



July 19, 2011

Jennifer Garten
Department of Personnel Administration
Legal Division
1515 S Street, North Building, Suite 400
Sacramento, CA 95811

Re: Salary Adjustments for State Supervisory Scientists

Dear Ms. Garten:

I am writing regarding supervisory scientist pay issues. As you are likely aware, the May 25, 2011 appellate decision in CAPS v. Finance, et al., Case No. C063118, included language concerning the amount of the appropriation needed to fund the salaries for certain state supervisory scientists. The court noted that the Department of Personnel Administration would submit the amount needed for the additional appropriation to increase salaries for employees in the 14 classifications covered by the Director's April 28, 2008 Decision to the Department of Finance. While the court held Finance has no obligation to place that amount in the Governor's proposed State Budget, Finance is nevertheless statutorily required to take the information given to it by DPA and send that information to the appropriate legislative committees.

At page 11 of the slip decision, the court says that Government Code section 13337 subdivision (f), "requires Finance to submit to the committees... 'copies of budget materials submitted to it' by state agencies for Finance's approval. Thus, the Legislature will be informed of the need for additional appropriations to fund the adjusted salaries..." The referenced "budget material submitted to it by agencies" in Section 13337 subdivision (f) is material submitted pursuant to Article 2, commencing with Section 13320.

In short, the court is saying that by applying these code sections, the amount of the appropriation needed to fund the salaries "determined" by the DPA for the 14 classifications of scientist supervisors will be submitted to Finance by DPA. Finance will then take the DPA information and provide it to the appropriate Assembly and Senate committees and the Joint Legislative Budget Committee.

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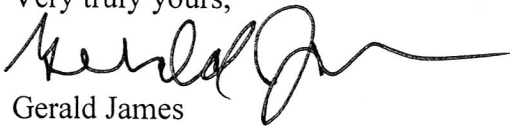
As a starting point for confirming whether these statutes have been followed in the manner the court outlined, CAPS seeks information from DPA regarding what information DPA has provided to the Department of Finance regarding these salaries.

Has DPA submitted information to the Department of Finance each year under Article 2, Section 13320 et seq., regarding these salary adjustments? If so, please provide CAPS with a copy of the information provided to Finance in connection with the 2009-2010, 2010-2011 and 2011-2012 State Budgets.

If this information was not provided to Finance under Article 2 in connection with the preparation of State Budgets for prior fiscal years, please confirm that DPA will provide Finance with this information in connection with the preparation of the 2012-2013 State Budget.

Thank you in advance for the requested information. If you have any questions about this request, or if there is someone different at DPA that CAPS should follow up with, I can be reached at (916) 441-2629.

Very truly yours,



Gerald James
CAPS Counsel