

# USE CAPS VOTE

OCTOBER ISSUE: #20-10  
[www.capsscientists.org](http://www.capsscientists.org)  
[caps@capsscientists.org](mailto:caps@capsscientists.org)



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# VOTE!



If you haven't already, please vote by November 3rd, whether by dropbox or in person. And as you consider filling out your ballot, please take a moment to review CAPS' 2020 Legislative Candidate Endorsements, which lists both incumbents and challengers who have been vetted by CAPS' Political Action Committee (PAC) and endorsed by the CAPS Board of Directors.

CAPS does not endorse candidates based on political parties. Instead, CAPS supports candidates who show they share State Scientists' priorities: protecting and improving members' pay, pensions, healthcare benefits, and enhancing any other terms and conditions of employment.

Of course, CAPS respects our members' differences, including our political diversity. Generally, CAPS does not take a position on issues or candidates not pertinent to members' terms and conditions of employment or CAPS' legislative objectives.

Please vote. And if you have already voted, CAPS applauds your participation in our nation's vibrant democracy.

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## CONTACT US

### SACRAMENTO

455 Capitol Mall  
Suite 500  
Sacramento, CA 95814  
(916) 441-2629

### LOS ANGELES

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

### SAN FRANCISCO

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

### CAPS INSURANCE

(415) 958-1344



PLANNING  
TO USE  
MENTORING  
LEAVE?  
BE CAREFUL

As schools slowly reopen and the end of the year approaches, you may be thinking about taking mentoring leave. The benefit is still available under the terms of CAPS’ 2018-20 MOU, which remains in effect until a successor agreement has been bargained and ratified.

Unit 10 employees can receive up to 40 hours of mentoring leave credits per calendar year. You receive the credits after donating your time. To be eligible, you must pass probation for a permanent appointment and commit to mentoring for a minimum of one school year through an organization that meets quality assurance standards per the [Governor’s Mentoring Partnership](#). Involvement with STEM fairs also qualifies. For more details, please see [Section 3.16 and 3.17](#) of CAPS’ MOU.

As a State Scientist, you know the risks of exposure to the novel coronavirus that triggers COVID-19, but CAPS would be remiss if this went unstated: Be careful. Practice all the social distancing, hygiene, and masking protocols of federal, state, and local public health officials. And if you find yourself in an unsafe situation, leave.

CAPS Bargaining Update  
MEMBERS’  
LETTER EXPLAINS  
HOW SALARY LAG  
HAMPERS PUBLIC  
HEALTH PROGRAM

The CAPS Bargaining Team (CAPS Team), the departments of Human Resources (CalHR) and Finance (DOF) have reached the most difficult point in bargaining talks for a new Unit 10 Memorandum of Understanding (MOU): the disparity between State Scientists’ salaries and the salaries of Unit 10 supervisors, managers, colleagues within State

service who perform the same work for significantly more pay, and our Federal government and academia counterparts who also are paid significantly more.

As explained in the September [CAPSule](#) and in Bargaining Update emails to members, the CAPS Team and the State agreed to Interest-Based Bargaining (IBB) to find a solution. Unlike conventional labor negotiating that assumes a meeting of adversaries bent on winning at the other party’s expense; IBB seeks collaboration to achieve mutually beneficial outcomes. But for that to occur, each side must understand their counterpart’s “story,” namely, the reasons that underpin each side’s perspectives on the issues being bargained.

The CAPS Team has presented the salary story in various ways. Subject matter experts from the CAPS membership have made presentations during bargaining sessions. CAPS Team members

have retraced the 15-year [history of Unit 10 salary relationships](#), and how pay inequities have damaged morale and compromised the State’s ability to hire and hold on to scientists for vital programs that protect public health and the environment, secure California’s food supplies, and provide clean water.

Concerned CAPS members have written cautionary testimonies about what they have experienced personally and witnessed in the workplace. This [link](#) opens a powerful example of such a letter coauthored by State Scientists working in the Department of Toxic Substance Control’s Safer Consumer Products Program. It was provided to CalHR during a recent bargaining session.

The State’s story can be summarized in a word: Money. CalHR, with DOF present, says the State is in the midst of a budget crisis and can’t provide the salary increases the CAPS Team has suggested

would close the vertical and horizontal pay lags. In fact, at the time of this writing, CalHR has not acknowledged a salary lag exists because it relies on salary survey data ([The Total Compensation Report](#)) that the CAPS Team maintains is deeply flawed, as detailed in the October 13 [Bargaining Update](#) to members.

Still, bargaining has produced some modest understandings. Although CalHR does not acknowledge State Scientists’ compensation lags what employees in other units receive for similar or comparable duties and responsibilities, it now recognizes that historical salary relationships among classes in Unit 10 have been disrupted.

The CAPS Team will continue to bargain with the State for a new MOU. Look for Bargaining Updates in your email as events unfold.

President’s Column  
Margarita Gordus

CAPS BARGAINING TEAM:  
DIVERSE, DEDICATED, DETERMINED

As President of CAPS, I have the privilege to work with our Board of Directors, 11 of the most committed, thoughtful leaders in all of California public service. They volunteer their time and talents to oversee CAPS’ operations, serve on committees, and promote the issues that matter most to CAPS members: achieving competitive pay, maintaining excellent benefits, protecting pensions, and ensuring State Scientists’ job security.

Five of my colleagues give an extra measure: The CAPS Bargaining Team (CAPS Team). As the CAPS’ Team Chair, I am endlessly amazed at their sacrifice, patience, creativity, and unwavering dedication to achieving the best Memorandum of Understanding (MOU) possible for Bargaining Unit 10.

They work long hours to prepare for and attend online bargaining sessions that can fill an entire day. And they endure the stress that goes with speaking for thousands of colleagues whose livelihoods, families, and careers will be affected by the agreement they bargain.

Some are relative newbies to the State. Others are eying retirement. The CAPS Team members are male and female, ethnically, and professionally diverse. Some have bargained before; others are bargaining for the first time.

As the Bargaining Team Chair, I know that what binds us is our dedication to you. Every CAPS Team member is passionate about fixing the Unit’s long-standing salary lags. Every Unit 10 rank-and-file classification is gravely underpaid when compared to counterparts who do the same work, whether California state engineers, or scientists in Federal government. These salary lags are unjust for State Scientists, unsustainable for state scientific programs, and unhealthy for California’s residents, vital environmental resources, and vast economy.

I’m proud to serve with the CAPS Team. Please take a few moments to meet my colleagues.

MARGARITA GORDUS  
CAPS President and  
CAPS Bargaining Team Chair

Job Classification / Employer  
Sr. Environmental Scientist  
(Specialist) / Dept. of  
Fish & Wildlife, Fresno

Joined State Service 2001

CAPS History  
CAPS Local Representative and District II Director in  
2007. Board District Director, Secretary, or President  
(elected 2019) for 12 of the last 13 years.

Bargaining History  
Fourth-time serving on the CAPS Team, first as Chair.

Why I wanted to be on the CAPS Team  
As a fourth-generation union member, I’ve seen the  
benefits of what union contracts can provide working  
class Americans. I have also seen how those benefits  
have eroded over the years. I wanted to help maintain  
and improve our Unit’s contract, because we need to  
invest more to recruit and retain talented State Scientists  
whose vital work protects California’s natural beauty and  
enhances our quality of life.



DANIEL ELLIS  
CAPS Vice President

Job Classification / Employer  
Environmental Scientist /  
State Water Resources  
Control Board, Sacramento

Joined State Service 2017

CAPS History  
Vice President since 2019.

Bargaining History  
First time serving on the CAPS Team.

Why I wanted to be on the CAPS Team  
The salary inequities for state scientists in California had  
gone on too long. I wanted to contribute my experience  
working with agencies secretaries on salary issues to the  
Team. I hoped these conversations would be useful in  
advancing CAPS’ salary equity goals in bargaining.



DAVID RIST  
CAPS District IV Director

Job Classification / Employer  
Senior Environmental Scientist  
(Specialist) / Dept. of Toxic  
Substances Control, Berkeley

Joined State Service 1988

CAPS History  
CAPS Local Representative, four years.  
District IV Director since 2015.

Bargaining History  
Third time serving on the CAPS Team.

Why I wanted to be on the CAPS Team  
I accepted appointment on the Team to explore and  
introduce new bargaining strategies and tactics after  
years of watching the Unit 10 salary issue go unresolved.  
Fixing the Unit 10 salary issue is also personal for me,  
as resolving it will have a positive effect on all State  
Scientists and the departments and programs in which  
they work.



MAUREEN LEE-DUTRA  
CAPS District II Director

Job Classification / Employer  
Veterinarian /  
Dept. of Food and  
Agriculture, Tulare

Joined State Service 2012

CAPS History  
CAPS Local Representative, five years.  
District II Director since 2019.

Bargaining History  
First time serving on the CAPS Team.

Why I wanted to be on the CAPS Team  
I wanted to be more engaged in the bargaining process.  
Being a member of the Team is being a liaison for my  
fellow union members, and I felt that I could carry that  
responsibility effectively.



JUSTIN D. GARCIA  
CAPS District III Director

Job Classification / Employer  
Environmental Scientist /  
Dept. Fish & Wildlife,  
West Sacramento

Joined State Service 2011

CAPS History  
CAPS Local Representative, three years.  
District III Director since 2017.

Bargaining History  
Second time serving on the CAPS Team.

Why I wanted to be on the CAPS Team  
Collective bargaining is the most important power  
working people have in determining their future. State  
Scientists and their families shouldn’t have to struggle;  
collective bargaining is key to winning fair and equitable  
compensation, geographic pay equity, paid family and  
parental leave, increased workplace rights and safety,  
and dignity for our labor.



JIMMY SPEAROW  
CAPS Director-At-Large

Job Classification / Employer  
Staff Toxicologist (Specialist) /  
Dept. of Toxic Substances  
Control, Sacramento

Joined State Service  
University of California in 1989;  
DTSC since 2007.

CAPS History  
Director-At-Large since 2019.

Bargaining History  
First time serving on the CAPS Team.

Why I wanted to be on the CAPS Team  
State Scientists require a high level of education and  
perform critical roles protecting the people, agriculture,  
and environment of California. I experienced the  
frustration of highly dedicated professional State  
Scientists working for many years without pay equity. I  
accepted appointment to the CAPS Team: to explain the  
effort, expense, and importance of required scientific  
education and training; the need to use the best science  
to solve problems facing the State; and, the need for pay  
equity for State Scientists.





## YOUR 2-MINUTE CAPS CONSULTATION

**When do I qualify for overtime?** According to CAPS' last [Memorandum of Understanding](#) and the federal [Fair Labor Standards Act \(or FLSA\)](#), if you are in Work Week Group 2, the overtime clock starts after you have worked 40 hours at any time during the workweek. Your workweek lasts seven calendar days, and the clock resets to zero once a new workweek begins. A common misconception is that overtime starts after 8 hours in a workday.

Unit 10 supervisors, managers, or employees whose jobs are "[exempt](#)" from the FLSA (or are in Work Week Group E) do not qualify for overtime. (Licensed veterinarians, including CDFA and CDFW licensed Veterinarian Specialists and Staff Toxicologists, can qualify for OT when assigned to an Incident Command Structure response, such as the inter-governmental fight against virulent Newcastle disease in California.)

**Consultant's Tip: Give your personnel file a checkup at least once every three years.** The State keeps an official personnel file that can travel with you from job to job throughout your career. The file contains your performance evaluations, notes on your conduct, counseling memos, disciplinary actions, and qualifications for employment, promotions, additional pay, and the like.

Nothing in the file should surprise you. CAPS' [MOU](#) and civil service regulations require your employer to present all materials for your review before they become part of the record. The MOU also provides you the right to access your file and to add your written responses and supplemental materials to any negative documents it contains.

Departments can specify how long documents remain in the file. HOWEVER, you can request a purge of all negative documentation that has been in the file for at least three years. (One exception: formal adverse actions.)

So, if it has been three years or longer since your file has had a checkup, make an appointment with your HR department to review the documents – and keep your career healthy.

## CAPS AWARDS \$400 PROFESSIONAL DEVELOPMENT GRANTS

As one of the many benefits of membership, CAPS' Professional Development Grant Program provides up to four quarterly \$400 awards to support scientific research and professional development activities that are not fully funded by the State. The Member Benefits Committee is pleased to announce grants for these four deserving members:

**Scott Monday**, an Environmental Scientist based in the Fortuna office of the Department of Fish & Wildlife, will spend his grant funds on waterproof time-lapse cameras. He needs the equipment to observe streamflow conditions in hard-to-access areas that affect coho salmon on the Mendocino Coast. The information Scott gathers will assist his work to restore the habitat of the endangered fish.

Environmental Scientist **Michael Turgeon**, who works for CalRecycle in Sacramento, is using his grant to offset tuition costs for classes in the Public Policy and Administration Program at Sacramento State. He wants to earn a Masters Degree, he wrote in his application, to further his career "as a policy-oriented State Scientist."

**Thaddeus Hunt**, a State Water Resources Control Board Environmental Scientist in Sacramento, is applying his award to offset some of the tuition costs for UC Irvine's Emergency Management and Disaster Recovery Program. Work on the Camp Fire recovery project and COVID-19 contact-tracing duties have inspired Thaddeus to enroll in the program as part of a shift in career focus to emergency management and disaster recovery, fortified by his science education and experience.

The final winner, Veterinarian **Megan Mott**, is based in Redding, where she works for the Department of Food and Agriculture. Megan applied for a grant to partially cover the costs for the online Geographic Information Systems Specialization Program offered by UC Davis. "After being a responder in the recent Newcastle Disease Incident," she wrote, "I developed an interest in specializing as a veterinary epidemiologist within CDFA." The five-course program offers a certificate of proficiency in Geographic Information Systems, which is fundamental knowledge for epidemiologists in disease response.

The Member Benefits Committee prefers disbursing awards among members in various state departments and agencies, to the extent possible. Four award recipients are chosen each January, April, July, and October for the prior quarter. More details about the members-only grant program and a downloadable application are available online at [capsscscientists.org/application/benefits/grant](https://capsscscientists.org/application/benefits/grant).