

being otherwise qualified based on such things as experience, academic training, and so on. When there are several lecturers with the same rank in the order of hiring who are found to be “qualified” then the selection of the person to perform the work in question is left to the department chair. Language in the previous collective bargaining agreement did not bypass current temporary faculty and there was no showing by the University that the language had created any insurmountable problems. Therefore there has been no showing of a need to provide such a bypass in the new agreement and the recommendation is that the parties adopt the language proposed by the Union.

Article 20 **Workload**

In 2001/03 the CFA, the CSU’s Statewide Academic Senate, and the CSU Administration studied the workload increase phenomenon and issued a joint report that identified the workload problem and made recommendations for the hiring of additional tenure-track faculty (Un. Ex. X-4) Recognizing that additional funding would be required to accomplish the recommendations, the CFA sponsored, with support from the CSU Academic Senate and the CSU Administration, Joint Legislative Resolution ACR 73. (Un. Ex. X-6)

In a letter addressed to the honorable Virginia Strom-Martin of the California State Assembly from Executive Vice Chancellor David Spence, Academic Senate Chair Jacquelyn Kegley and CFA President Susan Meisenhelder, the authors correctly identify that the successful implementation of ACR 73 is a joint responsibility of the CSU administration, the CSU faculty and the state of California. (Un. Ex. X-7) As of today, no funding has been appropriated by the state for the implementation of the resolution.

There are times in public sector negotiations where difficult decisions must be made due to the limited amount of resources available. The fact finder notes that Section 20.3 of the agreement contains language that provides a protection from “an excessive number of contact hours ...an excessive student load... [and]...an unreasonable workload or schedule...” While not a specific workload guarantee, the language does allow for

challenges by individuals or the Union. It is recommended that the limited language of Section 20.3 should be expanded to include a new section d.:

d. The parties agree to jointly request from the Legislature the amount of monies necessary to fully implement the jointly developed response to ACR 73⁴ in each fiscal year of this agreement. The request shall be given priority status in the University's budget submission to the State for each of the fiscal years of this agreement.

Article 21 **Summer Session**

The parties have made progress on the matters related to the Summer Session and it appears that some of the outstanding matters will be resolved as other portions of this agreement which are addressed in this fact finding report fall into place. For that reason, the recommendation on this article is limited to those areas that have not been addressed elsewhere.

Recommendation

- Article 21 should not provide distinctions among faculty working in the State-funded summer programs based on the use of quarters rather than semesters. The parties should negotiate the practical implications of the interpretation of this recommendation. Summer terms on all campuses should be treated the same.
- Provide a health benefits stipend of \$400 per month for temporary faculty who were employed the preceding Spring term, were appointed for and worked at least six (6) WTUs during the Summer Session, and would not otherwise be health benefits eligible.
- For purposes of the CalPERS retirement benefits, the University shall define the summer sessions⁵ as a semester or a quarter, as appropriate. Eligibility for CalPERS retirement benefits is determined by CalPERS.

The above 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.

⁴ Union Exhibit X-7.

⁵ Does not include special sessions.