

## Getting Paid in Full and On Time



On March 8 the state Senate Public Employees and Retirement Committee voted to approve AB 790, a CAPS-sponsored bill that would ensure state scientists and all state employees get paid IN FULL AND ON TIME. The vote was 4-1 with Democrats in support and Senator Dave Cox (R-Fair Oaks) in opposition. During committee, Cox expressed an interest in reaching a compromise on language that would include some state contractors. CAPS will be working with Senator Cox and Senate Democrats with hopes of winning his support on the Senate floor.

CAPS amended the continuous appropriation language into this vehicle after receiving assurances from Democratic leaders that the continuous appropriation legislation would be put on the legislative "fast track." The goal is to have it reach the Governor's desk as quickly as possible. This will take bipartisan support, so CAPS' lobbying efforts are kicking into high gear in order to

exert the maximum pressure on leaders in both parties to move it through the process. CAPS is coordinating lobbying efforts with other employee groups.

One benefit of using AB 790 as the vehicle for this language is that AB 790 is an Assembly bill that has already cleared its house of origin. The next stop for AB 790 is the Senate Appropriations Committee, then the Senate floor. When appropriate, state scientists, and all state employees, will be asked to pressure their own state senator to vote for this bill. There is of course no guarantee that the bill gets to the Governor's desk. If and when it gets there, Governor Schwarzenegger will have a decision to make: sign the bill or risk shutting down state government. Regardless, enacting this legislation is essential to ensure that state scientists are paid IN FULL AND ON TIME in the event of another prolonged delay in the adoption of a state budget. Such a delay looks increasingly likely.



## CAPS Opposes DIR Reporting Requirement

CAPS is strongly opposing a new policy at the Department of Industrial Relations that requires state scientists and other professionals to report any outside "teaching, presentations and training" performed while working for the Division of Occupational Safety and Health. This includes uncompensated volunteer work. The policy would also require Cal-OSHA employees under investigation to surrender from their "home computers or other personal electronic devices" any related documents and materials. CAPS sees this new policy as unduly intrusive, unnecessary and an illegal invasion of privacy.

By March 15 all DOSH employees were required to answer a questionnaire detailing every non-work presentation they have conducted under penalty of perjury. Scientists and others are being explicitly advised that they must report religious, political or union organizing activities.

A previous DOSH "all-staff" memo claims the new questionnaire was prompted by a state audit that identified a former Cal-OSHA

employee who "taught and delivered presentations concerning occupational safety and health for pay and other compensation while working for the Division as a full-time employee." That employee subsequently resigned, but Department of Industrial Relations Director John Duncan (Cal-OSHA's parent agency) decided to cast a wider net about this heinous activity. Apparently the thought of having scientists working as volunteers or even earning money on the side during mandatory unpaid furloughs infuriates the Schwarzenegger Administration.

CAPS is joined by PECG, the Washington, D.C. based non-profit, Public Employees for Environmental Responsibility (PEER), and the ACLU in opposing this witch-hunt because it serves no useful purpose. All DIR employees must file conflict of interest forms disclosing any source of income related to official duties. DIR can't take disciplinary action against employees for events more than three years old, yet, the DIR "audit" goes back to the start of employment. For some employees, that means 20 years or more.

# Governor Demands Permanent Pay Cuts

On March 2, Governor Schwarzenegger's appointed negotiator and his state bargaining team met with CAPS and proposed the same wholesale take-backs the Governor is seeking from all state employee groups both through the state budget process and now in direct meetings. Consequently, there was no real bargaining, just a long list of painful and expensive demands made by the Governor via his appointed representatives.

See the Governor's proposal on the CAPS web page: [www.capsscientists.org](http://www.capsscientists.org).

Details of this proposal were described previously by CAPS, when the Governor made virtually the same proposal to another state employee union. They include:

- An immediate five percent pay cut
- Another five percent pay cut if California doesn't get \$6.9 billion in federal subventions
- An increase from five to ten percent of salary in every employee's monthly contribution to CalPERS
- A one percent contribution by every employee to pre-fund, post-retirement health care costs



According to the Governor's DPA negotiator, he is looking for "immediate and long-term savings" from state scientists. This is in addition to the five percent cut to state department budgets recently ordered by the Governor.

The CAPS Bargaining Team quickly, unanimously and adamantly rejected the entire proposal. CAPS voiced its deep frustration with the unilateral approach being taken by the Schwarzenegger Administration, its demonizing of state employees in the media, and its never-ending and ridiculous quest to solve the state's budget problems with pay and benefit cuts to the state workforce. CAPS pointed out that a salary reduction for state scientists does little to benefit the General Fund because the vast majority are paid out of special funds. Furthermore, the Governor's so-called "bargaining," while pushing the state legislature to implement changes unilaterally, is an affront to the collective bargaining process and to good faith efforts to reach agreement.

The state's negotiator offered no excuse, alternative or incentive to reach agreement.

No more bargaining sessions are scheduled unless the state comes forward with reasonable proposals and a cooperative attitude.



## CAPS Represents YOU!

CAPS can be your best friend in times of trouble at work. Your dues dollars pay for expert advice and representation when you need it on a wide range of employment issues—including how to avoid being laid off. Most questions have a simple answer, but circumstances can develop that can have serious ramifications for your future employment. When this happens, it's best to consult with a CAPS worksite rep, or pick up the phone and call your nearest CAPS office.

CAPS has dozens of grievances, classification disputes and adverse action cases pending on behalf of individual scientists. CAPS doesn't always win these cases, but we fight hard and smart for YOU! CAPS is your insurance policy that defends against the vast resources of state management.

If management is considering an action against you, or you suspect a violation of the CAPS MOU, contact CAPS. We will help evaluate the situation and develop a strategy that makes sense. Thousands of CAPS members have used the services of CAPS successfully. Why not you?



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# JUST SAY NO

## By Patty Velez, President

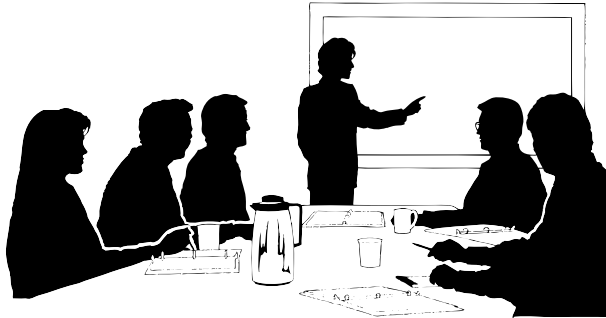
We were recently asked by a group of members why CAPS wasn't more conciliatory to the Governor's latest "offer" at the bargaining table. (If you haven't seen this offer, you can view it on the CAPS web page.)

This deserves a more detailed explanation. If CAPS were to accept the Governor's proposal, those terms would take effect immediately. At the end of the proposed term, one year, that contract becomes the status quo. That means a pay cut of at least 16% would be permanent unless a future administration agrees to restore current pay and benefit levels. In the current economic climate, I wouldn't count on that, regardless of who is elected the next Governor.

Missing from the Governor's offer was any compensating feature for the cuts, such as a sunset clause, a pay increase at the end of the term, or a furlough day or compensating time of any kind. Such offers are typical of "concession bargaining," something that is occurring in earnest — and in good faith — in public and private sector organizations throughout the state and the country. Even the Wilson Administration, which was strongly anti-state employee, negotiated the Personal Leave Program, which provided a bankable day off in exchange for pay concessions. Not this Governor.

Permanent pay cuts also ignore the vast pay gap between state scientists and engineers, something that this Administration helped create and perpetuate.

The Governor's "offer" ignores the history of bargaining with CAPS, which includes recognition that Unit 10 is nearly 80% special funded, meaning any "savings" simply hurts employees and the economy, and does nothing to shore up the General Fund. It ignores repeated joint salary surveys which show that scientists are underpaid. It ignores pleas from key members of the Governor's own appointees and top managerial staff, that the state's scientific workforce needs more, not less, in order to recruit and retain the next generation of career state scientists. It ignores a history of collaborative bargaining with CAPS, which arrives at solutions together, NOT management dictating the end game.



What the CAPS Bargaining Team concluded, properly I believe, is that this proposal from the Governor wasn't serious. The state's bargaining team did not expect real give-and-take negotiations. It was simply a ruse to claim with the media and the legislature in mind that CAPS (and other employee groups) had a chance to accept

the offer during "negotiations." When they refuse, the Governor and his minions will tell the legislature it must adopt some or all of the provisions during final budget negotiations this summer.

This would be another "end run" around the bargaining process. The legislature agreed before, so the Governor is trying it again. Recall February of 2009 when, during an interim budget deal, the legislature agreed to eliminate two holidays and favorable overtime rules. Legislative leaders have pledged not to allow that to happen again, but we cannot take them at their word. We have ALL gone to work by lobbying them aggressively.

Finally, an agreement even close to what the Governor proposes would be soundly rejected by the CAPS membership, which makes it easy for the CAPS Team to reject it outright. Any labor agreement

reached by CAPS must be ratified by the membership. So the message to the Governor was simple: get real or get out. Quit wasting our time with unrealistic and disingenuous proposals.

Regarding the budget stalemate, state scientists and all state employees are owed a full and timely paycheck for work performed, not the \$7.25 per hour that our judicial system holds is full compensation if a budget is not in place. If state employees are paid minimum wage, even for one month, it will spell severe financial hardship—even disaster—for many. It is unfair and wrong. That is our message for the legislature and ultimately the Governor. We DEMAND immediate enactment of AB 790, which would make paying state employees a continuous appropriation. This is the ONLY mechanism that would ensure that state scientists get paid IN FULL AND ON TIME.

***"Permanent pay cuts also ignore the vast pay gap between state scientists and engineers, something that this Administration helped create and perpetuate."***

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**CAPS Storms The Capitol.** Pictured above is CAPS President Patty Velez and Assembly Member Nancy Skinner (D-Berkeley), who was CAPS' honorary state scientist at State Scientist Day 2009. SSD 2010 is scheduled for the Capitol's west steps on May 19 and is recognized in SCR 70 (Hancock, D-Oakland). March 3, 2010 was CAPS Lobby Day, where dozens of state scientists met with key legislators and their staff members on issues of great importance to state scientists: paychecks in full and on time, no unilateral pay and benefit cuts, an end to mandatory unpaid furloughs, and support for state science programs. On March 3, CAPS had 51 meetings with state legislators from both parties, representing districts throughout the state. The reception CAPS received was uniformly polite and mostly quite positive.

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