

Attachment E

In CSU Grievance No. 3-02-106 Arbitrator Goldberg rendered an interpretation of the SSI eligibility language of Article 31 of the 1998-2002 Agreement between the California Faculty Association (CFA) and the Trustees of the California State University (CSU). Specifically he held that:

To determine whether a faculty member has received the maximum allowable number of SSIs, one must deduct the amount of any FMIs s/he has received, regardless of the rank or classification in which they were awarded.

Although the award in case 3-02-106 is not precedent setting with regard to other cases, in order to reach an amicable resolution and avoid further litigation, the CFA and CSU have reached a settlement agreement on this SSI eligibility issue. This settlement can be found at www.calstate.edu/LaborRel/.

Pursuant to sections 2d and 3 of this settlement agreement you have been identified as **potentially eligible** for a prospective base pay increase or SSI counter adjustment and a lump sum payment in consideration for SSI claims back to July 1, 2004 since your personnel records indicate that you were both promoted subsequent to July 1, 1998 and received one or more Faculty Merit Increases in you pre-promotion rank.

However, in order to receive any lump sum payment, prospective base pay, or SSI counter adjustment, you must respond to this letter no later than **February 28, 2007**, and meet all of the following criteria for inclusion in the arbitration ruling by Arbitrator Goldberg:

- You have received a FMI sometime prior to academic year 2004/05 in a rank or lecturer range and were subsequently promoted or received a range elevation, and
- Either did not receive an SSI or received a partial SSI on July 1, 2004, and
- Your current monthly base pay amount minus Cumulative FMI amount (the sum of FMIs received in all ranks) is less than SSI maximum rate.

If you respond by **February 28, 2007** meet the criteria noted above, you shall receive a permanent monthly gross base pay adjustment and a lump sum payment in consideration for SSI claims back to July 1, 2004. These amounts shall be determined by the following formula:

1. A comparison rate shall first be determined.
 - **The comparison rate** = [(Current Monthly Basepay)*(1.0265) – (Cumulative FMI amount)]

2. After the comparison rate has been determined a comparison to the SSI maximum rate shall be made:

- **If the comparison rate is less than the SSI maximum rate (see attached rate for your rank/range),** then your current monthly basepay shall be increased by 2.65%:

$$\text{new monthly basepay} = [(\text{current monthly basepay}) * (1.0265)]$$

- **If the comparison rate is greater than or equal to the SSI maximum rate,** your current monthly basepay shall be increased to the SSI maximum rate plus the cumulative FMI amount.

$$\text{new monthly basepay} = [(\text{SSI maximum Rate}) + (\text{cumulative FMI amount})]$$

3. Next a lump sum retroactive payment shall be calculated:

- **Lump sum payment** = [(new monthly basepay) – (current monthly basepay)]*(number of months)*(timebase)

$$\text{number of months} = \text{settlement date} - \text{chapter grievance date (July 1, 2004)}$$

In addition, if you respond by **February 28, 2007** the CSU shall also adjust your SSI counter to account for Faculty Merit Increases received at all ranks. The SSI awarded as a result of this settlement shall count towards an your remaining SSI eligibility.

Payment shall be effective in accordance with the following schedule:

1. Faculty who respond by no later than December 31, 2006 shall receive the base pay adjustment effective with the February 2007 pay period.

2. Faculty who respond by no later than January 31, 2007 shall receive the base pay adjustment effective with the March 2007 pay period.
3. Faculty who respond by no later than February 28, 2007 shall receive the base pay adjustment effective with the April 2007 pay period.

IN ORDER TO RECEIVE A LUMP SUM PAYMENT AND PROSPECTIVE BASE PAY OR THE SSI COUNTER ADJUSTMENT YOU MUST CONTACT [NAME] NO LATER THAN FEBRUARY 28, 2007. Should you not respond you shall forfeit your eligibility for any base pay or the SSI counter adjustments resulting from the system wide application of the award by Arbitrator Goldberg in grievance 3-02-106 and waive any future claims regarding SSI eligibility based on the arbitrator's interpretation of Article 31.