. Those changes have now been rescinded after a grievance was filed by CAPS. Those requirements differed markedly from the department's long-standing time keeping practices. They were confusing, and were applied differently region by region. They also required employees to use leave credits to balance accounting. No advance notice was provided, so CAPS filed its grievance. Any member who has or may lose leave credits as a result of this change, or is damaged in any way, should contact CAPS: caps@capsScientists.org.



Furlough Case Submitted. CAPS on July 9 argued for a successful outcome to the last of the furlough litigation before a three justice panel of the First District Court of Appeal. CAPS made clear that rank-and-file state scientists endured a “disproportionate” salary reduction beyond what the Legislature had authorized because they were furloughed two days beyond what other employees were furloughed in 2011. If the trial court decision ordering back pay is upheld, the payment due state scientists should include interest. A written decision from the Appellate Court is expected within 60 days.

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The Right Place

By David Miller, President



In bargaining, we are right where we need to be. Back at the bargaining table, fresh from the ballot count where CAPS members overwhelmingly rejected the stale 4.5% salary pay increase offer from CalHR.

At times it feels like we're in the eye of a hurricane, but at least it's calm. For now.

CAPS is one of just three bargaining units without a new MOU. We'd sure like one, but not if it doesn't include salary equity, or a clear pathway to it. That's our message to CalHR, and don't expect the CAPS Team to reach agreement without it. Yes, we know that CalHR is sticking to its original position — 4.5% salary increase over three years. That's the framework originally negotiated by SEIU Local 1000 for the vast majority of state employees. As the theory goes, what's good for them should be good for state scientists. Well, it's not.

We are also realistic about how to bridge that gap, the one that has us about 25% apart. The realistic way is for CalHR, on behalf of Governor Brown, to implement salary equity in several steps, or at least establish a clear pathway to get there.

And if they don't? CAPS is polling the membership now on what amount **would** be satisfactory in a new tentative agreement as a step towards salary equity, and what actions we might take collectively to help force the issue. The CAPS Bargaining Team will carefully evaluate every response and plan accordingly.

Our demands are not unrealistic or unaffordable. We have been waiting for salary equity for nearly 10

years — that means working toward reestablishing the historical salary ties to the state's engineers, or to address the salary lag that has grown between state scientists and our local and federal government counterparts. We've had to wait in part due to one of the worst economic downturns in history. But that's over, and the state is flush with cash. In fact, State Controller John Chiang reported in July that the state's General Fund ended the fiscal year with a positive cash balance for the first time since 2007!

We paid our dues. Years of mandatory unpaid furloughs, an increase in our contribution towards retirement. Increased workloads, reduced staffing. The beat downs in morale that come with all this. It's been quite a journey, and not always a pleasant one. Yet, we credit the professionalism of our state scientists for continuing to do our jobs in protecting the environment, public health and the vast public resources of the state. Now we need some catch up.

Governor Brown supports this concept. He budgeted nearly \$20 million to fund the CAPS

Like Pay For Like Work decision from 2008—but that extends only to state scientific supervisors. And it still has yet to be implemented. But if it is, and if it's good enough for state scientific supervisors, then it's certainly good enough for rank-and-file state scientists. This isn't lost on the CAPS Bargaining Team.

On behalf of Bargaining Chair Patty Velez and the rest of the Team, THANK YOU for your confidence, your continued patience and support during this tough journey. If we are to succeed, we succeed together.



“OUR DEMANDS ARE NOT UNREALISTIC OR UNAFFORDABLE.”



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Judge Threatens Stockton Pensions. On July 8, a Sacramento federal bankruptcy judge suggested that employees and retirees could have their pensions reduced as part of the city's financial reorganization. There was no official ruling, but this was the first time after a California city has declared bankruptcy. The judge has even suggested that the resulting reorganization could impair the earned pensions of retirees. That would set a new legal precedent, one that CalPERS and public employee unions (like CAPS) have adamantly opposed for decades. The dispute over pensions is part of the overall plan that will have Stockton manage its bankruptcy. Other creditors in the case, notably Franklin Templeton Investments, have sought to include pensions in the mix in order to minimize their own losses. The hearing is scheduled for October 1.



CalPERS Crushes Investment Expectation. CalPERS reported a return of 18.4 percent on its investments in the fiscal year that ended June 30. That's substantially above CalPERS' official forecast of 7.5 percent. It's also the fourth time in five years that CalPERS will have earned double-digit investment returns. While CalPERS' portfolio is valued at \$300 billion—above the recession level—it's funded for 76 percent of what it owes to current and future retirees. That has caused CalPERS to raise its rates for both employers and employees who jointly contribute to the system to fund a living and sustainable retirement for one and all system members.