

THE APC BULLETIN

Representing Bargaining Unit 4 – Ensuring a Quality CSU Education with Expertise, Support and Compassion

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ACADEMIC PROFESSIONALS OF CALIFORNIA

August 2017

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IN THE NEWS

FAIR LABOR STANDARDS ACT (FLSA) Update

The Fair Labor Standards Act (FLSA) overtime threshold for employees was to increase to \$47,476 and go into effect this past December 2016. A collection of businesses filed a lawsuit and a judge issued a temporary injunction to block implementation. The Labor Department is now reopening public comment and also is soliciting employer input on potential impacts on businesses and industries. The guidelines to submit comments on the overtime rule were published July 26 and all comments are due by September 25."

Open Enrollment

Open Enrollment will begin September 11 – October 6, 2017 for Health Plans effective January 1, 2018. For more information on rates and contributions, go to:

<https://www.calpers.ca.gov/page/active-members/health-benefits/plans-and-rates#2018-rates>

As a reminder from the APC contract Benefits Article 24.4, plan rates are determined by CalPERS and contribution rates are set by Formula under Government Code 22871. Part of the formula involves the average rate of the four largest health care providers. Please make sure you review all the upcoming materials in making an important decision for 2018.

President's Message

From the desk of Patrick Choi

Welcome Back!

Most campuses have already started classes and I hope you have had the opportunity to enjoy the summer with time off on a well-deserved vacation and quality time with friends and family. Although Unit 4 employees are busy helping students this fall, one season is not over and that, unfortunately, is contract bargaining season. APC has received questions about the bargaining process and I wanted to address a bit more about the statutory procedures. APC and the CSU have scheduled bargaining dates through October 23, 2017 and all terms and conditions of the March 8, 2016-June 30, 2017 Collective Bargaining Agreement remain in effect up to October 23.



Patrick Choi

The Higher Education Employer-Employee Relations Act (HEERA) is the state law that regulates labor relations between the California State University system, their employees, and the labor organizations that represent their employees. Under HEERA, APC is not allowed to strike until the parties have reached an impasse and gone through the statutory impasse procedures. An impasse occurs when the two sides negotiating an agreement are unable to reach an agreement and become dead locked

On the Road with Dagoberto Argueta



Dagoberto Argueta

Right-to-work laws have been passing in states at an accelerated pace, with Missouri becoming the 28th state to pass such a law. Still, in several states controlled by Republicans, right-to-work laws are unlikely to pass because some Republicans have experience with unions or relationships with labor, and many employers depend on the stability that a unionized workforce delivers. These legislators are largely able to keep such positions that are at odds with the national Republican Party because they have not experienced a barrage of outside pressure and spending. A national fight over a right-to-work law would bring increased attention to the issue on the state level and would make it harder for sympathetic state Republicans to remain under the radar.

Labor Relations Column

Arbitrator Rules that CSU Violated CBA When It Charged Unit 4 Employees for Partial-Day Absences

Article 28.27c of our Collective Bargaining Agreement (CBA) provides:

"[Exempt] [e]mployees who have absences of less than a full day shall receive a full day's salary and shall neither have their salary docked nor be required to use sick leave or vacation for such absences of less than a full day."

As we previously reported, some campuses wrongly believe that there is an exception to this provision that allows them to require Unit 4 employees to use sick leave or vacation for partial-day absences that qualify as Family Medical Leave (FML). We patiently explained to them why they were wrong but had to go the grievance route to make things right.

On July 20, Impartial Arbitrator Paul Crost ruled that CSU violated the CBA when it charged Unit 4 employees for such partial-day absences. In his Decision and Award, Arbitrator Crost wrote: "Given that that 28.27 (C) makes no exception for different reasons for partial day absences," CSU was "without any contractual authorization to do so." Arbitrator Crost continued: "Having concluded that the University violated Article 28.27 (c), the appropriate remedy for the violation is to make all of the exempt employees whole for any losses of sick leave or vacation credits."

Accordingly, you may be entitled to have sick leave or vacation restored to you if you

- Are an *exempt* Unit 4 employee AND
- Have been required to use sick leave or vacation for any partial day absences at any time since October 11, 2016.

If you believe that you meet these requirements, please contact APC Senior Labor Relations Representative Bernhard Rohrbacher at brohrbacher@apc1002.org.

Story ideas or comments?

We want to hear from you!

We reserve the right to edit or reject submissions for length, clarity and verification of information. All submissions become the property of APC. Deadline for the November Newsletter is October 23, 2017.

Email: Rose Duran at: roduran@apc1002.org



BARGAINING COMMITTEE UPDATE

Across the state and on each campus, the employees in Bargaining Unit 4 work tirelessly for, and are committed to, supporting the CSU students' dream of attaining a quality CSU education. We support the goal of the California Legislature and the California State University to admit and graduate more students. We have accepted the additional workload brought on by the increase of admitted students, newly created diversity and inclusion programs, and the various initiatives developed by the campuses to retain and graduate students. However, although we are committed to the students of the CSU and have proven that commitment, we have families to support and financial necessities of our own.

For years, Unit 4 employees have endured little to zero pay increases, and have even voted to reduce their own salaries by ten percent (10%) during the California State budget crisis to ensure that the CSU campuses could continue to admit and graduate students. Our workloads increase each and every time the campuses develop new programs, new mission statements, or new processes. We lost real dollars during the years we accepted zero increases and today rising health care contributions and parking fee increases take even more dollars out of our paychecks. Many Unit 4 employees are frozen at the bottom of the pay scale in spite of years of dedicated service to the CSU students with no hope of moving up in the range. As employees retire or leave the campus, their replacements are hired into lower classifications with significantly reduced salaries. On the majority of campuses the In Range Progression (IRP) and Reclassification processes are hopelessly broken. Our members hear that they deserve an IRP or a Re-class, but that "there is no money in the budget." so the process was just an exercise in futility. We are an integral part of the CSU student experience and deserve to be treated as valued employees. Student success depends on us!

The members of the Bargaining Team are working with your campus stewards to set up informational meetings on campus to get your input and to discuss options and actions Unit 4 members can take to move the bargaining process forward. We need to ensure every Unit 4 member understands what is at stake. We need to educate ourselves and our colleagues about the process. We need to reach out to the campus community to rally support for our fight for a reasonable salary increase and a fair contract.

The Bargaining Team will continue to keep you updated about the progress, or lack thereof, at the bargaining table through campus emails. If you have missed any communications, they are posted on the APC website and the APC Labor Relations website. Lastly, if you are not yet an APC member please consider joining. Our strength is in our numbers. Contact your campus steward or the APC statewide office for a membership application. Thank you for your continued support of our efforts.

Christine McCarthy
APC Bargaining Chair
CSU Fullerton

Student Success Depends on Us!

