

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 2019

IN THE NEWS

Union Members Press for Transparency

California State University union members pack audit hearing to press for more oversight of CSU's \$1.5 billion surplus

Summoned to answer to a highly critical state audit, CSU Chancellor White faced a room full of skeptical legislators, employees, and students who repeatedly questioned why student tuition increased and staff were furloughed even as the University sat atop a massive surplus.

The nearly-four-hour legislative hearing was a significant win for CSU Employees Union members who had worked with Assemblymember Sharon Quirk-Silva in calling for a rigorous examination of CSU's multiple pots of money.

Our Union's efforts to demand greater accountability from the CSU rests on a simple principle: All stakeholders should have input in how the University manages public funds and whether they are being invested in quality education for students and quality jobs for frontline staff.

*-Excerpt from www.csueu.org
Joint Legislative Oversight Hearing
August 12, 2019, Sacramento*

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From the Desk of President Choi



Senator Shannon Grove's Office Staff and APC

Welcome back to the fall term. I hope you were able to take some well-deserved time off during the summer. I wanted to provide some updates as we head into the busy school year. AB 369, the salary steps bill for CSU staff, is still at the Senate Appropriations Committee level. If it passes the Appropriations Committee, there will be a full Senate floor vote. I joined the Bakersfield Stewards on an August 1 visit to Senator Shannon Grove's office urging support of AB 369. I thank all of the APC members for taking the time to visit district offices statewide requesting support to pass this important bill.

On August 12, Vice President Dago Argueta and myself spoke during public comment at the August 12 Joint Hearing Legislative Audit Committee, Senate Education, Assembly Higher Education and Assembly Budget Subcommittee No. 2 on Education Finance in Sacramento. You may have heard the CSU failed to fully disclose its \$1.5 Billion Surplus and not adequately invested in alternatives to costly parking facilities. I spoke on the concern of this surplus amount is salary savings which affects the number of Unit 4 employees to adequately perform work and the effects of workload on current employees when there are unfilled positions. Vice President Argueta reminded the legislature how ten years ago the CSU threatened massive layoffs if employees did not vote yes to take 10% furloughs. Yet the non-state accounts actually grew in 2009 when during the time the CSU claimed to not have sufficient funds.

Finally, next time you visit the APC website, apc1002.org, you will notice the Labor Relations navigation bar with a drop down selection of Contact Information and Educational Library. You will now have all of the contact information and resources available together.

2018-2019 Bonus Programs

Congratulations to all of the 2018-19 fiscal year recipients for the Long-Term Service (LTS) Bonus and the Educational Achievement Stipend (EAS) that are to be distributed by September 1. APC will get a report later in this fall on the total number given. Thank you always APC members who voted to give up part of their General Salary Increases in the past who have "paid it forward" to make these bonuses continually available.

Labor Relations Column

A Brief Description of Your Rights to Refuse a Workplace Search

Introduction:

What would you do if your supervisor approached you with a request to search either your office or your personal belongings? While this request seems unlikely it is a situation two employees faced as they were leaving campus on their last day of work. This Article will hopefully give you some understanding of things to consider if you are faced with a similar request.

Your Rights:

Keep in mind the 4th Amendment of the U.S. Constitution constrains the ability of the Government, including supervisors of a government agency like the CSU, from conducting warrantless searches of an employee's private property.¹ What this means is employees generally have a greater expectation of privacy in such things as briefcases, backpacks or purses, but a "[p]ublic employees' expectations of privacy in their offices, desks, and files cabinets . . . may be reduced by virtue of actual office practices and procedures, or by legitimate regulation."²

Moreover, nothing precludes a supervisor from asking for and receiving consent to conduct a search. The search only becomes unlawful if the affected employee objects to the search. Therefore, the objection should be explicit otherwise the search could later be viewed as lawful under the legal theory of implied consent.

Words of Advice:

First, your workplace is subject to search by your employer. Currently there are no specific policies regulating workplace privacy, but APC takes special care to restrict the use of video surveillance cameras and other tools in order to maintain your right to privacy to the greatest degree possible.

Second, your expectation of privacy varies depending on the nature of the space at issue. For example, your reasonable expectation of privacy in a desk or cabinet in a heavily used office open to the public, co-workers, and/or supervisors, is less than that enjoyed in a private purse or backpack that you bring to the office.

Third, you should assume that the CSU's ability to conduct a search is not limited to your physical workplace, but also includes electronic devices and electronic communications. This is an area of litigation which is still evolving, so such a search may be reasonable under the Fourth Amendment based on the particular circumstances presented. Moreover, there are cases in which the CSU has used employee emails it obtained from its servers as evidence at arbitration.

Last, the familiar adage, "obey now, grieve later," applies equally here. If you are confronted with a request to search your workspace, electronic devices or personal belongings you should object to the search, but cooperate anyway. That way, you preserved your right to challenge the lawfulness of the search without being insubordinate.

¹See *O'Connor v. Ortega*, 480 U.S. 709, 715 (1987) ("Searches and seizures by government employers or supervisors of the private property of their employees, therefore, are subject to the restraints of the Fourth Amendment.").

²*Id.* at 717

Upcoming Campus Events

Organizing Drive - September 4, CSU Fullerton

Organizing Drive - September 11, CSU Northridge

Steward Grievance Training - September 12, Conference Call

Organizing Drive - September 12, CSU Dominguez Hills

Steward Training - September 20, Long Beach

Bargaining Team Meeting - September 20, Long Beach

In Range Progression Workshop - October 22, CSU San Bernardino



*CSU Fullerton Stewards at August 23 Steward Training
Cal Poly San Luis Obispo*

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.*

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