



November 3, 2006

David Gilb
Director
Department of Personnel Administration
1515 S Street, North Building, Suite 400
Sacramento, CA 95814

Re: Request for Hearing and Salary Adjustments Pursuant to Government Code Section 19826 (a) For State Scientific Supervisory Classifications

Dear Director Gilb:

CAPS is a verified excluded employee organization and is the representative of the state's professional scientist supervisors. As discussed below, CAPS contends that in setting the salaries for employees designated "S10", the Department of Personnel Administration has violated the legislative mandate found in Government Code section 19826 to pay like salaries for comparable work. In short, CAPS alleges that the DPA has no authority to fix salary ranges which violate the principle "that like salaries shall be paid for comparable duties and responsibilities."

In meeting and conferring over the fiscal year 2006-2007 pay plan for S10 employees, CAPS took the position that the horizontal parity between supervisory scientific and supervisory engineering classes be reinstated and that the pay plan should reflect like pay for comparable work. In adopting the pay plan for 2006-2007, DPA rejected CAPS' position.

CAPS hereby requests a quasi-adjudicative hearing asking that the DPA make a factual determination of comparability between the listed supervisory scientific and supervisory engineering classifications. Following that portion of the hearing and consistent with the factual findings made during that portion of the hearing, CAPS requests that the DPA make a quasi-legislative determination regarding the appropriate salaries to be paid under Section 19826 subdivision (a) of the Government Code and to take all appropriate steps to adjust the salary ranges of the S10 employees represented by CAPS upward consistent with those factual findings. This includes a request to make upward salary adjustments to all individual employees in these salary ranges.

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Background

Historically, there has been a level of horizontal parity between certain supervisory scientific (S10) and supervisory engineering (S09) classifications. In many instances, the salaries of supervisory scientists and supervisory engineers were initially identical. For example, following the 1994 establishment of the classifications of Supervising Hazardous Substances Scientist II (Schem Code BH68, Class Code 3567) and Supervising Hazardous Substances Engineer II (Schem Code HY01 Class Code 3723) the salaries were, as of January 1995, as follows:

Supervising Hazardous Substances Scientist II
\$4657 - \$5622

Supervising Hazardous Substances Engineer II
A \$4657 - \$5622
B \$4889 - \$5943

The Alternate Range Criteria (AR 356) for Range B for the Supervising Hazardous Substances Engineer II is applicable to incumbents who are licensed professional engineers. Excepting those employees in Range B by virtue of their license as professional engineers, the salaries of the supervising scientists and supervising engineers were exactly the same.

Today, the salaries are as follows:

Supervising Hazardous Substances Scientist II
\$6069 - \$7326

Supervising Hazardous Substances Engineer II
A \$6761 - \$8160
B \$7096 - \$8626

Again excepting the employees in Range B by virtue of their license as professional engineers, the salaries of the supervising scientists significantly lag that of the supervising engineers. The top step of Supervising Hazardous Substances Scientist II lags the top of Range A of Supervising Hazardous Substances Engineer II by 11.38 percent.

As the salaries were once exactly the same, clearly the classifications above were deemed to be worthy of horizontal parity by virtue of being comparable positions within the civil service structure. In many instances, the supervisory scientists and supervisory engineers supervise rank-and-file scientists and engineers interchangeably. Although there have been no changes in the class specifications, the salary setting by DPA which once provided exact horizontal parity is now replaced by a significant lag. It is here where CAPS contends that DPA has not followed the mandatory direction it was given when the legislature delegated the salary setting function to the DPA. Similar historical horizontal parity with comparable positions is present in each of the supervisory scientific and supervisory engineering classifications listed below.

The Hearing

In the hearing, CAPS intends to supplement the objective salary comparisons with testimony in support of the theory that work in these supervisory scientific classifications is comparable to the work in the listed supervisory engineering classifications. Where available, CAPS will also submit documentary evidence relating to the comparable nature of the work, including documents considered by the State Personnel Board and the DPA when classifications were created or modified.

As CAPS understands it, when conducting such an evaluation, DPA will "assess comparability" by assessing the "relative value" of the jobs. CAPS also presumes that in doing so DPA will look to the 13 factors specified in the DPA Classification and Pay Guide in Section 180, Development of Allocation Guidelines, which DPA uses to set salaries.

CAPS requests that the hearing encompass, and that the DPA make a determination of comparability between, the following underlined supervisory scientific classifications and the supervisory engineering classifications listed below each underlined S10 class:

Supervising Hazardous Substances Scientist I (S10) (BH67, 3566)
Supervising Hazardous Substances Engineer I (S09) (HY02, 3724)

Supervising Hazardous Substances Scientist II (S10) (BH68, 3567)
Supervising Hazardous Substances Engineer II (S09) (HY01, 3723)

Senior Industrial Hygenist (S10) (IC64, 3852)
Senior Safety Engineer - Industrial (R09) (IG60, 3909)¹

Senior Geologist (Supervisor) (S10) (HR75, 3932)
Senior Engineering Geologist (U09) (HT40, 3751)

Senior Seismologist (S10) (HT15, 3749)
Senior Engineering Geologist (U09) (HT40, 3751)
Senior Environmental Scientist (S10) (BH73, 0764)

¹A review of the various Senior Safety Engineer classifications shows a mix between S09 and R09 allocations.

Senior Water Resources Control Engineer (U09) (ID10, 3844)
Senior Engineer Water Resources (S09) (GO40, 3261)
Senior Engineering Geologist (U09) (HT40, 3751)

Senior Land and Water Use Scientist (S10) (GE90, 3081)

Senior Water Resources Control Engineer (U09) (ID10, 3844)
Senior Engineer Water Resources (S09) (GO40, 3261)
Senior Engineering Geologist (U09) (HT40, 3751)

Environmental Program Manager I (Supervisory) (S10) (BH82, 0756)

Supervising Engineer Water Resources (S09) (GO30, 3258)
Supervising Engineering Geologist (S09) (HT30, 3748)
Supervising Water Resources Control Engineer (Supervisory) (S09) (ID40, 3849)

Land and Water Use Program Manager I (S10) (GE80, 3062)

Supervising Engineer Water Resources (S09) (GO30, 3258)
Supervising Engineering Geologist (S09) (HT30, 3748)
Supervising Water Resources Control Engineer (Supervisory) (S09) (ID40, 3849)

Energy Commission Supervisor II (Efficiency) (S10) (BJ03, 4940)

Electric Generation System Specialist II (S09) (BI05, 4842)

Energy Commission Supervisor II (Forecasting) (S10) (BJ07, 4599)

Electric Generation System Specialist II (S09) (BI05, 4842)

Energy Commission Supervisor II (Technology Evaluation and Development) (S10) (BJ05, 4058)

Electric Generation System Specialist II (S09) (BI05, 4842)

Supervising Integrated Waste Management Specialist I (S10) (BH87, 0759)

Senior Waste Management Engineer (U09) (HY15, 3790)

Supervising Integrated Waste Management Specialist II (S10) (BH86, 0752)

Senior Waste Management Engineer (U09) (HY15, 3790)

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If there is any written documentation in the possession of the DPA showing any comparisons made in setting the salaries for S10 employees for fiscal year 2006-2007 that would be helpful in streamlining the hearing, please provide copies to me at CAPS' Sacramento office.

I look forward to hearing from you or your designee to discuss the scheduling and the format of the hearing and any other matter you may wish to discuss related to compensation for S10 employees.

Very truly yours,

A handwritten signature in black ink, appearing to read "Gerald James", with a long, sweeping horizontal stroke extending to the right.

Gerald James
CAPS Counsel

c: John Turner, Chair, CAPS Supervisory Meet and Confer Team