

# SUPERCEDED BY HR/Benefits 2006-08

## THE CALIFORNIA STATE UNIVERSITY

Office of the Chancellor

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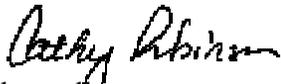
(562) 951-4425

**Date:** September 10, 2004

**Code:** TECHNICAL LETTER

HR/Benefits 2004-18

**To:** Associate Vice Presidents/Deans of Faculty  
Human Resources Directors  
Benefit Officers

**From:** Cathy Robinson   
Assistant Vice Chancellor  
Human Resources Administration

Cordelia Ontiveros   
Senior Director  
Academic Human Resources

**Subject:** Faculty (Unit 3) Benefits During State-Supported Summer Sessions at Semester Campuses

This letter serves to provide updated information on Faculty (Unit 3) benefit administration for state-supported summer sessions offered by CSU campuses using a semester system, including CSU Stanislaus. Some CSU practices have changed, as a result of a recent arbitration decision and award. This letter addresses state-supported summer programs at semester campuses only, including fee buy-down campuses. There have been no changes in practice for self-support summer programs or for quarter system campuses.

Per provisions 1.3, 1.5, and 21.2 of the Faculty Collective Bargaining Agreement (CBA), employees whose sole Unit 3 employment for that academic year is in classification code 2357 are excluded from the bargaining unit. Therefore, these employees are not covered by the terms of the CBA and are not covered by this letter, except for eligibility for workers' compensation as detailed below.

### Sick Leave Accrual and Usage During State-supported summer term for extra pay

➤ **All semester campuses, including CSU Stanislaus** – As a result of a recent arbitration decision and award, faculty members who are appointed during a state-supported summer term for extra pay at a semester campus may now use accrued sick leave and other applicable leave programs, such as maternity/paternity leave and bereavement leave, per Article 23, during the summer appointment. Part-time faculty members continue to accrue sick leave, prorated according to timebase, during each qualifying pay period (employee works at least 1/2 of the academic session days in

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the pay period), up to a full-time equivalent (i.e., maximum accrual of 8 hours per month or 96 hours per year, per person). For part-time faculty members with an “indeterminate” timebase appointment, calculate timebase for the purpose of prorated sick leave accrual as (number of units)/(15). For example, if a part-time faculty member is appointed to 3 units for a summer session that runs from June 21 through July 30, that employee would now be eligible to accrue an additional  $(8) \times (3)/(15) = 1.6$  hours of sick leave in June and 1.6 hours in July, if the faculty member works at least half of the session days in each month, and if the accrual will not result in more than the maximum. These additional sick leave hours are added to the faculty member’s sick leave balance. Full-time faculty members who already accrue full sick leave do not accrue additional sick leave during a summer assignment for extra pay. **These sick leave accrual and use provisions apply to all state-supported summer programs at semester campuses, retroactive to summer 2001.** As is the case during the regular academic year, use of accrued sick leave, or other applicable leave program, is optional at the discretion of the faculty member. The faculty member may choose to forfeit the pay for days missed due to illness or other reason. If accrued sick leave is used, it is charged as indicated below, and sick leave hours are deducted from the faculty member’s sick leave balance in his or her regular position.

**Appointments in classification codes 2158, 2160, or 2282** – These appointments include a timebase. Sick leave is charged proportional to the timebase, for each day the faculty member is unavailable due to illness, not just the days the faculty member was scheduled to teach.

**Appointments in classification code 2357** - These appointments do not include a timebase. Sick leave in this case is charged proportional to the number of units assigned and the number of days missed, according to the following formula:

$$\text{Sick Leave Hrs Charged} = \frac{(\text{number of units assigned}) \times (8) \times (85) \times (\text{days missed})}{(15) \times (\text{total summer term days})}$$

- (number of units assigned) = the total number of units assigned to the faculty member for the summer term or session
- 8 = hours in a regular full-time day in a regular semester
- 85 = there are nominally 85 days in a regular semester
- (days missed) = number of consecutive days absent or unavailable, whether or not the assigned class meets on that day
- 15 = full-time assignment of units during a regular semester
- (total summer term days) = the total number of days in the summer term or session (not just the number of class days assigned to that faculty member’s class).

For example, if a faculty member is assigned to teach 6 units during a 12-week summer session (60 total days in this summer session), and the faculty member is sick

and unavailable to work for 4 days during this 12-week period, then 18 hours of sick leave would be charged (rounded to the nearest hour):

$$\text{Sick Leave Hrs Charged} = [(6) \times (8) \times (85) \times (4)] / [(15) \times (60)] = 18 \text{ hours}$$

**Leave Accounting:** Campuses should review their leave accounting systems. These new procedures may require some manual records or a revision to existing systems.

**Retroactivity:** Campuses should determine on a case-by-case basis whether any faculty members were docked pay in prior summers when sick leave or other paid leave may have been applied instead. In instances where funding approval is necessary for salary-related corrections that exceed a three-year period (e.g., prior to FY 2001/2002), campuses should contact the systemwide accounting office ([gashkar@calstate.edu](mailto:gashkar@calstate.edu)) for assistance.

### **Eligibility for Disability Programs During State-Supported Summer Session**

- Faculty members who work during a State-supported summer session may be eligible for Nonindustrial Disability Insurance (NDI), Industrial Disability Insurance (IDL) or Workers' Compensation Temporary Disability (TD) payments for illnesses/injuries that occur during the summer session if certain conditions are met:
  - The faculty member must meet the eligibility criteria as stated in the NDI or IDL administrative guides (e.g., CalPERS membership, etc.) to be eligible for NDI or IDL payments.
  - A part-time faculty member who works a summer session and suffers a work-related injury/illness is eligible to receive IDL payments.
  - A full-time Academic Year (AY) faculty member who works a summer session as part of his/her AY appointment and suffers a work-related injury/illness during the summer session is eligible to receive IDL payments.
  - A faculty member who works a summer session as a part-time lecturer, or works a summer session as a full-time AY faculty member as part of his/her AY appointment and suffers a non work-related illness/injury is eligible to receive NDI payments.
  - A full-time AY faculty member who works the summer session for extra pay and suffers a non work-related illness/injury may be eligible to receive NDI payments if a wage loss can be demonstrated, even though the faculty member may be receiving payments from his/her regular AY position.
  - A part-time faculty member who is not a member of CalPERS who works a summer session and suffers a work-related injury/illness is covered by workers' compensation and is eligible to receive temporary disability (TD) payments.

**Please note:** A full-time AY faculty member who works a summer session for extra pay and suffers a work-related injury/illness is ineligible for IDL benefits. The faculty member will have his/her medical expenses covered by workers'

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compensation and may be eligible for temporary disability payments. If the faculty member is still disabled when the new AY term begins, the faculty member is eligible for IDL and payments are to be based upon his/her regular AY appointment salary rate.

This memorandum also is available on Human Resources Administration's Web site at: <http://www.calstate.edu/HRAdm/memos.shtml>. Questions may be directed to Academic Human Resources at (562) 951-4425.

CO/PC