



# California Association of Psychiatric Technicians

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April 18, 2013

Julie Chapman, Director  
CalHR  
1515 S Street, North Bldg., Suite 400  
Sacramento, CA 95814

Dear Ms. Chapman:

Pursuant to Section 3523 of the Dills Act, the following is the initial meet and confer proposal of the California Association of Psychiatric Technicians for a successor agreement to the Bargaining Unit 18 agreement that expires July 1, 2013.

To simplify the presentation, we are first listing Part 1 which includes those sections of the agreement for which CAPT proposes to roll over existing language with no changes. After that, we list Part 2 which covers our proposals for change, including – *but not limited to* – certain specific areas.

## ***Part 1 – No Changes Proposed by CAPT***

### **Preamble**

### **Article 1 – General Provisions**

- 1.1 Recognition and Coverage
- 1.2 No Strike
- 1.3 No Lockout
- 1.4 Non-Discrimination
- 1.5 Savings Clause
- 1.7 Supersession

### **Article 2 – Psychiatric Technicians Provisions**

- 2.2 Psychiatric Technician Career Ladder
- 2.3 Professional Practice Groups (PPGs)

### **Article 3 – Management Rights**

### **Article 4 – Wages**

- 4.1 Salary Definitions
- 4.7 Rate on Reinstatement after Separation
- 4.9 Timely Payment of Wages
- 4.10 401K Plan
- 4.12 Blood Withdrawal Certification
- 4.14 Union-Management Committee on State Payroll System

## **Article 5 – Hours of Work and Overtime**

- 5.3 Call Back Time
- 5.6 Days Off Cycles
- 5.8 Compensable Travel Time
- 5.9 Excess Time
- 5.10 Mixed Shifts
- 5.11 Alternate Work Schedules

## **Article 6 – Leaves and Holidays**

- 6.5 Maternal, Parental, Adoption Leave
- 6.6 Bereavement Leave
- 6.7 Jury Duty
- 6.8 Release Time for State Civil Service Examinations
- 6.9 Catastrophic Leave (Work and Family Program Assistance)
- 6.10 Catastrophic Leave (Natural Disaster)
- 6.13 Family and Medical Leave Act (FMLA)

## **Article 7 – Benefits**

- 7.2 Pre-Tax of Health/Dental Premiums Costs
- 7.3 Rural Subsidy Program
- 7.4 Joint Labor/Management Benefits Committee
- 7.5 Flexible Benefit (Flex-Elect) Program
- 7.6 Continuation of Flexible Benefits Election
- 7.8 Enhanced Non-Industrial Disability Insurance (ENDI) - Annual Leave
- 7.9 Industrial Disability Leave (IDL)
- 7.12 Business and Travel Expense
- 7.13 Client Escort Reimbursement
- 7.14 Replacement of Damaged Personal Clothing and/or Articles
- 7.15 License Renewal Fees
- 7.16 State-Owned Housing Rental Rates
- 7.17 Education and Training
- 7.19 Transportation Incentives and Parking Rates
- 7.20 Long-Term Care Insurance Plan
- 7.21 Legal Services Plan

## **Article 8 – Retirement Provisions**

- 8.1 Second Tier Retirement Plan
- 8.2 Sick Leave Credit Upon Retirement
- 8.3 Survivors' Benefits
- 8.4 Employer-Paid Employee Retirement Contributions
- 8.5 Items Excluded from Compensation for Retirement Purposes
- 8.6 First Tier Retirement Formula (2% @ 55) and First Tier Retirement Formula (2% @ 60)
- 8.7 Safety Member Retirement Formula (2.5% @ 55) and 2010 Retirement Formula

- 8.8 Safety Retirement - Department of Developmental Services
- 8.9 First Tier Retirement Eligibility for Employees in Second Tier Retirement
- 8.10 Industrial Disability Retirement

#### **Article 9 – Working Conditions**

- 9.6 Out-of-Class Work
- 9.7 Classification Changes
- 9.8 Adverse Actions
- 9.9 Notice of Shift Change
- 9.10 Facility Transfer
- 9.11 Performance Appraisal

#### **Article 10 – Health and Safety**

- 10.1 Health and Safety
- 10.2 Infectious Disease
- 10.3 Nursing Stations
- 10.4 Alarm Systems
- 10.5 Limited Duty
- 10.6 Management of Assaultive Behavior
- 10.7 Employee Assistance Program
- 10.8 Emergency Care
- 10.9 Substance Abuse
- 10.10 Workplace Violence Prevention

#### **Article 11 – Committees**

- 11.1 Joint Apprenticeship
- 11.2 Labor / Management
- 11.3 Work and Family Programs
- 11.4 Labor/Management Committee on Forensic Safety
- 11.5 CDCR/CCHCS - Use of Permanent Intermittents and Retired Annuitants

#### **Article 12 – Representation and Association Provisions**

- 12.2 Access
- 12.3 Distribution of Literature
- 12.4 Use of State Facilities
- 12.5 Bulletin Boards
- 12.6 Orientation
- 12.7 Conferences and Schools
- 12.8 Association Leave Without Pay
- 12.9 Release from Duty (State Officers)
- 12.10 Release from Duty / Reduced Work Time, CAPT Chapter Officers
- 12.11 Fair Share Fees and Dues Deductions
- 12.12 Home Addresses
- 12.13 Use of State Equipment

## **Article 13 – Grievance and Arbitration Procedure**

13.3 Individual Agreement

13.4 Expedited Arbitration

## **Article 14 – Entire Agreement and Duration**

14.1 Entire Agreement

**Appendix B – Recruitment and Retention Differentials**

**Appendix C – Government Code Sections - Supersession**

**Appendix D – Sponsorship**

**Appendix E – Sample Contract**

**Side Letter #1 – Alternate Retirement Plan (ARP)**

**Side Letter #2 – Organ or Bone Marrow Donation**

**Side Letter #3 – Paid Time Off: Precinct Election Board**

Submitted by Tony Myers, CAPT State President

## ***Part 2 – Changes Proposed by CAPT***

### **Article 1 – General Provisions**

- 1.6 Reasonable Accommodation  
CAPT proposes to negotiate improvements to allow this provision to be grievable.

### **Article 2 – Psychiatric Technician Provisions**

- CAPT proposes to negotiate improvement in this provision that will shorten the time a formal investigation is concluded.
- Expand employee's rights during the course of the investigation and the method of issuing of corrective counseling memorandums.

### **Article 4 – Wages**

- 4.2 Adjusted Pay Ranges  
CAPT proposes to negotiate a fair and equitable wage increase that addresses cost of living, inequities and recruitment and retention.
- 4.3 Ranges  
CAPT proposes to negotiate increase in alternate ranges.
- 4.4 Merit Salary Adjustments  
CAPT proposes to negotiate changes in this provision.
- 4.5 Shift Differential Pay  
CAPT proposes to increase shift differential and add a weekend differential.
- 4.6 Bilingual Differential Pay  
CAPT proposes an increase in the differential and the transfer certification between Departments.
- 4.8 Semi-Monthly Pay  
CAPT proposes to negotiate changes in this provision.
- 4.11 Overpayments / Payroll Errors  
CAPT proposes to negotiate improvement in this provision that will allow more options for repayment by employees.
- 4.13 Recruitment and Retention  
CAPT proposes to retain present provision and to review areas where R&R is needed.

### **Article 5 – Hours of Work and Overtime**

- 5.1 Overtime  
CAPT proposes to negotiate improvement that will reduce the amount mandatory overtime and expand employees rights when working O.T.
- Allow all paid leave to count toward time for purpose of overtime.
  - Negotiate an overtime distribution policy for CDCR/CCHCS.
- 5.2 Show-up Time  
CAPT proposes to negotiate improvements in this provision that options when they report to work and if their assignment is canceled.
- 5.4 Rest Periods  
CAPT proposes to negotiate improvement that will allo for more flexibility on the length of rest breaks and how they are taken.
- 5.5 Meal Periods  
CAPT proposes to negotiate changes in this provision.
- 5.7 Exchange of Days Off  
CAPT proposes to negotiate changes in this provision in order to define work areas and expand usage.
- CAPT proposes to negotiate a new 5.12 that addresses Report Preparation Time.

## **Article 6 – Leaves and Holidays**

- 6.1 Holidays  
CAPT proposes to negotiate improvement in this provision.
- 6.2 Vacation Leave  
CAPT proposes to include the time contained in the June 13, 2012 side letter addressing vacation bid cycles into the successor agreement.
- CAPT also proposes to negotiate provisions addressing AdHOC time and posted vacation slots.
- 6.3 Annual Leave  
CAPT proposes to include the terms contained in the June 13, 2012 side letter addressing annual leave bids into the successor agreement.
- 6.4 Sick Leave  
CAPT proposes to negotiate provisions addressing medical verification, documentation and usage.
- 6.11 Personal Leave  
CAPT proposes to negotiate improvement in this provision and installing a catastrophic time bank.
- 6.12 Unpaid Leave of Absence

CAPT proposes to negotiate improvement in this provision that will allow the appointing power to grant a longer unpaid leave of absence.

- 6.14 Work and Family Participation  
CAPT proposes to negotiate improvement in this provision that changes notice requirements and expands coverage.
- 6.15 Personal Leave Program 2010  
CAPT proposes elimination of this outdated program.

#### **Article 7 – Benefits**

- 7.1 Consolidated Benefits (CoBen) Program  
CAPT proposes to eliminate CoBen and replace it with the statutory formula governing Health Benefits and to implement individual benefit plans covering Health Care, Vision and Dental.
- CAPT proposes that the State pick up any increase in the premium for Health, Dental and Vision Plans.
  - CAPT proposes to eliminate the two-year health vesting for employee's dependents.
- 7.7 Non-Industrial Disability Insurance (NDI)  
CAPT proposes to negotiate an increase in the weekly benefit.
- 7.10 Enhanced Industrial Disability Leave (EIDL)  
CAPT proposes to negotiate a provision that will expand eligibility.
- 7.11 Overtime Meal Allowance  
CAPT proposes to negotiate an increase in the allowance and changes in the hours required for eligibility.
- 7.18 Continuing Education  
CAPT proposes to negotiate a provision that will provide for a paid leave and improve usage by employees.

#### **Article 8 – Retirement Provisions**

- 8.11 Alternate Retirement Program  
CAPT proposes to eliminate the Alternate Retirement Program.
- 8.12 CalPERS Legislation  
CAPT proposes to remove this from the contract.

#### **Article 9 – Working Conditions**

- 9.1 Layoff and Reemployment  
CAPT proposes to negotiate a new layoff and reemployment provision.
- 9.2 Post and Bid

CAPT proposes to negotiate the percentage of positions ratio and other improvements.

9.3 Seniority

CAPT proposes to negotiate a new provision relative to how ties in seniority are broken.

9.4 Staffing

CAPT proposes to negotiate improvements in staffing ratios and to incorporate staffing ratios as outlined in the Mental Health Program Guide.

9.5 Personnel File

CAPT proposes to negotiate a provision that will define what documents are permitted to be placed in the Supervisory file.

9.12 Request for Reinstatement after AWOL Separation

CAPT proposes to negotiate changes in this provision.

9.13 Psychiatric Technician Relief of Shift Supervisor (DDS and DSH only)

CAPT proposes to include a provision that will give list eligible employees first choice to fill vacant temporary supervisor positions.

9.14 Hardship Transfer

CAPT proposes to negotiate a new provision in the contract addressing employees' requests for transfer due to a hardship.

## **Article 10 – Health and Safety**

10.11 Safety Equipment

CAPT proposes to negotiate addressing the cleaning and repair of clothing and equipment.

10.12 Referral of Assault/Battery

CAPT proposes to add a new provision relative to the State referring cases of assault/battery on Unit 18 members to the appropriate prosecuting authority.

10.13 Incident Debriefing

CAPT proposes to add a new provision to the contract that will require each Department to develop policies governing work related situations associated with a major incident.

10.14 Duty Statement/Post Orders

CAPT proposes a new provision in the contract that requires departments to provide each employee with a duty statement or post orders.

## **Article 12 – Representation and Association Provisions**

CAPT proposes to negotiate changes in the provision relative to time off and

reimbursement of wages due to union leave.

### **Article 13 – Grievance and Arbitration Procedure**

CAPT proposes to negotiate a provision to make grievance forms available on the CalHR website.

#### **13.2 Complaint Procedure**

CAPT proposes to negotiate a provision to make complaint forms available on the CalHR website.

### **Article 14 – Entire Agreement and Duration**

#### **14.3 Contract Protection**

CAPT proposes that the State will not reduce wages or implement furloughs during the term of the successor agreement.

#### **14.4 Continuous Appropriation**

CAPT proposes to retain this provision from the 2010 - 2012 contract.

### **Side Letters**

CAPT proposes to include all relative side letters as a part of the contract and place them under the appropriate provisions.

