

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

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IN THE NEWS

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California Wildfires

Many campuses of the CSU system were impacted by the wildfires with Chico State and Channel Islands sustaining the brunt of prolonged campus closures. East Bay, Sacramento, San Francisco, San Jose, Sonoma and Stanislaus also reported campus closures.

Please join in the effort to bring relief to those who suffered loss of property because of the fires. APC encourages members to find out more information about the communities hardest hit by the catastrophes.

To assist Chico employees and the campus community, consider donating to Chico State's [Wildcats Rise Fire Recovery Fund](#). Proceeds will support students, faculty and staff.

To help Channel Island employees and the surrounding Southern California communities, please visit:

<https://www.csuci.edu/giving/causes/support/ekho-your-heart.htm>

Our thoughts are with the families of those who have been lost to the fire and the thousands of displaced Californians who fled their homes in fear for their lives. We are strengthened by the many acts of kindness and heroism displayed by our first responders and the many citizens who have risen to the occasion and lent a helping hand.

Labor Relations Column

If You Received FlexCash and Overtime Pay During the Last Three Years, You May Be Entitled to a Little Bit More!

Under the federal Fair Labor Standards Act (FLSA), any hours worked by a non-exempt employee in excess of forty (40) hours during any workweek must be compensated at one and a half (1 ½) times the employee's "regular rate of pay." In *Flores v. City of San Gabriel*, 824 F.3d 890 (9th Cir. 2016), the U.S. Court of Appeals for the Ninth Circuit held that "cash-in-lieu of benefits payments are not properly excluded from [*i.e.*, must be included in] the calculation of the regular rate of pay" for overtime compensation purposes. *Id.* at 907.

Payments under our FlexCash Program (see Article 24.18 of our Collective Bargaining Agreement (CBA)) are an example of such "cash-in-lieu of benefits payments." To comply with *Flores*, the CSU recently informed APC:

"In accordance with FLSA, any monies paid in lieu of health and/or dental benefits under the FlexCash Program will be factored in when determining a non-exempt employee's regular rate of pay for the purposes of computing overtime. This will result in a small increase to the overtime rate of non-exempt employees who participate in the FlexCash program."

Although the CSU did not say so, this is also true retroactively. Thus, if you received FlexCash and overtime pay within the last three (3) years, you may be entitled to a little bit more. In order to be eligible for back pay, you must meet *all* of the following three conditions:

1. You were a non-exempt employee (see Appendix D to our CBA for a list of non-exempt Unit 4 classifications); *and*
2. You received FlexCash; *and*
3. You worked overtime and were compensated for it in cash.

Please note that our CBA provides that "[a]ll overtime hours worked shall be compensated by cash or compensatory time off (CTO) as determined by the appropriate administrator." Article 28.19. If you were initially compensated by CTO, you are *not* entitled to back pay *unless* you later had "a CTO balance in excess of one hundred twenty (120) hours as of December 31" of any year and were therefore "paid in cash for all hours in excess of one hundred twenty (120)" by February 1 of the next year. *Id.*

Please also note that any back pay to which you may be entitled will likely be very small. But these days, every penny counts. If you believe you may be entitled to back pay under *Flores*, please contact APC Senior Labor Relations Representative Bernhard Rohrbacher at brohrbacher@apc1002.org.



In-Range Progressions – Campus Funded

Article 23.11 of the APC Collective Bargaining Agreement defines In-Range Progression (IRP) as:

An increase in an employee’s pay rate within a salary range of a classification due to increased responsibilities and skills of the employee, in recognition of extraordinary performance, or for market or pay equity reasons, is referred to as in-range progression.

The CSU sends APC an annual report of the IRP’s by campus. Below are the campus total IRP’s for FY 2017-18:



Campus	Total # Awarded	IRP % Range
BA	16	2.01% - 10.7%
CH	2	4.99% - 10.71%
CI	3	2.01% - 3.09%
DH	4	2.98% - 2.99%
EB	5	3.00% - 8.11%
FR	5	2.98% - 7.01%
FU	10	3.00% - 4.99%
HU	1	4.99%
LA	1	5.00%
LB	6	5.02% - 20.00%
MA	5	4.58% - 9.89%
MB	2	3.00% - 3.74%
NO	17	2.99% - 9.09%
PO	2	3.00%
SA	19	1.01% - 9.99%
SB	5	4.04% - 5.01%
SD	1	4.99%
SF	1	0.02%
SJ	7	4.24% - 10.83%
SL	29	1.87% - 9.01%
SM	7	3.01% - 22.47%
SO	61	2.16% - 11.197%
ST	7	2.98% - 12.28%
Total	216	

ADDITIONAL IRP INFORMATION

- Unit 4 employees can submit their IRP directly to Human Resources.
- Your Manager can submit an IRP on your behalf
- Most salary increases awarded come from your campuses department budget
- Employees can submit an IRP every twelve months

President's Message

Trainee Period

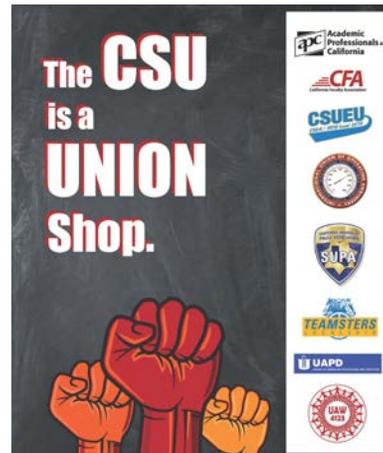
I wanted to take this opportunity to remind Unit 4 employees in Evaluator Trainee, Credential Analyst Trainee, and Student Service Professional IA positions of their training period. Per Appendix K on page 98 in our contract, Memorandum of Understanding Trainees, the training period shall be six to twelve months.

On a recent campus visit, your APC leaders discovered there were four SSP IA employees who were owed retroactive salary after moving into the SSP IB classification. Most campus HR departments normally take care of the transition into higher classifications automatically, but all employees in these three classifications should pay attention to their hiring dates and follow up as necessary.

There have been instances, depending on the assigned and increased duties and responsibilities, where employees have advanced into even higher classifications. Please contact your campus stewards and/or APC Labor Relations for further assistance or if you have questions.

APC Organizing Team

Your APC Organizing team is seeking members to share their campus success stories regarding a grievance you may have won or a contract violation that you were able to resolve in your department that may help other members on other campuses. Please email Rose Duran at roduran@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.*

Email: Rose Duran at: roduran@apc1002.org