



CALIFORNIA ASSOCIATION OF
PROFESSIONAL SCIENTISTS

CAPS Strike Guide

Join your fellow members on the CAPS picket line while we collectively withhold our labor, and show that State Scientists are ready to stick together and push for the contract they deserve!

All CAPS Members and Nonmembers are expected to participate in the strike at the designated picket lines, found [here](#).

1. Make sure to hold your picketing at the location with the most visibility around your worksite as possible. Stay on public property (i.e. public sidewalks) or State Property (if your Picketing Captain has properly informed CAPS ahead of time of your intent to picket on State Property).
2. Communicate with your colleagues ahead of time about meeting time and place, duration of the event, and attire.
3. Bring water, snacks, #FlatGavin, and be sure to wear CAPS Green!
4. Use CAPS-provided signs and/or host a sign-making party near the event, DON'T call this a strike – we are just practicing!
5. Offer rally signs and flyers to local businesses and restaurants to place in their windows as a show of solidarity!
6. Invite your friends, family, colleagues, and community-based collaborative groups you are a part of to participate in the Strike pickets.
7. Make sure you and everyone else signs in on the [sign-in sheets](#), and checks in with the Strike Captain to ensure we can demonstrate the strength of our action through participation!
8. Be sure to picket in a SAFE location and follow all traffic laws.
9. Be LOUD, PROUD, and POSITIVE in support of State Scientists!
10. Refer to the Strike Toolkit for resources like chants, Slogan Ideas for Picket Signs, [FAQs](#).
11. Take lots of photos and video and be sure to tag @capsscscientists using #ValueScientists #DefianceForScience #ScientistsStrikeBack for a chance to be featured on our social media pages. You can also send your photos to: <https://dropevent.com/caps>



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CAPS Strike Picketing

Expectations on the Picket Line

Q: What is expected of me on the picket line?

A: Every Rank-and-File State Scientist should be an active participant on the picket line. That means maintaining a presence on the line, helping to keep up morale, participating in chants and marches, and making sure to maximize visibility.

NOTE: this is meant to be a very public, visible action, and our conduct should reflect that responsibility.

Q: How do I act on the picket line?

A: Emotions can run high on any picket line. It's exciting, and a little nerve-wracking to tell you boss that they're not valuing you appropriately. It is important that we always act professionally and that we are aware that in today's world, all our actions are recorded and documented. Strive to be good stewards of the area we are picketing by keeping it neat and clean, don't destroy property, and don't get into arguments with passersby, your fellow CAPS members, or even the bosses, if they come out.

Q: What are the do's and don't's of conduct on the picket line?

- *DO follow the instructions of the Strike Captain, as long as the instructions are safe and lawful.*
- *DO peacefully demonstrate: stay on public property (i.e. public sidewalks) or State property (if your Strike Captain has properly informed CAPS ahead of time of your intent to picket on State Property), in areas with the most visibility possible.*
- *DO peacefully persuade other **State Scientists** to join the picket lines.*
- *DO explain the reason we are on strike, and share our contract webpage with supporters (www.CAPScontract2023.org).*
- *DO maintain a clean strike area.*
- *DO coordinate with your colleagues to participate in these actions.*
- *DO wear your CAPS T-shirt.*
- *DO post your picketing activity on Instagram and Twitter/X using the hashtags #DefianceforScience #ScientistsStrikeBack #ValueScientists, and be sure to tag @capsscienists and @flatgavin.*
- *DON'T report for work at your regularly scheduled time.*

- **DONT** use personal time or approved personal leave to participate.
- **DONT** create any signs with inappropriate language or symbols.
- **DONT** cause a disruption at the picketing site (e.g. let passersby through your crowd, do not block doorways, etc.)
- **DONT** block traffic or otherwise violate any traffic laws.
- **DONT** cause damage to public, state, or anyone else's property.
- **DONT** get in heated exchanges.
- **DONT** threaten anyone with bodily or property harm (explicit or implied).
- **DONT** engage in arguments. Avoid confrontations. Do not make physical contact with anyone, under any circumstances. Do not throw anything.
- **DONT** behave in an intimidating manner. This includes displaying or imitating carrying weapons, following individuals, making comments/references about individuals, their families, or commenting even vaguely threatening comments.
- **DONT** interfere with, or swarm, persons or vehicles entering or leaving the worksite.
- **DONT** in any way obstruct entrances or exits of the premises.
- **DONT** get arrested.

Q: What do I do if my colleagues violate these conduct guidelines?

A: Remind your colleagues of the need to conduct ourselves in a civil, professional manner, as all eyes will be on us. If the behavior continues, report the violation immediately to your Strike Captain.

Q: Are there specific, defined expectations of me that you can share?

A: Sure! See below:

1. There will be a designated Strike Captain(s) on each Strike Line. You are to follow their instructions, so long as they are safe and lawful, at all times.
2. You must not swarm anyone entering or leaving the building or otherwise "crossing the picket line."
3. The precise number of pickets allowable will depend on the size of the area to patrol. Keep the size reasonable. Gathering/swarming in large intimidating groups can lead to limits on the number of pickets, monetary damages, and/or increased law enforcement presence.
4. Use a picket sign. If you leave the designated area, lower your sign as you leave, or leave it behind.
5. Do not picket in the streets or on any private property that is not pre-designated by your Strike Captain, who will have obtained approval from CAPS headquarters.
6. Be enthusiastic in your picketing. Chanting loudly is encouraged, so long as it does not contain threats, slurs, or other forms of harassment based ethnic or national origin, color, race, religion, gender/sex, sexual orientation, etc. Better yet, use the Strike Chants, provided by CAPS in this packet.

7. *Feel free to bring bells and whistles (NOT safety whistles!). Do not use drums or sound amplification devices, as they are prohibited unless expressly authorized by CAPS headquarters ahead of time. If you choose to bring these types of devices, be sure to put it away quickly if ordered to do so by law enforcement or a Strike Captain.*
8. *Maintain a clean picket area.*
9. *If approached by law enforcement, be cooperative.*



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CAPS Strike Captain FAQ

Q: Who/what is a Strike Captain?

A: Strike Captains are identified by CAPS as the local member liaison for picketing at a given worksite or other location. They are in contact with CAPS Headquarters, and are volunteers who dedicate their time outside of the picketing times to ensure that each picketing event runs smoothly.

All Contract Action Team (CAT) members are expected, but not required, to be a Strike Picket Captain.

Q: What are a Strike Captain's responsibilities?

A: Strike Captains are responsible for setting up the picket line on-site, ensuring everyone participating has signed in, transmitting participation data back to CAPS Headquarters after the picketing is concluded each day, documenting any problems or issues, working to keep up morale, and ensuring all participants' health and safety.

Q: How do I become a Strike Captain?

A: If you are interested in becoming a Strike Captain, apply to be a Strike Captain [here](#).

Q: Is there training available to Strike Captains?

A: Yes. Strike Captains should reach out to their local [CAT Worksite Lead](#); Member Action Committee (MAC) member; [Board of Directors member](#); or CAPS Headquarters (caps@capsscscientists.org) to discuss securing information and training on how to become a successful Strike Captain.

Q: How much time does it take?

A: Strike Captain's duties can range between 3 to 12 hours each day of the strike – about a half hour of set-up and clean-up on-site, up to 8 hours of picketing, and a half hour to an hour of communicating with your colleagues to encourage their participation on the picket line.

Q: Are there any physical restrictions?

A: Strike Captains should be able to be on location, outdoors, for at least four hours at a time (depending on when you schedule your Strike Pickets), and will have to supply their own seating if they cannot stand for that entire time.

Q: Can I be a Strike Captain for multiple worksites?

A: Yes, but not at once! You can volunteer to be a Strike Captain for more than picket location, but you cannot be in two places at once, so you can only Captain one location at a time. CAPS recommends that Strike Captains lead pickets at locations they are familiar with, for the best results.

Q: Will I get in trouble?

A: While all member actions always come with some risk, you should not get in trouble as long as you follow all the Strike guidelines. If you find yourself getting written up or otherwise disciplined as a result of your participation in Strike Picketing, be sure to contact CAPS professional labor representatives at (caps@capsscscientists.org).

REMEMBER YOUR WEINGARTEN RIGHTS.

State Scientists (and all state employees) have the right to request a union representative to attend a meeting they reasonably believe will result in disciplinary action. These rights are called “Weingarten Rights” which are derived from a 1975 Supreme Court Case (NLRB v. J. Weingarten, Inc.). These rights apply in investigatory interviews and meetings where the employee has a reasonable belief that formal discipline may result. State Scientists may request union representation before, or during, such an interview. When representation is requested the supervisor must do one of three things: grant the request and delay questioning until the representative arrives; deny the request and end the interview immediately; or offer the option of having the interview without representation. The last option is essentially voluntarily giving up one’s rights to union representation. This is usually NOT the best option.

If your supervisor denies the request for union representation and continues the interview, you have the legal right to refuse to answer questions. This option must be exercised tactfully. **Don’t** walk out of the interview. Instead, request CAPS’ representation but don’t answer questions without your CAPS representative present. If you are pressured into answering (such as being threatened with insubordination for failure to answer), the information gathered at the meeting may be excluded in any subsequent disciplinary action.

A helpful tool to help you figure out when a meeting is “disciplinary,” and therefore subject to Weingarten Rights is this – if the meeting is held and you are being questioned about things that happened in the past, the meeting is likely disciplinary; if it’s to discuss how to handle things in the future, it’s most likely not. If you enact your Weingarten Rights, contact CAPS as soon as possible (caps@capsscscientists.org).

Q: Will CAPS provide me with materials?

A: CAPS will provide Strike Captains outside of the Sacramento area with signs and flyers for the events.

Q: Can I get reimbursed for purchasing things I feel are needed?

A: Any reimbursements must be preapproved by the Member Action Committee (as a collective). If your expenditure was not voted on and approved by the MAC prior to your purchase, we cannot guarantee it will be reimbursed. Another option is to encourage your colleagues to bring materials to share. There is power in numbers!

Q: Will my info be released to the public?

A: Yes. Strike Captains will be providing their contact information and picketing location to CAPS for the purposes of posting on the CAPS website for other members and nonmember supporters to see, so they know who to contact with questions about their local Strike actions.

Q: Will I have to speak to the media?

A: Strike Captains should be prepared to speak to the media, or should assign someone each day who is prepared to speak to the media. CAPS will provide Strike Captains with media training and talking points, courtesy of CAPS' media director.

Q: Are Strike Captains charged with people's safety at these events?

A: While no one can control everyone's safety at all times, yes, the Strike Captain should do their best to ensure that everyone (those on the strike line and everyone else) are interacting in a safe and courteous manner.

Q: Can I have a co-captain?

A: You can! Make sure you both sign up at the same time, and specify the same picketing location.

Q: Who should Strike Captains invite to participate?

A: Anyone who wants to participate is welcomed! You should reach out to folks in your worksite to participate with you: invite your friends and family to join, too.

Q: Will I have to interact with the police?

A: Strike Captains may potentially have to interact with law enforcement, if they come out. As the union's on-site liaison, you are charged with ensuring everyone interacts in a manner that is professional and upholds CAPS members' image as respectful, peaceful, calm scientists that are standing up for our value in the face of this Administration who touts our work, and fair pay for all, but won't pay us equitably for that work. With that comes the duty to be the calming representative should law enforcement come out.

RECOMMENDED SUPPLIES

- [Sign-In Sheets](#)
- Signs and [Flyers](#)

- [Markers](#)
- [Strike Chants](#)
- [FAQs](#)
- [Media Talking Points](#)
- [Social Media Guide](#)
- [CAPS Statewide Strike Picket Shift Sign-up](#)



CALIFORNIA ASSOCIATION OF
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Strike Media Talking Points

Your goals for the interview:

- Demand that the Governor and his agents take CAPS' salary demands seriously.
- Convey that CAPS has been forced into this action – something no state employee union has ever done – because Governor Newsom refuses to pay fair wages to the public servants who protect public health, the environment, the food supply, and natural resources.
- Publicly brand the campaign, “Defiance for Science.”
- Promote the principle that Governor Newsom’s commitment to scientifically-based policies must align with salaries that respect the State Scientists who run vital scientific programs serving Californians.

Q&A

Why has CAPS called a strike? What are the main points of contention?

- We’re calling the “**Defiance for Science**” because we have been forced to stand up for our members and the programs that serve all Californians.
- We’re not happy CAPS is **the first state employee union to strike in the history of California**. We would have preferred to bargain an acceptable agreement a long time ago.
- **But** we have been **without a contract for more than three years** because **Governor Newsom has failed to make a serious offer** at the table that would come anywhere close to what State Scientists need to stay afloat and to demonstrate that he values the State Scientists he employs.
 - **It’s well past time to close the 30% gap between what rank-and-file State Scientists earn and the wages paid to our managers and state engineer colleagues who perform the same work. In some instances, the gap is even greater than 30%.**
- Here are a few of the things we’ve done to avoid where we are today:
 - We have been in bargaining **for more than 1,300 days**.
 - We argued for and **won an impasse determination** from PERB, not because we wanted to strike, but because we wanted **access to another tool, mediation, to see if we could revitalize our talks with the governor**.
 - We’ve **marched and rallied** around the state.
 - We **sent a bill to Newsom** that would have studied **State Scientists’ pay relative to the market** so that maybe we could find common ground for bargaining. **Legislators overwhelmingly approved the measure, but the governor vetoed it.**

- We have brought in **subject matter experts** who have explained how inadequate wages have **harmed scientific staffing and projects**.
- We have gained the **support of many other unions, including SEIU Local 1000**.
- **We have won the support of politicians**, including those 96 state legislators and former **Senator Barbara Boxer**.
- And we worked with **four dozen concerned scientific and environmental interest groups** that publicly urged Newsom to pay competitive salaries to State Scientists because our work is too crucial to allow cheapskate pay to chase off talented and experienced experts.

You say low state pay is undermining California's scientific programs and chasing off the scientists running those programs. What does that mean to the public?

- Well, programs **to protect the environment, secure our food, clean up toxic waste, and fight climate change suffer** because recruiting top scientific minds and **retaining scientists** for more than a few years is very difficult.
 - Right now, as we speak, our members are fighting an insect that carries a bacteria that could wipe out California's citrus crops.
 - Our scientists **find toxic substances** in consumer products **that make us sick**.
 - Our members run **the state lab that tests DNA on crime evidence**.
- **When they leave for jobs with better pay, it does not serve the public, our environment, or the economy well.**
- Our position is that **the Governor should do what is right** and deliver a stable, experienced scientific workforce that provides the **vital services and protections Californians expect from their government**.
- Nearly 90 percent of bargaining survey respondents indicated that they needed a second job or other means to supplement their income in order to make ends meet. A meager raise offered would not have corrected the historical salary inequities that have only gotten worse over the past two decades. **Our position remains that someone with a Ph.D. in science and decades of experience should not have to drive for Uber on the weekends to make ends meet on a state salary.**
- We work to provide clean water and air, protect the food supply and public health, preserve the environment, and more. But we are seeing **trouble retaining scientific staff** across all of state service. **Our jobs are too important to let momentary economic or political conditions continue inequitable wages for another generation of State Scientists.**

Some observers – and the administration, obviously – argue that CAPS' goal of a double-digit percentage raise is unrealistic. What is CAPS' response to that analysis?

- Those same observers didn't think we would strike, either, so we should view their defense of the status quo with healthy skepticism.
- CAPS is doing what no state employee union has ever done before by withholding our labor. No governor has faced this form of collective power before. And no union has been treated so poorly for so long that this kind of salary disparity has existed.

What does CAPS hope a strike will accomplish?

- **Collective action creates pressure.**
 - This action is creating **public awareness** about **our members' vital work**, how they **serve Californians**, and how **inequitably paid they are to do it**.
 - We are also **creating political pressure** for this governor, who claims he is **leading the nation and the world in science-based public policies**, to appropriately pay the skilled, educated scientists who are **key to executing those policies**.
- **Why else would Newsom fight against – and lose – our request for an impasse declaration so that we could enter mediation? Why did his administration file an Unfair Practice Charge to keep us from striking?**
- Now we're hearing that **the Governor isn't going to attend the Democratic Party Nominating Convention** in Sacramento this weekend. We're going to **have a rally there on Saturday. It looks like he's running from us**.
- This administration has **run out of arguments** to continue **trying to dictate terms** at the table instead of truly bargaining.

You have called for State Scientists to strike for three days. Why not longer?

- We also recognize that **California suffers when we aren't working**, so we hope this **strike action will be the first and the last we take**.
- We could have called a longer strike – **it's always an option**.
- However, the objective here is to **reach an agreement with the Governor** that produces a contract that is fair to our members. If we can do it with a defined strike, that's preferable.
- Defined strikes are a **common tactic** that can help **focus an employer's attention**. **Kaiser workers recently went out for three days**. They reached an agreement shortly after that.
- **It's up to the Governor**.

How many of your members do you think will go out?

- Our union recently held a **Strike Authorization Vote** which saw **94% of respondents voting to provide our Bargaining Team the authority to call for a strike**.
- We have **held "practice pickets"** at worksites around the state, and the **turnout has been terrific**.
- And if **what we are hearing from members during worksite meetings** over the last three years is any indication, they're mad and ready to use this leveraging tool.
- Bottom line: **The Governor has provided plenty of motivation for this strike**. We're confident in a strong turnout.

Does telework complicate striking?

- Look, **being the first California state employee union to go on strike complicates striking**. That would be true if we were still physically reporting to work every day.
- We have **surveyed our members**. We know their thinking.

- **We have an unprecedented sense of solidarity. There's a deep commitment to fix this problem through collective action** that leads to a meaningful resolution at the bargaining table.

There has been some recent news that State revenues are falling below what this year's budget anticipated, and those expectations were lower than revenues in 2022-23. Doesn't that make it harder to reach another agreement that includes the kind of pay increases your union is seeking?

- CAPS members **rejected a tentative agreement in January.**
- **We offered a solution on May 9**, but the State stalled more than 100 days before responding with an offer **that members had already made clear was a non-starter.** The Governor waited until the last minute, right before the State Legislature went on recess in September. **He was trying to jam us up.**
- This **issue has been going on since at least 2003** and every year that goes by, we are falling further and further behind.
- **Every Governor says there's no money for salaries in hard times, and in good times they say hard times are coming.** For example, Governor Newsom furloughed state employees a few years ago because of fears that COVID would wreck the economy. When the opposite happened, and state revenues set records and had a historic budget surplus, **he continued furloughing us for several months anyway.**
- So, if the question is **whether economic concerns make bargaining for a fair contract more difficult, I'd say they make no difference.** Governors say the same thing, regardless of financial or budgetary conditions.

What are the next steps after the strikes end on November 17?

- Our next mediation meeting is scheduled for November 28. Our goal remains the same: to bargain a contract that recognizes the value of our members through equitable salaries. So eventually, the governor and our bargaining team will reach that agreement.



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DRAFT OUT OF OFFICE MESSAGES

These out of office messages are provided to members as a result of multiple requests. Please ensure any message you use does not conflict with your departmental policy for Out of Office Messaging. Each office's policy may be different.

Thank you for your email. Effective immediately, California Association of Professional Scientists (CAPS)-represented Bargaining Unit 10 employees are on strike. I will not be responding to emails until further notice. My emails will not be monitored. You can find more information on the CAPS website.

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Thanks for your email. I will not be working again until Monday, November 20 because I'll be engaging in a strike action as part of the California Association of Professional Scientists' (CAPS) campaign for equitable pay.

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I am currently unavailable and taking part in the California Association of Professional Scientists' (CAPS') strike action. This is in response to the Newsom Administration's unwillingness to provide fair pay to California State Scientists. CAPS' specific demands are outlined on the CAPS website.

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Thank you for writing. Unfortunately, I am unable to respond to you at this time as California State Scientists at [Organization] are on strike with our union, the California Association of Professional Scientists (CAPS), through November 17. I would like to assure you that I am committed to my work and would like nothing more than to continue serving California. However, I am also committed to supporting my union and my scientist colleagues in Bargaining Unit 10. I hope that we can reach an agreement quickly so that I can return to work.

In the meantime, if you would like to help reduce the duration of this strike, please check out the CAPS website.

Thank you for your understanding.
Sincerely,