

# CAPSule

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September 2008, Issue #09-08

## Partial Victory in Like Pay for Like Work

The Like Pay Like Work hearing was held Friday, September 19 before Sacramento Superior Court Judge Lloyd Connelly. Judge Connelly ruled partially in CAPS' favor, but he did not order the state to pay the higher salary rates -- at least not yet.

Instead, he found that the Department of Finance did not properly answer this question: could the salaries called for by the Department of Personnel Administration's April 28 salary setting decision for 14 supervisory classes be paid out of existing appropriations?

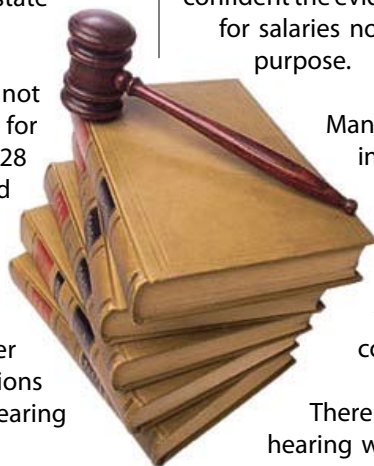
Because Finance didn't answer the right question, Judge Connelly's ruling will allow CAPS to seek that information from Finance via the discovery process. After CAPS has collected additional evidence from depositions and documents, it will return to court for another hearing before Judge Connelly.

There are other legal issues involved, but the decision overall was very positive for CAPS' effort to enforce the DPA salary setting decision.

The discovery process should move quickly, so CAPS should be ready for a showdown before Judge Connelly soon. CAPS is confident the evidence will show that there were funds available for salaries not encumbered for some other salary related purpose.

Many CAPS members were in attendance, including CAPS Supervisors' Director Dave Rasmussen. He traveled from his office in Los Angeles to take part in the proceedings. Director Rasmussen was extremely pleased over the outcome and looks forward to a full victory when this matter is next heard in court.

There is always a possibility that another court hearing won't be necessary. That happens only if the state recognizes its legal obligation and agrees to pay the bill in full, with retroactivity.



## CAPS Outstanding Young Scientist 2008

CAPS recognized three of California's Outstanding Young Scientists at an awards luncheon in Sacramento on Friday, September 19. Taking top honors was Narayan Subramanian, 17, a senior at Lynbrook High School in Saratoga. Yvonne Jean Lin, a senior at Folsom High School, and Otana Jakpor, a junior at Woodcrest Christian School in Riverside, were runners-up.

CAPS' Outstanding Young Scientist Awards Program highlights students who excel in science research. The three finalists and their projects were judged by CAPS members to be the very best of more than 6,500 science projects that were entered into 15 regional science fairs throughout the state over the last year.

As CAPS' Outstanding Young Scientist for 2008, Mr. Subramanian received a \$1,000 scholarship, and Ms. Lin and Ms. Jakpor each received \$500 scholarships. All finalists also received a memento from CAPS. The awards were presented by CAPS Vice President Valerie Chenoweth-Brown and Public Relations Chairwoman and District III Director Yvonne Addassi.



Pictured (left to right) are CAPS Vice President Valerie Chenoweth-Brown, 2008 Outstanding Young Scientist Narayan Subramanian, runners-up Yvonne Lin and Otana Jakpor, and CAPS Public Relations Chair and District III Director Yvonne Addassi.

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## 2009 Health Premium Rates

The final calculations of the state's 2009 contributions for CalPERS Health Plans were released earlier this month. Those rates are reproduced here.

The CAPS MOU requires the state pay eighty percent of the weighted average of the four largest plans. As a result, the state's 2009 contribution toward each health plan is \$382 for a single, \$762 for two-party and \$994 for families for vested employees.\* The state's contribution for employees with less than two years state service, called "non-vested" employees, is lower, as noted here.

Employees must pay the difference between the state contribution rate and the premium for the enrolled health plan.

Open enrollment begins September 15 and ends October 10. Employees may change plans during this period, using forms from CalPERS and distributed via individual departments.

The good news this year is that premiums will increase an average of just 4.8 percent. That's the smallest annual increase in at least 10 years. The PERS Blue Cross products actually had a rate **reduction**.

CalPERS is the nation's single largest purveyor of health benefits, serving 1.3 million members.

2009 STATE CONTRIBUTION RATE			
	Single	Two-Party	Family
Vested employees*	382	764	994
2nd year of employment	382	668	841
1st year of employment	382	573	688

PREMIUM FOR BLUE SHIELD Net Value SM			
Premium	Single	Two-Party	Family
2009	446	893	1161
2009 Out-of-Pocket Cost			
Vested employees*	64	129	167
2nd year of employment	64	225	320
1st year of employment	64	320	473

BLUE SHIELD ACCESS + HMO			
Premium	Single	Two-Party	Family
2009	505	1010	1313
2009 Out-of-Pocket Cost			
Vested employees*	123	246	319
2nd year of employment	123	342	472
1st year of employment	123	437	625

KAISER CA			
Premium	Single	Two-Party	Family
2009	472	944	1227
2009 Out-of-Pocket Employee Cost			
Vested employees*	90	180	233
2nd year of employment	90	276	386
1st year of employment	90	371	539

PERS Select			
Premium	Single	Two-Party	Family
2009	449	897	1167
2009 Out-of-Pocket Employee Cost			
Vested employees*	67	133	173
2nd year of employment	67	229	326
1st year of employment	67	324	479

PERS Choice			
Premium	Single	Two-Party	Family
2009	478	955	1242
2009 Out-of-Pocket Employee Cost			
Vested employees*	96	191	248
2nd year of employment	96	287	401
1st year of employment	96	382	554

PERS Care			
Premium	Single	Two-Party	Family
2009	742	1485	1930
2009 Out-of-Pocket Employee Cost			
Vested employees*	360	721	936
2nd year of employment	360	817	1089
1st year of employment	360	912	1242

\*Vested employees are defined as those with 24 months completed state service.

# 'Do Over' the State Budget

*By Patty Velez, President*

There's a direct link between a balanced state budget and salary increases for state scientists. Another "business-as-usual" state budget will mean slow progress at the bargaining table.

That's why I was so disappointed to see the Democrats cave in TWICE, first to the Republican minority in the legislature, then to Governor Schwarzenegger when he threatened to veto it. The Republicans won out in their refusal to implement a tax increase – even a temporary one. The result was another irresponsible state budget, which Governor Schwarzenegger promised to veto. Then he made it worse by extracting greater control over the process, rather than fixing the underlying problem, which of course is a revenue problem. The budget borrows and bleeds red.

Governor Schwarzenegger had his own motives for his veto threat: more structural reform, more media attention. He cares less about resources than getting the power over the budget. This is power he couldn't get when he lost his special election power grab a few years ago.

In spite of the hardships caused by this prolonged budget delay, not the least of which is delayed reimbursement of travel claims, the cost to all of us in the long run will be much greater because the day of reckoning is put off yet again.

The irony here is that three quarters of the money funding state scientists comes from special funds, not the General Fund. Yet the Schwarzenegger Administration, like every one before it, insists that funding salary increases is governed by the fiscal health of the General Fund, no matter how small the total share of payroll it represents.

I refuse to accept this faulty reasoning. In fact there IS money available to fund state scientists and state scientific programs separate from the General Fund. The governor has to agree to JUST DO IT!

Your CAPS Bargaining Team has worked extremely hard to develop a realistic and affordable plan to put state scientists and our programs on the road to fiscal recovery. Many among state management openly agree with us, but words are cheap. The cost of ignoring the state's scientific programs will prove even costlier as time goes on. If state management can't or won't agree to prudent solutions after careful evaluation, then CAPS must resort to other alternatives.

If good faith negotiations won't get it done, then CAPS will continue to file lawsuits and administrative challenges to convince the state to do the right thing.

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## New DPA Salary Survey

The Department of Personnel Administration (DPA) recently released yet a new "total compensation" salary survey for state employees, including state scientists. Go to [www.dpa.ca.gov](http://www.dpa.ca.gov) and see the salary surveys.



The results are very different than previous surveys done jointly by DPA and CAPS. Those surveys showed wide salary lags for nearly all groupings of scientific classifications. The new DPA commissioned survey, performed by the consulting firm CPS, concludes that several key scientific classifications are actually overpaid when compared to counterparts primarily in local government, among them Chemists, Research Scientists with a Master's degree, and Supervising Biologists.

Key elements of the survey are deeply flawed. For scientists, the survey fails to incorporate large competitors for scientific talent, including the University of California. It surveys the wrong classifications in some instances, Biologists instead of Environmental Scientists, for example, and it relies on too few matches to draw accurate conclusions.

This survey attempts to undercut findings of several past joint DPA/CAPS salary surveys. It also ignores reality, when several department directors and agency secretaries are openly pleading for more resources for scientists and scientific programs. In several key areas such as public health, environmental, and agriculture, the work of scientists is essential to maintaining and improving the quality of life in California. Yet state management refuses to devote the resources required, in part due to its ongoing budget problems.

It's finally time to inject some justice and equity in the state salary setting process. That starts with providing scientists with substantial salary increases.

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