

FAQ on notice of layoff, [Article 38](#)

Please send emails to cfa_so@calfac.org if you have more questions after reading these FAQs!

On 10/22/24, the CSU officially notified CFA about the *possible* pending layoffs at Sonoma State. No details were provided other than the information that the reason is due to “lack of funds” and a “budget shortfall”. CFA continues to assert that Sonoma State and the CSU have budget reserves that make this unnecessary. On 10/23/24 CFA responded to the CSU with a request for information including faculty, assignments, and courses that will be affected, student enrollment, “voluntary programs to avoid layoffs”, budgets and actual expenditures, and even the policies from the campus or the CO that might be used for guidance or direction in considering potential layoffs.

On Nov 22, we received management’s response to our questions. You can find that “non-response” [here](#), and our [email](#) to faculty sent on Nov 25.

What follows is a list of questions and answers that we have received or that we ourselves have asked in relation to our rights and management responsibilities that are laid out in Article 38 Layoff of our CFA/CSU Collective Bargaining Agreement.

1. What can trigger layoff?

Notice of layoff can be triggered for two reasons, lack of funds or programmatic change. When considering the need for layoff, the CBA allows for consideration of such information as current student enrollment, projections of student enrollment, campus budget, and scheduled curricular or program changes. The notice from the CSU gave the reason as lack of funds. As answered later in this document, there are some differences in the timeline for layoff, but almost all of article 38 is the same regardless of the reason given. [Article 38.1, 38.2]

On our campus, our student enrollment has declined, but course offerings have already declined accordingly. While the budget is often given as having a “structural deficit,” we maintain that analysis of the campus’ own budget reports shows that the campus has enough to avoid layoff. The Chancellor is manufacturing austerity at SSU by transferring part of our funds to other campuses in the system. Additionally, there is a lack of transparency and clarity about how other segments of the campus budget are being cut, or attempts for savings in other parts of the campus budget (e.g. new interim MPP associate deans) [[links to our budget questions](#)]

2. Did the reorganization that happened last year have anything to do with this layoff notice?

Not to our knowledge. No programs or departments were identified as being cut. We have a governance process for discontinuation of majors or minors. Several minors have gone through

that process, but this was due to lack of faculty to support the minor. Also, the notice of layoff did not include “programmatic change” as the reason.

3. What is happening at other CSU campuses?

Unfortunately, we are not the only campus to receive this notice of potential layoff. As of this point, 5 campuses have been notified (East Bay, San Jose, Monterey Bay, Maritime and Sonoma).

4. What are options to avoid layoff?

The CBA (Article 38.6) identifies possible voluntary programs to avoid layoff. These include offering leaves of absence with pay, voluntary reduced time base (with possible extension appointments to augment reduced time base), temporary reassignment (more later), visiting appointments at other campuses, voluntary retirement programs, early entry in PRTB, difference in pay leaves and sabbaticals. As of this point, we formally asked for what programs have been or might be offered by campus to avoid layoff, but none have been identified by management.

5. I am worried about potential layoff. Should I be increasing my workload, increase my class sizes, “take one for the team”?

No! Being threatened with possible layoff is not a reason for you to increase your already heavy workload, get paid less, voluntarily reduce any service assigned time you might have, increase class sizes, or take overloads. We are not the reason that our campus is having an enrollment crisis. In fact, our campus leadership needs to double down on the high impact practices that support student learning and engagement. In fact if we do things like increase class sizes, voluntarily accept less release time, or take overloads, that gives management reason to employ even fewer people. Insist that campus management prioritize funding for instruction, the library, mental health counseling, and high impact practices that support the needs of our campus community and would encourage more students to enroll at SSU in the future.

6. How is the order of layoff determined?

The unit of layoff is the department (or equivalent unit, such as library, coaching, or counseling)[Articles 38.7-10]. So that while generally there is a seniority component to layoff, it is possible that departments with more work to give will retain more faculty at a given rank than departments with less work to give.

Within a “unit of layoff” like a department, the order is specified by Article 38.11. Here’s the order:

- First, part time lecturers without a three year contract are not rehired.
- Full time lecturers with less than a three year contract
- Part time lecturers with a three year contract
- Full time lecturers with a three year contract
- FERP faculty
- Probationary faculty (faculty not yet tenured but on the tenure track) are not reappointed
- And finally, tenured faculty

There is a similar order for counselors [Article 38.13].

Within each bullet above, there is further delineation for lecturers in Article 38.14 and for probationary faculty [Article 38.15]. In each case, within each group, campus admin can also consider “academic/professional specialization and qualifications”, “affirmative action needs”, and “merit based on information in the Personnel Action File (PAF)”.

For tenured faculty, seniority is defined as the date of initial appointment in a department [Articles 38.16, 24-26], and layoff occurs in reverse seniority order. And the CBA also provides for exceptions to the order of layoff if the faculty possesses a “demonstrable academic/professional specialization needed for the current program of the affected department or equivalent unit” that others in the department don’t have. [Article 38.20]

7. I am a lecturer with a 3 year contract. If there is no work to continue to employ me, what are my rights to reemployment at some future date?

You have the right to be placed on a reemployment list for up to 3 years [Article 38.48]. However you need to continue to notify your department chair that you wish to remain on the list each year. So by July 1 of each year, you must let your chair know that you are interested in and available to work, and give them current contact information. You are rehired according to the usual order of work in Article 12.29. Faculty are rehired off the reemployment list in reverse order they were placed on it. If you decline an offer of work twice, you will be removed from the list, however you can request to be placed on “inactive status” for one year.

8. What is the significance that the reason given in the notice of layoff is “lack of funds” vs. “programmatic change”?

There are two main ways in which our rights change based on the official reason given. The first is over how much notification a faculty member must be given of layoff. In general, the notification has to be given earlier if the reason is “programmatic” vs. “lack of funds” (more below on that timeline)[Article 38.21 and 22]. Also, if the reason given is “programmatic”, the administration has to do more to mitigate the potential layoff to support faculty finding jobs elsewhere [Article 38.32]. But please note, the reason given in the current notification of potential layoff is “lack of funds”, not “programmatic change”.

9. What is the timeline for layoff?

Since the reason given is “lack of funds”, we are subject to the timeline in Article 38.21. The times given below are minimum requirements for the date of notice of layoff, and the CSU “shall endeavor to provide earlier notification... whenever possible.”

- A temporary faculty who is to be laid off shall be given at least 45 days notice.
- A FERP faculty who is to be laid off shall be given at least 60 days notice.
- A probationary faculty who is to be laid off must be given at least 90 days notice.
- A tenured faculty who is to be laid off must be given at least 180 days notice.

10. If I am identified as being laid off, what should I do next?

Article 38.17: tenured faculty have the right to request a temporary or permanent reassignment to another position on the campus if you are qualified. Probationary faculty have the right to

request temporary reassignment to another position on campus if you are qualified. Admin (the appropriate administrator is your dean) have to make a good faith effort to identify positions that you may be qualified for. You must request the meeting with the admin to tell them your qualifications for the new position. Your request for reassignment is provided to the recipient department who will make a recommendation to the President. The President has the power to approve the request.

For specific recommendations for lecturers, please see answer to FAQ #7.

11. I've heard that management has to find me another job at another CSU. is this true?

No, this would only be true if the reason given for the notice of layoff was "programmatic change". Article 38.32 does not apply in this case.

12. I am tenured or on the tenure track. If I am laid off, what are my rights to reemployment?

The President is required to maintain a list of laid off tenured and probationary faculty with effective dates of layoff. For tenured faculty, you are on the list until you are rehired to a comparable position or for a max of 5 years. For probationary faculty, you are on the list for the number of years you have been in probationary status (but for no more than 5 years). If a position becomes available and you are qualified, they must make an offer to you - these recall offers are made in reverse order of being laid off. You have five days to accept the offer. Your rights when recalled include being reemployed at the same status, service credit, salary steps, sick leave and seniority you had at the time of layoff. If you decline two such offers you waive your recall rights, but you can request inactive status for up to one year. [Articles 38.33-36]

13. Are there any benefits to retiring vs risking layoff?

Yes, and you can always decide to retire if you actually receive a layoff notice, assuming you are vested and have reached the CalPERS age necessary to retire. Then you preserve your health benefits for life and get your pension. But you make it harder to be re-employed again.

14. I have more questions, where can I find out more?

We have a CFA Faculty Rights Committee on this campus. You can send emails to cfa_so@calfac.org and they will get routed to the correct person.