

Bargaining Kicks Off March 20



CAPS will officially trigger the start of collective bargaining by making public the initial bargaining proposals. This is a requirement of the Dills Act, the state law governing collective bargaining for state employees. This is merely a formality that has little bearing on the process or outcome of actual negotiations. CAPS' initial bargaining proposals, called the "sunshine" document, can be found on the CAPS webpage.

More importantly, CAPS and state management (represented by the Department of Personnel Administration) will conduct negotiations in accordance with the "interest-based" bargaining format. This calls for an independent, neutral third party to facilitate negotiations and approach issues as a problem solving exercise, rather than positional bargaining that is common to the more traditional approach. CAPS' priority is to increase low salaries. This is well documented, with the latest CAPS/DPA joint salary survey showing that scientists remain well behind their counterparts in other government agencies. Not coincidentally, real wages have lost over 30 percent of purchasing power when measured against federal cost of living indexes since 1984. A big reason for this loss in purchasing power are the years when Governor Pete Wilson refused to provide salary increases of any kind to the state work force, except for certain public safety groups.

Exacerbating the salary situation among scientists are the guaranteed raises provided to state employed engineers year after year. The last in a succession of automatic increases is scheduled for June 30, 2008. The actual percentage increase is not yet known, but it is designed to bring state employed engineers to

continued on page 2»

Legislative Update

Legislative Day and Reception. Board members, activists and staff had the opportunity to meet, greet, and discuss the many issues facing scientists with Legislative leaders and Administration officials at the Annual Legislative Reception on February 20. The next day a diverse group of CAPS members participated in Legislative Day -- meeting with legislators and staff to discuss the salary lags facing the unit and seeking legislative support to address the problems.



Like Pay/Like Work Legislation.

To further help the state keep the scientific professionals necessary to protect public health and the environment, CAPS is sponsoring legislation, Assembly Bill 2519 (Hayashi), to implement an expected decision in CAPS Challenge of the Department of Personnel Administration's pay plan for state supervisory scientists. Current law and numerous court decisions require that "like salaries shall be paid for comparable duties." CAPS submitted overwhelming evidence and four days of testimony supporting CAPS' contention that the state is legally required to pay state supervisory scientists at a level comparable to state supervisory engineers. While supervisory scientists perform comparable work to supervisory engineers, they currently earn on average 24 percent less than their engineer colleagues. In many state agencies, state scientist supervisors now earn less than the rank and file engineers they oversee. To comply with the law and recent court decisions, DPA must amend the supervisory scientist pay plan to increase wages for scientific supervisors.

CAPS Board members Ryan Kinsella (left) and President Patty Velez visited with Assemblyman Dave Jones (D-Sacto) at the February 20 Legislative Reception.

Legislative Leadership Changes.

Due to the failure of Proposition 93 on the February ballot and the expiration of the terms of Senate President pro Tempore Don Perata, Senate Republican leader Dick Ackerman and Assembly Speaker Fabian Nunez, three of the four legislative leadership positions will change. Senate Democrats quickly decided on Sen. Darrell Steinberg (Sacramento) to be the next Senate President pro Tempore and Sen. Dave Cogdill (R-Modesto), won election as the next Senate Republican leader. In the Assembly, Democrats selected the well-respected Karen Bass (Los Angeles) from a group of eager candidates. GOP leadership of the Assembly is already in the hands of Mike Villines (Clovis), who has held the post for more than a year. Change will not happen overnight – the caucuses all have different timing for a transition of power and have agreed to allow the current leaders to remain in place for the time being.

BARGAINING KICKS OFF MARCH 20

continued from page 1

salary parity with their counterparts in other governmental jurisdictions. Many state scientists do work that is similar or identical to that of state engineers at CalEPA and the Resources Agency, where salaries historically have been identical. CAPS is awaiting a decision by DPA on an administrative appeal filed on behalf of state scientist supervisors and managers. A positive outcome there is expected to impact on rank-and-file scientists as well.

Meanwhile, Legislative Analyst Elizabeth Hill has projected a \$16 billion General Fund budget deficit, up from an earlier \$14.5 billion projection. (Over three fourths of the money paid to scientists comes from special funds.) Another stalemate in the legislature is expected as Democrats and Republicans debate spending cuts and revenue increases to balance the budget.

Using the bargaining survey of all state scientists as a guide, the CAPS Bargaining Team is determined to succeed in bargaining in spite of the state's dire budget problems. Many state departments report serious recruitment and retention problems among scientists. State scientists as a group are aging, with a majority eligible to retire within the next few years.

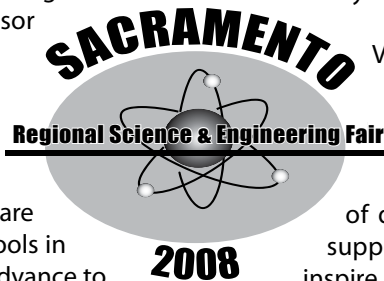
Sacramento Science Fair March 28-29

Hundreds of creative students from throughout the Sacramento Valley will compete in the 12th annual Sacramento Regional Science Fair Saturday, March 29 at Rosemont High School. CAPS is once again a proud co-sponsor of this event.

The fair draws middle and high school students from Sacramento and eight surrounding counties to compete in two divisions for awards and prizes in 21 areas of study. Fair participants are drawn from public, private and parochial schools in Sacramento. First and second place winners advance to the Intel International Science and Engineering Fair in Atlanta, Georgia, the week of May 11-17, 2008.

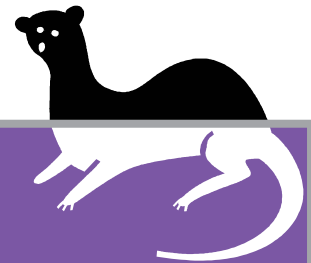
CAPS still needs state scientists to help with fair set up on March 28, starting at 4 p.m., OR to help judge projects on March 29, starting at 7:30 a.m. Volunteer judges are trained and provided

breakfast and lunch at the event. Volunteering for the Fair may qualify you for the state's mentoring leave program negotiated by CAPS. See Section 3.17 of the current MOU.



Volunteering at the Sacramento Regional Science Fair is a great opportunity and a memorable experience for everyone involved. It's also an important opportunity for CAPS to show students and parents that CAPS is made up of dedicated, hard working professionals who support the community. Your presence may also inspire participants to choose science as a career.

Please contact Fair Director Michele Hastie at 916-441-3150 with any questions. To learn more about the Fair visit www.srsefair.org.



Saving the California Sea Otter

Assemblymember Dave Jones (D-Sacramento) is a good friend of state scientists and CAPS and is asking for your donation to the California Sea Otter Fund. His legislation from 2006 (AB 2485) established a "check off" on state income tax forms to help fund more research on the sea otter. This fund supports researchers and state agencies who are working to understand the threats facing the sea otter and to find ways to recover their population in California. Half the money raised by the fund goes to the California Coastal Conservancy for research and programs related to improving sea otter habitat, including activities to reduce sea otter mortality. The remaining half goes to the California Department of Fish and Game for increased investigation, prevention and enforcement actions. In its first year, California taxpayers donated \$255,088 to the California Sea Otter Fund.

Nonetheless, the California sea otter population is threatened.

Although protected by state and federal law, their numbers aren't growing. In fact, over the last two years, approximately 10% of the otter population has died due to many factors, including parasitic disease. Marine researchers are working hard to identify the cause. This research is expensive and funding is shrinking.

This is a critical year for the program. If donation levels drop below \$250,000, the State Franchise Tax Board will remove the "CA Sea Otter Fund" from the list of programs to which individuals can donate via the state tax forms.

Please consider checking the Sea Otter box on your tax form and making a donation. Your donation will add up and help keep the California sea otter population thriving for generations to come.



Using the Interest-Based Approach

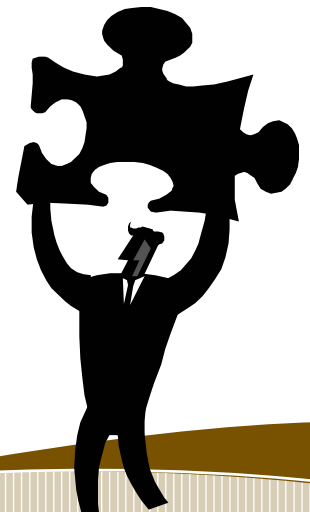
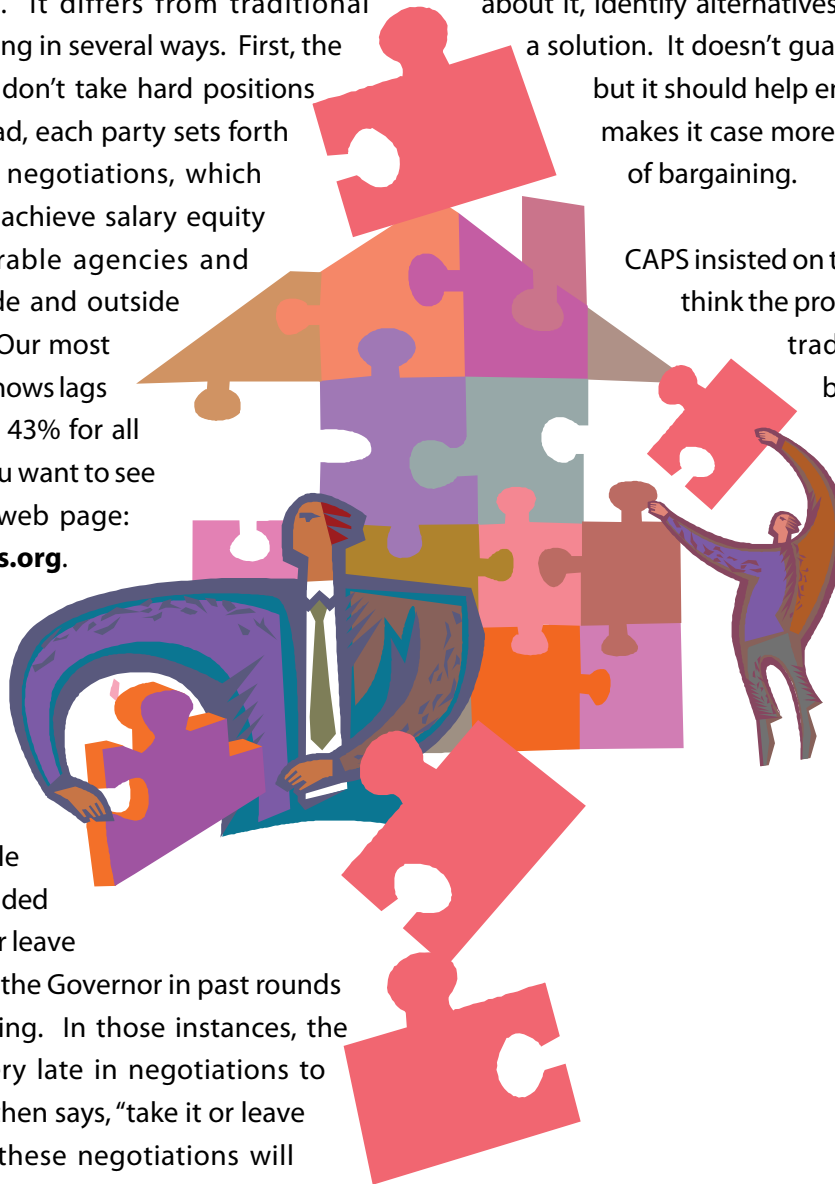
By Patty Velez, President

CAPS is taking a radically new approach in contract bargaining renewal this year. It's called "interest-based" bargaining. It differs from traditional "positional" bargaining in several ways. First, the negotiating parties don't take hard positions at the outset. Instead, each party sets forth its "interest" in the negotiations, which for CAPS is how to achieve salary equity with other comparable agencies and positions both inside and outside state government. Our most recent joint survey shows lags of between 9% and 43% for all state scientists. If you want to see it, go to the CAPS web page: www.capsscientists.org.

Second, interest-based discussions will be led by a facilitator trained to guide the parties to a mutually agreeable solution. This is intended to avoid the take it or leave it approach used by the Governor in past rounds of contract bargaining. In those instances, the state waits until very late in negotiations to make a salary offer then says, "take it or leave it." Consequently, these negotiations will take up salary and other compensation items first, not last.

Negotiations are structured to explore fully the nature of the problem, gather relevant data and information about it, identify alternatives, and finally, to agree on a solution. It doesn't guarantee a better outcome, but it should help ensure that CAPS is able to make it case more fully than in past rounds of bargaining.

CAPS insisted on this approach because we think the process will work better than traditional bargaining, and because the facts are on our side. The latest budget crisis is no excuse for state management. Salaries for state scientists have been artificially depressed for years. We won't settle for second best this year.



IN THIS ISSUE

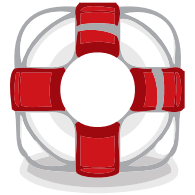
- * ***Bargaining Kicks Off This Month***
- * ***Legislative Update***
- * ***Saving the California Sea Otter***
- * ***Science & Engineering Fair March 28-29***
- * ***Interest Based Approach to Bargaining, by Patty Velez, President***

Encapsulations



CalPERS Retirement Fairs. This year, CalPERS is scheduling more fairs at more locations throughout the state than ever before – 23 fairs in 20 cities – from late April to early November. CalPERS members who attend a fair will receive information on CalPERS benefits, programs, and services to help them plan for a financially secure retirement. CalPERS retirees receive information about how to better manage their retirement assets. For a location and time near you, go to www.calpers.ca.gov.

Catastrophic Leave Donations Sought. CAPS members need catastrophic leave donations to help pay regular expenses while out ill. Currently there are several CAPS members seeking donations: Valerie Chenoweth-Brown (DPH) and CAPS Vice President, Dennis Ryan (DFG), Amanda Bern (Water Board), Annina Antonia (DTSC), and Homayon Azizi (DPH). Please make a donation today. It's easy. Just open the CAPS website, www.capsscienists.org, and look under "Hot News" to find everything you will need to make a donation. Thanks for your generosity!



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