



CAPS DEFENDS PENSIONS



CAPS Defends Pensions So YOU Can Rest Easy

Every State Scientist has earned and deserves a secure, predictable, reliable retirement. Your retirement portion is funded partially by monthly contributions made by you and the state of California. The greater share is paid from returns on CalPERS' investments. Your actual retirement annuity is based on a defined-benefit formula. A retirement allowance based on this formula is one of the things that makes a California civil service retirement so valuable. The guarantee of a living retirement, and a lifetime health benefits program, provides security that most Americans simply don't have.

You are a member of the CalPERS "Miscellaneous" retirement plan. The formula to calculate your retirement annuity is simple: your final compensation multiplied by your years of service, then multiplied again by an age factor. Your exact retirement amount isn't that simple to calculate. A number of variables can complicate this formula, such as your date of hire, service earned in another jurisdiction, service earned under different CalPERS retirement plans, breaks in service, etc. Supplemental income such as social security benefits, earnings from a 457 or 401(k) supplemental income plan can of course increase your income during retirement.

CAPS and CalPERS Can Help. The CAPS MOU can help you as a very general guide in calculating your retirement annuity. Remember that guidance on retirement issues specific to your situation should be obtained directly from a qualified CalPERS representative. CalPERS will calculate your retirement annuity and help to craft a plan to help you achieve your goal of a predictable, living retirement. Visit the CalPERS here to learn more : www.calpers.ca.gov

Danger Always Lurks On The Horizon. Attacks on public sector pensions by "taxpayer advocates" continue. A lawsuit from Marin County case threatens the "California Rule," which provides a constitutional bar that prevents promised retirement benefits from being reversed during the course of employment. CAPS filed an amicus "Friend of the Court" brief in support of the court taking this case so it could overturn the decision, which could allow benefits to be reduced mid-career. CAPS is also a founding member of Californians for Retirement Security the labor coalition focused solely on protecting the integrity the retirement plans that cover the majority of California's public employees: www.LetsTalkPensions.com

The California Supreme Court will eventually hear the appeal on the "California Rule" presented by the Marin case. For now, it is waiting on another case out of Alameda County that reached the opposite conclusion: that deputy sheriffs' retirement benefits can't be changed prospectively based on little evidence of actual financial problems. The outcome of this appeal could have far-reaching ramifications for the future of the hundreds of retirement plans that cover California public employees. CAP will continue to work aggressively to mitigate the impact on all California state employees, most importantly, California State Scientists.

Career Experience Could Boost YOUR Pay!

Many state scientists had years of scientific experience before joining the state work force. Some don't always get proper credit for it. So whether that experience was in a professional, research, or internship setting, it may count when it comes to range placement at the time of hire. Unfortunately, some state personnel staff don't give enough experiential credits at the time of hire. The result is that the new hire may be placed in a lower salary level than he or she is entitled. Even if there is a question about it, many scientists just let it go, not wanting to "rock the boat."

How Do the Departments Determine Range? Placement in a salary range is typically determined by an Alternate Range Criteria. These differ based on classification. One of the most common for State Scientists is Environmental Scientist with Ranges A, B and C. The Alternate Range Criteria for Environmental Scientist is 430, which is listed on the CalHR Pay Scales chart as "AR Crit." This can be found on the CalHR web page: www.calhr.ca.gov

You Can Have Your Range Placement Reviewed. Simply contact your local CAPS office and ask for a labor representative. Be prepared with your application from your time of hire and an updated resume, among other items. If a case can be made, CAPS will submit a Merit Issue Complaint on your behalf. This starts at the department level. If the department denies the claim, it can be appealed to the State Personnel Board. Getting a final decision can take upwards of six months, but the wait can be worth it!

What happens if the claim is successful? If your claim is granted you may be looking at back pay from your date of hire! Depending on which range you started in and when you were hired, you can be looking at a good lump sum in back pay. ***The largest award of back pay achieved by CAPS was over \$20,000!*** Not every case is a winner of course. But it may be worth a second look to ensure that you were properly credited with previous experience and correctly placed in your salary range at your time of hire. For more, contact CAPS, caps@capsscscientists.org

EnCAPSulations...

CAPS Lawsuit Gets Member Reinstated. A Petition for Writ of Mandate CAPS filed in LA Superior Court in 2017 has finally achieved its goal – the immediate reinstatement of a SoCal Environmental Scientist who was terminated because he didn't show up of for work due to a severe illness. The reinstatement was part of a settlement agreement that CAPS negotiated with state lawyers just one day before CAPS' was set to depose the Scientist's former supervisor. The case stemmed from CDFW's (erroneous) invocation of the AWOL statute in late 2016, which resulted in the ESs "automatic resignation" from state service. Another satisfied customer CAPS helped when the member needed it most.

Bereavement Leave Denial Contested. A Environmental Scientist at CDPH was told by a supervisor that his bereavement leave couldn't be utilized if it didn't involve attending a funeral service. Bereavement leave is not conditioned upon ANY ritual, religious belief or use of the time. The 3-5 days provided by Article 3.4 of the MOU is an absolute entitlement. State supervisors aren't permitted to limit use of the leave, as long as it is reasonably related to the death. In this case, the member needs to travel to another continent to assist family. A CAPS staff professional intervened and the leave was promptly granted.

Dental Deductions Corrected. A CAPS Supervisory member at CDFW contacted CAPS to request assistance in getting a help correcting incorrect dental deductions from her paycheck. Her oldest son had turned 26 and he remained on her dental coverage, yet he was removed automatically from medical coverage as required by law and policy. She caught the error and repeatedly asked her department to correct it. After 4 months of unresponsiveness and being passed between personnel liaisons, she contacted CAPS. Within a week her CDFW was able to submit documentation on her behalf and get the reimbursement for the coverage to SCO.

CAPS Insurance Premium Adjustment. Some CAPS members who have insurance through CAPS with The Standard Insurance Company will see an increase in their insurance premium deduction effective with their pay warrant received at the end of July (August 1 warrants for retired CAPS members).

Members who turned 30, 35, 40, 45, 50, 55, or 60 since **July 1, 2017** will see an age-related premium increase as specified in plan documents. (The Standard Insurance Company does not send individual letters notifying affected individuals of these increases.)

Everyone should periodically review their estate plan to ensure loved ones are financially secure in case of death or disability. If you want more information about CAPS low-cost insurance benefits, or obtaining a quote on insurance coverage— with the convenience of payroll deduction—please contact CAPS (caps@capsscscientists.org), or visit the CAPS web page: capsscscientists.org/benefits/insurance/

Reclassification Project Gets New Life

by Patty Velez, President

The 2015 Reclassification Project might have been dropped like a hot rock by CalHR—over CAPS objections—but the effort isn't totally dead.

Several CAPS members testified before the State Personnel Board on Thursday, June 14, urging resumption and completion of the Research Scientist reclassification, as well as ALL of the other classification consolidations once contemplated for State Scientists. Special thanks to the following members for attending and testifying in support: CDFA Environmental Scientist RYANNE MASON; CDPH Public Health Biologists Dr. BRIAN JACKSON and Dr. MARK NOVAK, and CDFA Scientists Dr. MARK EPSTEIN and Dr. SUZANNE LATHAM.

Our presentation followed one from CalHR led by Director RICHARD GILLIHAN. When asked why so little progress has been made on the RS reclass, he said CalHR has been focusing on larger employee pools "with greater statewide impact." Gillihan was lectured by SPB Member MAILE TOM, who told him that she's heard that rationale before, but there's no excuse. She said that State Scientists may not be large in number, "but their work is critical." She said that there is no sound rationale for lack of progress, and that State Scientists deserve better. She directed SPB Executive Officer SUZY AMBROSE to make the RS re-class a priority and she demanded regular progress updates from CalHR on the project.

Director Gillihan was clearly unhappy with being on the hot seat, but on this issue, that hot seat was richly deserved. It

was refreshing to hear such kind and accurate words about the work of State Scientists from a highly placed state official.

I understand that CalHR has two State Scientist reclassification projects in the queue – – Energy Specialist and Research Scientist. Unfortunately, progress on both of these has been pitifully slow, with no end in sight. The hearing on June 14 should hopefully light a fire under everyone involved so that both of these projects progress towards completion more promptly.

But that's not all. Every single one of the 900 or so State Scientists who haven't been given the courtesy of the reclassification review extended to other state employees deserve the same treatment.

Will reclassification result in a salary increase? In many cases, it will indeed. But not just that, reclassification can broaden promotional opportunities and hasten career advancement.

Ultimately, we would like to see more accurate, updated and coherent classification specifications in Bargaining Unit 10. A classification structure that's truly equitable and balanced, with salaries based on like-work, education and experience. If that's not possible during the final months of the Brown Administration, we will continue the aggressive fight with Governor Gavin Newsom.

Salary Equity for One and ALL State Scientists!



"It was refreshing to hear such kind and accurate words about the work of State Scientists from a highly placed state official."





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Your Duty Statement Should be ACCURATE!

Everyone in state service has a classification specification and a duty statement. But not every State Scientist has had the same experience when it comes to the development of their duty statement. Some are generic and include a wide range of responsibilities, including some that may be objectionable, like support functions. Other scientists have duty statements that are so specific to their work that it's hard to imagine how their skills will be deemed transferrable to another position when it's time to move to a new position. So which is better?

The first rule of thumb is that your duty statements should fall within the scope of your classification. You can find your classification scopes by performing a simple Google search for "CalHR + your class title." After reading your duty statement – consider whether or not the duties fall within the scope of the classification specification. If not there may be reason to seek clarification or correction. If you are doing work normally assigned to a classification with higher pay, you may have a case for "out of class" pay.

It's not unusual for a supervisor to change a duty statement with little discussion or review, then to ask the affected rank-and-file scientist to review and acknowledge the new document with a signature. If this happens, simply request a meeting with your supervisor to discuss it before signing. If necessary, call CAPS to assist. Duty statements are reviewed and signed by your supervisor, but they typically go through a review process that involves upper management and even CalHR.

A good time to review your duty statement with your supervisor is at your annual Individual Development Plan or Performance Appraisal Summary. This will help ensure that you are being evaluated against a known template. This way if there are any inconsistencies, you and your supervisor can work on the language change together. Regardless, if you have a question on the language or duties in your duty statement, contact CAPS!

