

# CAPSule

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## 2017 DEPENDENT SCHOLARSHIP WINNERS

CAPS has awarded \$500 scholarships to dependents of 15 CAPS members in support of their college education. These lucky 15 were among the several dozen applicants for this year's scholarship program. CAPS will keep 2017 applications on file for next year's drawing. Thanks to everyone who participated.



Michael Dentoni, son of CAPS member Linda Dentoni-Wang (DFA), is majoring in business at Northern Arizona University and will graduate this year.



Jessica Matsubara, daughter of CAPS member Christina Asay (CDFA), is majoring in psychobiology at UCLA and will graduate this year.

Spencer Dickinson, son of CAPS member Linda Dickinson (CalRecycle), is majoring in mechanical engineering at UC San Diego and will graduate in 2018.



Mia Prall, daughter of CAPS member Michael Prall (CDFW), is majoring in liberal arts and sciences at Leiden University College in the Netherlands and will graduate in 2019.



Sean Freeny, son of CAPS member Tobi Freeny (DFW), is majoring in business administration - marketing at San Diego State University and will graduate in 2018.



Kathleen Qin, daughter of CAPS member Wei Wendy Zhao (CDPR), is majoring in statistics at UC Berkeley and will graduate in 2020.

Cong Guo, daughter of CAPS member Mingzhang Guo (DPR), is majoring in biochemistry at UC Davis and will graduate this year.



Hannah Ricker, daughter of CAPS member Karin Ricker (OEHHA), is majoring in environmental economics and policy; political economy at UC Berkeley and will graduate in 2018.



Max Kittel, son of CAPS member Manfred Kittel (DFW), is majoring in environmental management at Humboldt State University and will graduate in 2017.



Katherina Schroyer, daughter of CAPS member Thomas Schroyer (CDFW), is majoring in wildlife biology at the University of Montana and will graduate in 2020.

Esha Lal, daughter of Vandana Kohli (CDPH), is majoring in microbiology, immunology, and molecular genetics at UC Los Angeles and will graduate in 2018.



Katherine Wanger, daughter of CAPS member Lynn Nakashima (DTSC), is majoring in nursing at Seton Hall University in New Jersey and will graduate in 2021.



Marcus McMillin, son of CAPS member Stella McMillin (DFW), is majoring in biology at San Francisco State University and will graduate in 2020.



Karen Tsay, daughter of CAPS member ChingYi Hsieh (OEHHA), is studying Pharmaceutical Chemistry at UC San Diego and is expected to graduate this year.



Andrew Yang, son of CAPS member Mark Yang (Corrections), is majoring in kinesiology at CSU Fresno and will graduate in 2018.



A quick glance at the headlines these days is all it takes to know that substance abuse is on the rise around the country. Substance abuse – including the abuse of alcohol or legal or illegal drugs – can impact every facet of the lives of those afflicted, including their jobs.

If **you** are suffering from addiction or substance abuse, there are steps you can take to get help **and** protect your job. These tips are offered by CAPS' legal staff, who have noticed an increase in disciplinary actions taken against State Scientist members due to performance or behavioral problems at work where the core issue appears to be rooted in substance abuse.

First, the Employee Assistance Program (EAP) is a confidential resource available to all state employees. Information about EAP and a list of providers in your area are easily available online: [www.eap.calhr.ca.gov](http://www.eap.calhr.ca.gov).

Next, many health care plans and medical groups offer comprehensive addiction treatment services. For example, Kaiser offers the Chemical Dependency Recovery Program. This year-long plan is divided into phases focused on recovery, relapse prevention, and more. Your doctor can provide a referral.

If attendance at counseling sessions or meetings would cause you to need longer lunch breaks or to alter your schedule, you can ask for a reasonable accommodation from your employer to enable you to attend the recovery program. Reasonable accommodation information can be obtained from your supervisor or personnel analyst (or via some departments' intranet portals). Asking for an accommodation requires supporting documentation from your treating physician but does **not** require you to disclose the nature of your medical condition.

While applicable state and federal law generally prohibits an employer from disciplining or terminating an employee based **solely** on their being an alcoholic, employers are still permitted to discipline or terminate an employee based on inappropriate conduct that **stems** from their alcoholism. This means that while they **can't** take action against you for being in recovery; they **can** take action against you for excessive absenteeism, poor performance, or emotional outbursts that may be caused by the underlying addiction.

CAPS urges you to **please get help if you need it**. The road to recovery can be long, but starting the journey as soon as you realize there is a problem can help safeguard your livelihood. Recognition is always the first step to successful recovery!

## HEALTH BENEFIT CONTRIBUTION DISPUTE

The state employer's monthly contribution for health benefits is 80% of the weighted average premium of the four largest enrolled health plans. For 2017, the average premium calculation by CalHR was instead done using the fifth largest plan. That was done by CalHR ostensibly because one of the plans, Blue Shield Net Value, was not offered in 2017. Because the fifth largest plan is cheaper, and due to the elimination of the Net Value enrollees, Kaiser enrollees got a heavier weighting in CalHR's calculation of the average premium. The result was that the state's health benefit contribution for 2017 went down. CAPS challenged that because all the health premiums went up, so the average premium and the state's contribution should also go up. CAPS argued in a grievance that because Net Value employees would move to Blue Shield Access + HMO, the average premium and the state employer contribution should have increased. This grievance is scheduled for arbitration on October 24, 2017, with a decision by early 2018. If CAPS prevails, state scientists would be reimbursed for portions of monthly health benefit contributions in 2017.



## CAPS Defends Pensions So YOU Can Retire With Confidence

Every State Scientist has earned and deserves a secure, predictable, reliable retirement. Your retirement portion is funded partially by monthly contributions made by you and the State. The greater share is paid from returns on CalPERS' investments. Your actual retirement annuity is based on a defined-benefit formula. A retirement allowance based on this formula is one of the things that makes a California civil service retirement so valuable. This guarantee of a living retirement, and a lifetime health benefits program, provides security that most Americans simply don't have in this day and age.

**You are a Member of the CalPERS "Miscellaneous" Retirement Plan.** The formula to calculate your retirement annuity is simple enough: your final compensation multiplied by your years of service, then multiplied again by an age factor. Your exact retirement amount isn't so simple. A number of variables can complicate this formula, such as your date of hire, service earned in another jurisdiction, service earned under different CalPERS retirement plans, breaks in service, etc. Supplemental income such as social security benefits or earnings from a 457 or 401(k) supplemental income plan can of course increase your income during retirement.

**CAPS and CalPERS Can Help.** The CAPS MOU can help you as a very general guide in calculating your retirement annuity. Guidance on retirement issues specific to your situation should be obtained directly from a qualified CalPERS representative. CalPERS will calculate your retirement annuity and help to craft a plan to help you achieve your goal of a predictable, living retirement. Visit the CalPERS website here to learn more: [www.calpers.ca.gov](http://www.calpers.ca.gov).

**Danger Always Lurks on the Horizon.** Attacks on public sector pensions by "taxpayer advocates" continue. The Marin County employees retirement case threatens the California Rule, which provides a constitutional bar that prevents promised retirement benefits from being reversed during the course of employment. CAPS has filed a "Friend of the Court" brief in support of overturning this decision, which could allow benefits to be reduced mid-career. CAPS is also a founding member of Californians for Retirement Security a labor coalition focused solely on protecting the integrity the retirement plans that cover the majority of California's public employees: [www.LetsTalkPensions.com](http://www.LetsTalkPensions.com).

# CAPS Accomplishments 2003-2005

By PATTY VELEZ, PRESIDENT

Planning for the future is often aided by looking to the past. That's why I periodically note some of CAPS' accomplishments from the recent past. I have already summarized 2002 and prior years. Here are a few of the more significant events from the ensuing three years. Perhaps the most noteworthy event during this period was the recall of Governor Gray Davis and the election of Arnold Schwarzenegger, who took office on November 17, 2003 to serve the remainder of Davis' term. These events demonstrate the lengths to which CAPS has gone to promote and protect the employment and professional interests of its members.

**Preventing Pay Cuts and Layoffs.** CAPS successfully opposed pay cuts first proposed by Governor Davis prior to his recall, then again after Governor Schwarzenegger was elected and proposed pay cuts to fill the state budget deficit. CAPS also successfully opposed Schwarzenegger's threat of widespread layoffs after he reduced vehicle license fees which increased the state's budget deficit by approximately \$4 billion.

**CAPS Sued to Protect Hard Won Gains.** The CAPS leadership authorized several lawsuits during this period, the first to help ensure that a promised salary increase of 5% was actually paid by the Davis Administration. Another was intended to prevent the Davis Administration from unilaterally and unlawfully abolishing some 20,000 funded vacancies in state government. CAPS also successfully sued DHS (now CDPH) from releasing detailed personnel records of State Scientists to the *Contra Costa Times*.

**CAPS Battled Schwarzenegger over Retirement Rollbacks.** During

2004 CAPS and other labor groups successfully opposed efforts by Governor Schwarzenegger to roll back SB400 retirement improvements.

**Fish and Game Scientists Saved from Layoff.** Some 50 CDFG (now CDFW) Scientists were labelled "surplus" and subjected to potential layoff. All were ultimately reinstated to full employment with CAPS' help.

**“CAPS sued the state to prevent the forced placement of new hires into a non-CalPers retirement program ...”**

**Chemist Reclass.** During April 2004 the State Personnel Board approved changes negotiated by CAPS that converted the state's major chemist classifications into one statewide chemist series.

**Schwarzenegger Promised to “Blow Up Boxes.”** CAPS during 2005 had an active role in Governor Schwarzenegger's proposal to abolish, absorb or transfer 88 boards and commissions throughout state government. His proposal ultimately failed.

**Pension Protection Coalition Formed.** CAPS was a founding member of Californians for Retirement Security, a labor coalition dedicated to pension protection. This coalition lives on today.

**Alternate Retirement Program Foisted On New Hires.** CAPS sued the state to prevent the forced placement

of new hires into a non-CalPERS retirement program for the first 24 months of employment. This plan was intended to save the state millions of dollars in retirement contributions. It was negotiated between the Schwarzenegger Administration and SEIU Local 1000, then imposed on most other state employees via legislation. The CAPS lawsuit was unsuccessful, but the program was subsequently negotiated out of existence via the bargaining process with Governor Jerry Brown.

**Salaries In Full and On Time.** CAPS battled Governor Schwarzenegger to ensure that state scientists received a full paycheck regardless of budget status. Schwarzenegger continued to push for payment of minimum wage in the event the state legislature didn't enact a timely state budget. CAPS always prevailed on this one.

**CAPS Won Contracting Out Case.** In 2005 successfully challenged a contract between the Los Angeles Regional Water Board and various cities to perform soil and water remediation work. The contract allowed consultants to work inside the regional board's office doing work that had historically been performed by State Scientists. The SPB upheld the CAPS challenge.

**Statewide Ballot Measures Fail.** CAPS was an active member of a coalition that defeated Propositions 75, 76 and 77 during 2005 which would have prevented union dues from being used for political purposes, realigned the budget process to suit Governor Schwarzenegger, and revised the reapportionment process. All these measures failed at the ballot box.



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### *In This Issue*

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- ***2017 Dependent Scholarship Winners***
- ***Substance Abuse: Help is Available***
- ***Health Contribution Dispute to be Heard October 24***
- ***CAPS Accomplishments, by Patty Velez, President***

### **MORE CAPS GRANTS!**

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 don't adequately fund State Scientists' professional development. Grants awarded for the **THIRD** quarter of 2017 are listed below. **ANY** CAPS member can apply for a CAPS grant via the CAPS webpage: [www.capsscientists.org](http://www.capsscientists.org).



**Environmental Scientist Danielle Castle of the Department of Fish and Wildlife in Fort Bragg** will use her grant to help fund her travels to the Northern California Botanists Symposium, which is a platform for botanists in her departmental region to come together to present research and findings about California native plants and natural communities.



**Environmental Scientist Regina Abella of the Department of Fish and Wildlife in Sacramento** will use her grant to reimburse travel expenses to the biennial Desert Bighorn Council Meeting in St. George, Utah during April 2017. Abella presented summaries of helicopter and ground surveys, harvest, welfare and information on a collaborative disease research project with the Mojave National Preserve and Oregon State University.



**Research Scientist III Wenhao Chen of the Department of Public Health in Richmond** will use her grant to partially cover the cost of attending the International Society of Indoor Air Quality and Climate organization in Taiwan during September, 2017. ISIAQ is the preeminent international, multidisciplinary, scientific organization whose purpose is to support the creation of healthy, comfortable and productive indoor environments.



**Environmental Scientist James Ray of the Department of Fish in Wildlife in Eureka** will use his grant to cover the cost of taking a job-related class at Humboldt State University. Ray's state job includes identifying and understanding the ecology of benthic marine invertebrates. The additional coursework will deepen his knowledge base and promote career advancement.