

Dear Director Ortega,

I am writing regarding the ongoing negotiations between CalHR and CAPS. I am a Research Scientist III and have been working for over 18 years as an epidemiologist in the Disease Investigation Section (DIS), Infectious Diseases Branch (IDB), Division of Communicable Disease Control (DCDC). I take a lot of pride in the work that I do protecting the health of Californians, but at the same time I do not feel valued by CalHR.

I have been working on COVID response for California since March 2020. I have worked longer hours for less pay than anytime in my career. Since March of 2020 I frequently worked 9 to 12+ hours per day, week after week, month after month, for a total of 15 months. However, regardless of how many hours I worked, I was only allowed to report that I worked 8 hours per day and a total of 176 hours per month on my timesheet.

As a CAPS member, I did not receive our negotiated 5% salary increase in 2020 and took a 5.93% pay cut through the PLP. I know it has been reinstated (without backpay) but the salary reduction was humiliating and financially distressing.

While working on COVID response, we were offered arduous pay but the parameters are so restrictive (more than 60 hours in a week from Sunday to Saturday) that I never was able to receive it. This was especially true when working weekends as we would not get "credit" for both days, since Saturday hours were for the preceding week and Sunday hours were for the following week. Throughout the pandemic I was expected to complete COVID response tasks and serve as a subject matter expert for Botulism and Listeriosis for CDPH. This often took working extended hours. Even though I worked far more hours per week. I feel that CalHR's restriction of the hours that I was allowed to report prevented me from receiving additional compensation as arduous Pay. Furthermore since arduous pay is \$300 per week, for those working 80 hours per week, that is only \$7.5 per hour for the additional time over 40 hours per week. In addition, arduous pay is only for 4 months.

For Work Week Group E (WWGE) employees, including Research Scientists, Section 7.7 of the CAPS 2018-2020 MOU states:

"d. FLSA exempt employees are expected to work the hours necessary to accomplish assignments and fulfill their responsibilities. The employee's workload will normally require 40 hours per week to accomplish. However, inherent in the job is the responsibility and expectation that work weeks of longer duration may be necessary for which there will be no additional compensation in any form...."

While there may be the expectation that work weeks of greater than 40 hours may occasionally be necessary, **the CAPS MOU clearly states that FLSA exempt "employees work load will normally require 40 hours per week to accomplish"**. Since the COVID Emergency Incident Command started Research Scientists including myself, have had to work far in excess of 40, 60 hours per week, for months and months on end, this clearly differs from the expectations for FLSA exempt employees in the MOU.

CAPS MOU section 7.7 states that when Work Week Group 2 (WWG2) workers work more than 40 hours per week they are paid overtime at 1.5 times the normal rate for hours exceeding 40 per week. When Veterinarians and CDFW Toxicologists are placed into an incident command, they switch from Work Week Group Exempt (WWGE) to WWG2 and are also paid overtime at 1.5 times the normal rate for hours over 40 for the duration of the incident command. Then they switch back to WWG2, which seems equitable.

Instead, as a Research Scientist III, I was not compensated for the many additional hours over 40 per week, that I worked month after month, not straight time and certainly not overtime. The work of Research Scientists, including Epidemiologists, in the COVID Pandemic response was absolutely critical.

FLSA exempt employees that worked far in excess of 40 hours per week, month after month during the COVID pandemic and in the future should be compensated for overtime at 1.5 times the normal rate, either with a pay differential or by switching them to WWG2.

The other issue that I wanted to bring up is that in my branch (IDB) and section (DIS), the majority of the epidemiologists are contractors (Heluna Health, UCSF etc.) in positions for 8+ years and they receive routine pay raises and cost of living adjustments. Many have similar or higher salaries than I do and have worked less than half the number of years. They also were not subjected to the pay decrease through PLP. I also know that similar positions at the Centers for Disease Control and Prevention colleagues have higher salary ranges, especially in Los Angeles where I reside. The US Center for Disease Control (CDC) is recruiting Epidemiologists and has Epidemiologist positions open, including at GS13 that pay 15% to 25% more than the maximum for Research Scientist III (July 2021 Salaries). California needs to provide competitive salaries if it wants to recruit and retain the highly trained Research Scientists, including Epidemiologists and Biostatistics Scientists needed to protect public health in California.

I am writing to you to express my personal feelings. This has been a tremendously challenging, stressful, and at the same time rewarding. I love what I do and the career steps I have made, but I want to feel appreciated, respected, and appropriately compensated. Please consider correcting the long-standing salary inequity for State Scientists, who are tasked with protecting the public health of California. Thank you for taking the time to read this letter and for any consideration.

Sincerely,

Hilary E. Rosen
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