

# CALIFORNIA ASSOCIATION OF PROFESSIONAL SCIENTISTS

## BOARD OF DIRECTORS' MEETING MINUTES

November 4, 2023

The regular meeting of the California Association of Professional Scientists (CAPS) Board of Directors, in a hybrid format - in person at the Capitol Board Room and via Zoom on Saturday morning, November 4, 2023, was called to order at 9:04 AM, President Jacqueline Tkac being the Chair and Hannah Johnson as Secretary.

The Chair asked Matt Hanson to swear each Board member in, then the Chair called the roll (see below) and noted the presence of a quorum.

### 1. BOARD BUSINESS

#### a. Board and Staff Introductions

- i. **Board Members Present.** President Jacqueline Tkac, Vice President Rae Vander Werf, Treasurer Itzia Rivera, Secretary Hannah Johnson, District I Director Laura Radke, District III Director Esther Tracy, District IV Director Christina LaFave\*, District V Director Monty Larson, Director At-Large Carolyn Buesch, Director At-Large Mia Roberts, and Supervisor Director Daniel Ellis.
- ii. **Board Members Absent.** None.
- iii. **Staff Present.** Staff Director Bianca Gutierrez Petzold, Labor Relations Counsel Christiana Dominguez, Labor Relations Counsel Matt Hanson, CAPS Counsel Jesse Rodriguez, Labor Relations Consultant Matt Austin, Labor Relations Consultant Nadia Compton, Media Relations Consultant Jon Ortiz, Recruitment Consultant Sebastian de la Rosa, and Legislative Director Ted Toppin, from Blanning & Baker Associates. Legislative Advocate Aaron Read from Aaron Read & Associates.

#### b. Approval of Board Meeting Minutes

- i. August 19, 2023

#### c. Officers and Directors Reports (as necessary)

- i. None Submitted

\* Attended the meeting remotely.

## 2. MEMBER REPORTS

- a. **Members Present.** Genevieve Walden (CDFA - Sacramento, Senior Plant Taxonomist)\*, Craig Bross (DHCS – Sacramento, Research Scientist II)\*, Matthew Palmer (CDCR – Madera, Associate Hazardous Materials Specialist)\*, Anne Hilborn (CDFW – Yolo, Senior Environmental Scientist (Specialist))\* , Charles Polc (DWR – Sacramento, Environmental Scientist)\*, Jaynia Anderson (CDPH – Sacramento, Research Scientist III)\*, Jessy Fierro (DTSC – Los Angeles, Senior Environmental Scientist (Specialist))\* , Justin Garcia (CDFW – Yolo, Senior Environmental Scientist (Specialist))\* , Katheryn Rein (DWR - Yolo, Environmental Scientist)\*, Kim Sanders (SWRCB – San Luis Obispo, Environmental Scientist)\*, Robert Haerr (CDPH – Sacramento, Environmental Scientist)\*, Tiffany Kocis Richardson (CDPR – Sacramento, Senior Environmental Scientist (Specialist))\*
- b. **Member Comments.** Justin Garcia thanked everyone for stepping up and serving the union, noting his excitement for this Board Term and what would be accomplished. Kim Sanders thanked the board for allowing members to listen in on committee meetings. Genevieve Walden thanked Nadia Compton and CAPS. Craig Bross noted he'd like to see more diversity on the Board and suggested they consider ways the union can be more accessible to Rank and File Members. Matt Palmer mentioned that he'd be willing to serve in the vacant District II Director position. Kathryn Rein discussed the existence of an unofficial strike fund, and inquired after an official, CAPS-sanctioned strike fund.

## 3. STAFF REPORTS

- a. **Staff Quarterly Reports.** Staff Director Bianca Gutierrez Petzold introduced the Quarterly Report, which condenses and highlights the most impactful news from the past quarter of CAPS' business. She informed the Board that the report would be available for members on the members-only section of the website after the Board Meeting. She additionally introduced the Membership, Website, and confidential Representation Report, which anonymously summarizes the currently pending individual cases of members where staff is representing and assisting them. Finally, she asked the staff consultants present summaries of their most recent news from their respective areas.

Labor Relations Consultant Matt Austin gave the San Francisco Report, noting some issues at CDPH's Richmond campus, dating back to when they lost their drinking water program to DWR. He additionally noted some

issues at the Department of Cannabis Control where CAPS Members were leaving or planning to leave in droves based on issues with management.

Jesse Rodriguez gave Southern California Report. He reported that there had been recent issues with how investigatory interviews are being carried out. The State is contracting out with private law firms to conduct investigations, instead of utilizing their departmental investigators, and these private law firms have not been responding to union representatives' questions, they are instead remaining silent.

Labor Relations Consultant Nadia Compton gave the Sacramento Report. She noted a recent uptick in Investigatory Interviews as staff return to office more and more, and a special emphasis on Investigations of Supervisory Members in the last few weeks. She also reported on an Accounts Receivable Issue for a member, who was presented with several Accounts Receivables (ARs) that they believed they had paid, and after an initial meeting with the unprepared department, filed a grievance to force the Department to provide an accounting of the alleged overpayment.

CAPS Counsel Matt Hanson provided the Legal Report. He reported that on September 19, 2023, CAPS had filed a Request for Impasse with the Public Employee Relations Board (PERB). He noted that CAPS believes future negotiations without assistance of a mediator would be futile. PERB agreed with CAPS' assessment and upheld the request for Impasse on September 26, 2023. Following that determination, the so-called "evergreen clause" of the Dills Act is no longer in effect, which means that our MOU is no longer in effect, including the no strike section. He noted that CAPS would be participating in mediation with the State, and that our assigned mediator was Kenneth Glen.

Media Director Jon Ortiz gave the report on media and social media. He reported that the past quarter had been unprecedented in terms of the scope of coverage of CAPS' issues, and the number of media outlets and stories that had been covered was more than any time in at least the last seven years. There had been more than 70 reports by nearly 20 different media outlets, ranging from print media, news websites, editorial pages, television, and radio. Events that garnered the media's attention included coverage of AB1677 the Rally in Sacramento at the State Capitol, the Strike Authorization Vote and Impasse. Media Director Ortiz continued with the social media report, noting that both media platforms, Twitter/X and Instagram, saw spikes in activity, as well. The biggest post for the quarter was the legislative letter thanking the legislators who supported AB1677 with their signature. He reported the CAPS Instagram Account had 15,000 impressions during the quarter, which was 4,000 more than

the quarter prior. Of note: CAPS' Twitter/X account was interacted with mostly by the decision makers (i.e. Legislators), while Instagram interactions were mostly by CAPS Members. Media Director Ortiz finalized his report noting that CAPS' social media had made 160 posts during the quarter.

Recruitment Consultant Sebastian De La Rosa reported that 450 new people had entered into Bargaining Unit 10 in the last 12 months, and in that same time, CAPS had gained 380 new members. For the quarter, he reported a net increase of 161 new members. He continued, reporting that there was a significant increase in hiring of supervisors and managers compared to recent history, noting that during the year 300 of the new adds to BU10 had been Rank-and-File while 150 had been supervisory or managerial. Finally, he noted that CAPS had seen, live, 97 nonmembers and 15 members at New Employee Orientations for the quarter, at the 86 NEO's hosted by Departments or individual conversations with new hires that did not have an NEO.

#### 4. COMMITTEE UPDATES.

The Chair introduced the chairs of each committee, noting that the members of the Bargaining Committee and Representation Committees needed to be voted in by a vote of the Board, and asked that each chair give a report.

- a. **Bargaining Committee.** President Tkac announced she would be appointing herself as chair, contingent upon Board approval. She noted that a lot of the Bargaining Update was covered in staff's legal report, and the roundtable later would allow the Board to discuss bargaining strategy and timelines. She noted that Worksite Meetings were scheduled for the 14<sup>th</sup>, 15<sup>th</sup>, and 16<sup>th</sup>, and while they would include bargaining topics, they were not scheduled as exclusively bargaining meetings.
- b. **Benefits Committee.** Chair Radke announced the committee would be comprised of herself, District III Director Esther Tracy, Secretary Itzia Rivera, District V Director Monty Larson, and District IV Director Christina LaFave. She noted her priority to hit the ground running on with the committee would be creating and implementing an official CAPS strike fund.
- c. **Budget Committee.** Chair Rivera reported she was working on establishing this committee, noting a goal to have the members decided within the next week. She noted that the Board received packets which contained the Budget and Check Register as of September 30, 2023, and asked Staff Director Gutierrez Petzold to provide additional information. Staff Director Gutierrez Petzold reported that the Board had gone through the Budget

during orientation the day before, though it looked to be perfectly on track for the year, based on predictions made the previous year. She noted that she, President Tkac, and Treasurer Rivera planned to meet with the Budget Committee before the end of the year to prepare a draft budget to be approved at the February Board of Directors Meeting.

- d. Bylaws and Policy Committee (B&P).** Chair Vander Werf reported that they had not yet set their committee, but hoped to in the upcoming week. They noted they are a person who loves Roberts Rules of Order, and were very excited to get the Bylaws updated and up-to-speed with current practices. They asked that Board members please send them ideas and questions to examine with the Committee.
- e. Governmental Affairs Committee (GAC).** Treasurer Rivera and Supervisor Director Ellis are co-chairs of this committee. Chair Ellis announced the Committee, which was comprised of At-Large Director Mia Roberts, Secretary Hannah Johnson, District III Director Esther Tracy, and CAPS Members Anita Carraher, Chelle Temple-King, Rebecca and Steven Sander, had held a meeting the day prior, and announced that the Committee wishes to meet more frequently going forward. He announced that, going forward, whenever possible, Committee meetings would be open for members to observe.
- f. Member Action Committee (MAC).** President Tkac announced that she was still searching for a Chair for this Committee, so in the meantime she would serve as the temporary chair. This Committee had held six meetings over the last quarter, as well as three rallies: one in Los Angeles, one in Oakland, and one in Sacramento, which included a picket outside the CalHR building in Sacramento, and a march to the Capitol. She reported that the event had been very successful, with a rough visual estimate of 300 attendees, and speakers from the United Teachers Los Angeles, Union of American Physicians and Dentists, California Labor Federation, and multiple State Legislators. Hse thanked staff for making the events happen, and State Scientists for attending. She reported that the MAC, via the Contract Action Team (CAT) was scheduling Practice Pickets statewide, and had developed a Practice Picketing Toolkit. There had been 40 new CAT members since the last Board of Directors meeting, with 14 additional pending approval by the MAC. The MAC had established a weekly meeting scheduled, alternating between lunchtime and evening meetings. She reported that currently, the MAC was working to plan the Union Solidarity Rally at the CDP convention on November 18 and to boost communication with public, stakeholder groups, and others.

- g. Membership and Communication Committee (MCC).** Chair Roberts noted that she was still in the process of forming the Committee, but that she and Consultant De La Rosa were working to get buttons made for the CDP event mentioned in the MAC report so delegates could wear them during the event.
- h. Political Action Committee (PAC).** Chair Ellis reported that the PAC had met the previous day. He reported that the Committee had discussed meeting frequency and time, as well as the CDP Convention, and paying for the booth at the event.
- i. Public Relations Committee (PR).** Chair Buesch reported that District III Director Esther Tracy, and member Anita Carraher would be on the Committee, and that they would be working with Consultant Compton to plan State Scientist Day and Outstanding Young Scientist events in 2024.
- j. Representation Committee.** Chair Larson reported that his Committee would consist of District I Director Laura Radke, At-Large Director Mia Roberts, Local Rep Matthew Palmer, and member Kathryn Rein, pending the Board's approval.
- k. Supervisor's Committee.** Chair Ellis reported that his Committee thus far consisted of members Anne Cooper, Lorna MacFarlane, Corey Copeland, and Rachel Fabian.
- l. Workplace Bullying Ad-Hoc.** Chair Roberts reported that she was working to form the Committee, but that it hadn't been formed yet as the Committee needed to be voted in as an Ad-Hoc.

## 5. PROPOSED MOTIONS

- a. Motion 23-18.** President Tkac moved, seconded by Director Roberts to approve the minutes of the August 19, 2023, CAPS Board of Directors meeting. **The motion passed unanimously.**
- b. Motion 23-19.** President Tkac moved, seconded by Vice President Vander Werf to grant honorary membership in the California Association of Professional Scientists to Jane McAlevey, for all her great work which has helped lead to such change within CAPS in such a short period of time. **The motion passed unanimously.**
- c. Motion 23-20.** President Tkac moved, seconded by Director Larson to set the standing meeting schedule for the CAPS Board of Directors as follows: For 2024: February 24, May 18, August 24, and November 2. For 2025:

February 8, May 17, August 23, and November 8. **The motion passed unanimously.**

- d. **Motion 23-21.** President Tkac moved, seconded by Director Roberts, to approve a CAPS Bargaining Committee consisting of Chairperson Jacqueline Tkac and Members Itzia Rivera, David Rist, Monty Larson, Dr. Peter Kerr, Anita Carraher, and Steven Sander. **The motion passed with one abstention.**
- e. **Motion 23-22.** President Tkac moved, seconded by Director Larson, to approve a CAPS Representation Committee consisting of Chairperson Monty Larson and Members Laura Radke, Matthew Palmer, Mia Roberts, and Kathryn Rein. **The motion passed with one abstention.**
- f. **Motion 23-23.** President Tkac moved, seconded Director Roberts by to approve Craig Bross, Katheryn Rein, Tiffany Kocis Richardson, and Nicholas Rassmussen as CAPS Local Representatives. **The motion passed unanimously.**
- g. **Motion 23-24.** President Tkac moved, seconded by Treasurer Rivera to establish the Workplace Bullying Committee as an Ad-Hoc Committee for this board term. **The motion passed unanimously.**
- h. **Motion 23-25.** President Tkac moved, seconded by Director Roberts, to approve Vice President Rae Vander Werf and Secretary Hannah Johnson to sign any physical checks for the remainder of this Board's term. **The motion passed unanimously.**
- i. **Motion 23-26.** Vice President Vander Werf moved, seconded by Secretary Johnson, to adjourn the meeting at 5:03 p.m. **The motion passed unanimously.**

## 6. ROUND TABLE

### a. Strike Standards

- i. Discussion was held regarding the strike standards that had been released to the membership the previous week, and specifically whether the board would like to include disciplinary action against members who chose not to comply with a potential strike or with the published standards. From the discussion, it was decided that the Board of Directors would review and provide comment on the potential discipline section of the draft strike standards document

by November 11, 2023, and the Benefits Committee would be tasked with creating rules for the fair distribution of strike funds.

**b. Strike Fund Establishment**

- i. Discussion was held regarding the establishment of a CAPS Strike Fund, and potential ways to do so. The Board had already directed staff to contract with outside counsel who specializes in the corporations code, which CAPS is subject to. Items of interest to the Board included a general fund strike fund and a storefront for members and the public to purchase gear and contribute to the strike fund, which this outside counsel was looking into the potential ramifications of.

**c. Membership benefits**

The Board was apprised of the potential for joining several organizations that would provide some benefits to members.

**i. OE Credit Union**

1. This organization has some benefits that could be of use to members in the future, including low-rate loans, and, should members go on strike, if they meet the criteria, folks can have strike abatement on their credit card and loan payments. The Benefits Committee was tasked with reviewing the benefits of joining OE Credit Union.

**ii. Union Plus**

1. The Benefits Committee was tasked with reviewing the potential benefits to the membership of joining Union Plus.

**iii. United Way**

1. The Benefits Committee was tasked with reviewing whether membership in United Way would provide benefits for members.

**d. Strategic Board Term Planning - Closed Session.**

**7. ACTION ITEMS**

- a. Staff Director Petzold reviewed the Action Items for the Board.

The meeting ended at 5:03 p.m.