

Budget Deadlock Delays Bargaining



The CAPS Bargaining Team last met with the state's negotiating team on Monday, August 11. It was a relatively short meeting because state management failed to deliver a salary proposal of any kind. DPA Negotiator Frank Marr told the CAPS Team that the inability of the legislature to pass a state budget prevents the state from making any progress in bargaining.

CAPS made contingency plans to meet on short notice with state management should the legislative deadlock break. As the days pass, however, the prospect of an agreement grows increasingly unlikely. That's because state law requires agreements in bargaining to be reviewed by the Legislative Analyst prior to action in the legislature. With the legislature set to adjourn for the year no later than August 31, there is little time to conduct the required advance review before the legislature departs.

CAPS is scheduled to meet again with management on September 12. The purpose of that meeting will be to evaluate the prospect for reaching an agreement during the Fall, and for setting a schedule for negotiations accordingly.

Like Pay For Like Work Set For September 19



The LPLW lawsuit brought by CAPS will be heard in Sacramento Superior Court before Judge Lloyd Connelly on September 19. At stake is whether scientific supervisors in 14 classifications will receive salary increases to bring them to historically equivalent amounts in relation to their engineering supervisor counterparts.

The CAPS lawsuit was brought when it became obvious that the Department of Finance would not support funding the April 28 decision of the Department of Personnel Administration without a court order forcing it to do so. The historical equivalence of pay and duties between supervisory engineers and scientists is not in question. DPA Director David Gilb agrees that there was. He recommended the old salary relationships be restored. What is in question is whether a court will order the state to abide by the DPA decision won by CAPS.

CAPS expects a favorable decision to have a positive effect on CAPS quest for salary equity for all state scientists.



A Great State Scientist Passes On

Submitted by Senior Environmental Scientist Dave Hope



Elmer Dudik, Environmental Scientist for the North Coast Regional Water Resources Control Board, passed away on July 27. He was with his wife Robin taking pictures of wildlife, his passion. He was treated onsite for a bee sting, but he died before he reached the hospital. His wife was at his side.

Elmer Dudik worked on many of the North Coast Region's rivers, centered on sediment impairments. He worked hard to find answers that were clear, honest and irrefutable. Elmer always spoke gently, but he never stood silently when he witnessed the demise of anything worth saving. Elmer changed the world with grace and humility. His manner positively influenced all who met him.

Elmer was one of the finest people his colleagues and constituents ever met, brilliant and mild mannered, never a harsh word to say to anyone. He almost always knew the answer but was the last person to speak.

Out of Class Claims Filed at Corrections



Nearly every correctional institution employs either a Hazardous Materials Specialist (HMS) or Industrial Hygienist (IH).

Department of Corrections began hiring scientists when it had to comply with DTSC hazardous waste disposal regulations. The scientists have done a great job supervising proper clean-up of hazardous waste, and keeping the new facilities from making the same mistakes. Many of these scientists' duties have now evolved into performing Industrial Hygiene work, protecting both employees and inmates, yet the individual institutions haven't taken action to move the scientists to the IH class. With help from CAPS, about half of the HMS' filed an out of class claim. Victory would mean a substantial check for back pay and potentially a promotion.



Alternate Retirement Program (ARP) Election Window Opens



ARP retirement election action is now required for those hired between August 11 and September 30, 2004. Members who have been enrolled in the ARP during that timeframe have begun receiving retirement election packages from the Savings Plus Program (SPP).

The time allowed to move SPP 401(a) retirement contributions to CalPERS is short, only between months 47 and 49 of employment. The state will pay its deferred share of the retirement cost (nearly 17% of pay) only if the employee directs that the first two years of retirement contributions be transferred to CalPERS.

This decision may not seem important, but the final monthly retirement calculation would be substantially increased with a transfer. It would take a lot of investment earnings to make up the 17% of pay forfeited if the funds remain in the state's 401(k) plan.

If you were hired since August 11, 2004, mark your calendar. Watch for the enrollment form. If you don't receive it in your 47th month of employment, contact Savings Plus toll free at 866-566-4777 or CalPERS at 888-225-7377.



Getting Paid

By Patty Velez, President

How quickly things change. For months your CAPS Bargaining Team has been working hard to negotiate badly needed raises for all state scientists. Then, almost overnight, CAPS joined the fight to ensure that every state scientist receives a paycheck for August IN FULL AND ON TIME.



paying beyond the federal minimums if there is no state budget in place. This looming showdown may not be settled in time to affect August payroll anyway. But the issue is still an important one.

From nearly the start of bargaining, big events interfered: a budget deficit and stalemate, massive forest fires throughout northern California; the prison health care czar demanding \$8 billion dollars for new health facilities for inmates, among other things.

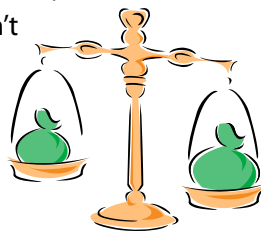


Then Governor Schwarzenegger on July 31 issued an executive order which resulted in the layoff of thousands of temporary workers and now threatens to reduce paychecks for most state employees to the federal minimum wage of \$6.55 an hour, and \$455 per month for the rest. He backed it up with a lawsuit filed in Sacramento Superior Court.

The real lesson here is the state budget process is so dysfunctional that legislative leaders and the Governor like having the state workforce in the middle for leverage. Because of the two-thirds vote requirement to pass a state budget, a minority voting block in either house can block a budget until its demands are met. So, extraordinary pressures are needed to convince a few holdouts to vote for a budget.

If holding state employees hostage in order to get a budget deal seems outrageously unfair, it is. We work hard for our money, and we have bills to pay. The cost of everything is going up. Our wages aren't keeping up because the state has been incredibly stingy at the bargaining table in recent years.

The effect of all this further dampened the prospect of an agreement at the bargaining table. CAPS intervened in the lawsuit backing State Controller John Chiang and his promise to pay state scientists and all state employees in full and on time for their work during August. Chiang says the law does not require the federal minimums, and the state's payroll system can't accommodate the changes on short notice anyway. Schwarzenegger claims that the case of *White vs. Davis* prevents the state from



That is why CAPS has long supported a continuous appropriation that would ensure that state employees are paid no matter what. Legislative leaders resisted this measure this year when a CAPS-sponsored bill, AB 1523 Soto (D-Pomona), was delayed into oblivion. This legislation will be a top priority for CAPS and hopefully other state employee representatives.

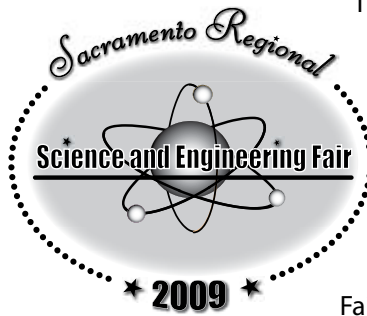


Yes, we'll get back to bargaining, but only after we can ensure state employees are paid in full and on time.

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Science & Engineering Fair Qualifies for United Way - Code 1970



The state's United Way campaign begins in a few weeks. This may be an especially tough sell among the state employee workforce due to tight household budgets. Yet tens of thousands of state employees always seem to find room to give to worthwhile causes. There are dozens of charitable causes that qualify under the United Way umbrella. One is the Sacramento Regional Science & Engineering Fair (SRSEF), cosponsored by CAPS. The United Way Code for SRSEF is 1970.

CAPS urges all those who contribute during the United Way Campaign to consider providing a portion of their annual United Way donation to SRSEF. This science & engineering fair is one way in which CAPS and dozens of state scientists work to increase the number of middle and high school students interested in science. The 2009 regional fair will be held on March 20 and 21. Hundreds of smart kids from nine California counties will compete for recognition and prizes, including a trip to the annual Intel International Science and Engineering Fair to be held in Reno on May 10-15, 2009.

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