Academic Senate of the California State University

Faculty Affairs Committee

Minutes

January 19, 2005

Members present: Gregory, Kegley, Montanari, Persons, Reagan, Roth, Warschauer
Absent. Foroohar, Sowby, Vanterpool
Guests: D. Hood, R Macnamara, S. Strafaci

1. Additions were made to the agenda, and it was approved.

2. Approval of minutes was deferred as Vice Chair Vanterpool was absent.

3. The chair announced that there is a rumor in Executive Committee about the Chancellor’s Office preparing legislation on outside employment.

4. Reports: See narrative

5. Old business: See narrative

The committee began deliberations on the White Paper on Academic Freedom and asked Persons, using suggestions made later in the day, to revise and retitle it. The revision was reviewed, and new suggestions for revision were made.

David Hood joined the committee for a continued discussion of the work of the Task Force on Outside Employment, suggesting that if FAC were to develop language on this issue it should avoid items subject to bargaining but rather focus on other issues:

- Outside employment can contribute to the university
- Outside employment should not interfere with university work. The point was made that in some disciplines outside work is required.

The committee discussed the advisability of crafting a Senate resolution on this topic but reached no conclusion about developing such language.

Jackie McClain and Sam Strafaci joined the committee to discuss HR issues. CFA and the administration continue to bargain over implementation of SB 1212. Issues under discussion, McClain said, include:

- The size and composition of faculty appeals pools
- Pro-rating votes of part-time faculty in elections for appeals panels
- The formality of hearings (does CSU need to hire 23 more lawyers?)
• Assigned time, and replacement appointments, for panel service
• Timelines to arbitration
• Cost of arbitrations (if no negotiated process, CSU would pay in full)
• Authority of arbitrators – CFA proposal would broaden decision scope.

The committee discussed whether ASCSU should put an oar in these waters. Arguments for: the hope that increased faculty involvement on faculty grievance panels would create a better RTP environment, under increased faculty control. Arguments against: the fact that the CBA is currently extended in this area and allows for local resolution of RTP (and other) grievances. The committee decided not to weigh in on this topic now; the chair will refer the faculty member who raised this issue to the Regional Director of the Public Employees Review Board (PERB) in Oakland, Anita Martinez.

On outside employment, McClain said that the administration would like to change the CBA provisions, and is creating a brochure to inform faculty of their obligations. The committee asked to review the brochure before it is published. McClain indicated she did not know whether the bill on this topic will be re-introduced in the current session of the legislature.

According to McClain, as we go into bargaining, it is clear that the 3.5% compensation pool in the governor’s budget is inadequate to address the needs of any of the employee groups. Due to high living costs and uncertainty about the state’s economy, employers both in both the public and the private sectors are having difficulty in recruiting employees. Needs vary among CSU employee groups, e.g. CSEA janitors are paid at market, while pharmacists are 30% below market salaries. Distribution of the compensation increase monies will be the subject of bargaining with all represented groups. On the topic of pension reform, McClain stated that she has worked with both defined benefit plans and defined contribution plans, that the CalPERS and CalSTRS systems provide a very rich benefit, at a cost to the state that decreases when the economy is strong and increases when the economy (and state revenues) take a downturn. The CSU could now provide a defined contribution alternative to employees, but she will not recommend doing so because the state contribution would be defined as equal to the required contribution to the PERS program, providing a diminished benefit to employees when the economy improves. She described CalPERS as a “golden handcuff,” keeping employees from bolting the California system for greener pastures elsewhere; a portable defined contribution plan could add retention concerns to our recruitment concerns. The committee thanked McClain for her comments, and pointed out that the richness of our benefits, particularly the pension benefits, serves to counter-balance the poverty of our salaries.

The committee decided to take up the SSU boycott resolution on publishers’ decisions in conflict with academic honesty as a separate item from the academic freedom resolution. There was a short discussion of the SSU resolution, which the committee will revisit at its next meeting.

The committee modified the third resolved clause in the academic freedom resolution, approved revisions to the lecturer Senate service resolution, and agreed that the resolution on academic freedom of students required no change.
John Travis reported that the CFA had won an arbitration on the scope of arbitrability, allowing for a return to bargaining over SB 1212 implementation. He noted that the current CBA will expire 30 June, that CFA sunshine proposals should reach the Board of Directors for approval on 11 February, and that the CSU sunshine proposal should reach the Board of Trustees in mid-March. CFA expects a demand for access next year in excess of the 2.5% in the Governor’s budget, and will lobby for additional resources. CFA was surprised at the vehemence of the Governor’s attack on PERS, and will address this concern initially through a series of campus presentations by George Diehr, who is on the CalPERS board.

In response to a question about why we would pursue more students, Travis said that more students, if funded appropriately, mean more faculty jobs, and the possibility of getting closer to the goals of ACR 73, particularly in improving the student/faculty ratio. In response to another question, he said that CFA is aware of the crisis in nursing education, but is unlikely to be able to negotiate discipline-specific issues, given the weight of broader needs and the limitations of resources available

Montanari reported on the FGA meeting and its work on a resolution on CMS, which FAC agreed to co-sponsor. The resolution on the Patriot Act was approved for submission as a first reading item. A proposed resolution on MPP hiring processes was discussed. It was noted that MPP salary data provided by CSU reflect only general fund compensation, ignoring grant and foundation income that often swells executive take-home substantially. Input on this topic will be sought from the campus Senate chairs.

The committee adjourned at 4:26.

Respectfully submitted,
Michael Reagan

20 January 2005