



CALIFORNIA STATE UNIVERSITY, STANISLAUS

OFFICE OF THE ASSOCIATE VICE PRESIDENT FOR FACULTY AFFAIRS

Questions & Answers Regarding CSU/CFA Furlough Side Letter

SALARY, BENEFITS, AND DURATION OF FURLOUGH

What is the required furlough under the CSU/CFA agreement?

For CSU Stanislaus, the requirement is 8 days per semester and 2 days in the Winter Term, for a total of 18 days for Academic Year 09-10.

For 12-month faculty members, the requirement is 24 furlough days between July 1, 2009 and June 30, 2010. For Unit 3 members with a 10-month work year, the requirement is 20 days between July 1, 2009 and June 30, 2010.

What percentage of salary reduction will employees experience?

All faculty unit employees will experience a salary reduction of 9.23% over a full year. For academic year employees, this reduction will be applied over a full 12 months (September 2009 through August 2010 pay periods), and as a consequence will result in a reduction of 9.23% in each paycheck. The furlough program is effective for the fiscal year from July 2009 through June 2010 for non-academic year employees. Since no deduction was taken in the July 2009 pay period for 10 and 12 month employees, in order to recoup the full amount by June 30, 2010, these employees will experience a reduction of 10.07% over eleven months from the August 2009 through June 2010 pay periods.

What will be the percentage reduction for new hires beginning in August or later?

The reduction will be 9.23% per month for new hires regardless of employee pay plan. The required furlough for 10-month and 12-month employees will be two days per month from the date of appointment through June 30, 2010. Academic year appointees beginning at the start of the 2009/10 academic year will follow the furlough plan described above, with pay reductions from the September 2009 through August 2010 pay periods.

How will furlough be implemented for faculty members who are appointed for a single term of the academic year?

Faculty members appointed term by term will take the requisite number of furlough days for the academic term worked, and will have compensation for that term reduced by 9.23%.

How will benefits be affected by the furlough program?

Section 6 of the Side Letter addresses benefits issues. In addition, a forthcoming Benefits Technical Letter from the Chancellor's Office will provide additional details.

Key provisions in the Side Letter include the following:

- Furlough will not constitute a break in service and will not affect anniversary date or seniority date.
- Furlough does not affect the accrual of sick leave or vacation (for those classes that accrue vacation).
- Furlough shall not impact payment of health, dental, or vision benefits, or the Flex Cash option. (Note that faculty unit employees must meet normal criteria for benefits eligibility based on duration and time base of appointment.)
- Furlough program shall not impact compensation levels for the purpose of CalPERS retirement under the current regulations. Benefits shall be based on the unchanged salary rate that would have been credited had the employee not been furloughed.

How is furlough determined for part-time employees?

A part time employee's furlough "day" is weighted according to his/her time base. Thus, an AY faculty member with a time base of 0.4 would take 18 furlough days in an academic year, but each furlough day would be weighted as 0.4 of a full day. While this furlough would have a value of 18 x 0.4 days, or 7.2 "full" days, the faculty member would have to account for 18 calendar days during the academic year on which he or she performed no work.

What is the calculation for part-time, pro-rata furlough reductions?

The salary reduction will be 9.23% of actual salary.

Example salary calculation: The AY faculty member in the example above has a base rate (full-time equivalent) of \$4,000 per month; with an actual time base of 0.4, the actual monthly salary is \$1,600 per month. The salary after furlough will be calculated as follows: first, reduce the base rate of \$4,000 by 9.23%. The adjusted base rate is \$3,630.80. This adjusted rate would then be multiplied by the time base of 0.4, to give the actual salary after furlough of \$1,452.32 per month. (Note that the same result is obtained by taking the \$1,600 per month actual salary and applying a reduction of 9.23% to that amount.)

A faculty member has been awarded a promotion or a range elevation that is scheduled to take effect during the furlough program. What happens to the faculty member's salary?

Faculty members who have been awarded promotions or range elevations will receive the associated salary increases as scheduled. The new salary will then become the base rate for the purpose of determining the adjusted salary during the furlough period.

Example: An assistant professor earning \$5,000 per month receives promotion to associate professor, effective at the beginning of the 2009/10 academic year, and is awarded a salary increase of 7.5%. The faculty member's new base salary becomes \$5,375 (\$5,000 times 1.075). The faculty member's actual salary during the furlough program would then be reduced by 9.23%, so that the actual monthly salary for the duration of the program would be \$4,878.89.

DETERMINATION OF FURLOUGH DAYS AND WORK ASSIGNMENTS

How are specific furlough days to be determined?

On this campus, the individual faculty member will select his/her furlough days within the parameters established by the agreement between the CFA and the CSU. These parameters are: 1) the faculty unit employee may not take more than two (2) furlough days in a calendar month, and one (1) in any work week; 2) the only exception is for one calendar month in which up to four (4) furlough days may be observed--during that month, up to 4 days of furlough may be observed in one week. Note that our printed official academic calendar includes days when faculty are contracted to work ("yellow days"), as well as holidays and weekends ("red days"), and days when faculty do not work while the rest of the campus remains open ("white days"). Furloughs may be scheduled on any "yellow" days.

For faculty unit members who work as counselors, coaches, or librarians, how will furlough days be taken?

For full-time employees in these classifications, in a week in which a furlough day is taken, that week's assignment shall be reduced by eight (8) hours per furlough day. This reduction shall apply pro-rata to individuals with less than full time appointments. Refer to Articles 20.15 through 20.29 of the Unit 3 Collective Bargaining Agreement for additional information on work assignments for counselors, coaches, and librarians.

Can a faculty member use sick leave, vacation days, or personal holiday to replace furlough days?

No.

What other principles govern work assignments during the furlough program?

The provisions of Article 20 of the collective bargaining agreement continue to govern the composition of professional duties and responsibilities. The furlough program shall not result in an unreasonable workload or schedule per article 20.3. There is also no prohibition against using instructional days for furlough purposes.

What if a scheduled furlough day falls on a day when a faculty unit employee has unavoidable work responsibilities (e.g. scheduled athletic events, music or theatrical performances, participation in a disciplinary conference?)

In such cases, the furlough day for that individual should be rescheduled to avoid the conflict. In general, it should be possible to find days that meet the parameters of the program as outlined in the Side Letter.

Are faculty members required to provide any certifications regarding their participation in the furlough program?

Yes. Under the terms of Section 5(b) of the Side Letter, prior to the beginning of any term (or AY for FT tenured and tenure-track faculty), faculty unit employees must certify that: 1) they will not work on the assigned furlough day, and 2) they will not work beyond the duties assigned for the furlough week. Campus Certification Forms will be distributed to faculty departmental mailboxes. Extra forms will also be distributed to Department Chairs and College Deans. Just sign the form where indicated and return it to the Office of Faculty Affairs (MSR 360).

Are there restrictions on the use of volunteers or administrators to perform bargaining unit work during the furlough program?

Yes. Administrators or volunteers who taught in a department in 2008/09 may continue to do so in 2009/10; however, *no additional* administrators or volunteers may perform bargaining unit duties in a department in which faculty unit members are subject to furlough.

EXEMPTIONS, EXCLUSIONS, SPECIAL CONSIDERATIONS

Are faculty members required to take furlough days in summer 2009?

Faculty members who have summer session appointments in 2009 (classes 2357, 2457, or 2368) are not required to take furlough days in the summer term, and will receive full pay for their appointments.

How will grant funded positions be affected?

Faculty members whose salary is 100% funded from grants and contracts not funded from the state general fund are exempt from furlough. In addition, faculty members whose salary is partially reimbursed by a grant or contract will receive a pro rata exemption from the furlough. For example, if an AY faculty member's salary is reimbursed 50% from a grant or contract, the annual furlough obligation would be reduced to 9 days.

Note that complex issues exist regarding grants, contracts, and cooperative agreements. Separate advice is being developed to deal with these issues that will be distributed soon.

Is work through University Extended Education subject to furlough?

Faculty members appointed in classifications 2322 (Special Programs) and 2323 (Extension for Credit) are exempt from furlough in those classifications.

Are faculty members with H-1b visas subject to furlough?

Yes.

Are participants in the Faculty Early Retirement Program (FERP) or Pre-Retirement Reduction in Time Base (PRTB) subject to furlough?

Yes.

If a faculty member receives additional employment, is that employment subject to furlough?

If a faculty member has additional employment in a CSU position such that the faculty member's time base exceeds 1.0, the portion over 1.0 is not subject to furlough. In addition, the following specific forms of additional employment would not be subject to furlough in any case.

- Additional employment through *Extension* (classes 2322 and 2323) is exempt from furlough (see above.)
- Additional employment through an *auxiliary* is governed by the policies of the auxiliary and is not included in the CSU furlough program.
- Faculty members appointed as *Special Consultant* typically have assignments for an agreed-upon number of days, and would continue to be paid for days worked.
- For a faculty member employed as a *substitute* (classification 2356), payment is by the class taught.

Have the limitations on additional employment changed?

Yes. The Side Letter amends Article 36.4 of the CFA Collective Bargaining Agreement as follows: "The 25% overage as used in this Article shall be calculated as a percentage of the faculty unit employee's pre-furlough full-time workload or, when appropriate, full-time time base or 25% of the faculty unit employee's full time salary, whichever is greater. The total additional employment of the faculty unit employee shall not exceed the 25% overage."

If a faculty member is due settlement pay in August, will the pay be subject to the furlough reduction?

Not if the settlement is residual pay for the prior academic year. No payments associated with the 2008/09 academic year are included in the 2009/10 furlough program.

Couldn't the furlough have an adverse effect on a probationary faculty member?

This issue was anticipated by the Side Letter, which clearly indicates that Furloughs should not adversely affect RPT reviews. Thus, a probationary faculty unit employee may request before June 30, 2010 a one-year extension of the normal probationary period – that is, changing the probationary period from six (6) years to seven (7) years. The probationary faculty unit employee may subsequently withdraw such a request at any time prior to the beginning of promotion or tenure review.