

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

February 2019

IN THE NEWS

APC Executive Board

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California Assembly Bill 369

California Assembly Bill 369 - Public postsecondary education: California State University: support staff employees: merit salary adjustments. You can follow the bill at:

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200

At the February 8, 2019 APC Statewide Council meeting, the Executive Board and External Relations Committee recommended the Council endorse AB 369. The Council voted unanimously to endorse the bill and support CSUEU in their efforts.

You will receive additional information from your campus stewards or the APC Statewide office and we will again need you to engage in this campaign through legislative visits, letters and emails. The CSU will no longer be allowed to mistreat the employees who are the backbone of the University. President Patrick Choi forwarded an email to campuses, below is an excerpt from the email:

The new bill, AB 369 (Weber), will restore an annual 5% salary step for CSU support staff with a satisfactory performance evaluation.

CSU support staff are the only state employees who do not receive salary steps. These merit-based salary increases were taken away by the CSU in 1996, and since then the CSU has refused to negotiate salary steps. Over the past two decades, the workers who oversee the functions and operations of the CSU haven't earned a fair and equitable wage even as the CSU continues to profit from intentionally neglecting its employees.

"Let us recommit ourselves while also reminding ourselves what history teaches us: Acts of injustice take multiple battles to overcome. If you've been standing on the sidelines, you can no longer be complacent," said Dr. Weber.

The first hearing of the Assembly Higher Education Committee is scheduled on March 5th. We do not know when AB 369 will be heard, but we will announce the date as soon as we know it. Similar to last year, members' active participation will help ensure the success of this important legislation.

Know your Contract

Just recently at Fresno, an exempt employee discovered partial day absences of less than a full day were docked from sick and vacation leave. The employee alerted the Stewards who then contacted Human Resources and the partial day leave hours were eventually credited back. With that shared information, other employees were able to examine their own monthly balance and review Article 28.27 Exempt Employees (excerpt below). I encourage you always to ask questions and keep in contact with your Stewards.

Exempt Employees

The intent of this section 28.27 is to comply with the requirements of the Fair Labor Standards Act (FLSA).

- A. For full-time employees in classifications listed in Appendix C, the workweek shall be an average of forty (40) hours per week during any six (6) consecutive pay periods. This provision shall apply pro rata to less than full-time employees. Authorized work may include performance of specialized professional services, participation in committee assignments and participation in approved professional activities. Work in excess of the average workweek is not compensable in cash or CTO, and shall not be deemed overtime.
- B. Employees shall not be assigned an unreasonable or excessive workload.
- C. Employees 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.

You can read more in the APC Collective Bargaining Agreement January 31, 2018 – June 30, 2020

May Day or International Workers Day is Wednesday, May 1

The APC Organization Committee wants to remind you that May Day is a celebration promoted by the International Labor Movement, which occurs every year on May 1.

In the 19th Century, this day took on a new meaning, as an International Workers Day, which grew out of the movement for labor rights and an 8-hour workday in the United States.

The union movement consists of the collective organization of working people, which was developed to represent and campaign for better working conditions and treatment from their employers, and by the implementation of labor and employment laws.

Show your union solidarity by wearing your APC green shirts (or green shirts if you do not have one) on May 1, 2019. Some campuses may be setting up tables on your campus to support your union. Contact your campus stewards for more information.



Post Reclassification Probationary Period

Article 14.11 states *“If a reclassification action is taken and an employee is placed in a new classification, the employee may be required to serve a new probationary period. The length of service required for such a new probationary period shall be determined by the President, but any such new probationary period shall not exceed one year.”*

Members who have been successfully reclassified have worked with their supervisors to have their new probationary period waived for their new position. Although this is not grievable having the conversation with your supervisor is the next step.

President’s Message

From the desk of Patrick Choi

I am happy to announce a new addition to our communication effort to all Unit 4 employees. You may have received this February 2019 APC Bulletin via email through our new service with Constant Contact. Soon, APC will be able to communicate, statewide to all twenty-three campuses, important time sensitive announcements and updates including contract bargaining and important notifications such as AB 369. This new email system is a supplement to your own campus chapter emails, APC newsletters, essential member information on the APC website apc1002.org and APC Labor Relations lrc.apc1002.net.

In addition, attending campus chapter meetings and contacting your stewards allows even more educational opportunities to learn more about your collective bargaining agreement, have questions answered, and share information with your colleagues.



Patrick Choi

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.

Email: Rose Duran at: roduran@apc1002.org

Labor Relations Column

Where is the Fire? Campus Closures and the Rights of Unit 4 Employees

The wildfire season is upon us, and if that was not stressful enough, it raises a question that has been answered many times before: When a CSU campus is closed due to an emergency and employees are told to stay home with full pay, can Unit 4 employees who are scheduled to be on paid leave such as sick leave or vacation during the emergency closure nevertheless be made to take that paid leave? APC has litigated this question several times, and the answer from the arbitrators has always been the same: No!

For example, Arbitrator Douglas Collins addressed the issue in *APC and CSU (Emergency Campus Closures) (2009) (Collins, Arb.)*. There, the issue was: Did the University violate the Collective Bargaining Agreement when it required certain Unit 4 employees at the San Marcos, San Diego, and San Bernardino campuses to utilize paid personal leave during the period of Monday, October 22, 2007, through Friday, October 26, 2007, when said campuses were closed due to the threat of wildfires? p. 2. Arbitrator Collins held:

Under the terms of the Agreement, leaves of absence are to be used when an employee is unavailable for work due to illness, vacation, or for other reasons. Here, there was no work for the affected employees because the University closed the campuses in question, and consequently there was no valid basis for charging time against their leave balances. *Id.*, p. 12.

By contrast, Unit 4 employees who are scheduled to be on unpaid leave i.e., in dock status during a campus closure can be made to take that unpaid leave. See *APC and CSU Sonoma (Kim Abodallo Grievance) (2016) (Croft, Arb.)* at p. 4. (In case you were wondering: We do not understand either why it should make a difference whether the employee is scheduled to be on paid or unpaid leave, but that is how the chips have fallen in arbitration.)

Holiday closures are another exception. Thus, when a campus is closed between Christmas and New Year's, employees can be required to use vacation or in the case of non-exempt employees compensatory time off (CTO) to cover those days during the holiday closure that are designated as work days. However, an employee shall be permitted to use accrued vacation or CTO or may be permitted to work a sufficient number of extra hours in advance at the appropriate rate of compensation if the President closes the campus and there are an insufficient number of holidays scheduled to be observed during the closure. Unit 4 Collective Bargaining Agreement, Article 25.7. And should an employee, because of length of service, have insufficient vacation or CTO accrued to cover the scheduled days of closure, where possible, he/she shall be provided sufficient work to prevent any loss of pay or benefits. *Id.*, Article 25.8. If this is not possible, the employee can be docked in pay.

If you believe that you are improperly being made to take sick leave or vacation during an emergency closure, or are improperly being prevented from making up work during a holiday closure, please contact your campus APC steward or a member of the APC Labor Relations Team as soon as possible.