

FAQ: CFA Bargaining & Possible Strike



Your Questions Answered

February 12, 2016

THE FIGHT FOR FIVE

Q1: What are the issues in the current dispute between CFA and CSU management?

CFA wants:

- a 5% salary increase for all faculty members for the 2015-2016 Academic Year, and
- a Service Salary Increase (SSI; an in-range salary increase similar to a step increase) for faculty who are eligible.

CSU management is offering only 2% with no SSI. It's the same offer for 2015-2016 that CFA rejected in 2014, and which the Bargaining Team has continued to reject over the past year.

Q2: We have a 3-year contract in place. Why is there still a dispute over our pay?

When CFA and CSU management settled the current 3-year faculty contract in 2014, we only came to an agreement on salary in the first year because management's offer for years 2 and 3 were so low (2% both years). We agreed that the sides would "re-open" talks about faculty pay increases, retaining the right of the faculty to strike over it, in the years 2015-16 and 2016-17. At CFA's insistence, bargaining over our 2015-2016 salaries started last May 2015. (On May 1, 2016, CFA will have the right to demand bargaining over salary for 2016-2017, as well.)

Q3: So, what has happened in bargaining over our pay in 2015-2016?

Last summer, CSU management rejected CFA's proposals (a 5% raise for all faculty members and an SSI for those eligible). The sides reached impasse in July 2015 and began mediation in August. Mediation ended without any movement from CSU management, and the two sides moved to factfinding. That is the final stage of the statutory process, meaning the process spelled out in California's higher education labor relations law. (*See more on factfinding below.*)

Q4: Why isn't CFA willing to accept the Chancellor's offer of 2%?

Our research shows that the CSU faculty have been falling behind other public employees, other professions, and other educators in California for the past 10 years. People in those fields have been receiving raises on the order of 5% or 6% to help them recover from the recession.

For us, though, the recession never ended. Our salaries have been flat and have not kept up with inflation. When times were bad, we tightened our belts, and now that times are good, we're asked to continue to wait. It makes no sense and it's just not right. If we don't fight to normalize our salaries now, we will fall even further behind our peers. *For data and more information, see CFA's "Race to the Bottom" papers at <http://www.calfac.org/race-to-the-bottom>*

Q5: Why isn't the Chancellor willing to give faculty a 5% increase?

CFA hopes that you will ask the Chancellor that question. Chancellor White says lovely things about faculty and the importance of teaching, so why does he think that it's OK for CSU faculty to be poorly paid in comparison to their peers in higher education? Why does he seem to think that that disparity has no impact on the health of the system or on the experience of our students?

Q6: How did CFA develop its Fight for Five proposal?

Our proposal is based on our research on the salaries of other educators in California and around the country, an analysis of the CSU operating budget and reserves, and bargaining surveys and feedback from a wide range of CSU faculty members. CFA's position is also based on the fact that in the 2015-2016 California state budget, the CSU received \$269 million additional dollars, which is a 10% increase in General Fund support, and which includes \$97 million added to the Governor's January budget. We know that 5% for all faculty members and an SSI is fair and affordable.

Q7: The Governor just gave the CSU more funding in his state budget proposal. Does this mean the Chancellor can fund a 5% faculty pay raise now?

It is true that the CSU saw a dramatic increase in its budget last year, and this year the CSU is poised for a 4.5% increase. But, the truth is that the Chancellor could afford the raises before these budget increases occurred. In our negotiations, CSU management has not claimed that it couldn't afford the raises, but rather said they had other funding priorities. Also, the CSU has robust and ever-increasing dollars in reserve. As a public institution, CFA thinks that CSU management ought to be spending CSU resources on the university's core mission—providing a high quality education to our students and providing its faculty with reasonable and consistent raises so they can continue to keep doing that work.

Q8: If CSU management isn't spending money on faculty salaries, what ARE they spending money on?

Budget transparency at the CSU is not as clear as we would like, but in addition to funding new enrollments, we know that the CSU is spending more money on more and more highly paid administrators, in other words, managers who don't teach.

FACTFINDING

Q9: What does factfinding involve?

In factfinding, a neutral third party is chosen by both sides to hear the views and the facts as each side sees them. Together with a representative from each bargaining team, the neutral third party writes a factfinding report that recommends how a settlement could be achieved. The recommendations in the report are non-binding, meaning neither side is required by law to accept them.

Once the report is completed, the sides have 10 days to study the final report and perhaps reach a settlement. After that, the factfinding report becomes public. If factfinding does not lead to a settlement, the "statutory" process ends. At that point the faculty gain the right to strike, and CSU management may impose its last, best, and final offer. Its current offer is 2%.

Q10: What is the status of factfinding?

As of January 2016, both sides, union and management, have presented their evidence. The evidence is in the hands of the factfinding panel so that they may examine it and write a report. There is no deadline set by the higher education labor law, but CFA anticipates a report in March.

STRIKE

Q11: Why are we talking about a strike if we are still in factfinding and the "statutory process" is not finished?

We want to be prepared to go on strike in case we get to the end of the statutory process without an agreement. We want to be well-prepared to take whatever steps are necessary to fight for 5% and an SSI for eligible faculty.

Q12: Didn't we already take a strike vote?

Yes. In October 2015, a Strike Vote was conducted on all 23 CSU campuses. The result was a resounding 94.4% YES vote to the following statement: "I authorize the CFA Board of Directors to initiate job actions, up to and including strike, if, at the conclusion of the statutory bargaining process, a resolution on salary for 2015-2016 with the CSU administration has not been reached."

Q13: Is it legal for CSU faculty to strike?

Yes, once the "statutory bargaining process" spelled out in the Higher Education Employer-Employee Relations Act (HEERA) is complete (i.e., when the factfinding report becomes public).

Q14: When would a strike of CSU faculty happen?

If factfinding concludes without an agreement, the CFA Board of Directors can vote to initiate a strike. We cannot legally go on strike until the factfinding report has been issued and a 10-day blackout period has passed.

Q15: Is CFA planning for a strike?

CFA leaders from all 23 CSU campuses are planning actively for a strike. If a strike becomes necessary, the CFA Board of Directors will look at a number of factors to determine when and how, so that a strike is strategic and effective. CFA's Board will decide the days, locations, and duration of the strike.

Q16: Where and how long would the strike take place?

CFA's Board of Directors has announced that if there is no settlement, there will be a five-day strike on all 23 CSU campuses. The dates will be April 13-15 and 18-19.

Q17: What would going on strike mean for faculty?

It means that faculty refrain from teaching and any other CSU duties for the duration of the strike. CFA would organize picket lines, rallies, and other actions to make the strike visible and effective.

Q18: Has there ever been a CSU faculty strike?

In November 2011, two CSU campuses—CSU East Bay and CSU Dominguez Hill— went on strike for one day. The faculty shut down both campuses. These actions resulted in a successful completion of negotiations.

Q19: Is the faculty prepared to strike?

We had record turn out and a 94.4% "yes" vote to strike, so the faculty are willing to strike. No one takes going out on strike lightly, but the issues at stake here are important to our families, our profession, and our students. We must take action. The justice issues are connected to and equally important to the issue of salary. We're in it to save public higher education for CSU students and for the health of the state of CA.

Q20: What should I tell my students?

It is important to tell students the dates of the strike, once they are determined, and to explain why you are going on strike. Each faculty member will, of course, make a personal decision communicating with students. Many faculty members may also want to invite students to join them on the picket line. If this is your choice, you must emphasize to students that joining the picket line is entirely voluntary.

Q21: What will happen to students if we go on strike?

Students will not be in class if and when the faculty go on strike. The vast majority of students understand our situation and how it relates to them. We anticipate that many will be out on the picket line with us. This is an opportunity to demonstrate for our students what collective action for justice looks like. We are setting an example for our students that shows how to protect education and the profession that we all love and have fought for over many years.

Q22: Wouldn't a strike hurt my students?

When faculty members went on strike in 2011, students supported us. The truth is that students and faculty are in the same boat. Students are already hurt by debt, high fees, and fewer faculty available to help them. And they must work ever-longer hours to afford to stay in school. No wonder it's taking so long for them to graduate.

Many students know that the faculty are working hard to help them while we struggle to support our own families. When faculty must live far from campus, cobble together a living by teaching at various schools, and worry about our own kids' well-being, both faculty and students pay the price.

The real issue is, will this university management prioritize the university's core mission, which means a laser focus on students and faculty, or will they continue to bleed dollars for pet projects, extra management, and perks for executives.

Q23: Why don't we just avoid a strike by working harder at the bargaining table to get a settlement?

Having the most compelling facts and the strongest arguments is not enough to guarantee a fair deal. During negotiations for previous contracts, for example, the Chancellor's Office disregarded the reports of neutral factfinders. In 2007, despite a factfinding report favorable to CFA's position, it took the threat of a strike to get the Chancellor to agree, reluctantly, to a settlement.

No faculty member who voted to strike in the recent Strike Authorization Vote did so lightly. There simply must be "action away from the table" to get "action at the table." This could mean a strike, and during the period before we have the right to strike, it includes actions to increase our visibility, so please participate in activities coordinated by your campus CFA chapter.

IF A STRIKE IS CALLED...

Q24: If a strike is called, what will CFA ask faculty on my campus to do?

CFA will ask every CSU faculty member to refrain from teaching and all other work he or she normally does on the day(s) of the strike. CFA also will ask all faculty to join the picket lines and rallies that will be underway on the campuses. The presence of large numbers of faculty would be the best way to send a strong message to the chancellor that we are serious about the Fight for Five.

Q25: If a strike is called, could my participation lead to dismissal or other disciplinary actions?

No. If a legal strike were called, it would be unlawful for the administration to attempt to dismiss or discipline any faculty member for participating. It is a violation of state law to attempt to dismiss or discipline a faculty member for exercising the right to participate in a lawful job action such as a strike. CFA advocates on staff, on retainer, and from our national affiliates would assist any individual or groups experiencing a negative outcome as a result of lawful job actions.

Q26: If a strike is called, could my pay be docked if I participate?

A: Yes.

Q27: If a strike is called, could I cancel my classes but perform other job duties?

No. If you participate in a strike that has been called on your campus, you must cancel all your classes and refrain from performing any of your job duties in order to be protected from discipline. You may not choose some job duties to perform; there is no right to engage in a "partial strike."

For example, your strike activity would not be protected from possible discipline if you canceled a class in the morning but taught another class, held office hours, or attended a committee meeting in the afternoon.

Q28: If a strike is called, can I still check my university email?

Reading and writing work-related email are parts of your job duties, so you must refrain from performing your job duties during a strike. You may use an out-of-office message, such as "I am on strike for fair pay and quality education. Join us on the picket line."

Q29: If a strike is called, should I take a personal holiday, vacation days, or sick days during a strike?

If you take paid leave of any kind, then you are not on strike. It is your choice to request such a leave. Can you do that and still be on strike? No. In fact, when people go on strike, they do not call in or report to management the fact that they are on strike.

Q30: If a strike is called, should I expect my students to keep up with assigned reading and other required work while we are on strike?

Yes, especially if you hope that your students will be ready for final exams and projects.

Q31: I'm a coach. What do I do about athletic events?

Like all faculty, coaches would refrain from working during a strike.

Q32: I'm counselor. What do I do if I have clients with whom I am providing treatment?

Like all faculty, counselors would withhold their labor in the event of a strike. Like nurses and other healthcare providers, counselors want to be sure that those in their care do not suffer in the event of a strike. We will make sure that students know to call 911 or seek emergency services just as they would when counseling services are closed.

Q33: I teach at a satellite campus. Will we be on strike there, too?

Yes.

Q34: I'm a department chair. If a strike is called, can I go on strike?

Yes. Department Chairs are part of Unit 3, and the work they perform is Unit 3 work. When we go on strike, all unit members including department chairs will go on strike.

Q35: If a strike is called, will CFA have a strike fund?

CFA does not have a strike fund that would make up for lost salary if management docks pay during a strike, very few unions do. However, CFA's officers are in the process of setting up a hardship fund application process so that faculty who face significant and immediate financial hardship in the event of a strike could request financial relief from the union.

Q36: If a strike is called, what should we expect CSU management to do?

We must be prepared for the chancellor and, perhaps, other administrators to try to weaken the faculty's resolve by instilling fear, creating anxiety and encouraging faculty to cross the picket line. In 2011, shortly before the strike at Dominguez Hills and East Bay, the chancellor declared no faculty member would participate. He was wrong.

Management may try to demoralize faculty in advance of the strike by suggesting it will be ineffective in achieving our goals, will diminish the stature of the faculty, will harm students (see question above), or tarnish the image of the university. In fact, we are hearing some of this now as we assert the Fight for Five.

The fact is, if we strike, it would be to protect the faculty and our families, to ensure our ability to continue to serve our students, and to protect our students who need faculty to help them succeed.

Q37: Won't management say the strike is not about students or education, that it is just about money?

We need to remember that our ability to provide students with quality education depends on our success at recruiting and retaining our faculty. As some faculty have pointed out, show us how you spend your money, and we will show you what you really care about. We must remember that FACULTY WORKING CONDITIONS ARE STUDENT LEARNING CONDITIONS.

ALLIES & SUPPORTERS

Q38: What about the other unions on CSU campuses?

Some of the other unions in the CSU have settled their contracts for a 2% pay raise for 2015/16. It is possible that they may get whatever the faculty get, but that is not something that is a subject of CFA's negotiations with CSU management. CFA appreciates the statements of support in the Fight for Five from our fellow CSU labor brothers and sisters and the shows of solidarity in our actions this past fall. Academic Professionals of California (APC) has posted [a message with information for its members](http://lrc.apc1002.net/news_article.php?id_news=29) — http://lrc.apc1002.net/news_article.php?id_news=29

Q39: Do other unions beyond our campuses support CFA?

CFA has gotten "strike sanction" from labor councils throughout California. "Strike sanction" means that union members affiliated with that labor council won't cross our picket lines. Delivery workers won't deliver mail or packages to campus mailrooms, public buses will not enter campus, and construction workers will cease building. We appreciate the strong support offered to us by our union colleagues throughout the state.

Q40: Are elected officials calling for fair pay for faculty?

Many members of the California State Legislature have sent letters to Chancellor White about faculty pay. All have called on him to come to agreement with CFA soon. Assembly Speaker Toni Atkins, who as Speaker has been an ex-officio member of the CSU Board of Trustees, issued a news release in which she said:

"There is still time to fix things, and I urge the CSU administration to go back to the bargaining table and find a reasonable resolution that properly values faculty and addresses the fact that faculty need to be better paid."

See more Statements of Support at <http://www.calfac.org/overview/statements-strike-support-0>

CSU MANAGEMENT PAY

Q41: Didn't CSU executives and managers get a 2% raise this year? Why should we get more?

CSU executives and managers did get 2% raises. CFA notes two factors in that regard:

- 1) Given their high overall salaries, 2% for a campus president making \$400,000 is \$8000. This is a far larger increase, in dollars, than any faculty member will receive. On top of that, campus presidents get free housing while faculty members must find and pay for their own housing. 2% carries much more weight for well-paid executives and managers than it does for faculty members.

2) Faculty members have consistently fallen behind in purchasing power over the past 10 years while executives and managers have kept ahead via larger raises. It is long past due to assert the value of *teaching*.

For data and more, see CFA's "Race to the Bottom" papers at <http://www.calfac.org/race-to-the-bottom>

Q42: Don't CSU executives need to be paid a lot to encourage them to work for the CSU?

The CSU is a public university system, and all of us who work in it are public servants. We should not use private industry executive compensation as the guide for determining the salaries of CSU executives.

By contrast, faculty members in the CSU have lost significant purchasing power over the past 10 years and our salaries have lagged well behind the salaries of faculty members in the UC and California community colleges. We reasonably expect compensation that allows us to provide for our families and live as solid members of the middle class.

YOUR PART

Q43: If the CFA Bargaining Team comes to an agreement with the CSU management bargaining team, will I get to vote on the final deal?

Absolutely. Any agreement on salary for 2015-2016 will be ratified by the members. CFA's Board of Directors will call for a ratification vote when a new tentative agreement is reached. Voting on contract ratification is an important right of CFA members, and you must be a member to vote. CFA's Directors hope that you will vote, if and when the time comes.

Q44: What can I do to help?

There are many ways you can help in the Fight for Five. First, make sure that you join CFA if you are not yet a member. You can join at: <http://www.calfac.org/join-cfa>

Each campus CFA chapter is planning events and actions to increase the visibility of our Fight for Five, educate students and the public about our issues, and prepare for a possible strike. This effort will require many hands. Contact your campus CFA chapter office to get involved: <http://www.calfac.org/campus-cfa-chapters>

Do you have other questions? Write to CFA at cfa@calfac.org

Also see: [FAQ: Questions Frequently Asked by Students](http://www.calfac.org/post/student-faqs-answering-your-questions-about-faculty-strike) — <http://www.calfac.org/post/student-faqs-answering-your-questions-about-faculty-strike>

Learn more at:

- **The Fight for Five:** <http://www.calfac.org/fight-for-five>
- **CFA Working Papers: Race to the Bottom:** www.calfac.org/race-to-the-bottom
- **CFA Insiders' Guide to Collective Bargaining:** www.calfac.org/post/insiders-guide-collective-bargaining