

CAPSule

E-Mail CAPS at: caps@capsscientists.org

Website: www.capsscientists.org

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KNOW YOUR RIGHTS

Discipline by State Management against a State Scientist is rare. But it does happen, and it can take several forms.

State law (Government Code Section 19572) provides for 24 causes that can result in a penalty ranging from a formal written reprimand to termination. These include such things as incompetency, insubordination, dishonesty, drunkenness on duty, discourteous treatment of the public or other employees, and misuse of state property.

And if one of the many specific causes doesn't cover it, there's this: *"Other failure of good behavior either during or outside of duty hours, which is of such a nature that it causes discredit to the appointing authority or the person's employment."* All of these actions require notice to the employee, and a due process hearing before an administrative law judge from the State Personnel Board. The judge's decision is subject to review and adoption by the full five-member SPB. The numbers show that over 90% of adverse actions are upheld by the SPB. So clearly, it's best not to be in that position in the first place.

If you receive a Notice of Adverse Action or Rejection During Probation, call CAPS ASAP! Your right to appeal the action disappears as quickly as 15 days after some actions. And don't listen to anyone who says "don't rock the boat." Assert your rights! Call CAPS for a consultation and let us help you navigate these tricky situations and help protect your career.

AWOL. Absence without official leave results in an automatic resignation when any state employee misses work without approval for at least five consecutive work days. There is a very limited right to an appeal, which in this case is before an administrative law judge employed by CalHR, which represents the Governor. AWOL terminations are even more rarely overturned.

Contact CAPS! The best course is to contact CAPS at the first sign of a problem--not days after the notice is received or after the action is effective. Such a delay can limit or waive your right to appeal the action. And there's a lot at stake, including your livelihood, retirement earnings, health care benefits and so much more. So, please, be PROACTIVE!

Contract Violations. The CAPS Memorandum of Understanding (MOU) is a legally binding contract that covers all rank-and-file state scientists through July 1, 2018. Fortunately, the CAPS MOU provides YOU and all state scientists with more salary growth in a shorter time frame than any other group of state employees.

5% Salary Increases Guaranteed! All state scientists last July received a 5% General Salary Increase (GSI), with the guarantee of two more 5% GSI's this year and next. These increases fall short of bringing state scientists to full salary equity, but they are a step in the right direction. These increases are also legally binding and guaranteed.

The MOU Means Security. The CAPS MOU provides and protects a host of other important benefits, as well as a grievance arbitration clause that provides for a remedy by an impartial third party. Violations are rare, but they do occur, and CAPS will follow up, as in the case of the state's incorrect calculation of its health care contribution for all state scientists. That dispute will soon be heard via arbitration and could make a significant difference in the take-home pay of many state scientists.

The MOU isn't just a vehicle for promised salary increases. There are a myriad of other important benefits: merit salary adjustments, business and travel expenses, parental leave, time off for blood donations, vacation leave cash-out, and telecommuting, just to name a few.

CAPS Represents YOU! CAPS regularly helps members realize their employment rights under the law and to get the things they're entitled to under the MOU. Recently, one member didn't receive his July 5% General Salary Increase. CAPS promptly intervened and got him PAID!

Another member was recently deemed AWOL and lost his long-time state job. CAPS again intervened and will file in Superior Court for a writ of mandate to get him reinstated. Without CAPS' help, a legal action like that might cost in excess of \$20,000. For a CAPS member it comes with the "CAPS Insurance Policy," which is free with membership.

Do YOU know your rights under the CAPS MOU? If not then please take the time to review it. You can find a copy online (www.capsscientists.org), or you can always request a hard copy from CAPS: caps@capsscientists.org.

And of course, when in doubt, **ALWAYS** contact CAPS at the first hint of a problem. It could make the crucial difference in an employment dispute.

California State Scientists ... Knowledge, Innovation, Protection

455 Capitol Mall, Suite 500, Sacramento, CA 95814 • (916) 441-2629

215 N. Marengo Avenue, Suite 185, Pasadena, CA 91101 • (818) 246-0629

100 Pine Street, Suite 750, San Francisco, CA 94111 • (415) 861-6343

CAPS Insurance • (415) 958-1344



GOVERNOR BROWN'S 2017-18 BUDGET PROPOSAL



On January 10 Governor Brown released his revised budget proposal for the 2017-2018 fiscal year. Here are some of the important highlights:



■ **Estimates a budget deficit of \$2 billion.**

In spite of this, the Governor says: *"While rolling back some planned spending increases, my proposed budget protects*

our most important achievements – more money for education, and earned income tax credit for working families, the rising minimum wage, the extension of health care to millions, and the paydown of our long-term liabilities. In all likelihood the coming years will bring even worse financial news – either from the start of the next inevitable recession or from changes at the federal level. This uncertainty about the future makes acting responsibly now even more important."



■ **Each of the state's "big three" revenue sources – the income, sales, and corporate taxes are showing weakness.**

The budget shows various corrective actions to ensure the state's spending is balanced. None involve cuts to state scientists' compensation or benefits.



■ **Funds the 5% General Salary Increase for rank-and-file State Scientists scheduled for July 1, 2017.**

Benefits contained in the CAPS MOU are fully funded. The GSI for State Scientific Supervisors will likely be finalized after the May 2017 Budget Revision is issued.



■ **Pension reform is mentioned, but no new measures are proposed.**

The budget cites the beneficial budget impacts of the 2012 Reform Act which capped benefits, increased the retirement age for new employees, stopped abusive pension practices and requires employees to pay at least half of their pension costs. The Governor's proposed budget also cites the recent collective-bargaining agreements which require state employees to share

equally in the pre-funding of retiree health benefits in order to eliminate a \$74 billion unfunded liability over three decades.



■ **Curbing climate change remains a priority through continued use of the Cap and Trade Program**

which allows the private sector to determine the most appropriate path for reducing emissions. Assuming legislative action, the budget proposes an additional \$2.2 billion in expenditures from Cap and Trade auction proceeds.



■ **The Fish and Game Preservation Fund is slated for an increase of \$12.4 million in additional revenue**

from commercial fish landing fees to fully support the department's commercial fishing program, and a one-time redirection of \$10.6 million from the Lifetime License Account. Currently, revenue from the commercial fish landing fees supports less than one quarter of the department's program costs. These fees have not been adjusted in at least 20 years. This proposal sustains the current level of service, acknowledging the need to implement more permanent measures in 2018-19.



■ **No Program Cuts.**

There are no significant cuts to state scientific programs evident. Any CAPS member who becomes aware of a significant programmatic funding problem should notify CAPS IMMEDIATELY: caps@capsscscientists.org.

■ **Governor Brown dedicated the budget to the recently deceased state's first dog Sutter Brown: "Save some biscuits for a rainy day."**

See the summary of the Governor's May Revise: www.ebudget.ca.gov.


The Formula for Success


BY PATTY VELEZ, PRESIDENT

Prior to January 20, our fiscal environment has had stability and certainty, at least with respect to the compensation and professional status of California state scientists—CAPS members.

It isn't what we'd like it to be, certainly, but it is stable and known—an MOU in place which protects our benefits and workplace rights. Two more successive 5% salary increases that help inch us closer to salary equity for ALL state scientists. One more round of contract bargaining with Governor Brown **before** he leaves office. A secure retirement system that for decades has delivered promised retirement benefits based on a defined benefit formula.

Yes, the stakes are high for the future. Today, just before the inauguration of Donald Trump as our 45th President, we have stability and a path to salary growth and benefit protection through July 1, 2018. All of this is subject to change with the January 20 inauguration. To be successful in bargaining next year, we need a state budget that's black, not red. That means continuing a positive cash flow. This was helped greatly when votes last November approved continuation of the statewide sales tax increase and higher taxes for top earners via Proposition 55. After January 20, a few more things could help contribute to the formula for success.

 **A STRONG ECONOMY.** The stock market needs continued growth. Capital gains taxes remain a huge factor in determining whether the state budget continues in the black, or reverts to red. Continuing growth in the markets is good for state scientists. President-Elect Trump suggested further deregulating the financial markets. The result will have consequences for California.

 **DEFENSE SPENDING.** Mr. Trump's hard-line stance on immigration and trade policy could cost the California federal spending on infrastructure and upgrades -- many public institutions have promised to actively oppose Mr. Trump's anti-immigration goals. But on the other hand, if he succeeds in increasing spending on defense, California could stage a defense-industry comeback. The proposed increase in defense spending could disproportionately benefit job growth in California because the technology that supports so many sophisticated weapons systems originate here.



FEDERAL LAW REGARDING MARIJUANA LAWS COULD CHANGE.

California, now arguably the national capital of marijuana growers, could benefit greatly from a relaxation of federal laws in this area. On one hand, Trump proposed on the campaign trail that he would reschedule marijuana from its current illicit status as a Schedule 1 substance to perhaps Schedule 2 or lower. Schedule 1 substances are considered federally illegal and perceived to have no medical benefits, whereas Schedule 2 substances and lower

are considered to have medical benefits but are also perceived to have addictive qualities. Trump said he is "in favor of medical marijuana 100%." Effectively legalizing medical cannabis at the national level would allow physicians the ability to write prescriptions for marijuana, and it would open the floodgates to medical research into pot, granting easier access to researchers, universities, and drug companies. It also would bring marijuana under FDA regulatory control. On the other hand, Trump's pick for Attorney General, Alabama

Senator Jeff Sessions, has long been an outspoken opponent of any such relaxation.



INFRASTRUCTURE SPENDING.

Trump has proposed a trillion dollar infrastructure rejuvenation program. Aside from the question of **where** that money would come from, California's economy could benefit greatly from any such spending.



SUPPORT FOR THE TECH INDUSTRY.

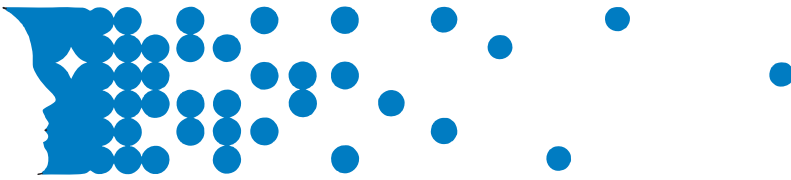
Trump's candidacy was supported by very few high-profile Silicon Valley entrepreneurs. Nevertheless, immediately following the election, he met with most of those key players and promised more support for the tech industry. Some are predicting that the tech sector could thrive under a pro-business, anti-regulatory Trump administration.



NOTHING PERSONAL.

My job as your CAPS President, and that of your other elected leaders, is to produce results that benefit the salary, benefits and professional status of ALL state scientists. Don't assume that by taking the optimistic view, I support Mr. Trump or his behavior. CAPS stayed out of it because we simply don't have a say in national elections. We leave that choice to you, the members, to decide on your own.

In fact, I have grave concerns about the direction the Trump Administration will take on the role of science and scientists on climate change, and on a multitude of regulatory issues. However, at least for now, I'm taking the optimistic view where it affects our pay, our benefits, our retirement and our professional status.



CALIFORNIA ASSOCIATION OF PROFESSIONAL SCIENTISTS

● 455 Capitol Mall, Suite 500
Sacramento, CA 95814

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CAPS GRANTS AWARDED

The CAPS Benefits Committee proudly awards FOUR \$400 professional development grants to CAPS members each quarter. This practice started many years ago because state departments do far too little to fund State scientists' professional development. Grants awarded for the FIRST quarter of 2017 are listed below. ANY CAPS member can apply for a CAPS grant via the CAPS webpage: www.capsScientists.org.



Associate Public Health Biologist Sarah Billeter of the CDPH Vector-Borne Disease Section in Ontario will use her grant to pay for travel to attend a two week course during March 2017 at the Florida Medical Entomology Laboratory Research and Education Center. The course will help her improve her skills in adult and larval mosquito identification on important vectors of such diseases as West Nile Virus, Zika Virus, dengue, chikungunya and many others that affect the quality of life for California residents.



Environmental Scientist Lisa Fields of Parks and Rec from San Diego will use her grant to offset the cost to attend the 2017 Western Section of The Wildlife Society Annual Conference in Reno, Nevada next month.



Research Scientist III Renato Littaua of CDPH in Sacramento will use his grant to offset the costs of participating in the Association of Maternal and Child Health Programs Leadership Lab meeting scheduled for March 2017 in Kansas City, Missouri. This meeting will help develop competency training in the field of maternal and child health epidemiology.



Senior Environmental Scientists Specialist Michael G. van Hattem of the CDFW in Eureka will use his grant to cover some of the purchase price for Trinity Alps mapping technology that will help study the effects of climate change in the Trinity Alps.