

# CAPS PROPOSAL

**Bargaining Unit:** 10

**Date:** April 7, 2021;  
2:30PM

**Exclusive Representative:** CAPS

**Article:** 2.1.1

**Subject:** Contract Reopener Language – Elimination of Pay Decreases and Suspensions

## ~~2.1.1 Contract Reopener Language – Elimination of Pay Decreases and Suspensions – DELETE~~

~~A. Effective the first day of the pay period following ratification through the June 2022 pay period, due to the significant economic impacts of the COVID-19 Recession, in accordance with Section 3517.6 of the Government Code, notwithstanding any other provision of law, the following economic provision of the existing memorandum of understanding (MOU), which requires the expenditure of funds for increased salaries and wages that was to become effective at any point during the 2020-21 or 2021-22 fiscal years, is hereby suspended:~~

- ~~• Paragraph B of Article 2.1 Salaries~~

~~B. The remainder of the MOU, including economic terms of the agreement not specifically related to the various pay items listed in paragraph A, such as the amount necessary for the payment of compensation and employee benefits that were in effect prior to the 2020-21 fiscal year, shall continue in full effect, subject to the reductions agreed to in Article 3.23 (Personal Leave Program – 2020). Notwithstanding any other provisions of law, this MOU represents the only entitlement to payment of compensation and employee benefits.~~

~~C. The determination of sufficient funding relative to this section and Article 3.23 shall be at the sole discretion of the Director of the Department of Finance if either of the following circumstances occur:~~

- ~~1. If the Director of the Department of Finance, as a result of appropriate federal legislation providing additional funding to the state to address the impacts of the COVID-19 Recession, elects to restore, at their sole discretion, some or all of the various pay items that have been suspended or reduced.~~
- ~~2. If the Director of the Department of Finance, as a result of state revenue becoming sufficient to fully fund existing statutory and constitutional obligations, existing fiscal policy, and the cost of providing the various pay items that have been suspended or reduced as a result of the COVID-19 Recession, elects to restore, at their sole discretion, some or all of the various pay items that have been suspended or reduced.~~

~~D. In the event the Director of the Department of Finance elects to restore, at their sole discretion, some or all of the various pay items that have been suspended or reduced by operation of this provision or Article 3.23, the State shall provide notice to the Union and shall meet and confer with the Union upon request regarding the impact of that determination.~~

- ~~E. In the event that neither of the circumstances in paragraph C occur and/or the Director of the Department of Finance does not restore, at their sole discretion, Paragraph B of Article 2.1 Salaries, the General Salary Increase of 5% shall become effective on July 1, 2022. However, if projected state revenues at the 2022-23 May Revision to the Governor's Budget continue to be insufficient to fully fund existing statutory and constitutional obligations, existing fiscal policy, and the costs of providing the aforementioned pay increases to all eligible employees, the General Salary Increase of 5% shall become effective on July 1, 2023. Determination of funding availability relative to this section shall be at the sole discretion of the Director of the Department of Finance.~~
- ~~F. Upon CAPS' request, during the term of the side letters, the parties shall meet to discuss the suspended item and/or the elimination or any reduction of the PLP 2020.~~
- ~~G. No provision of this Article shall be subject to the grievance and arbitration procedure; this Article is specifically not subject to arbitration.~~