

**CAPS  
BARGAINING UNIT 10  
INITIAL BARGAINING PROPOSALS  
January 14, 2020**

**(Proposed changes in Blue)**

In accordance with Government Code Section 3523, this notice is provided to the State of California, the public and all other interested parties. The California Association of Professional Scientists (CAPS) proposes to modify the Memorandum of Understanding between CAPS and the State of California (July 2, 2018 – July 1, 2020) as specified below. CAPS reserves the right to reopen negotiations on **ALL** provisions of the current MOU, and to make additional new proposals during the course of negotiations.

**PREAMBLE**

CAPS proposes to continue this provision.

**ARTICLE 1 – RECOGNITION**

CAPS proposes to continue this provision.

**ARTICLE 2 – SALARIES**

- 2.1 **Salaries.** CAPS proposes to negotiate equitable and competitive salary ranges for all Unit 10 classifications.
- 2.2 **Merit Salary Adjustments.** CAPS proposes to continue this provision.
- 2.3 **Night Shift Differential.** CAPS proposes to continue this provision.
- 2.4 **Bilingual Differential Pay.** CAPS proposes to continue this provision.
- 2.5 **Timely Payment of Wages.** CAPS proposes to continue this provision.
- 2.6 **Staff Specialist Compensation.** CAPS proposes to continue this provision.
- 2.7 **Diving/Climbing Pay.** CAPS proposes to continue this provision.
- 2.8 **Overpayments/Payment Errors.** CAPS proposes to continue this provision.
- 2.9 **Alternate Range 40.** CAPS proposes to continue this provision.
- 2.10 **Recruitment and Retention Differentials.** CAPS proposes to continue this provision.
- 2.11 **Out-of-State Pay Differential.** CAPS proposes to continue this provision.
- 2.12 **Tax Deferral of Lump Sum Leave Cash Out Upon Separation.** CAPS proposes to continue this provision.
- 2.14 **Operational Ability Incentive Program – Dept. of Water Resources.** CAPS proposes to continue this provision.
- 2.15 **Salary and Alternate Range Disclosure.** CAPS proposes to continue this provision.
- 2.16 **Range Change Deferral.** CAPS proposes to continue this provision.
- 2.17 **Educational Pay Differential.** CAPS proposes to continue this provision.

### **ARTICLE 3 – LEAVES**

- 3.1 **Vacation Leave.** CAPS proposes to continue this provision.
- 3.2 **Sick Leave.** CAPS proposes to continue this provision.
- 3.3 **Family Medical Leave Act (FMLA).** CAPS proposes to continue this provision.
- 3.4 **Bereavement Leave.** CAPS proposes to continue this provision.
- 3.5 **Parental Leave.** CAPS proposes to update this provision.
- 3.6 **Union Leave.** CAPS proposes to continue this provision.
- 3.7 **Unpaid Leave of Absence.** CAPS proposes to continue this provision.
- 3.8 **Jury Duty.** CAPS proposes to continue this provision.
- 3.9 **Non-Industrial Disability Insurance.** CAPS proposes to continue this provision.
- 3.10 **Catastrophic Leave.** CAPS proposes to continue this provision.
- 3.11 **Work and Family Program – Transfer of Leave Credits Between Family Members.** CAPS proposes to continue this provision.
- 3.12 **Catastrophic Leave – Natural Disaster.** CAPS proposes to continue this provision.
- 3.13 **Annual Leave.** CAPS proposes to continue this provision.
- 3.14 **Enhanced Non-Industrial Disability Insurance – Annual Leave.** CAPS proposes to continue this provision.
- 3.15 **Blood Donation.** CAPS proposes to continue this provision.
- 3.16 **Mentoring Leave.** CAPS proposes to continue this provision.
- 3.17 **Mentoring Leave Authorization – Science Fairs.** CAPS proposes to continue this provision.
- 3.18 **Precinct Election – Paid Time Off.** CAPS proposes to continue this provision.
- 3.19 **Voluntary Personal Leave Program (VPLP).** CAPS proposes to continue this provision.
- 3.20 **Personal Leave Program 2011.** CAPS proposes to continue this provision.
- 3.21 **No Mandated Reduction in Work Hours.** CAPS proposes to continue this provision.
- 3.22 **Vacation/Annual Leave Cash-Out.** CAPS proposes to continue this provision.

### **ARTICLE 4 – HOLIDAYS**

- 4.1 **Holidays.** CAPS proposes to continue this provision.

### **ARTICLE 5 – HEALTH AND WELFARE**

- 5.1 **Health, Dental, Vision.** CAPS proposes to continue these provisions.

- 5.2 **Employee Assistance Program.** CAPS proposes to continue this provision.
- 5.3 **Medical Monitoring.** CAPS proposes to continue this provision.
- 5.4 **Employee Injury on the Job.** CAPS proposes to continue this provision.
- 5.5 **Independent Medical Examination.** CAPS proposes to continue this provision.
- 5.6 **Employee Injury or Disability.** CAPS proposes to continue this provision.
- 5.7 **FlexElect Program.** CAPS proposes to continue this provision.
- 5.8 **Pre-Tax of Health/Dental/Vision Premiums.** CAPS proposes to continue this provision.
- 5.9 **Benefits Advisory Committee.** CAPS proposes to continue this provision.
- 5.10 **Pre-Retirement Death Continuation of Benefits.** CAPS proposes to continue this provision.
- 5.11 **Accidental Death/Dismemberment Benefits – Department of Fish and Wildlife.** CAPS proposes to continue this provision.
- 5.12 **Rural Health Care Equity Subsidy Program.** CAPS proposes to continue this provision.
- 5.13 **Health Promotion Activities.** CAPS proposes to continue this provision.
- 5.14 **Organ and Bone Marrow Donation.** CAPS proposes to continue this provision.

#### **ARTICLE 6 – BUSINESS AND TRAVEL EXPENSES**

- 6.1 **Business and Travel Expenses.** CAPS proposes to continue this provision but with increased travel reimbursement rates that enable state scientists to do the state's work safely and timely, and without requiring out-of-pocket expenditures.
- 6.2 **Moving Expenses.** CAPS proposes to continue this provision.
- 6.3 **Business Equipment, Materials and Supplies.** CAPS proposes to continue this provision.
- 6.4 **Uniform Replacement.** CAPS proposes to continue this provision.
- 6.5 **Damage of Personal Items.** CAPS proposes to continue this provision.
- 6.6 **License Renewal Fees.** CAPS proposes to continue this provision.
- 6.7 **Safety Footwear.** CAPS proposes to continue this provision.

#### **ARTICLE 7 – HOURS OF WORK AND OVERTIME**

- 7.1 **Meal Period.** CAPS proposes to continue this provision.
- 7.2 **Alternative Work Schedule.** CAPS proposes to continue this provision.
- 7.3 **Overtime Scheduling.** CAPS proposes to continue this provision.
- 7.4 **Call Back Time.** CAPS proposes to continue this provision.
- 7.5 **Fair Labor Standards Act.** CAPS proposes to continue this provision.

- 7.6 **Duty Officer – Department of Toxic Substances Control.** CAPS proposes to continue this provision.
- 7.7 **Work Week Group Definitions and Compensation.** CAPS proposes to continue this provision.
- 7.8 **On-Call Assignments – Department of Fish and Wildlife.** CAPS proposes to continue this provision.
- 7.9 **Arduous Duty Differential for FLSA Exempt Employees.** CAPS proposes to continue this provision.
- 7.10 **Telecommute/Telework Program.** CAPS proposes to continue this provision.
- 7.11 **On-Call Assignments - Public Health.** CAPS proposes to continue this provision.

#### **ARTICLE 8 – RETIREMENT**

- 8.1 **Miscellaneous/Industrial – First Tier Members.** CAPS proposes to continue this provision.
- 8.2 **Retirement-Safety Members State Safety A Formula.** CAPS proposes to continue this provision.
- 8.3 **Second-Tier Retirement Plan.** CAPS proposes to continue this provision.
- 8.4 **Savings Plus Program.** CAPS proposes to continue this provision.
- 8.5 **Items Excluded from Compensation for Retirement Purposes.** CAPS proposes to continue this provision.
- 8.6 **Enhanced Industrial Retirement.** CAPS proposes to continue this provision.
- 8.7 **Public Employees' Pension Reform Act of 2013 (PEPRA).** CAPS proposes to continue this provision.
- 8.8 **Tax Treatment of Employees Retirement Contributions.** CAPS proposes to continue this provision.
- 8.9 **Prefunding of Postretirement Health Benefits.** CAPS proposes to continue this provision.
- 8.10 **Employer Contribution for Retiree Health Benefits.** CAPS proposes to continue this provision.
- 8.11 **Post-Retirement Health and Dental Benefit Vesting.** CAPS proposes to continue this provision.

#### **ARTICLE 9 – GRIEVANCE AND ARBITRATION PROCEDURE**

- 9.1-9.13 **Grievance and Arbitration.** CAPS proposes to continue these provisions.

#### **ARTICLE 10 – CAPS REPRESENTATIONAL RIGHTS**

- 10.1 **Representational Designation.** CAPS proposes to continue this provision.
- 10.2 **Access.** CAPS proposes to continue this provision.
- 10.3 **Use of State Phones.** CAPS proposes to continue this provision.
- 10.4 **Distribution of Literature.** CAPS proposes to continue this provision.

- 10.5 **Use of State Facilities.** CAPS proposes to continue this provision.
- 10.6 **Representative Time Off.** CAPS proposes to continue this provision.
- 10.7 **Employee Time Off.** CAPS proposes to continue this provision.
- 10.8 **Representation Protection.** CAPS proposes to continue this provision.
- 10.9 **Release of Home Addresses.** CAPS proposes to continue this provision.
- 10.10 **Employee-Union Orientation.** CAPS proposes to continue this provision.

#### **ARTICLE 11 – ORGANIZATIONAL SECURITY**

- 11.1 **Organizational Security.** CAPS proposes to continue this provision.

#### **ARTICLE 12 – STATE RIGHTS**

- 12.1 **State Rights.** CAPS proposes to continue this provision.

#### **ARTICLE 13 – GENERAL PROVISIONS**

- 13.1 **No Strike.** CAPS proposes to continue this provision.
- 13.2 **No Lockout.** CAPS proposes to continue this provision.
- 13.3 **Individual Agreements.** CAPS proposes to continue this provision.
- 13.4 **Savings Clause.** CAPS proposes to continue this provision.
- 13.5 **Reprisals.** CAPS proposes to continue this provision.
- 13.6 **Supersession.** CAPS proposes to continue this provision.
- 13.7 **Non-Discrimination.** CAPS proposes to continue this provision.
- 13.8 **Sexual Harassment.** CAPS proposes to continue this provision.
- 13.9 **State-Owned Housing Rental and Utility Rates.** CAPS proposes to continue this provision.

#### **ARTICLE 14 – HEALTH AND SAFETY**

- 14.1 **Health and Safety Committees.** CAPS proposes to continue this provision.

#### **ARTICLE 15 – CAREER DEVELOPMENT**

- 15.1 **Release Time for State Civil Service Examinations.** CAPS proposes to continue this provision.
- 15.2 **Performance Appraisal.** CAPS proposes to continue this provision.
- 15.3 **Training.** CAPS proposes to continue this provision.
- 15.4 **Certification or Registration.** CAPS proposes to continue this provision.
- 15.5 **Departmental Orientation.** CAPS proposes to continue this provision.

- 15.6 **Professional Papers.** CAPS proposes to continue this provision.
- 15.7 **Volunteer Training.** CAPS proposes to continue this provision.
- 15.8 **Professional Society Dues.** CAPS proposes to continue this proposal.
- 15.9 **Professional Conferences.** CAPS proposes to continue this provision.
- 15.10 **Professional Development.** CAPS proposes to continue this provision.
- 15.11 **Licensure and Certification – Continuing Education – Licensed Veterinarians.** CAPS proposes to continue this provision.

#### **ARTICLE 16 – TRANSFER AND LAYOFF**

- 16.1 **Layoff and Reemployment.** CAPS proposes to continue this provision.
- 16.2 **Reducing the Adverse Effects of Layoff.** CAPS proposes to continue this provision.
- 16.3 **Change in Work Location.** CAPS proposes to continue this provision.
- 16.4 **Appeal of Involuntary Transfer.** CAPS proposes to continue this provision.
- 16.5 **Hardship Transfer.** CAPS proposes to continue this provision.

#### **ARTICLE 17 – CLASSIFICATION**

- 17.1 **Classification Changes.** CAPS proposes to continue this provision.
- 17.2 **Out-of-Classification Grievance Process.** CAPS proposes to continue this provision.

#### **ARTICLE 18 – PERMANENT INTERMITTENT APPOINTMENTS**

- 18.1 **Permanent Intermittent Appointments.** CAPS proposes to continue this provision.

#### **ARTICLE 19 – MISCELLANEOUS**

- 19.1 **Request for Reinstatement After AWOL Separation.** CAPS proposes to continue this provision.
- 19.2 **Incompatible Activities.** CAPS proposes to continue this provision.
- 19.3 **Personnel and Evaluation Materials.** CAPS proposes to continue this provision.
- 19.4 **Release Time for State Personnel Board.** CAPS proposes to continue this provision.
- 19.5 **Peer Review.** CAPS proposes to continue this provision.
- 19.6 **Transportation Incentives.** CAPS proposes to continue this provision.
- 19.7 **Group Legal Services.** CAPS proposes to continue this provision.
- 19.8 **Workplace Violence Prevention.** CAPS proposes to continue this provision.
- 19.9 **CalEPA Relocation and Transportation Agreement.** CAPS proposes to continue this provision.

19.10 **Contracting Out.** CAPS proposes to continue this provision.

19.11 **Union/Management Committee on State Payroll System.** CAPS proposes to continue this provision.

19.12 **Excess Leave Balance Committee.** CAPS proposes to continue this provision.

#### **ARTICLE 20 – ENTIRE AGREEMENT AND DURATION**

20.1 **Entire Agreement.** CAPS proposes to continue this provision.

20.2 **Duration.** CAPS proposes a definite term.

20.3 **Contract Appropriation.** CAPS proposes to amend and continue this provision as appropriate.

**SIGNATURE PAGE.** CAPS proposes to include a signature page.

**SALARY SCHEDULE.** CAPS proposes to retain and update this section.

**SIDE LETTERS.** CAPS proposes to retain and update this section.

**CAPS RESERVES THE RIGHT TO MAKE NEW PROPOSALS AT ITS SOLE DISCRETION.**