

DEPARTMENT OF PERSONNEL ADMINISTRATION

OFFICE OF THE DIRECTOR
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SACRAMENTO, CA 95811-7258



June 20, 2011

Ana Matosantos, Director
Department of Finance
State Capitol
Sacramento, CA 95814

Re: Appropriation for CAPS Supervisory Scientists

Dear Ana:

I am writing to request that the Department of Finance (DOF) include funding for salary increases for fourteen supervisory scientist classifications in the 2011-2012 budget.

As you may be aware, in 2006, the supervisory division of the California Association of Professional Scientists (CAPS) requested a quasi-legislative hearing alleging the Department of Personnel Administration (DPA) was violating Government Code section 19826 because fourteen supervisory scientist classifications were performing similar work as certain engineering supervisors and should be paid similar salaries. DPA held a quasi-legislative hearing, and on April 28, 2008, DPA issued a decision recommending salary increases for the fourteen supervisory scientist classifications. (See the attached DPA Director's Decision.)

However, DPA was restricted from implementing the necessary salary increases because DOF informed DPA there were no existing appropriations to fund the increases. Government Code section 19826 only permits DPA to adjust salaries where there is an existing appropriation to fund the increase.

Since that time, CAPS initiated litigation, *CAPS v. DPA, et al.*, Sacramento Superior Court No. 34-2008-00014476, against DOF and DPA to mandate payment of the salary increases. The trial court found DPA has an obligation to present the salary information to DOF for inclusion into the Governor's proposed budget, and that DOF is obligated to present the information to the Legislature. Although DOF successfully appealed the trial court's ruling, DPA did not appeal and, following the finality of DOF's appeal, DPA will need to comply with the trial court's order.

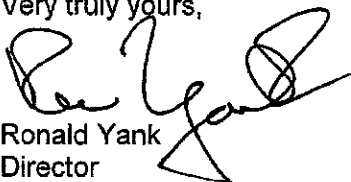
While the Court of Appeal recently held that DOF is not mandated to present the salary increases to the Legislature in the proposed budget, DPA respectfully requests that DOF, in its discretion, provide the attached salary information to the Legislature so that the salary increases may be appropriated in the 2011-2012 budget. Although it has been five years since CAPS requested the salary increases, and over three years since DPA determined these fourteen supervisory scientist classifications needed salary

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increases, DPA has been unable to implement the increases because there has been no appropriation for the much needed salary increases. Therefore, since the 2011-2012 budget has not yet been passed, we respectfully request that the included salary information be provided to the Legislature for its consideration.

Thank you for your time and attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Ron Yank", written over the typed name and title.

Ronald Yank
Director

Attachments

cc: Diana Ducay, Department of Finance
Richard Gillihan, Department of Finance
Koreen Martone, Department of Finance