



CAPS UNITE

Opportunities in Challenging Times.

by Margarita Gordus, President

These are somber and challenging times for everyone. As I write this, there have been more than 6.4 million cases of COVID-19 worldwide and 380,000 of those have been fatal, according to Johns Hopkins data. The global economy is in a recession. The U.S. unemployment rate is reaching Depression-era levels.

Now the menace of COVID-19 has infected the state budget and spread to the bargaining table. California State Scientists, and all state employees, have been asked to sacrifice.

This is profoundly disappointing news, but we must stick together. CAPS exists for these moments.

As I explained in a CAPS Alert email on May 14, the State of California faces a budget deficit of \$54.3 billion between now and July 1, 2021. This is driven by the pandemic's impact on public health and the state economy. In response, Governor Newsom's revised budget for fiscal year 2020-21 proposes cuts to nearly every state-funded program. Unfortunately, it does not spare state employees' compensation.

CAPS and all the other state unions have been asked to bargain new agreements that reduce employee costs by 10% from current levels. Units without new agreements will be put on furlough two days per month, starting July 1. There have been questions about whether the Legislature and the Governor can furlough CAPS members without violating the non-mandatory-furloughs language in Section 3.12 of our contract. The short answer is, the Administration, with legislative approval, believes they can. Our CAPS legal staff and legislative advocates will be providing guidance to the CAPS Board of Directors (BOD) on options and alternatives.

The Administration also did not include bargaining units' contracted raises in the budget, including CAPS' 5% pay increase on July 1, the last day of the current Memorandum of Understanding (MOU). If the raises are not funded, they will not be reflected in the salary scales. Administration officials have told us that raises will be "pulled back," and it is something the Administration will be discussing with all unions at the bargaining table. However,

administration officials were clear that suspending the raise will not count toward the 10% pay reduction. Discussions about this are ongoing at this time.

The administration has proposed some relief. It would suspend the payment state employees make to pre-fund retiree health care, starting July 1. That would save State Scientists 2.4% of salary per month. And the Governor said he would reconsider the employee compensation cuts if Congress provides funds to close the budget deficit.

In all of this bad news, there is an opportunity for creative thinking. What solutions meet the needs of both parties with the least damage? Are there non-monetary benefits CAPS can bargain for to ease the pain? Can we use these challenging circumstances to include creative solutions to address our salary lags once the economy starts to recover?

You may be asking, "What's the point of bargaining? If the Legislature can impose furloughs, why bother?" Collective bargaining gives you, the worker, a voice. It gives you the right to inform and influence the course of your career. The benefits we have were forged and built through decades of collective bargaining.

"During this unprecedented crisis, the Governor decided to do things differently. His representatives reached out to CAPS, to allow you to have a voice in finding solutions."

Think about it. The State of California, which has enormous power to tax, spend, make laws, enforce

laws, and regulate global industries – that's your employer. The State has to bargain with you. During the 2009 furloughs, the Schwarzenegger Administration didn't come to the Unions to work together to find solutions, and chaos followed. During this unprecedented crisis, the Governor decided to do things differently. His representatives reached out to CAPS, to allow you to have a voice in finding solutions.

This sober, challenging moment makes CAPS more relevant than ever. My colleagues on CAPS' Board of Directors, other CAPS leaders, and I genuinely appreciate your support. With your backing, we are fighting to preserve your livelihood, the quality of your workplace, and your ability to serve California with the fact-based science vital to sound law and public policy. We are stronger together.

What CAPS Members Need to Know About ...

<i>Alameda County Deputy Sheriff's Association v. Alameda County Employees' Retirement Association</i>	
What is it?	A case argued before the California State Supreme Court on May 5 that tests the "California Rule," a 70-year string of court decisions that say a government employee's promised public pension can't be reduced in value without a replacement of equal value.
Who sued and why?	Alameda County's pension fund eliminated workers' ability to count special payments – on-call pay, extra pay for working outside normal hours, and leave balance cashouts – toward their pensions. The fund cited a 2013 state law that clearly reduced benefits for new hires to justify imposing the same terms on all employees. The deputies' union sued to keep those factors in their pension formulas.
Why does this matter?	The State says only earned retirement benefits are guaranteed, so the county pension fund could legally reduce pension benefits going forward, prior to an employee's retirement. The union says the county violated the California Rule by reducing the value of pensions promised to deputies when they were hired years ago, before the law took effect. If the Court rules against the union, it could give legal cover to prospectively reduce the value of current public employees' pensions. Earned defined-pension benefits could be frozen, with employees then moved into a lower-value, less-secure retirement plan.
What else could happen?	The Court could uphold the California Rule or simply decide whether the specific special payments should count toward the deputies' pensions – and avoid the California Rule question.
What's next?	The Court has until August 3 – which is 90 days from the date of the oral arguments – to issue a ruling.

CAPS Awards 5 Professional Development Grants

One of the many benefits of CAPS membership is highlighted each quarter when the Member Benefits Committee awards Professional Development Grants to deserving State Scientists. First Quarter 2020 winners include:

Staff Toxicologist Donald Greenlee, with the **Department of Toxicology** in Chatworth, used the grant to defray the cost of his annual dues for membership in the Society of Toxicology. Its 8,000 members come from academic institutions, government, and industry, and represent individuals who practice toxicology around the world.

Research Scientist Supervisor II Stephanie Abromaitis works for the **Department of Public Health** in Richmond. She won a grant to offset costs she incurred to attend the Northern California American Society for Microbiology (ASM) Fall 2019 Seminar at Santa Clara University. The ASM is the world's largest scientific society of individuals interested in the microbiological sciences.

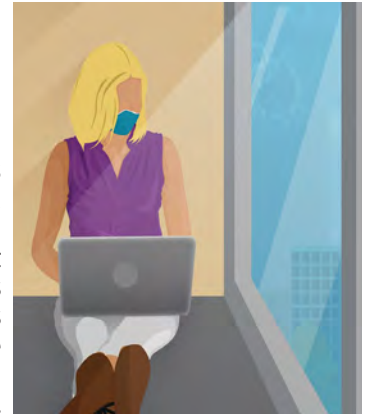
Abayomi Sonuyi, who works in Corona for the **Department of Corrections** and Rehabilitation as an Associate Hazardous Materials Specialist, attended The Continuing Challenge Hazmat Workshop last year. Her CAPS grant helped pay the cost for attending the event last fall in Sacramento.

Senior Environmental Scientist (Supervisor) Hans Sin, works for the **Department of Fish & Wildlife** in San Diego. The CAPS grant reimbursed some of the cost he incurred to attend the Seabird Group Conference in La Paz, Mexico, which gathered seabird researchers and managers from around the Pacific Rim.

Russell Barabe, an **Environmental Scientist** at the **Department of Fish & Wildlife** in San Diego, used his grant to offset travel and lodging cost incurred to present a research manuscript at the Catfish 2020 International Symposium in Little Rock, Arkansas. The February event focused on the conservation, ecology, and management of catfishes.

CAPS Benefits Committee usually awards four grants of \$400 each in January, April, July, and October to fund professionally enhancing projects or experiences, including conferences. However, COVID-19 mandates canceled many of those events after grant applications were filed. For that reason, the Committee split one grant between two deserving applicants.

CAPS and the Great Telework Experiment



For years, the State of California has officially supported teleworking, but it took COVID-19 to force the issue. Now the State and the nation have engaged in the Great Telework Experiment, and the indications are that government employees have been even more productive working from home.

That's no surprise. A well-designed and reasonably implemented telework policy benefits taxpayers and employees. Our Memorandum of Understanding (MOU) even has an unambiguous provision for teleworking, Article 7.10:

*Where operational considerations permit, a department may establish a telework program. If the telework arrangement conforms to telework criteria established in the department's telework policy and guidelines, **no employee's request for telework shall be unreasonably denied.***

Of course, many tasks State Scientists perform can't be done at home. Access to laboratory equipment, secure computers, and work that must be carried out in the field are just a few obstacles to teleworking. State veterinarians can't fight virulent Newcastle disease in Southern California from a home office.

Still, many tasks CAPS members perform can be handled from home. And the benefits of government telework to taxpayers and, yes, to civil servants themselves, have been proven over the last few months as hundreds of thousands of federal, state, and local government employees have stayed home for work. Here are just a few examples that have been in the news:

The Social Security Administration has deeply cut into its work backlog, is answering calls more quickly, and refund checks are going out faster since it was forced to have 53,000 staff work from home.

The federal General Services Administration (GSA) had an active telework program before COVID-19. About 8 in 10 of GSA employees telework, which saves \$24.6 million in real estate expenses and \$6 million in administrative costs each year.

In the last few weeks, the Pentagon has added 900,000 users to a system that gives employees access to chat, videoconferencing, documents, and file sharing with other collaborative tools from their homes. Voice of America, federally-funded international news broadcast service, quickly purchased more laptops to bring more than 80% of its employees online.

Telework improves air quality by taking commuter cars off the roads. It can provide employees a financial benefit by reducing their fuel, parking, and vehicle maintenance expenses. In this new COVID-19 era, the more employees who work from home, the fewer employees will pack into office spaces. And that will help with social distancing and promote healthier workplaces.

Certainly, telework can have its downsides. A telecommuting staff requires a different management approach, and requires departments equip employees with the appropriate work-from-home tools, such as laptops. Professional isolation can harm an employee's sense of well-being and career development. And some people simply won't adapt well to working from home; telework won't make them better employees.

But the Great Telework Experiment appears to be working. CAPS knew it would, which is why we have the MOU terms to promote it.



CAPS in Your Corner

COVID-19 forced the State of California to change the way it does business, and CAPS' responsive, skilled representation staff is helping members navigate the new – and sometimes confusing – landscape. For example, CAPS' MOU provides for telework, but departments have not consistently applied work-from-home policies. Three recent cases illustrate how CAPS has represented and advised members about the issue:



One department required State Scientists to go to their offices daily for permission

to work from home. CAPS made a phone call. Within 24 hours, the check-in policy stopped.

Members in one unit reported they had received permission to telework just two days per week, although their duties could be handled from home full-time. CAPS suggested they request full-time telework in writing and send the written refusal to CAPS for action. Rather than document a denial that until then was merely verbal, all State Scientists in the unit were granted full-time emergency telework.

CAPS empowered a member who was denied telework because they had been deemed "essential." After providing information about telework policies and essential and non-essential classifications for telework purposes, the member successfully argued to work from home.



CALIFORNIA ASSOCIATION OF PROFESSIONAL SCIENTISTS

455 CAPITOL MALL, SUITE 500
SACRAMENTO, CA 95814

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**stay home
stay safe**

