

Dear Director Ortega,

The most recent CAPS bargaining update left me and my colleagues dismayed as it states, “the CAPS Team has not yet definitively heard that the State agrees that State Scientists' salaries need to be adjusted” and “the CAPS Team has received no indication at this point that the State feels the same way about the necessity to remedy those lags, or that lags even exist.” These statements also have me and my colleagues questioning the efficacy of the Interest Based Bargaining process being used for this round of contract negotiations as we presumed that after more than a year of meetings, the process would have confirmed the significant salary lags that have existed in Unit 10 for the past 15 years.

We are not only troubled by the fact that the State has not yet acknowledged the large pay gaps, both when compared to Environmental Engineers and Unit 10 supervisors and managers, but that both teams “worked to identify options that *could* be mutually acceptable”. Maybe my colleagues and I don’t understand the process well enough, but how is it possible to identify options when the State hasn’t agreed that there are salary issues that need to be fixed? Shouldn’t both teams first reach agreement on what the Unit 10 pay issues are before creating a list of options to address them? If the Interest Based Bargaining Process has proceeded to the point where there’s still no consensus on the issues its attempting to address, then it leaves us wondering if the State is committed to understanding what’s going on with state scientists salaries and the significant problems the pay lags have been creating for years.

Here are some documented background on this historical pay disparity (currently still existing today) within Unit 10:

8/28/2018 Unit 10 MOU Analysis: <https://lao.ca.gov/Publications/Report/3881>

“State Scientist Compensation Has Been Below Market in the Past. The 2016 study compared the total compensation for state environmental scientists with the compensation of similar scientists employed by federal and local governments and the private sector. The study found that state environmental scientists’ compensation was 12 percent below market averages (34 percent below the

compensation received by scientists in the private sector). The pay increases provided in the current MOU were intended help bring state environmental scientists' compensation more in line with market averages. Without a more recent compensation study, we do not know how the current compensation package—or the proposed pay increases—compares with that provided by other employers”.

8/22/2014 Unit 10 MOU Fiscal Analysis: <https://lao.ca.gov/MOU/2014/MOU-BU-10-082214.pdf>. “The LAO Report from 2014 suggests that the legislature should try to maintain appropriate differentials after the sups/mgrs. got large increases.”

Throughout my twenty-year career as an Environmental Scientist with the Department of Toxic Substances Control, I have witnessed first-hand some of the detrimental and persistent problems caused by the Unit 10 pay issue. Many of my colleagues who have been employed with the State since the early to mid-1990's have indicated that the problems currently plaguing DTSC did not exist prior to 2005 when Environmental Scientists and Environmental Engineers were compensated nearly equally.

The problems began when a past administration broke a long-standing precedent of paying both Environmental Scientists and Environmental Engineers comparable wages for doing similar and comparable work. Since those normal pay relationships were first disrupted the problems have only gotten worse, especially as State Scientists' wages haven't kept pace with other employers in high-cost regions like the greater Los Angeles area where I and many of my colleagues work.

In the DTSC Chatsworth office the problems caused by the pay issue consist not only of low morale, but also of an inability to recruit and retain competent scientists, with many new staff leaving after receiving a few years of basic training and enough experience to land a higher paying job outside of state service, which isn't difficult to do. When an Environmental Scientist position was advertised 20 years ago at least 40 to 60 applicants would apply, but today when a position is advertised in some DTSC offices, it's typically less than 10 job seekers, and often less than that. With so few candidates applying for Environmental Scientists positions in some offices, it often means multiple rounds of advertising, which

leads to further problems, including delayed project work and managers spending more time interviewing prospective employees than managing their staff.

Senior Scientists are compromising programs by leaving and taking their expertise with them. It is often the most experienced scientists that programs rely on that are leaving for promotional opportunities in other department and programs or finding jobs outside state service. When they leave their positions, it creates a significant hole in a program that can take many years to recover from, leaving others to try and cover the work, which only leads to other types of problems. I have been told by many of these scientists that they would rather not leave their projects and colleagues behind but as the pay inequity issue carries on year after year, they are giving up and moving on because they no longer have confidence that it's ever going to be resolved.

It should also be noted that the State invests significant financial resources to train and field certify new employees, which often takes a couple of years to complete. After all the required classroom trainings are complete, on the job field training begins, which takes a minimum of another one or two years. While these new employees are being trained the project work left over from the recently departed staff must be redistributed, which means overloading existing employees.

A very noticeable tension has developed between scientists and engineers. It's almost palpable on pay day or when engineers are awarded a new contract that provides them with salary increases that only serve to widen the pay gap. Because of the resentment caused by the large disparity in pay, scientists and engineers no longer discuss their salaries as a way of keeping the peace. Other offices have also adopted the same tactic and some managers have even encouraged their engineers to never discuss their salaries, either amongst themselves or with other employees. Job bulletins are likewise no longer discussed or posted in public places in many programs as they have also led to some rather unpleasant exchanges between coworkers.

The Scientists pay disparity issue has been raised at nearly every one of the Director's All-Staff meetings for years. Many scientists want to know what our executives are doing to resolve the pay disparity problem, but we are never provided with adequate answers. It has been quite apparent for a long time that

our executives are very tired of hearing about and dealing with the effects of our pay issue and want to put it behind them. We have been told on multiple occasions that our concerns have been relayed to CalHR but that's all we have heard, which leaves us wondering what, if anything, is being done on our behalf.

The pay issue has also featured prominently at other meetings and at all levels throughout DTSC ever since becoming an issue in 2005. For example, DTSC's department-wide Diversity and Inclusion project has constantly fielded questions about the scientist's pay issue as many believe it's an injustice that DTSC management can and should fix unilaterally. Unfortunately, we now know that's not possible. Many of our executives and managers have been very sympathetic over the years and it's obvious they want this issue resolved as it's also causing them distress.

The pay issue also comes up periodically at smaller program-wide or unit meetings, occasionally leading to some rather pointed exchanges between engineers and scientists. Even more troubling is when a manager gets pushback during the distribution and assignment of projects. When projects are being assigned, a few scientists are now making it very clear that any additional work should be given to an engineer because they get paid a lot more for doing the same job. Engineers are aware of this too and it's adding to the resentment and tensions that should never have gotten started in the first place. It's shocking that it has come to this and yet nothing is being done about it.

It's not only the disrupted pay relationship between Environmental Scientists and Environmental Engineers that's causing problems, the broken horizontal salary relationship between the Senior Environmental Scientist (Supervisor) and Senior Environmental Scientist (Specialist), is also a major issue. The Senior ES classification was established as a "peer" classification with two parentheticals, one focused on administrative responsibilities and the other on technical work. They share the same minimum qualifications, examination, and reporting relationship, with the Specialist typically serving as the State's lead on major projects or teams and the Supervisor handling the administrative responsibilities of managing staff. Prior to 2014 when Unit 10 supervisors and managers salaries were adjusted pursuant to the Like Pay for Like Work court decision, the **salaries of the Senior ES (Supervisor) and the Senior ES (Specialist) were almost**

identical, with a difference of 0.61%. Today the difference is 36.0%. All other “peer” classifications in the State’s pay scales with a “Supervisor” and “Specialist” parenthetical have an average difference in pay of **2.65%**.

These large pay gaps are also contributing to a belief that our employer is not interested in understanding the Unit 10 salary issues or how they are impacting programs across the state. Many of us in the Senior ES (Specialist) parenthetical constantly wonder why the State continues to treat its excluded and represented Senior Scientists so differently, especially given that historically the compensation was almost identical. Moreover, it sends a clear message to the Senior ES (Specialist): the state values its Senior ES Supervisors and will ensure compliance with California’s salary laws and policies, but represented scientists seem to be less valuable and don’t merit the same consideration or treatment.

None of this is logical or helping the State maintain a scientific workforce that is necessary to deal with the critical environmental issues California is contending with today. Staying silent and taking no action on the Unit 10 pay issues year after year, especially when so many voices have specifically identified what the issues are, just doesn’t make sense. Even the CalEPA and Natural Resources Agency Secretaries have requested a resolution and we hope you and other decision makers take their concerns and requests seriously. They both made it very clear in letters to you that the scientists’ pay issue is impacting their ability to accomplish their missions and they need you to resolve it quickly.

As the State has not yet arrived at the same conclusion as many others have, we can only conclude that the State is either not interested in learning about the Unit 10 salary issues and problems they are causing, or they have not investigated it at the departmental or program level. Interviewing any of the department directors or managers where scientists and engineers work side-by-side would quickly reveal the severity of the problem caused by compensating two different classifications unequally for performing the same duties. We suggest interviewing a few department directors that employ both environmental scientists and environmental engineers to learn about the pay related issues they have been dealing with for years.

The new administration has an opportunity to demonstrate its commitment to science, the principle of “equal pay for equal work” and its own salary laws and

policies. Governor Newsom has repeatedly talked about the need to address income disparities and we believe the long-standing Unit 10 salary lags provides the Governor with a perfect opportunity to demonstrate that he's serious about addressing compensation inequities.

State scientists have been subjected to egregious income disparities for 15 years and its certainly having an impact on the State's ability to carry out its environmental agenda. Not correcting the mistakes of the past would be inconsistent with the ideals and principles of fairness and equity California has always stood for and that Governor Newsom has touted since taking office. As such, we urge you to act now to send a clear and definitive message of support to all current and future state scientists by restoring the historical Unit 10 pay relationships that existed for more than 30 years.

Sincerely on behalf of the following concerned Unit 10 members (also includes non-DTSC staff):

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