

## CAPS Counter Rollover Proposal

**Bargaining Unit: 10**

**Date: August 12, 2021; 11:05AM**

**Exclusive Representative: CAPS**

**Article: 2**

**Subject: 2.7 Diving/Climbing Pay**

- A. Incumbents in classifications currently eligible to receive diving pay shall continue to receive the differential at the rate of \$25.00 per each hour for all payable hours of the day of the dive, including overtime, regardless of the number or duration of dives performed during the period. For this purpose, a day is defined as a calendar day. Upon departmental approval, new classes may be added to the eligible list and employees meeting these diving pay criteria will be so compensated.
- B. Effective upon agreement, Department of Industrial Relations (DIR) employees who are required to climb a tower crane, or any other structure in which the employee is required to use climbing equipment, to a height of thirty (30) feet or more for the purpose of conducting an inspection or investigation shall receive an hourly differential of ten dollars (\$10) per actual climbing hour. Said employee may be required to successfully complete training prescribed by the Division of Occupational Safety and Health as a condition of employment in positions necessitating climbing.
- C. Employees who "climb" pursuant to above will receive a minimum of one hour of climbing pay during the first hour of climbing each day. Additional times spent climbing after the first hour during the same day will be rounded to the nearest quarter hour.
- D. Departments who have Unit 10 employees who conduct work in small aircrafts will collect data on how many flight hours those employees actually accumulate on an annual basis. This information will be provided to the Union.

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Aug 13, 2021

## Management Counter Proposal

**Bargaining Unit: 10**

**Date: August 13, 2021; 11:17AM**

**Exclusive Representative: CAPS**

**Article:**

**Subject: [2.12 Lump Sum Leave Cash Out Upon Separation](#)**

- A. To the extent permitted by federal and state law, employees who separate from State service who are otherwise eligible to cash out their leave balance, may ask the State to ~~tax~~ defer and transfer a designated ~~monthly~~ amount from their ~~cash payment~~ lump sum leave cash out election into their existing 457(b) and/or 401(k) plan offered through the State's Savings Plus Program (Savings Plus) (SPP).
- B. If an employee does not have an existing 457(b) and/or 401(k) plan account, ~~he/she~~ the employee must should enroll in the ~~SPP~~ Savings Plus and become a participant in one or both plans prior to the ~~his/her~~ date of separation.
- C. Such transfers are subject to and contingent upon all statutes, laws, rules and regulations authorizing such transfers including those governing the amount of annual deferrals.
- D. Employees electing to make such a transfer (via traditional or Roth contribution) shall bear full tax liability, if any, for the leave transferred which exceeds the annual limits (e.g., "over defers").
- E. Implementation, continuation and administration of the Defined Contribution Plans is expressly subject to and contingent upon compliance with the ~~SPP's~~ Savings Plus governing Plan documents (which may, at the State's discretion, be amended from time to time), and applicable federal and state laws, rules and regulations.
- F. Disputes arising under this section of the MOU shall not be subject to the grievance and arbitration provision of this agreement.

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# CAPS COUNTER PROPOSAL

**Bargaining Unit:** 10

**Date:** August 5, 2021; 2:41 PM

**Exclusive Representative:** CAPS

**Article:** 5

**Subject:** Health and Welfare - Lactation Accommodation

## 5.XX Lactation Accommodation

- A. In compliance with state and federal law, as described in CalHR Manual, Section 1004, departments are required to provide a reasonable amount of break time and an appropriate location to accommodate an employee desiring to express breast milk for their infant child each time the employee has a need to express milk, and an appropriate location to safely store the expressed milk.
- B. This section is subject to the grievance procedure up to the departmental level.

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## CAPS Roll over Proposal

**Bargaining Unit: 10**

**Date: August 13, 2021; 12:33PM**

**Exclusive Representative: CAPS**

**Article:**

**Subject: 6.4 Uniform Replacement**

- A. When the State requires a uniform to be worn as a condition of employment and does not provide such a uniform, the State shall authorize a uniform replacement allowance based upon actual costs for an amount to be determined by the State but not to exceed \$670.00 per year for full-time employees, and not to exceed \$335.00 a year for part-time employees, of the Department of Fish and Wildlife, Department of Forestry and Fire Protection and Department of Parks and Recreation.
- B. Uniform means outer garments, excluding shoes, which are required to be worn exclusively while carrying out the duties and responsibilities of the position and which are different from design or fashion of the general population. This definition includes items that serve to identify the person, agency, function performed, rank or time in service.
- C. In those cases where the State provides the uniform to be worn, the uniform items provided pursuant to this Section are State-owned or leased property which will be maintained as the State deems necessary. Employees issued State-provided uniform items shall be responsible for loss of, or damage to, the uniform items other than that incurred as the result of normal wear or through no fault of the employee.
- D. In those cases where the State does not provide the uniform to be worn, Unit 10 employees shall be responsible for the purchase of the required uniform as a condition of employment. After a Unit 10 employee has been employed for the equivalent of one full year in a permanent position which requires a uniform, ~~he/she~~ they must submit a request in accordance with existing departmental practice in order to receive a uniform allowance. The uniform replacement allowance anniversary date for employees in the Department of Parks and Recreation shall continue to be February 1 of each year. Employees who do not have one (1) full year of eligibility for the uniform replacement allowance as of February 1 of any year will receive an allowance pro-rated in accordance with existing laws, rules and regulations.
- E. All required uniform items substantiated with a receipt(s) for same will be reimbursed up to the maximum allowance for the respective allowances as listed in Subsection A above.

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## Management Counter Proposal

**Bargaining Unit: 10**

**Date: August 12, 2021; 1:40PM**

**Exclusive Representative: CAPS**

**Article: Retirement**

**Subject: 8.1 Miscellaneous/Industrial - First Tier Members: First Tier A (2% at age 55), First Tier B (2% at age 60), and (PEPRA) First Tier (2% at age 62) Formulas/Contribution Rate/Final Compensation Earnable**

- A. First Tier retirement members first employed by the State prior to January 15, 2011 are subject to the First Tier A retirement formula.
- B. First Tier retirement members first employed by the State on or after January 15, 2011 and prior to January 1, 2013 are subject to the First Tier B Retirement Formula. The First Tier B Retirement formula does not apply to:
- Former state employees who return to state employment on or after January 15, 2011.
  - State employees hired prior to January 15, 2011 who were subject to the Alternate Retirement Program (ARP).
  - State employees on approved leave of absence prior to January 15, 2011 who return to active employment on or after January 15, 2011.
  - Persons who are already members or annuitants of the California Public Employees Retirement System as a state employee prior to January 15, 2011.

The above categories are subject to the First Tier A retirement formula.

- C. Employees who are brought into CalPERS membership for the first time on or after January 1, 2013 and who are not eligible for reciprocity with another California public employer as provided in Government Code Section 7522.02(c) shall be subject to the "PEPRA Retirement Formula." As such, the PEPRA changes to retirement formulas and pensionable compensation caps apply only to new CalPERS members subject to PEPRA as defined under PEPRA.
- D. The table below lists the age/benefit factors for First Tier A, First Tier B, and PEPRA First Tier retirement formulas.

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## Management Counter Proposal

Age at Retirement	First Tier A Formula (2% at age 55)  Employees hired prior to January 15, 2011	First Tier B Formula (2% at age 60)  Employees first hired on and after January 15, 2011 and prior to January 1, 2013	PEPRA Formula (2% at age 62)  Employees eligible for CalPERS Membership for the first time on and after January 1, 2013
50	1.100	1.092	N/A
51	1.280	1.156	N/A
52	1.460	1.224	1.00
53	1.640	1.296	1.100
54	1.820	1.376	1.200
55	2.000	1.460	1.300
56	2.064	1.552	1.400
57	2.126	1.650	1.500
58	2.188	1.758	1.600
59	2.250	1.874	1.700
60	2.314	2.000	1.800
61	2.376	2.134	1.900
62	2.438	2.272	2.000
63	2.500	2.418	2.100
64	2.500	2.418	2.200
65	2.500	2.418	2.300
66	2.500	2.418	2.400
67	2.500	2.418	2.500

### E. Employee Retirement Contribution

- As stated in Government Code Section 20677.71, effective May 16, 2011, miscellaneous and industrial members in the First Tier retirement or the ARP, subject to social security, shall contribute eight percent (8%) of monthly compensation in excess of \$513.00 for retirement. Miscellaneous and Industrial members in the First Tier retirement or the ARP not subject to social security shall contribute nine percent (9%) of monthly compensation in excess of \$317.00 for retirement.

## Management Counter Proposal

2. As stated in Government Code Section 20683.2, Industrial members shall pay an additional one percent (1%) employee retirement contribution to retirement. Effective July 1, 2013, Industrial members subject to social security shall contribute nine percent (9%) of pensionable compensation in excess of \$513.00 to retirement.
3. Industrial members not subject to social security shall contribute ten percent (10%) of pensionable compensation in excess of \$317.00 to retirement.
4. The employee contribution rates described in 8.1 (E)(1), 8.1 (E)(2), and 8.1 (E)(3) for First Tier A, First Tier B, and PEPRA First Tier retirement formulas shall remain in effect up until the time that CalPERS has determined that (a) the total normal cost rate for the 2016- 17 fiscal year has increased or decreased by 1 percent, and (b) 50 percent of that normal cost rate, rounded to the nearest quarter of 1 percent, is greater than or less than the employee contribution rate described in 8.1 (E)(1), 8.1 (E)(2), or 8.1 (E)(3), respectively. After CalPERS determines (a) and (b) above have been met, the employee contribution rate for miscellaneous or industrial members shall be adjusted to 50 percent of the normal cost rate rounded to the nearest quarter of one percent. Each year thereafter, it shall only be adjusted if CalPERS determines the total normal cost rate increases or decreases by more than 1 percent of payroll above the total normal cost rate in effect at the time the employee contribution rate was last adjusted. Furthermore, the increase or decrease to the employee contribution in any given fiscal year shall not exceed 1 percent per year. Beginning July 1, ~~2024~~ 2020, the employee contribution shall return to the rate in effect July 1, 2018.

### F. Final Compensation

Final Compensation for an employee, who is employed by the State for the first time and becomes a member of CalPERS prior to January 1, 2007, is based on the highest average monthly pay rate during twelve (12) consecutive months of employment.

Final Compensation for an employee, who is employed by the State for the first time and becomes a member of CalPERS on or after January 1, 2007, is based on the highest average monthly pay rate during thirty-six (36) consecutive months of employment.

CAPS Bargaining Team

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## Management Counter Proposal

**Bargaining Unit: 10**

**Date: August 12, 2021; 1:42PM**

**Exclusive Representative: CAPS**

**Article: Retirement**

**Subject: 8.2 Retirement - Safety Members State Safety A Formula (2.5% at age 55), State Safety B Formula (2% at age 55) and Public Employees' Pension Reform Act (PEPRA) State Safety Formula (2% at age 57)**

- A. State Safety retirement members first employed by the State prior to January 15, 2011 are subject to the State Safety A retirement formula.
- B. State Safety retirement members first employed by the State on or after January 15, 2011 and prior to January 1, 2013 are subject to the State Safety B Retirement Formula. The State Safety B Retirement Formula does not apply to:
- Former state employees who return to state employment on or after January 15, 2011.
  - State employees hired prior to January 15, 2011 who were subject to the Alternate Retirement Program (ARP).
  - State employees on approved leave of absence prior to January 15, 2011 who return to active employment on or after January 15, 2011.
  - Persons who are already members or annuitants of the California Public Employees Retirement System as a state employee prior to January 15, 2011.

The above categories are subject to the State Safety A retirement formula.

- C. Employees who are brought into CalPERS membership for the first time on or after January 1, 2013 and who are not eligible for reciprocity with another California public employer as provided in Government Code Section 7522.02(c) shall be subject to the "PEPRA Retirement Formula." As such, the PEPRA changes to retirement formulas and pensionable compensation caps apply only to new CalPERS members subject to PEPRA as defined under PEPRA.
- D. The table below lists the age/benefit factors for State Safety A, State Safety B, and PEPRA State Safety retirement formulas.

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## Management Counter Proposal

Age at Retirement	State Safety A Formula (2.5% at age 55)  Employees hired prior to January 15, 2011	State Safety B Formula (2% at age 55)  Employees first hired on and after January 15, 2011 and prior to January 1, 2013	PEPRA State Safety Formula (2% at age 57)  Employees eligible for CalPERS Membership for the first time on and after January 1, 2013
50	1.700	1.426	1.426
51	1.800	1.522	1.508
52	1.900	1.628	1.590
53	2.000	1.742	1.672
54	2.250	1.866	1.754
55 and over	2.500	2.000	1.836
56	N/A	N/A	1.918
57 and over	N/A	N/A	2.000

### E. Employee Retirement Contribution

1. As stated in Government Code Section 20683.2, State Safety members shall contribute an additional one percent (1%) retirement contribution. Effective July 1, 2013, State Safety members shall contribute ten percent (10%) of monthly pensionable compensation in excess of \$317.00 for retirement.
2. Effective July 1, 2014, State Safety members shall contribute an additional one percent (1 %) retirement contribution. State Safety members shall contribute eleven percent (11 %) of pensionable compensation in excess of \$317.00 for retirement.
3. The employee contribution rates described in 8.2(E)(2) for State Safety A, State Safety B, and PEPRA State Safety retirement formulas shall remain in effect until the time that CalPERS has determined that (a) the total normal cost rate for the 2016-17 fiscal year has increased or decreased by 1 percent, and (b) 50 percent of that normal cost rate, rounded to the nearest quarter of 1 percent, is greater than or less than the employee contribution rate described in 8.2(E)(2). After CalPERS determines (a) and (b) above have been met, the employee contribution rate for State Safety A, State Safety B, PEPRA State Safety members shall be adjusted to 50 percent of the normal cost rate rounded to the nearest quarter of one percent. Each year thereafter, it shall only be adjusted if CalPERS determines the total normal cost rate increases or decreases by more than 1 percent of payroll above the total normal cost rate in effect at the time the employee contribution rate was last adjusted. Furthermore, the increase or decrease to employee contribution in

## Management Counter Proposal

any given fiscal year shall not exceed 1 percent per year. Beginning July 1, ~~2021~~ 2020, the employee contribution shall return to the rate in effect July 1, 2018.

### F. Final Compensation

Final Compensation for an employee, who is employed by the State for the first time and becomes a member of CalPERS prior to January 1, 2007, is based on the highest average monthly pay rate during twelve (12) consecutive months of employment.

Final Compensation for an employee, who is employed by the State for the first time and becomes a member of CalPERS on or after January 1, 2007, is based on the highest average monthly pay rate during thirty-six (36) consecutive months of employment.

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Aug 13, 2021

# MANAGEMENT COUNTER PROPOSAL

**Bargaining Unit: 10**

**Date: August 12,  
2021; 3:17pm**

**Exclusive Representative: CAPS**

**Article: 8**

**Subject: Retirement**

## 8.9 Prefunding of Post-Retirement Health Benefits

The State and Bargaining Unit 10 hereby agree to share in the responsibility toward the prefunding of postretirement health benefits for members of Bargaining Unit 10; and agree that the foregoing concepts will be implemented as a means to begin to offset the future financial liability for health benefits for retired members.

- A. Beginning July 1, 2017, the State and Bargaining Unit 10 will prefund retiree healthcare with the goal of reaching a 50 percent cost sharing of actuarially determined total normal costs for both employer and employees by July 1, 2019. The amount of employee and matching employer contributions required to prefund retiree healthcare was previously phased in over three years as follows: ~~shall increase by the following percentages of pensionable compensation;~~
  1. July 1, 2017: by 0.7 percent,
  2. July 1, 2018: by 0.7 percent, for a total of 1.4 percent,
  3. July 1, 2019: by 1.4 percent, for a total of 2.8 percent.
  
- B. After July 1, 2019, the contribution percentages described in paragraph A shall be adjusted based on actuarially determined total normal costs. Adjustments to both the employer and employee contribution percentages will occur if the actuarially determined total normal costs increase or decrease by more than half a percent from the total normal cost contribution percentages in effect at the time. If it is determined that an adjustment to the contribution rate is necessary, commencing no sooner than July 1, 2020, the employer and employee contribution percentages will be increased or decreased to maintain a 50 percent cost-sharing of actuarially determined total normal costs. Furthermore, the increase or decrease to the employer or employee contribution in any given fiscal year shall not exceed 0.5 percent per year.
  
- C. ~~Notwithstanding Government Code Sections 22940, 22942, 22943, 22944, 22944.2, 22944.3, and 22944.5, the employees' monthly contribution for prefunding other post-employment benefits for the 2020-21 and 2021-22 fiscal years, as described in paragraphs A and B, is suspended and shall not be withheld from employees' salaries beginning on the first day of the pay period following ratification, and ending on June 30, 2022. The employer's monthly contribution for prefunding other post-employment benefits will continue in the 2020-21 and 2021-22 fiscal years, as described in paragraphs A and B.~~ Notwithstanding Government Code Sections 22940, 22942, 22943, 22944, 22944.2, 22944.3, and 22944.5, the employees' monthly contribution for prefunding other post-employment benefits for the 2020-21 fiscal year, as described in paragraphs A and B, was suspended and was not withheld from employees' salaries. The employer's monthly contribution for prefunding other post-employment benefits continued in the 2020-21 fiscal year, as described in paragraphs A and B.

- D. Effective on the first day of the July 2021 pay period, this article returned to full effect and the employees' monthly contributions for prefunding other post-employment benefits resumed at the actuarially determined total normal costs calculated pursuant to 8.9(B), which was 2.1 percent, based on the June 30, 2019 valuation and 2019-20 pensionable compensation.
- E. **Employees Subject to Other Post Employment Benefit (OPEB) Prefunding**  
All Bargaining Unit members who are eligible for health benefits must contribute, including permanent intermittent employees. Bargaining unit members whose appointment tenure and/or time base make them ineligible for health benefits, such as: seasonal, temporary, and employees whose time base is less than halftime, do not contribute. Bargaining unit members not subject to OPEB prefunding shall begin contributing upon attaining eligibility for health benefits. New hires and employees transferring into Bargaining Unit 10 shall begin contributing immediately, unless they are not subject, as set forth above.
- F. **Withholding of Contributions**  
Contributions shall be withheld from employee salary on a pre-tax basis, except for employees receiving disability benefits that require contributions to be withheld post-tax as determined by the State Controller's Office.
- G. Contributions will be deposited in the designated state sub-account for BU10 of the Annuitant's Health Care Coverage Fund for the purpose of providing retiree health benefits to state annuitants and dependents associated with BU10. As defined in Government Code Section 22940, a designated state sub-account is a "separate account maintained within the fund to identify prefunding contributions and assets attributable to a specified state collective bargaining unit or other state entity for the purpose of providing benefits to state annuitants and dependents associated with a specified collective bargaining unit or other state entity."
- H. Contributions paid pursuant to this agreement shall not be recoverable under any circumstances to an employee or ~~his/her~~ their beneficiary or survivor.
- I. The costs of administering payroll deductions and asset management shall be deducted from the contributions and/or account balance.
- J. The parties agree to support any legislation necessary to facilitate and implement prefunding of retiree health care obligations.

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## Management Counter Rollover Proposal

**Bargaining Unit: 10**

**Date: August 13, 2021; 11:30AM**

**Exclusive Representative: CAPS**

**Article:**

**Subject: 10.4 Distribution of Literature**

- A. CAPS may use existing employee organization bulletin boards to post materials related to CAPS business. Upon mutual agreement between an authorized CAPS representative and the department, CAPS bulletin boards will be installed at reasonable locations. When required in advance, CAPS shall reimburse the State for additional costs incurred. A copy of all materials posted must be distributed to the facility or office supervisor at the time of posting.
- B. CAPS may, before or after work hours and during meal or break periods, distribute CAPS literature in non-work areas.
- C. CAPS may continue to use existing employee mailboxes for distribution of literature.
- D. CAPS agrees that any literature posted or distributed on site will not be libelous, obscene, defamatory, or of a partisan political nature.

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## Management Counter Rollover Proposal

**Bargaining Unit: 10**

**Date: August 13, 2021; 11:28AM**

**Exclusive Representative: CAPS**

**Article: Career Development**

**Subject: 15.8 Professional Society Dues**

In recognition of the professional nature of Unit 10 employees, each department, commission, board, or agency may reimburse a Unit 10 employee a total of up to \$100.00 per year. This is for membership dues in one or more job-related professional societies or associations of the employee's choice. Both parties agree and understand that a different amount of reimbursement, if any, may be provided to employees in the same or similar situation.

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## CAPS COUNTER PROPOSAL

**Bargaining Unit: 10**

**Date: August 12, 2021; 3:20PM**

**Exclusive Representative: CAPS**

**Article: 19**

**Subject: Miscellaneous**

### **New Section: 19.X Bicycle Commuter Program**

- A. The Program is a taxable benefit administered by CalHR. This benefit is voluntarily provided by the State of California and encourages active State employees (employees) to consider bicycle commuting as a means of active transportation to and from their residences and places of employment. The Program promotes health and wellness and sustainable commuting practices by encouraging employees to use bicycles as their primary means of commuting.
- B. Eligible employees who regularly commute by bicycle during a substantial portion of a calendar month may submit claims in accordance with current state policy (HR Manual section 1425 – Bicycle Commuter Program).
- C. For the purposes of this Program, a bicyclist is any person riding a bicycle or tricycle, including Class I and II e-bikes, cargo bikes, recumbent bikes, bikes with trailers, handcycles, or other variation. Motorized scooters or mopeds are not considered bicycles.
- D. Disputes over denied claims should be submitted pursuant to the procedures outlined in HR Manual Section 1425. This Section is not grievable or arbitrable.

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