



# *Getting Paid* IN FULL AND ON TIME

Three CAPS-sponsored legislative bills cleared an important first hurdle on April 22.

AB 1125 (Hernandez, D – Baldwin Park) would change state law to provide a continuous appropriation to fund state employee salaries. This would ensure that state scientists and ALL state employees will be paid without interruption, in full and on time, during the next budget stalemate. As a result of recent court decisions, it appears the State Controller is barred from making salary payments beyond federal minimum wage to state employees in the event there is no current budget. This could occur as soon as July 31, 2010, when the first paychecks are due AFTER expiration of the current budget.

AB790 (Ruskin, D – East Bay) would compel the state to fund the April 28, 2008 administrative decision by DPA Director David Gilb and pay state scientist supervisors equivalent salaries as state employed engineers. This is the "Like Pay, Like Work" funding bill. CAPS District III Director Yvonne Addassi joined CAPS staff in testifying in support of the bill. It passed out of the committee on a party-line vote.

AB965, sponsored by the entire Assembly Public Employees Committee, would ratify any CAPS memorandum of understanding negotiated with the Schwarzenegger Administration. This is essentially a "spot" bill to serve as the vehicle for any labor agreement reached between CAPS and the Schwarzenegger Administration. There is currently, of course, no such agreement.

For more on these bills and related issues, go to the CAPS webpage: [www.capsscscientists.org](http://www.capsscscientists.org).



Assembly Member Ira Ruskin (D-Redwood City) is pictured with CAPS District III Director Yvonne Addassi, CAPS Legislative Advocate Pat Moran (far left) and CAPS Legal Counsel Gerald James (right). All three testified in support of AB 790 (Ruskin). This bill would authorize funding for the April 28, 2008 Like Pay, Like Work decision by DPA Director David Gilb. AB 790 is being pushed by CAPS concurrently with its lawsuit scheduled to be heard in the Sacramento Superior Court on April 24 before Judge Lloyd Connelly. Both the bill and the lawsuit seek to give fiscal teeth to the state's salary policy regarding scientist supervisors.



## AB 790: CAPS' Like Pay, Like Work Legislation

*Editor's Note: This statement was delivered by CAPS District III Director Yvonne Addassi on April 22 in support of AB 790, the CAPS Like Pay, Like Work bill. This bill, authored by Redwood City Democrat Ira Ruskin, was successfully voted out of committee on a party line vote. It will next be heard by an Assembly fiscal committee.*

"I want to thank Assembly Member Ruskin for introducing this bill and for his understanding of the importance of paying scientific supervisors appropriate salaries. As Assembly Member Ruskin said so well – the DPA director's decision adjusting scientific supervisor salaries is now a year old. It is past time for the state to make good on its legal obligation."

"Providing 'like pay for like work' between supervisory scientists and engineers is an important step in addressing a much larger problem."

"The significant lag between scientists and engineers, and between state scientists and scientists working in local government, is damaging state programs to protect public health, the environment and California's natural resources."

"Quite simply, due to the wage lags for supervisory and rank and file scientists, the state can't keep or retain scientific personnel in numerous departments."

"Even worse, many state agencies are eliminating scientific positions and shifting that work to engineers because they can pay engineers competitive wages. Needless to say, this eliminates scientific expertise and analysis that is critical to the success of our public health and environmental programs."

"I hope that you will support AB 790 and take a critical step in addressing this problem. Thank you for this opportunity."

"These are but a few examples of the threats low wages pose to all Californians and the impact they have on programs essential to public health and the environment."

**"Cal-OSHA has shifted scores of scientific Industrial Hygienist positions to Safety Engineer positions, depriving the agency of scientific skills needed to identify and contain hazardous chemicals and emissions in the workplace."**

**"The Department of Health Services cannot recruit the Health Physicists it needs to protect workers from radiation in industry, in the environment and during emergency responses."**

**"Dues to low wages, the Department of Public Health can't hire or retain Public Health Microbiologists responsible for identification of public health diseases and threats to our food and water."**

**"The Office of Environmental Health Hazard Assessment is losing Toxicologists to other government agencies and state engineering positions. This threatens the agency's capacity to ensure safe drinking water, identify chemicals known to cause cancer and birth defects, and eliminate toxic threats to children in our schools."**

# PAYBACK

BY PATTY VELEZ, PRESIDENT

CAPS recently conducted a poll of all members asking detailed questions about bargaining issues. The results remain confidential because they could tip the hand of the CAPS Bargaining Team in future meetings with the Department of Personnel Administration. What I can say is that, in spite of the hard times that hit us all, there isn't significant support among CAPS members to accept the Governor's mandatory furlough plan. One key feature of his plan is to reduce the current two-day monthly furlough to one day. That's the GOOD part. It is the REST of the bad medicine that comes with it that most state scientists thus far are unwilling to swallow, me included.

Now we get word that the one and only agreement to accept the Governor's furlough plan doesn't have sufficient votes to be ratified in the state legislature. The Memorandum of Understanding (MOU) negotiated by SEIU on behalf of its nine bargaining units can't get one Republican vote in the state legislature. The natural predisposition of most is to vote against anything for state employees (except their own staff, of course). The MOU bill is now being abandoned by the Schwarzenegger Administration. That gives Republican lawmakers free rein to withhold their vote of support of the MOU, or to actually vote against it. AB 964, the SEIU MOU bill, requires two-thirds support in both legislative houses, just like the state budget. A few Republican votes are required.

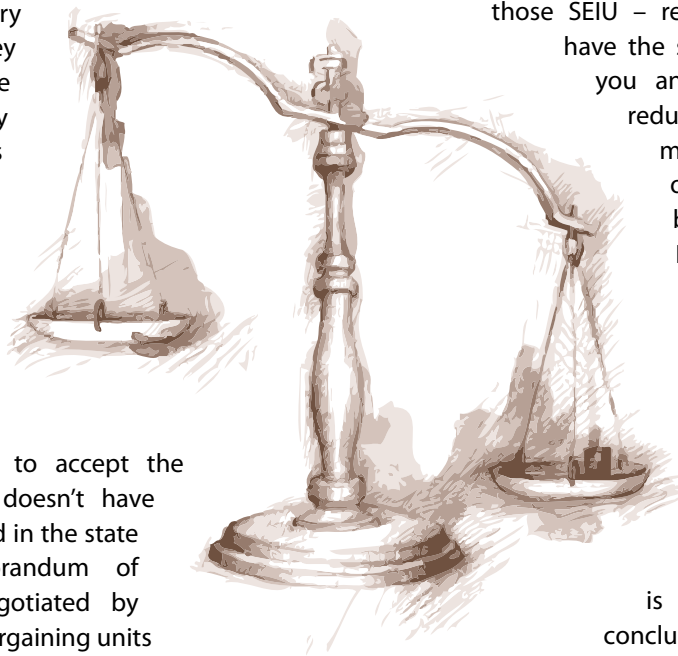
The Governor's new-found antipathy towards his own deal reportedly results from a decision by the state affiliate of SEIU Local 1000 to oppose Proposition 1A on the May 19 special election ballot. Reports have it that Governor Schwarzenegger didn't take kindly to

this and pulled support from AB 964 as payback. If Proposition 1A fails on the May 19 ballot, fiscal experts predict that the state's deficit will INCREASE by at least \$6 billion. Add that to the \$8 billion the current budget is estimated to be in the hole, and we have the makings of another major budget problem.

More important to **real people** is that on May 1, all those SEIU – represented employees will have the same "light" paycheck that you and I receive, one that is reduced by two days of mandatory furloughs—not one. So it appears that because of the action by the Local 1000's state affiliate, the AB 964 is effectively dead for now, and so is the one-day furlough plan.

The Governor's office is of course denying that it has pulled the rug out from under the MOU ratification. But that is just about the only conclusion to be drawn from the fact that not one single Republican will vote for AB 964.

And the lesson for CAPS? Simple: an agreement with Governor Schwarzenegger isn't worth the paper it's written on. Just as the Governor reserves the right to increase the number of furlough days whenever he decides there is a fiscal emergency, he apparently also reserves the right to change his mind and kill any agreement he has already reached. If and when CAPS reaches agreement with this Administration, it must be good enough for the members to consider, and second, it must have a reasonable chance for approval by the state legislature. As recent events have demonstrated, the SEIU agreement apparently does not.



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## Second Quarter CAPS Grants

CAPS randomly awards a \$400 grant each quarter to each of four CAPS members who asks for one in support of professional development. If YOU want to apply for a CAPS grant, please go to the CAPS web page and follow the instructions: [www.capsscientists.org](http://www.capsscientists.org).

**Environmental Scientist Lisa Fields** of the Department of Parks and Recreation at South Lake Tahoe will use her grant to offset the costs associated with attending the 10<sup>th</sup> Western Black Bear Workshop in Reno, Nevada during May 2009. Fields is responsible for wildlife management in the Sierra District of California State Parks, where she has implemented a Human-Bear Management Program.



**Associate Toxicologist Valerie Mitchell** of the Department of Toxic Substances Control at Sacramento will use her grant to offset costs of attending the Society of Toxicology conference in Baltimore, Maryland in March 2009.



**Marine/Fisheries Biologist Jayna Schaaf-Da Silva** of the Department of Fish and Game in Monterey will use her grant to offset the costs of attending the Natural Resources Communication Workshop at Cal-State University Chico during January 2009.



**Environmental Scientist Christopher Scianni** of the California State Lands Commission in Sacramento will use his grant to offset travel expenses in attending and presenting a paper at the International Conference on Aquatic Invasive Species in Montreal, Canada during April 2009.

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