

THE CAPS JOURNAL

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**CAPS
in Your
Corner**

CAPS HOLDS EMPLOYERS ACCOUNTABLE, MEMBERS BENEFIT

One of the many benefits of CAPS membership is access to experienced staff consultants – workplace representatives and attorneys – who intimately understand the Unit 10 Memorandum of Understanding (MOU) and civil service laws, policies, and regulations that affect all State Scientists.

That expertise matters because contracts, statutes, policies, or regulations are never better than their real-world application. CAPS' representatives have the knowledge and experience to hold the State accountable for the wages, benefits, and other terms and conditions of employment guaranteed in our MOU and by law.

Disagreements arise. Honest mistakes happen. But an individual, alone, is at a disadvantage when disputes occur with the State.

CAPS' proven record of holding employers accountable to the MOU and civil-service laws is one illustration of our collective power. Human Resources staff and labor relations officers statewide know CAPS' reputation for effective, knowledgeable advocacy on behalf of members. If a CAPS representative or attorney raises an issue, employers know there's a good reason.

Here are three recent cases of members who contacted CAPS for help and how our expert professionals delivered. The stories are real but written to preserve members' anonymity.



CAPS Member Case 1

In late 2019, a state employee who had been in another Bargaining Unit transferred into a State Scientist classification at the Department of Fish and Wildlife and joined CAPS. The new position paid more, but CDFW did not apply the increase for two months. Once the member cleared probation, they contacted a CAPS professional representative.

During the consultation, the CAPS representative determined the member – who held a master's degree – was likely at a salary range that failed to factor in the member's advanced education and relevant work experience outside of state government.

After CAPS contacted CDFW, they immediately fixed the first pay issue, resulting in \$2,000 of back pay for the member. CAPS then went a step further and also filed a Merit Issue Complaint that noted the member's master's degree qualified them for a higher range placement based on their classification's Alternate Range Criteria. CAPS won that claim as well. The Complaint, retroactive to the member's completion of their master's degree, expedited their movement through the Environmental Scientist classification.

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CAPS MEMBER SPOTLIGHT

**Amelia Viera, Environmental Scientist,
California Department of Fish and Wildlife**

CAPS member Amelia Viera's viral video moment came in late October as she stood atop a steel cage. Inside: a female mountain lion that had recovered from burns suffered in Southern California's [Bobcat Fire](#).

While Department of Fish and Wildlife (CDFW) videographers captured the moment, Viera lifted the cage door. The 7-year-old cat, wearing a tracking device, strolled out and calmly disappeared down a trail. TV stations across the country broadcast the dramatic [footage](#), which also grabbed plenty of attention on social media. (Please click [here](#) for a brief interview with Amelia about the mountain lion's release.)



That moment epitomized why Viera, an Environmental Scientist who holds a UC Davis anthropology degree, decided to work for the State. "Ever since high school, I knew I did not want my career to be in the private sector or any sort of consumer business," she recently told *CAPSule*. "I've always wanted to serve the public."

She thought about teaching, but "I realized that I wanted to be more involved with studying science in the field rather than teaching it in a classroom every day," she said.

That sense of being part of something larger also contributed to Viera's decision to join CAPS. The union provides many benefits to members, she said, and "I also want to support the negotiations and pursuit of better wages and support for State Scientists."

CAPS thanks Amelia Viera for educating the public about CDFW's important work and the vital services that all State Scientists provide.

President's Column

Margarita Gordus



LOOKING BACK AT 2020

Nearly a year ago, CAPS leaders and I were optimistic as we headed into the new year.

California's surging revenues prompted Governor Newsom to propose a 2020-21 State Budget with a \$6 billion surplus. The CAPS Bargaining Team (CAPS Team), which I chair, was preparing to bargain our next Memorandum of Understanding (MOU). Pay equity for State Scientists was – and still is – at the top of our agenda. The surplus worked in our favor.

We successfully proposed using [Interest-Based Bargaining \(IBB\)](#) to foster collaboration with the Department of Human Resources (CalHR, representing the State), instead of the adversarial, positional approach common in contract talks.

We met with CalHR's team just once the first week of March. Then COVID-19 changed everything.

The global economy shut down. That \$6 billion State surplus turned into a projected \$54 billion deficit. Newsom and the Legislature mandated all state-employee unions negotiate a 10% reduction to the government's employee compensation costs.

CAPS' creative [solution](#) allowed Newsom to achieve his cost-saving goals while dramatically lessening the impact on State Scientists' take-home pay. In June, a record 1,791 CAPS members – nearly 3 in 4 – voted on the [Side Letter Agreement](#). More than 90% of ballots cast supported the solution, also a record. It was a painful sacrifice, but the turnout and vote was a timely and robust show of CAPS' solidarity as MOU bargaining was about to resume.

The CAPS Team and CalHR resumed meeting in August. Members played vital roles as Subject Matter Experts, explaining how the lack of equitable pay impacts State Scientists, harms the public and scientific programs, and hampers agencies from completing their missions. The CAPS Team solicited and shared [members' letters](#). Grassroots advocacy for pay equity also [grew](#).

CalHR listened to our concerns more closely than at any time in recent bargaining history, but they did not agree that Unit 10 pay inequities exist. Money to fund a fix remained CalHR's core concern, despite a new State [projection](#) of a one-time \$26 billion surplus next year from better-than-expected revenues.

Beyond bargaining, COVID-19 complicated other CAPS functions in 2020. Recruiting new members became much more challenging because in-person New Employee Orientation (NEO) meetings were unsafe. NEOs had been fertile ground to educate new State Scientists, face-to-face, about the many benefits of joining CAPS. Although the

number of CAPS members remained above 2018 levels, it slipped a few percentage points since March. In other words, the State hired scientists more quickly than CAPS recruited them. We must turn that around to keep our union strong.

Unfortunately, COVID-19 also forced us to cancel CAPS' [Outstanding Young Scientist](#) competition and our largest annual public event, [State Scientist Day](#). The [NorCal STEM Education Foundation](#), which CAPS supports, had to cancel its Regional STEM Fair in Sacramento. Many members who enjoy working with students at those events were disappointed.

While 2020 was challenging, CAPS made progress. We successfully [urged](#) the State to adopt sensible workplace guidelines to curb the spread of COVID-19 as offices and job sites reopened.

This year, in response to ongoing systemic injustices and police killings of Blacks, the CAPS Board of Directors unanimously and publicly [supported](#) Black Lives Matter. As part of that support, we will dedicate a portion of our website, [capsscientists.org](#), to informing members about activism, community engagement, and resources for dealing with issues such as discrimination and harassment in the workplace.

Our collective legislative agenda made progress on November 3, when nearly 90% of candidates endorsed by CAPS [won](#) their State or local government elections. Media featured CAPS as a source in several [reports](#) this year that reflected well on our union's commitment to serving members and all Californians.

We welcomed the State Supreme Court's July ruling in [Alameda Deputy Sheriff's Association v. Alameda County Employees' Retirement Association](#). The Court upheld the "California Rule," the 70-year-old legal precedent that says state and local governments cannot reduce public employees' pension benefits without providing a benefit of similar value in return.

Of course, CAPS continued serving members all year, even while under shelter-in-place orders. We answered calls and emails, provided skilled workplace representation (see the front page of this issue for a few examples). We remained vigilant for legislation and policies that impact State Scientists and represented your interests with elected officials and department leaders.

Despite a uniquely challenging 2020, CAPS rose to the moment. We stuck together during adversity – the real test of any union.

Next month: What's ahead for CAPS in 2021.



\$400 QUARTERLY GRANT APPLICATION DEADLINE APPROACHING

The CAPS Member Benefits Committee is accepting 4th Quarter 2020 applications for Professional Development Grants through the end of this year. Applications received later will be considered for the 1st Quarter 2021 grants that are awarded in April.

Only CAPS members are eligible for one of the four quarterly \$400 awards the Committee gives to support scientific research and professional development activities not fully funded by the State. In keeping with state and local health mandates and the best scientific guidance, CAPS has temporarily suspended awards that would subsidize in-person meetings and conferences. All other professional enhancement activities remain eligible for grants, including research, scholarly publication of work, online courses, virtual seminars, and online or virtual meetings.

More details about the members-only Professional Development Grant program and a downloadable application are available [online](#). The Member Benefits Committee strongly encourages members to apply.





CAPS Member Case 2

Another member contacted CAPS following their promotion in place from Associated Government Program Analyst (AGPA) to an Environmental Scientist (ES) position. While their title and compensation changed because of this promotion in place, they realized their duties did not. After contacting CAPS, a CAPS consultant filed an Out-of-Class (OOC) complaint that argued the employer should provide full professional credit and salary for the work previously performed under the classification of an AGPA. The OOC was granted, the member was awarded a full year of back pay, and received retroactive professional credit as an ES.



CAPS Member Case 3

A CAPS member was called for an investigatory interview regarding work time. The member immediately contacted CAPS staff to request representation during the meeting, in keeping with their "[Weingarten Rights](#)."

The CAPS representative and the member spent an hour going through facts and considering why the department was investigating the member. With the CAPS consultant present, the member met for about two hours with two investigators who had questions about different aspects of the member's workdays over a specified time. The matter ended with a closure letter and no action taken against the member.

CAPS BARGAINING BY THE NUMBERS

As 2020 closes, the CAPS Bargaining Team (CAPS Team) and the Department of Human Resources (CalHR) continue to bargain a new Unit 10 Memorandum of Understanding (MOU).

While work on the next MOU remains, much has been accomplished. At right are a few statistics that provide some insight into the CAPS Team's efforts since January 1.

Although CAPS 2018-2020 MOU expired July 1, state law requires its terms remain in effect until a successor agreement is ratified.

Stay current on the CAPS Team's progress by reading our members-only Bargaining Update reports. They are available online (email caps@capsscientists.org for password information) and via email.



27

CAPS Bargaining Team /
CalHR joint sessions



8

Average hours of
each joint session



37

CAPS Team strategy meetings



62

MOU sections carried over
from the prior contract and
new proposals accepted



7

CAPS Subject Matter Experts
who have made presentations



10

Letters from members that
have been shared with CalHR

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