

CALIFORNIA FACULTY ASSOCIATION

Summary of Fact Finding Report and Recommendations

San Francisco Agreements – Articles 3, 4, 5, 6, 9, 14, 17, 24, 26, 27, 35, 36

Fact Finder's Recommendation

Articles that were resolved in the SF sessions should be adopted as TA's by the parties.

"It is the opinion of the Panel that the best agreements are those that have been negotiated directly by the parties" (p.5)

Grievance –Article10

Fact Finder's Recommendations

Agreements reached as of March 7th be incorporated into agreement.

♦ *Arbitrator's Authority*

Union's position on the arbitrator's authority should be adopted. If on appeal, it is found that the CSU's position is not contrary to law, then the CSU may request to meet and confer regarding a substitute provision.

"Throughout the fact finding process CSU has continued to insist on language that limits arbitral authority. In the face of the determination of the governmental administrative agency, the Public Employment Relations Board, its insistence is unreasonable...The continuation of the status quo until such time however fails to acknowledge that a governmental administrative agency has rendered a decision that favors the Union's position on arbitral authority. The Union has been more than patient for the past five years while the University presses its status quo position at the bargaining table and in litigation... At this point, it is not unreasonable to require the University to live with the ruling of the governmental administrative authority" (p.8)

CSU dissent: Regarding what happens if it is found that the CSU position is not contrary to law, CSU wants the issue to be automatically reopened for bargaining.

♦ *Sanctions*

Parties should make a concerted effort to implement all language in Art.10 (e.g., mediation, arbitrator assistance in scheduling). Also add language about requests for data or documents that a party is legally entitled to receive, in a timely manner. If materials are not provided in timely manner, they shall be prohibited from using in the arb hearing. In determining if materials are provided in a timely manner, the labor and cost involved in producing material should be considered.

Appointment—Article 12

Fact Finder's Recommendations

♦ *Student Employees*

Modifications agreed to during fact finding session:

(1) inclusion of "other student employees" after "teaching associates" in sec 12.30 and (2) refer to sec12.32 as Teaching Associate (TA), GAs and ISAs Employment and add section that limits increases in FTE numbers of students to the percentage increase in FTE teaching faculty systemwide.

CSU dissent: CSU does not accept cap on new student employee hiring because it would be "excessively burdensome" to collect and report the necessary data.

♦ *assignment of work*

Regarding section 12.30 subsections Preference for Available Temporary Work and Assignment Order During the Academic Year. Parties should adopt language proposed by CFA, which does not refer to the “best qualified from amongst all other”.

“The University has not offered any plausible explanation as to why it desires the language at the final step of the appointment process” (p.11)

Workload—Article 20

Fact Finder’s Recommendation

♦ *ACR 73*

Expand Contract section 20.3 to include new section stating the parties will jointly request from Legislature the money needed to fully implement ACR 73 in each year of the agreement. The CSU budget submission to the State should give this funding priority status.

Summer Session—Article 21

Fact Finder’s Recommendations

Progress related to Summer Session was made and recommendations from fact finding consider only issues not addressed elsewhere.

♦ *summer term definition*

Distinctions should not be made among faculty working in YRO, state supported quarter campuses and other campuses.

“Summer terms on all campuses should be treated the same” (p.13)

♦ *health stipend*

Provide health benefits stipend of \$400 per month for temporary faculty employed during preceding spring and who are appointed for/worked at least 6 WTUs during summer, and otherwise ineligible for health benefits.

♦ *PERS*

For purposes of CalPERS retirement, summer sessions, but not special sessions, shall be defined as semesters or quarters, as appropriate.

This recommendation “is not intended to encourage the use of special sessions as replacement for work taught traditionally in summer semesters, summer quarters or standard summer extension programs” (p.13).

CSU dissent: CSU objects to language indicating that CalPERS will make the determination regarding retirement benefits eligibility but also states “for purposes of CalPERS retirement benefits” CSU will call summer sessions a semester or quarter.

Leaves of Absence with Pay—Article 23

Fact Finder’s Recommendation

♦ *Paid Maternity/Paternity Leave*

No changes to the contract article are recommended; when compared to UC policy, CSU policy does not fall short. However:

“This recommendation is not meant to discourage the parties from discussing the best use of the time that is provided through the introduction of flexibility in the use of the days provided in the agreement” (p.14).

FERP—Article 29

Fact Finder's Recommendation

No change to FERP is recommended. According to materials presented, the FERP program may result in annual savings to university of about \$7.2 million.

To make this recommendation, the Fact Finder considered the overall compensation package, of which FERP is a part.

“It is unknown what effect the FERP has on an overall compensation package and it is also unknown what effect the FERP has on the recruitment and retention of faculty. What is known however is that the University has not put forward a compelling argument based on any tangible evidence that would lead to a change in the status quo of the language of the agreement” (p.17).

Salary—Article 31

Fact Finder's Recommendations

♦ CPEC gap

Regarding dispute over salary lags and other compensation issues—fact finder considered CPEC analyses. She does not disagree that a revision of methodology might yield different results but until such changes are made the report findings are relevant.

“the fact finder must take into consideration the Commission’s finding that there is a double digit parity discrepancy at the University. It is important to note that the Commission is not a creation of the Union, nor is it a function of the University, but rather has been established by the Legislature to focus on higher education and policy issues. Its finding represent the best evidence available on faculty salaries at California Public Universities which cannot be ignored by the fact finder” (p.20)

“While there was much discussion during fact finding as to how the various figures should be viewed, there was no dispute that no matter how the figures were viewed, the faculty at CSU were lagging in the double digits behind their comparable institutions. There was also no dispute that the faculty at CSU were falling in the rankings amongst its comparable institutions as evidenced at Displays 4 and 5 of the Commissions’ *Report on Faculty Salaries*” (p.19).

The Fact Finder’s recommendation recognizes “it was unlikely that this round of negotiations was going to eliminate the gap,” and that “the challenge was to shape a recommendation that would make progress toward closing the gap while recognizing that there was not an infinite amount of money available” (p.19-20).

♦ *Year by Year Recommendation*

2006/07 (effective 7/1/06)

GSI: 3% retro to 7/1/06 & 1% retro to 1/1/07 → 4%

SSI per current requirements (2.65% for those currently eligible)

2007/08 (effective 7/1/07)

GSI: 4.53% eff. 7/1/07 & 1% eff. 1/1/08 → 5.53%

SSI: per current requirements

Equity: 0.5%

PPI: 0.5%

2008/09 (effective 7/1/08)

GSI: 4.84% eff. 7/1/08 & 1% eff. 1/1/09 → 5.84%

SSI: per current requirements

Equity: 0.5%

PPI: 0.5%

CSU dissent:
This recommendation
“goes beyond the fiscal
priority set by the Trustees.”

2009/10 (effective 7/1/09)

GSI: 5.50% eff. 7/1/09 & 1% eff. 1/1/10 → 6.5%

SSI: per current requirements

Equity: 0.5%

PPI: 0.5%

♦ *contingency*

0.5% of the offer would be contingent on receipt of a joint request for an additional 0.5% increase for compensation for all CSU employees in CSU budget for FY 07/08, 08/09, 09/10 and CFA's support for the total CSU budget. If augmentation is not received, GSIs will be reduced by 0.5%.

♦ *SSI*

"The Union has put forward a compelling argument that the Service Salary Increases are not an additional cost to the University and in fact, there may be savings to the University due to the fluctuations within the bargaining unit as faculty retire or resign resulting in a lower overall cost of the salary schedule" (p.21-22).

"The University has put forward an equally compelling argument that the savings realized by the University due to the fluctuations should not automatically be provided to the bargaining unit members" (p.22).

"...the University confirmed for the Panel that it was not contending that it did not have the 'ability to pay'" (p.22).

"A review of the language that describes the granting of an SSI ... finds that SSI increases are not automatic but rather are dependent on satisfactory performance. Unlike other step salary schedules that require nothing more than an additional year of service, the SSI requires a review by the administration of a faculty member's performance ... Given the University's stated interest in pay for performance its resistance to fund the SSIs is puzzling" (p.22).

"the savings realized by distributing the monies at different times of the year should help to offset the monies required to fund the SSIs" (p.22).

♦ *Librarians and Counselors*

Libraries and Counselors would be eligible for PPI and Equity increases.

♦ *Salary Structure Committee*

Fact Finder recognizes need to revise the salary structure but sees problems too great to be dealt with through fact finding. She recommends creation of another Salary Structure Committee to be chaired by mutually agreeable neutral third party. The committee would review the issues within 120 days and issue recommendations within 90 days of conclusion of the review. Recommendations would be submitted to parties governing bodies and if ratified, would supersede salary agreement for 2009/10. If legislative budgetary action was required, recommendations would not be effective until action was taken by Legislature.

CSU dissent: CSU objects to recommendation to implement recommendations of salary structure committee, if ratified by the parties. CSU prefers to delete reference to supersede the 2009/10 terms in favor of a recommendation that parties jointly seek funding for any salary committee recommendations ratified by the parties.

Parking—Article 32, Benefits

Fact Finder's Recommendation

Fact finder finds it noteworthy that parking fees are subsection of Benefits article, which includes other benefits (like health benefits, dental benefits, etc.) provided as part of overall compensation package.

"The fact that faculty are paying less than the students for parking is not an accurate comparison. Students have not negotiated a compensation package that includes reduced parking fees. They have not

participated in the give and take of negotiations that resulted in benefits that represent a total compensation package. Nor have the students been subjected to the salary lag that has negatively affected the faculty over the past several years” (p.26).

“There is no dispute that salary increase that may result from this round of negotiations will not close the CPEC gap. It is therefore important the overall compensation package not contribute to a further decline in the financial benefits received by the faculty” (p.26).

Recommendation is to increase parking fees by the same percentage increase as the GSI for each year of the agreement but faculty fees shall at not time exceed the student parking fees.

CSU dissent: The recommendation would not fully address “the problem” on campuses with large discrepancies and create a “new problem” on other campuses. CSU prefers to tie increase to the student parking fees.

Extension for Credit Employment—New Article

Fact Finder’s Recommendation

Throughout the Fact Finding process the parties were negotiating this new article to address benefits and rights for extension-for-credit faculty. The parties are directed to continue discussion on remaining issue of assignment of extension work.

Duration—Article 41

Fact Finder’s Recommendations

Fact Finder recognizes the Union has reason for concern that funding for the agreement might not materialize through the duration of the contract.

In event of less money being appropriated to CSU than is needed for the agreement, the recommendation is to reopen articles with economic cost plus two additional non-economic articles selected by CFA and CSU (for a potential of four non-economic articles).

“While the University maintains that it has established a funding floor through the Compact, there is no guarantee that the floor is nothing more than a false ceiling that perhaps can be removed but not without peril. There is also the risk, albeit hopefully minimal, that the Compact funding will not be provided as promised. ... it is unfortunate that California Stat University, one of the top universities in the nation, has been placed into a position of begging for dollars. Rather than recognized the University as a treasure to be preserved fro the benefit of the public, the elected officials have simply made it another budgetary item to be allocated a portion of the remains” (p.27-28).

“Given the fact that there has not been any attendance by the elected officials at the negotiation sessions, given the possibility that the University may reluctant to aggressively pursue funding beyond what it has negotiated in the Compact, and given the possibility that the Compact may not be fully funded, the Union has cause to be concerned that perhaps monies will not be forthcoming through the duration of this agreement. While past agreements have limited re-openers to economic items only, the fact finder recognizes that the dynamics have shifted through the introduction of the Compact. The Compact may make the University reluctant to pursue any additional monies that might be needed to support the agreement throughout its duration” (p.28).

CSU dissent: CSU objects to recommendation to allow each party to select 2 non-economic items to reopen, believing reopening non-economic issues would be counter-productive.

Excerpt from CFA's President John Travis' Acceptance of the Fact Finder's Report:

"...Thanks, however, to the skill and acumen of Neutral Fact-Finder Sylvia Skratek, as President of CFA I believe that the framework for such an agreement now exists in the form of this report. I accept this report, and urge the parties to reach a settlement based on its recommendations.

"That is not to say that the report is without its disappointments for the Union. These include failing to lift the SSI salary maxima which would speed relief from compression of senior faculty salaries, continuing questions about student employment in Unit 3, and the lack of progress in establishing better leave conditions for our faculty who must balance their careers with family responsibilities. ...

"It is a settlement which will honor the needs not only of faculty, administrators and trustees, but also the students of the California State University."