



**CAPS MINUTES - DRAFT
CAPS BOARD OF DIRECTORS' MEETING**

Holiday Inn Sacramento – Downtown Arena
300 J Street, Sacramento, CA 95814
February 22, 2020

Board Members Present. President Margarita Gordus, Vice President Daniel Ellis, Secretary Kris Wiese, Treasurer Kelley Aubushon, Directors Willard Garret, Maureen Lee-Dutra, Justin D. Garcia, David Rist, Monty Larson, David Miller, Jimmy Spearow, and Scott Bauer.

Board Members Absent. None.

Staff Present. Bianca Petzold, Brandon Cheathon, Christiana Dominguez, Jon Ortiz, Matt Austin, Nadia Compton and Ted Toppin from Blanning & Baker Associates. Aaron Read and Pat Moran from Aaron Read & Associates.

Members Present. Josh Black (DWR – Sacramento), John Franco Saraceno (DWR – Yolo), Josh Brown (DWR – Sacramento), Arin Conner (SWRCB - Sacramento), Peter Boucher (CDFW – West Sacramento).

The meeting was called to order at 10:03 a.m. Secretary Kris Wiese and Staff Consultant Nadia Compton prepared the minutes.

INTRODUCTIONS.

President Margarita Gordus opened by welcoming everyone and briefly summarized the agenda.

MEMBER COMMENTS.

Member John Franco Saraceno noted that CAPS does great work for individual representation and discussed his belief surrounding the need to increase communication, and using alternate platforms to engage the membership. Member Josh Black discussed his experience with Local Reps, and provided suggestions for their roles and responsibilities. Member Arin Conner asked that the Board would discuss options for making future Board of Directors meetings more accessible to members, specifically by holding them in alternate locations, he expressed support of worksite meetings ahead of Board Meetings, and noted he'd like to see continuation of media program that highlights State Scientist work.

REPORTS.

Staff Quarterly Report. Staff Director Bianca Petzold introduced the Quarterly Report, which condenses and highlights the most impactful news from the past quarter of CAPS' staff business. She informed the Board that the report would be available for members on the members-only section of the website after the Board Meeting. She additionally introduced the confidential

HEADQUARTERS

455 Capitol Mall, Suite 500
Sacramento, CA 95814-2483
(916) 441-2629
FAX (916) 442-4182
E-mail: caps@capsscientists.org

LOS ANGELES

215 N. Marengo Avenue, Suite 185
Pasadena, CA 91101-1528
(818) 246-0629
FAX (818) 247-2348

SAN FRANCISCO

100 Pine Street, Suite 750
San Francisco, CA 94111-5102
(415) 861-6343
FAX (415) 861-5360

Representation Report, which anonymously summarizes the currently pending individual cases of members where staff is representing and assisting them. Staff Director Petzold additionally discussed the Talking Points document – a one-page summary of issues from the Board Meeting available to attendees and Local Reps to help summarize what is discussed as business of the organization at the Board Meetings. Finally, she asked the staff consultants present for summaries of their most recent news from their respective areas.

Staff Consultant Matt Austin discussed items of business from the Pasadena office. He discussed that Range Placement issues were still rampant throughout the state, with one particularly egregious example of a member in southern California doing the work of an Environmental Protection Manager I (EMP I) while classed as a Senior Environmental Scientist (Supervisor). Additionally, a number of members at a worksite in Southern California have reported harassment from their supervisor, and CAPS is assisting those members where possible. Finally, CAPS is contesting a no “chit chat” rule at a worksite. After gathering multiple incident reports from members at the worksite, CAPS persuaded management to schedule a meeting with the union. In this case, just the idea of holding a meeting with the union got some of the issues to change, and members are reporting a much more professional environment. Because of this, the meeting has been indefinitely postponed.

Staff Consultant Austin continued, reporting on activities in the Bay Area. First, members had been encountering issues with two supervisors at one worksite in the bay area. Staff has been assisting the members and advising on possible courses of action for them. Next, he reported that rodents had been found in the first floor of the Berkeley DTSC office. Upon notification, staff immediately contacted the appropriate parties at DTSC who have assured CAPS that they have contacted building management and that the problem would be resolved within the week. CAPS will continue to monitor the situation.

Staff Consultant Nadia Compton reported recent issues in the Sacramento region. Of note was an update from two cases that had been ongoing since the previous Board’s term – two Merit Issue Complaints were won after taking them all the way to the State Personnel Board. Two Environmental Scientists had been hired at Range A, despite having seven and eleven years of cumulative experience as chemists in private industry, respectively. The Department had claimed that as the members’ work was in chemistry, their experience would be better suited to count towards experience in the chemist series, but not the Environmental Scientist Series. CAPS staff argued that as the Department had job listings posted for Environmental Scientists performing all of the work that the members had performed during their respective stint in private industry, that the members clearly worked in “comparable positions” as required by the Alternate Range Criteria prior to entering in state service, and should have been placed in Range C. The SPB agreed, and the members will receive approximately \$27,000 and \$20,000 in backpay for the Department’s mistake.

Staff Director Petzold reported that the first official hardship transfer request under the parameters of “other important considerations,” from Section 15.7 of the CAPS MOU was granted to a member.

Staff Director Petzold reported that the Department of Pesticide Regulation had recently informed CAPS that forty-one State Scientists would be moved to an office within thirteen or fourteen miles

from their current office(s). Staff had notified the affected members and nonmembers, asking for comment from the members while encouraging nonmembers to join CAPS. Finally, she reported that the Energy Commission will abolish an exam in the Commission Specialist series to update it.

Legal. Attorney Christiana Dominguez reported on the Senior Environmental Scientist (Specialist)/Senior Environmental Scientist (Supervisor) lawsuit against the California Department of Fish and Wildlife (CDFW). She reported that while the class specifications do not specifically lay out who would supervise whom, the documents establishing the classes were laid out for the court demonstrating that the Specialist class was meant to be a peer class to the Supervisor class, and that both were meant to be supervised by Environmental Program Managers. She reported that there was no timeline as to when CAPS would receive the court's decision, but that one should be rendered quickly.

Finally, Attorney Dominguez provided an update surrounding the two cases pending at the State Supreme Court that have to do with the "California Rule," which says employers can't take away pensions without giving something of equal value in return. The benefits in question in the two cases are not something state employees are entitled to, but the so-called "California Rule" considerations make these cases ones of interest to CAPS. She noted that CAPS will be watching the arguments when they take place.

Media. Research and Media Consultant Jon Ortiz reported on CAPS' recent video shoot for recruitment videos to be used in New Employee Orientations, and on social media. He noted that the previous Board had directed staff to begin working on the production, and that CAPS was able to secure access to one of American River College's science labs for shooting via contacts as a result of CAPS' sponsorship of the Sacramento Regional STEM Fair. Two sixty-second videos will be produced from the footage, one for rank-and-file nonmembers, and another for supervisory and managerial nonmembers. From the videos, shorter videos will be produced for use in member recruitment online and via social media. Mr. Ortiz reported that the spokesperson in the videos is Cassandra Maria Ramirez, a reporter from KCRA 3 News in Sacramento, who was selected by a working group involving Treasurer Kelley Aubushon, District III Director David Rist, and President Margarita Gordus.

Social Media Consultant Brandon Cheathon presented CAPS' social media activities. Of note was CAPS' Legislative Day, which garnered new followers from the legislature. He explained that all the events CAPS holds are the bread and butter for CAPS' social media presence, and help expand CAPS' reach and influence.

OFFICERS AND DIRECTORS.

President. President Margarita Gordus thanked the members who attended the worksite meeting the previous day. She reported that CAPS would be participating in CalEPA Earth Day on April 1. She also reminded Board members that should they wish to send out personalized messages to members in their respective districts or regarding their specific Committee work to reach out to her, noting that the important thing was to coordinate with each other.

District III Director. Director Justin D. Garcia reported that since the last Board of Directors meeting, he had participated in several Meet and Confers with the California Department of Fish and Wildlife (CDFW) surrounding the move of 375 CDFW staff to West Sacramento. He noted that the next step will be to discuss organizing in the new building with the CAPS Meet and Confer Subject Matter Experts. He also reported that he'd held a District III Local Rep meeting on December 19th, which saw a decent turnout of local reps from at least five major state agencies, and included President Gordus and Director At Large Jimmy Spearow. He noted that the Local Reps had discussed various issues they had encountered at their worksites, the referral program, and goals for increasing CAPS' membership.

Director At Large. Director David Miller reported that he had a lot of members at DTSC approach him and mention that they'd been told not to "chit-chat" even about work-related things. They're being told to go through their supervisor, and management is reporting that the directive is coming from above them. He also noted that DTSC had issues with the medical monitoring program that the Department's Chief Industrial Hygienist has publicly acknowledged. Director Miller urged CAPS to encourage anyone else who reports the issue to request to go somewhere else. Finally, Director Miller reminded the Board that he also sits on the CalPERS Board of Directors, and requested that if any CAPS members have questions or need help with CalPERS matters, to feel free to contact him at his CalPERS email: david.miller@calpers.ca.gov.

COMMITTEE REPORTS.

Bargaining. Chair Margarita Gordus reported that the Bargaining Team had met in December and held a four-day orientation and training, noting that this was the first of its kind for CAPS, and that reactions from the Team would be used to improve the training for the next team. She summarized some of the training, noting that they'd done mock bargaining in both the traditional positional bargaining style and as Interest-Based Bargaining. She additionally reported on the Committee's work to entirely revamp the Bargaining Survey and thanked the Team for their efforts. She reported that fair and equitable pay is CAPS' number one priority, and that the survey would help the Team set additional priorities and explain those priorities to CalHR. Chair Gordus went on to note that CAPS' data request of CalHR is also the most robust CAPS has ever requested, and that it had been sent to CalHR on January 24. CAPS had received no response yet.

She also discussed the Team's effort to hold pre- and during-bargaining worksite meetings, noting that they cannot do as many as are possible post-bargaining, but that the first one had been held at the Meadowview CDEFA lab on February 13th, one was scheduled the next week in San Diego, two were scheduled in southern California during the first week of March. She noted that once the schedule is set with CalHR, they can look into the possibility of more dates.

Chair Gordus went on to report that they had received confirmation from CalHR that the first meeting would be March 5, 2020.

Discussion was held surrounding the possibility that expanding the educational pay differential beyond what is minimally required by the classification may unintentionally create an issue where scientists who perform the same work as their peers will not be paid the same, based on educational differences.

Budget. Chair Kelley Aubushon reported on the 2019 Budget. Discussion ensued, regarding end of year numbers. She also presented the 2020 Draft Budget that was agreed to and brought forth by all members of the Budget Committee and noted that the Committee has intentions of meeting quarterly.

Executive. Chair Margarita Gordus reported that the Executive Committee had met. Chair Gordus requested that Board Members book hotel rooms through staff to ensure CAPS rooms are booked as close to the federal rate as possible, per Executive Committee direction and allowance. Chair Gordus additionally reported on other items the Committee had discussed, including the possibility of union leave for Board members, the possibility of a consent calendar for Board Meetings, and the Pocket Guides to Labor Relations.

Governmental Affairs. Chair Scott Bauer reported that the Committee had met the day before and discussed the Governors proposed California State Budget, which this year \$222 Billion. The budget should leave \$625 Billion in reserves. Funding for the State Scientists' July 1 raises are included in the budget, and the Supervisory State Scientists' raises are included, as well. Additionally, the proposed budget includes money for 110 new scientific positions. Chair Bauer went on to report that the Committee had discussed a consolidation surrounding cannabis staff at each various state agency and that a Legislative Bill Summary had been provided to the committee, who would be reviewing them in the coming weeks. He noted that some Board members may be reached out to by the Committee for comment on proposed legislation, based on their individual expertise. Chair Bauer also reported that Assembly Member Rob Bonta had sponsored ACR158 – the resolution to establish May 6, 2020 as State Scientist Day.

Lobbyist Pat Moran reported that CAPS had testified in support of CalPERS Director Eraina Ortega at the Senate Rules Committee in support of her confirmation, noting that she was very appreciative of the support. Lobbyist Aaron Read reported that Friday, February 21, 2020, had been the last day to introduce a bill for the 2020 session, and that in the previous four days, 1,450 bills had been introduced. Finally, Chair Bauer thanked staff for putting together a successful CAPS Lobby Day, and he also thanked all of the attendees for doing a great job advocating for CAPS' Legislative Goals for 2020.

Political Action. Chair Kris Wiese presented two motions for the Board, presented on behalf of the Political Action Committee (PAC). The first was to add Anne Kepner for Assembly District 25 (D-Santa Clara), Lisa Calderon for Assembly District 57 (D-Los Angeles), and Brian Mainenschein for Assembly District 77 (D-San Diego) to CAPS list of endorsements of legislative candidates in 2020. It was noted that all recommended candidates have positive relationships with CAPS, have returned questionnaires aligning with CAPS' interests, and/or have actively sought CAPS' endorsement. Next, Chair Wiese presented a motion to maintain CAPS' membership in Californians for Retirement Security, an organization of which CAPS is a founding member. Discussion surrounded what other labor organizations were involved, and what interests are represented by CRS.

Representation. Chair Justin D. Garcia gave a presentation on the CAPS referral program, noting that it was rolled out by the last Board of Directors. He noted that since it was rolled out, forty-six members had been recruited. He also reported that the committee had evaluated one arbitration request and the possibility of providing Labor Notes training materials to Committee and District

Directors, as well as some Local Reps. Finally, he reported that the Committee is planning to have Local Rep meetings scheduled out for each calendar year for each district, with an additional statewide Local Rep meeting for all reps. He noted that future discussions will surround swag for Local Reps and the implementation plans for the other items noted. Finally, Chair Garcia introduced a motion to approve two CAPS members as new Local Reps.

Member and Communications. Chair Aubushon reported on the proposal to establish an annual worksite meeting schedule. She noted that it had cross committee support from both her committee and the Representation Committee. President Gordus noted that with no opposition, the pre-set meeting schedule proposal would move forward under the Member and Communications Committee.

ROUNDTABLE.

Board Meeting Information to Members. Discussion was held regarding the idea of webcasting the CAPS Board Meetings. It was noted that the topic has been held many times in the past, but since this board is new, the Board should discuss it. Discussion included privacy and confidentiality concerns, difficulty of editing content, and the costs of doing so. Presumably, members request video because they'd like more face-to-face interaction with the Board and they'd also like to have more input. It was noted that Board Meetings are held to accomplish the business of the Board. Increasing the number of worksite meetings should help members feel better about the business accomplished by CAPS.

Strategic Plan. Discussion surrounded the application of the CAPS Strategic Plan set by the 2015-2017 CAPS Board of Directors, and the necessity for the Committees to lay out what they would like to accomplish over their term. President Gordus noted that the Executive Committee would hold a meeting before the next Board Meeting to formulate the major overarching goals of CAPS, and requested that committees lay out their goals for the Board term.

ACTION ITEMS.

Staff Director Petzold reviewed the action items that had resulted from the meeting with the Board.

MOTIONS.

Motion (20-01). CAPS Budget Committee moved that the CAPS Board of Directors hereby adopts a budget for the 2020 calendar year with a projected income of \$2,037,424, projected expenses of \$1,979,975, and an estimated surplus of \$57,449. **The motion passed unanimously.**

Motion (20-02). The CAPS PAC Committee moved to approve CAPS' endorsement of legislative candidates as outlined in the February 21, 2020 memo from CAPS PAC Chair Kris Wiese to the CAPS Board. **The motion passed unanimously.**

Motion (20-03). The CAPS PAC Committee moved to maintain CAPS' membership in Californians for Retirement Security to protect the defined-benefit pensions of CAPS members and all public servants by approving CAPS 2020 dues of \$10,000 payable from the PAC. **The motion passed unanimously.**

Motion (20-04). The CAPS Representation Committee moved to approve Esther Tracy (DWR – Sacramento) and Jacqueline Tkac (SWRCB – San Louis Obispo) as CAPS Local Reps. **The motion passed unanimously.**

Motion (20-05). Secretary Wiese moved, seconded by President Margarita Gordus, to approve the minutes of the November 2, 2019 CAPS Board of Directors meeting, as amended. **The motion passed unanimously.**

Motion (20-06). President Gordus moved, seconded by Director Spearow, to adjourn the meeting at 3:36 p.m. **The motion passed unanimously.**

The meeting adjourned at 3:36 p.m.