

CAPSule

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August-September 2014, Issue #14-08

MOU Ratified!

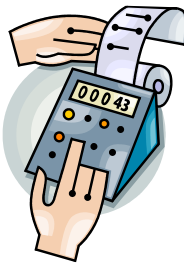
Now the Real Work Begins...

CAPS members overwhelmingly approved the new CAPS MOU when ballots were counted September 11. The final count was 1,171 in favor (86.87%), and just 177 opposed (13.13%). The final tally, certified by TrueBallot, can be found here: <http://capsscientists.org/wp-content/uploads/September-11-election-results.pdf>

CAPS Bargaining Chair Patty Velez had this to say upon seeing the results: *"State scientists once again made an important decision in our long quest for salary equity for all state scientists. We look forward to working with Governor Brown in making important reforms to the state classification structure, and addressing the recruitment and retention needs of the state's scientific workforce."*

This vote represents the final step in the ratification process. (The state Legislature previously approved the MOU in SB 879). Here's what it means, among other things:

- The Reclassification and Pay Project resumes with a scheduled completion date of January 30, 2015. CalHR has agreed to negotiate salary ranges as part of that process, something they had refused to agree to do until now. This process has no guarantees, but the pathway is there. The first meeting between CAPS and CalHR was held September 12.
- The increased lodging and meal amounts are effective October 2014.
- Every Unit 10 scientist will immediately receive a \$1,000 cash bonus.
- This two-year agreement (July 2, 2013 - July 1, 2015), provides one general salary increase for all Unit 10 scientists: 3% on July 1, 2015.



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Furlough Victory!



The First District Court of Appeal on September 11 upheld a trial court ruling that found that the mandatory unpaid furlough of rank-and-file scientists for two days in March 2011 was illegal.

The ruling requires the state to "set aside as unlawful the second and third unpaid furlough days in March 2011, ... and take any and all actions required by law to make those employees whole by providing back pay..."

This means that every rank-and-file state scientist covered by the case is due to receive two days back pay, plus interest, when this ruling becomes final, which appears likely. This decision brings rank-and-file scientists even with furloughs served by scientific supervisors and most other state employees.

CAPS was joined in this litigation by PECG, representing the Professional Engineers in Unit 9. Only scientists and engineers are covered by this award of back pay.

The appellate court did unfortunately reverse the trial court's ruling regarding certain scientists involved in hazardous waste remediation and management on military bases. The appellate court held that the Legislature had the authority to furlough these scientists through the state budget, meaning they would not get additional back pay.

The decision of the Court of Appeal is likely to become final in 30 days. It is uncertain whether the State Supreme Court's discretionary review of this decision will be sought or granted. CAPS will keep you apprised of the status.

California State Scientists ... Knowledge, Innovation, Protection

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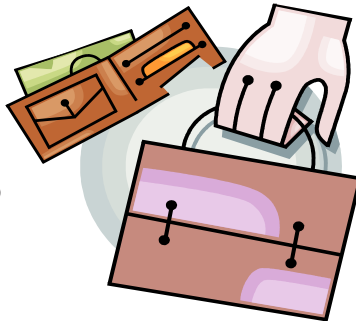


Travel Rates for State Scientists

A Sacramento Superior Court Judge on August 11 ruled for CalHR and overturned the May 5 ruling by Arbitrator Catherine Harris that state scientists were entitled to the same travel rates as other units. The Judge found that Arbitrator Harris exceeded her authority in granting the award. CAPS will appeal.

In the meantime, ratification of the CAPS MOU ensures that the new higher rates will be in effect starting in October. The CAPS appeal will keep alive the possibility for reimbursements for the period between July 2013 and September 2014.

The original grievance was filed when CalHR refused to extend to state scientists the same increases in lodging and meal reimbursement rates that were awarded to other state employee groups.



During negotiations, the CAPS Team would not be coerced into an agreement with the promise of modest increases in lodging and meal reimbursements. The CAPS Team reasoned that all state employees should get the same travel reimbursement amounts while on state business. After all, virtually every hotel in California is aware that the state now pays six dollars more per night for lodging and has raised rates accordingly. When state scientists have been on business trips with other state workers, only the scientists weren't reimbursed at the higher rate, and that's simply unfair.

Starting in October, state scientists can expect to begin receiving the benefit of the new higher reimbursement rates. For the period July 2013 through September 2014, those disputed amounts are pending based on final resolution of the lawsuit.

MOU RATIFIED

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- Employer contributions to fund health benefit increases continue in accordance with the "80/80" funding formula (80% state contribution for the employee; 80% state contribution for dependents). The 2015 rates can be viewed on the CAPS webpage: www.capsscscientists.org.
- State departments will offer scientists the opportunity to cash-out up to 20 hours of accrued vacation leave annually, based on availability of funds, starting in 2015.
- Future negotiations will be off-cycle from SEIU Local 1000.



It is significant to note that many state scientific supervisors just received salary increases of up to 43%. That's due to the CAPS Like Pay For Like Work litigation, and the willingness of Governor Brown to fund it — FINALLY. CAPS' goal is to extend those raises to ALL remaining supervisors and rank-and-file scientists!

This MOU doesn't by itself achieve salary equity. It does include the next best thing — a clear pathway to get there. CAPS' ultimate goal: salary equity for ALL state scientists!

TrueBallot, an independent service, once again coordinated this secret ballot.

Thanks to everyone who cast a vote.

LIKE PAY NEARS REALITY

By David Miller, President

The long-awaited “second” pay letter was issued by CalHR on August 20. As a result, the financial health for most state scientist supervisors got a WHOLE lot better. (The “first” pay letter gave all scientific supervisors the 2% general salary increase that WE rejected for rank-and-file scientists in the previous MOU ratification vote.) The August 20 Pay Letter effectively ended management’s nearly decade-long refusal to reestablish and fund the historic salary relationship between state scientists and our state engineering counterparts.

The August 20 Pay Letter increased the salaries of state scientific supervisors by as much as 43%. Let me repeat that: 43%! And while this Pay Letter originated with Governor Brown’s state budget, it was really the work of CAPS that made it happen. I’m proud of that, because it vindicates the path we took on this issue many years ago. More importantly, it brings into clear focus the goal of salary equity for all of us!

The original CAPS LPLW case was limited to supervisors because rank-and-file scientists have bargaining as the sole legal process for addressing pay and benefit disputes. Our goal was—and is—to restore salary equity between **all** state scientists and state engineers concurrently. This Pay Letter doesn’t do that, obviously. There is more work to do.

One very important thing this Pay Letter does: it demonstrates Governor Brown’s support for the concept of Like Pay for Like Work. It provided FULL funding immediately, in accordance with our 2008 decision. Now our task is to extend its provisions to **all** rank-and-file state scientists, and to the remaining supervisors who did not receive any benefit from the August 20 Pay Letter.

We are right where we need to be — all of us. Together we rejected Governor Brown’s first “final offer” in a statewide vote, a rare event in state contract bargaining. But we did it! Now we have ratified a second tentative agreement, one that provides a clear pathway to negotiate new

salary ranges for virtually all state scientists.

The CAPS Team is working to implement the CAPS Reclassification and Pay Project. The difference is that reestablishing salary equity between state scientists and state engineers is closer to reality than ever.

Make no mistake, Governor Brown’s negotiators have made no promises. But your CAPS Bargaining Team is determined to stay the course until they do. We need your continued support to make this happen.

There are those who wanted a different course. They are quick to criticize, but offer no realistic plan for success when it comes to achieving salary equity for one and all. I urge you to be patient and help out. Appreciate the many CAPS members who volunteer their time on your behalf, and our excellent consulting staff of attorneys and labor relations professionals who advise us. This is OUR work, not theirs. You should BEWARE of suggestions from a hasty few that would have you follow some poorly conceived strategy. Be patient, be smart. Support CAPS!



“Our goal was - and is - to restore salary equity between all state scientists...”





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More CAPS Grants!

CAPS proudly awards professional development grants of \$300 every quarter to each of four CAPS members—a total of 12 annually. The purpose is to support members' professional development, because state departments don't do enough. The CAPS Grants program has been in continuous operation for over 20 years. ANY CAPS member can apply for a CAPS grant via the CAPS webpage: www.capsscienstist.org. Congratulations to these grant recipients for the third quarter of 2014:



Senior Environmental Scientist (Specialist) Shirley Birosik of the Regional Water Quality Control Board in Los Angeles will use her grant to offset costs while she attended the annual conference of the Ecological Society of America in August 2014.



Environmental Scientist Gina Skurka Darin of Water Resources in West Sacramento will use her grant to fund her attendance at the 2014 Esri International User Conference held during July 2014 in San Diego. The DWR is currently not supporting travel expenses for conferences that aren't deemed "mission critical."



Environmental Scientist Dan Shaw of California State Parks at Tahoe Vista will use his grant for travel expenses to the Society for Conservation Biology North American Congress for Conservation Biology held in Missoula, Montana during July 2014. Shaw presented research on potential self-thinning in untreated recovering forest stands in the Lake Tahoe basin.



Associate Toxicologist Allen C.L. Tsao of the Department of Fish and Wildlife in Sacramento will use his grant to pay for expenses incurred for his scientific poster presentation on a probabilistic approach in assessing exposure of lead shot to birds at the Annual Chapter Meeting of the Society of Environmental Chemistry and Toxicology in San Diego in April 2014.

Note: the CAPS Grant program is independent from the two days of professional development earned by every state scientist annually in accordance with Section 15.3 (G) of the CAPS MOU.