



# CAPS HEALTH



## Expecting? Here's What CAPS' Contract Does for You.

So, a little bundle of joy is on the way! Congratulations! Did you know your CAPS contract provides paid leave, workplace accommodations, and other benefits before and after your baby arrives? They include:

### **EXPECTANT MOTHERS**

Expectant mothers currently receive the greatest amount of leave and are the only party provided paid time off for the delivery of a newborn child.

### **REASONABLE ACCOMMODATION**

You may be eligible for a Reasonable Accommodation if your pregnancy makes it difficult to perform the essential functions of your job.

### **LACTATION ACCOMMODATION**

Departments shall allow a reasonable amount of break time to accommodate the expressing of breast milk; which shall, if possible, run concurrently with any break time already provided. Employers are required to, "make reasonable efforts to provide employees with a private area, other than a toilet stall, to express breast milk." CalHR encourages these departments to allow employees to make up for any unpaid break time.

### **Paid & Unpaid Leaves**

#### **JOB PROTECTED PAID LEAVE**

Enhanced Non-Industrial Disability Insurance (ENDI) is a wage replacement program afforded to CAPS members via Section 3.14 of the MOU. This program allows an employee up to 26 weeks of paid leave up to 100% of their normal salary. In order to be eligible for ENDI, an employee must participate in the Annual Leave program. See your department's HR staff if you are unsure about which leave program covers you or if you wish to change to Annual Leave. Employees in Bargaining Unit 10 are not covered by State Disability Insurance (SDI) and are not eligible for Paid Family Leave or other benefits provided through that program. Supervisors and managers do not participate in SDI. They are covered by ENDI or NDI.

#### **JOB PROTECTED UNPAID LEAVE**

CAPS MOU Section 3.5 provides unpaid leave of absence for purposes of pregnancy, child birth, recovery therefrom or care for the newborn or adopted child for a period not to exceed one (1) year.

Pregnancy Disability Leave is unpaid time off work to accommodate employees with a pregnancy disability. The law entitles you to up to four months of PDL per pregnancy. PDL leave time can be taken all at once or on an intermittent basis.

Family Medical Leave Act/California Family Rights Act (FMLA/CFRA) provides up to 12 weeks of job-protected, unpaid leave for the birth and care of a newborn child of the employee, placement of a child in the employee's family, or to take medical leave when the employee is unable to work because of a serious health condition, including a pregnancy-related disability. CAPS members are eligible for FMLA per Section 3.3 in the CAPS MOU.

### **SPOUSE OF EXPECTANT MOTHERS & ADOPTING PARENTS**

#### **JOB PROTECTED UNPAID LEAVE**

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Family Medical Leave Act/California Family Rights Act (FMLA/CFRA) provides up to 12 weeks of job-protected, unpaid leave for the birth and care of a newborn child of the employee, placement of a child in the employee's family, or to care for a spouse, son, daughter, or parent with a serious health condition. CAPS members are eligible for FMLA per Section 3.3 in the CAPS MOU. CFRA covers same-sex marriages and domestic partners (whereas FMLA does not).

# Legislative Day

On February 13, several CAPS teams comprised of members from all over California, visited 60 offices at the Capitol to make clear that State Scientists want their pensions protected, fair pay regardless of gender and ethnicity, and support for State Scientist Day.

(Left to right) CAPS Local Rep Bev Hill, Director At-Large James Thomas, CAPS Legislative Director Ted Toppin, CAPS Member Esther Tracy, CAPS Local Rep Rae Vander Werf, District III Director Justin Garcia, Assembly Member Kevin McCarty, and McCarty's Legislative Staff.



(Left to right) Director At-Large James Thomas, and CalPERS Board President Henry Jones.



(Left to right) California State Board of Equalization member representing District 4 Mike Schaefer, and CAPS Member Monty Larson.



(Left to right) District V Director Rebecca Garwood, Senator Bob Wieckowski, and District III Director Justin Garcia.



(Left to right) Secretary Margarita Gordus, District I Director Brittany Sheahan, Senator Richard Pan, CAPS President Patty Velez, and District II Director Kelley Aubushon.



(Left to right) CAPS Local Rep Rae Vander Werf, Assembly Member Lorena Gonzalez, District I Director Brittany Sheahan, and CAPS President Patty Velez.

# How a Loss in Court was Really a Win for CAPS.

*by Patty Velez, President*

In case you missed it, earlier this month the California Supreme Court ruled on *Cal Fire Local 2881 v. CalPERS*, a case that tested whether CalPERS illegally ended “additional retirement service credit” – or “air time” – when it applied the terms of a 2013 law that made changes to public pensions, mostly for new hires.

Local 2881 said CalPERS had broken the “California Rule,” a longstanding legal precedent that says public pension benefits, once promised, cannot be taken away unless offset by other benefits of similar value. Ending air time purchases (which allowed CalPERS members to buy up to five extra years of service credit for purposes of pension calculations) cut their members’ promised benefits, the union said, and therefore violated the California Rule.

The Supreme Court justices on March 4 unanimously disagreed. Air time, they said, was not a guaranteed benefit. The state had merely eliminated air time purchases going forward, while CalPERS would still honor bought credits. So, the court concluded, “(f)or that reason, we have no occasion in this decision to address, let alone to alter, the California Rule.”

Technically, Local 2881 lost. Public pension enemies rejoiced that the court ruled against a union in a pension matter. But the **decision changed nothing**, and the court left the California Rule alone. That looks like a win to me.

However, **this is not the last legal word** on public pensions. The state Supreme Court has accepted two other cases that question county pension boards’ interpretation of

the 2013 law to eliminate some forms of compensation, such as unused vacation pay, from final pension calculations. Neither case involves compensation that state employees count toward their pensions, but the legal debate could open the door to lowering benefits for current employees statewide if the court takes the opportunity to weaken or even overturn the California Rule.

It is not clear when the court will hear arguments or render its decisions. But if the rulings threaten your guaranteed pension,

**CAPS is ready to fight.**

Our union is a founding member of **Californians for Retirement Security (CRS)**, a coalition of nearly three dozen government labor organizations that represent 1.6 million active and retired public employees. CRS has fought off several

attempts over the last 15 years to cut public retirement benefits. We can do it again.

Unfortunately, public pensions are always under attack from politicians, government retirement opponents, and anti-union groups. They want to reduce the benefits you’ve been promised. They have **deep pockets**. They are **organized and determined**. They understand how to use **legislative, legal, and political power**. So our response must be just as **organized, energetic, and influential – the kind of response achieved only with CAPS’ collective strength and resources**.

Thank you for your membership in CAPS, the only organization created by State Scientists, for State Scientists that is run by State Scientists! Together, we are stronger to stand up for our pensions, pay, benefits and jobs.

*“... our response must be just as **organized, energetic, and influential** – the kind of response achieved only with **CAPS’ collective strength and resources**.”*



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## GO GREEN WITH CAPS

Have you considered "going green" by receiving CAPSule via email? You'll help conserve natural resources, contribute to CAPS' commitment to sustainability, and receive CAPSule's valuable information quickly and conveniently in your inbox. GO GREEN at: <http://capsscienists.org/resources/capsule>.

## CAPS Supports Young Scientists!

CAPS members across the State of California volunteer in regional Science Fairs each year. These members judge and award California's up-and-coming young science-minded students. The students selected are awarded the CAPS Science Achievement Award in recognition of their hard work and dedication to science in the categories that correspond with CAPS members' duties. If you'd like to learn more, visit the website at: <http://capsscienists.org/outreach/>.

