

Questions & Answers re CSU/CFA Furlough MOU

SALARY, BENEFITS, AND DURATION OF FURLOUGH

1. *What is the required furlough under the CSU/CFA agreement?*

For faculty members on an academic calendar, the required furlough is 18 days per academic year, or 9 days per semester, or six days per quarter. For CSU Stanislaus, the requirement is 8 days per semester and 2 days in the winter term.

For 12-month faculty members, the requirement is 24 furlough days between July 1, 2009 and June 30, 2010. For faculty members with a 10-month work year, the requirement is 20 days between July 1, 2009 and June 30, 2010. For faculty members at the California Maritime Academy who are on the cruise calendar, the requirement is 20 days over the course of the cruise calendar for 2009/10.

2. *What percentage of salary reduction will employees experience?*

All faculty unit employees will experience a salary reduction of 9.23% over a full year. For academic year employees, this reduction will be applied over a full 12 months (September 2009 through August 2010 pay periods), and as a consequence will result in a reduction of 9.23% in each paycheck. The furlough program is effective for the fiscal year from July 2009 through June 2010 for non-academic year employees. Since no deduction was taken in the July 2009 pay period for 10 and 12 month employees, in order to recoup the full amount by June 30, 2010, these employees will experience a reduction of 10.07% over eleven months from the August 2009 through June 2010 pay periods. Cruise employees at the California Maritime Academy will have their paychecks reduced by 9.23% over the period from August 2009 through July 2010.

3. *What will be the percentage reduction for new hires beginning in August or later?*

The reduction will be 9.23% per month for new hires regardless of employee pay plan. The required furlough for 10-month and 12 month employees will be two days per month from the date of appointment through June 30, 2010. Academic year appointees beginning at the start of the 2009/10 academic year will follow the furlough plan described above, with pay reductions from the September 2009 through August 2010 pay periods.

4. *How will furlough be implemented for faculty members who are appointed for a single term of the academic year?*

Faculty members appointed term by term will take the requisite number of furlough days for the academic term worked, and will have compensation for that term reduced by 9.23%.

5. *How should furlough be handled for individuals whose appointments are changing from 12 months to AY, or vice versa?*

If the change is occurring at the beginning of the academic year:

- If a twelve-month position (such as a department chair) is transitioning back to AY faculty, begin the furlough with the start of the AY, applying it to the AY position for the year. The faculty member would then be subject to a full year of furlough on the AY basis.
- If an AY position is being converted to twelve months, since the AY work was attached to the 2008/09 fiscal and academic year, no furlough is required until the start date of the twelve-month position. The furlough will be pro-rated from that date and the faculty member will have 9.23% per pay period deducted per pay period, through June 30, 2010.

If the change occurs later in the year:

- If a twelve month faculty member transitions to AY at the start of the winter or spring term, the faculty member should be subject to furlough in the twelve month position from July 1 through the last pay period in 12 month status at 2 days per month, then begin furlough in the AY position for the terms of the AY in the 2009/10 AY that are included.
Example: 12-month chair moves into AY position at the start of the spring semester, which begins in late January on that campus. The faculty member would take furlough at 2 days per month beginning July 1, 2009 through the end date of the 12-month appointment. The faculty member would also be required to take 9 days of furlough associated with the AY position in the spring semester. Human Resources Management will be developing advice for the campuses on how to handle any reconciliation associated with this transition.
- If an AY faculty member transitions to 12 months, the faculty member would take furlough at the appropriate rate for terms worked in AY status (based on 9 days for 1 semester, 6 days for each quarter), and would take 2 days of furlough per month going forward following appointment in the 12 month class.

Note: In no case should the **total** number of furlough days required of a faculty member exceed 2 days per month over the 12-month furlough period (24 days from July 1, 2009 through June 30, 2010.)

6. How will benefits be affected by the furlough program?

Section 6 of the MOU addresses benefits issues. In addition, the forthcoming Benefits Technical Letter will provide additional details.

Key provisions in the MOU include the following:

- Furlough will not constitute a break in service and will not affect anniversary date or seniority date.
- Furlough does not affect the accrual of sick leave or vacation (for those classes that accrue vacation).
- Furlough shall not impact payment of health, dental, or vision benefits, or the Flex Cash option. (Note faculty unit employees must meet normal criteria for benefits eligibility based on duration and time base of appointment.)
- Furlough program shall not impact compensation levels for the purpose of CalPERS retirement under the current regulations. Benefits shall be based on the unchanged salary rate that would have been credited had the employee not been furloughed.

7. How is furlough determined for part-time employees?

A part time employee's furlough "day" is weighted according to his/her time base. Thus, an AY faculty member with a time base of 0.4 would take 18 furlough days in an academic year, but each furlough day would be weighted as 0.4 of a full day. While this furlough would have a value of 18 x 0.4 days, or 7.2 "full" days, the faculty member would have to account for 18 calendar days during the academic year on which he or she performed no work.

8. What is the calculation for part-time, pro-rata furlough reductions?

The salary reduction will be 9.23% of actual salary.

Example salary calculation: The AY faculty member in the example above has a base rate (full-time equivalent) of \$4,000 per month; with an actual time base of 0.4, the actual monthly salary is \$1,600 per month. The salary after furlough will be calculated as follows: first, reduce the base rate of \$4,000 by 9.23%. The adjusted base rate is \$3,630.80. This adjusted rate would then be multiplied by the time base of 0.4, to give the actual salary after furlough of \$1,452.32 per month. (Note that the same result is obtained by taking the \$1,600 per month actual salary and applying a reduction of 9.23% to that amount.)

9. A faculty member has been awarded a promotion or a range elevation that is scheduled to take effect during the furlough program. What happens to the faculty member's salary?

Faculty members who have been awarded promotions or range elevations will receive the associated salary increases as scheduled. The new salary will then become the base rate for the purpose of determining the adjusted salary during the furlough period.

Example: An assistant professor earning \$5,000 per month receives promotion to associate professor, effective at the beginning of the 2009/10 academic year, and is awarded a salary increase of 7.5%. The faculty member's new base salary becomes \$5,375 (\$5,000 times 1.075). The faculty member's actual salary during the furlough program would then be reduced by 9.23%, so that the actual monthly salary for the duration of the program would be \$4,878.89.

DETERMINATION OF FURLOUGH DAYS AND WORK ASSIGNMENTS

10. Can the President designate furlough days for faculty?

Yes. For *instructional faculty members* (including those with 12 month appointments, such as 12 month chairs), the President may designate up to 6 specific furlough days as either campus closure days or partial campus closure days over the course of the furlough program. For other faculty classifications (*counselors, coaches, and librarians*), no restriction has been placed on the number of days that may be designated by the President.

11. How are other furlough days to be determined?

Additional days beyond those designated by the President are to be determined by mutual agreement of the faculty employee and the appropriate administrator. If mutual agreement cannot be reached, the appropriate administrator shall designate the furlough days for the faculty employee, based on compelling operational needs of the campus. See section 3 (a) of the MOU.

12. What days are available to be taken as furlough days for academic year faculty members?

Any day that is part of the campus academic calendar may be taken as a furlough day, within the parameters of the furlough program. These parameters include that the faculty unit employee may not take more than two (2) furlough days in a calendar month, and one (1) in a work week, except for one calendar month in which up to four (4) furlough days may be observed. During that month, up to 4 days of furlough may be observed in one week. Note that the academic calendar includes days when instruction is scheduled, as well as days (typically at the beginning and end of the term) when instruction is not scheduled but faculty members are expected to be available to work. Furloughs may be scheduled on any of these days.

13. How do these rules work within the framework of 9 furlough days in a semester?

Most semester campus calendars include several days in August as part of a fall term, and several days in January as part of the spring term. One way to fit in 9 days within the constraints of the program would be to take one furlough day in August, plus 2 days each in September, October, November, and December in the fall semester, and one day in January, plus 2 days each in February, March, April and May in the spring semester.

14. For faculty unit members who work as counselors, coaches, or librarians, how will furlough days be taken?

For full-time employees in these classifications, in a week in which a furlough day is taken, that week's assignment shall be reduced by eight (8) hours per furlough day. This reduction shall apply pro-rata to individuals with less than full time appointments. Refer to Articles 20.15 through 20.29 of the collective bargaining agreement for additional information on work assignments for counselors, coaches, and librarians.

15. Can a faculty member use sick leave, vacation days, or personal holiday to replace furlough days?

No.

16. How will a faculty member with a split appointment (AY and 12 month) be required to take furlough days?

Split appointments are sometimes used in situations, such as department chair assignments, when the 12-month portion of the assignment is less than full time. A typical case would be an instructional faculty member (classification 2360) who also serves as a 12-month department chair (classification 2481.) That individual will have a fractional time base in each position, and the two fractions typically add up to 1.0. In this situation, the faculty member would need to take 18 “combined” furlough days during the academic year (18 days in which the faculty member performs no work, either as instructional faculty member or department chair) and 6 furlough days outside of the academic calendar, pro-rated at the chair’s time base, and falling between August 1, 2009 and June 30, 2010.

Example: Faculty member on a *semester* campus has an appointment at a time base of 0.6 as 12-month chair (2481) and 0.4 as academic year instructional faculty (2360).

- Days outside the academic calendar include the period in August prior to the first day of the fall semester; days between the end of the fall semester and the beginning of the spring semester (typically, from late December to the middle or end of January); spring break; and days from the end of the spring semester (typically, late May) to the end of June.
- During the academic year, the faculty member takes 9 furlough days each semester for a total of 18 days, including days designated by the President (if any) and individually nominated days selected by mutual agreement between the faculty member and the appropriate administrator. These furlough days apply to the required 18 days of furlough for the 0.4 time base AY position as well as 18 of the 24 days of the 0.6 time base chair position.
- The faculty member also nominates 6 days (pro-rated to a time base of 0.6) from the dates that fall outside the academic calendar to serve as the remaining six days of furlough required for the 12-month chair position.
- It is possible to select furlough days that stay within the guidelines for assignment of furlough days described in sections 3(b) through 3(h) of the MOU. See the following grid for two examples of a schedule that would allow for the assignment of days within these restrictions. These examples are not meant to be prescriptive. Note that a similar approach can be used on a quarter campus, except that the periods that fall outside of the academic year follow a different pattern.

Month	Model 1		Model 2	
	Chair days	Combined days	Chair days	Combined days
August 2009	1	1	1	1
September 2009		2		2
October 2009		2		2
November 2009		2		2
December 2009		2		2
January 2010	3	1	1	1
February 2010		2		2
March 2010		2		2
April 2010		2		2
May 2010		2		2
June 2010	2		4	
Total	6	18	6	18

17. How will a faculty member with appointments in more than one department on a campus (adding up to a time base of no more than 1.0) take furlough days?

The faculty member should identify the requisite number of days per term on which no work associated with any of the appointments will be performed.

Example: A faculty member has an appointment at a time base of 0.2 in the Department of Metaphysical Astrophysics and at 0.6 in the Department of Interplanetary Studies for the fall quarter. For that quarter, the faculty member would identify a total of six furlough days, and would receive credit pro-rated to each time base (0.2 days in DMA and 0.6 days in DIS) for each furlough day.

18. Has any guidance been provided to the campuses regarding what might constitute compelling operational needs?

Yes. Following consultation with the Presidents and the Chancellor, Vice Chancellor Brooks provided guidelines and principles for the scheduling of President-designated closure days as well as days to be determined by mutual agreement. Regarding the latter, these guidelines state, "The priority of the university is student instruction. Maintaining student instruction and ensuring that course goals and learning objectives are met would constitute a compelling operational need (per section 3(a) of the furlough agreement), and these priorities should be taken into consideration when seeking to come to an agreement with individual faculty over the scheduling of furlough days."

19. What other principles govern work assignments during the furlough program?

The provisions of Article 20 of the collective bargaining agreement continue to govern the composition of professional duties and responsibilities. The furlough program shall not result in an unreasonable workload or schedule per article 20.3.

20. Is there a prohibition against using teaching days as furlough days?

No. However, every effort should be made to maintain student instruction at a level at which course goals and learning objectives continue to be met. In addition to days on which they are scheduled to teach, faculty members may select days on which they are not scheduled to teach, as well as days on the academic calendar that are work days but not instructional days. In situations where instructional days must be used as furlough days, such as when the faculty member is scheduled to teach 5 days a week, no one class should be disproportionately impacted.

21. How can faculty members achieve a reduction of effort proportional to the furlough?

Article 20 provides a framework by describing the scope of faculty duties and responsibilities. In addition to any reduction in instruction consistent with the principles described above, we expect that faculty members will reduce out-of-classroom activities as well (both directly related to instruction and indirect instructional activities, if applicable.)

22. Can the appropriate administrator turn down a faculty member's request to take particular furlough days?

While in most cases we anticipate that mutual agreement will be reached regarding an individual faculty member's furlough schedule, if this is not possible, the appropriate administrator may designate the furlough days based upon the compelling operational needs of the unit. If this occurs, the administrator shall provide a written explanation regarding the compelling operational needs.

23. What if a scheduled furlough day falls on a day when a faculty unit employee has unavoidable work responsibilities (e.g. scheduled athletic events, music or theatrical performances, participation in a disciplinary conference?)

In such cases, the furlough day for that individual should be rescheduled to avoid the conflict. In general, it should be possible to find days that meet the parameters of the program as outlined in the MOU, and the administration should work with the faculty member to accomplish this.

24. Are faculty members required to provide any certifications regarding their participation in the furlough program?

Yes. Under the terms of the MOU, Section 5(b), prior to the beginning of any term, faculty unit employees must certify that: 1) they will not work on the assigned furlough day, and 2) they will not work beyond the duties assigned for the furlough week.

25. Are there restrictions on the use of volunteers or administrators to perform bargaining unit work during the furlough program?

Yes. Administrators or volunteers who taught in a department in 2008/09 may continue to do so in 2009/10; however, *no additional administrators or volunteers* may perform bargaining unit duties in a department in which faculty unit members are subject to furlough.

EXEMPTIONS, EXCLUSIONS, SPECIAL CONSIDERATIONS

26. Are faculty members required to take furlough days in summer 2009?

Faculty members who have summer session appointments in 2009 (classes 2357, 2457, or 2368) are not required to take furlough days in the summer term, and will receive full pay for their appointments.

27. How will grant funded positions be affected?

Faculty members whose salary is 100% funded from grants and contracts not funded from the state general fund are exempt from furlough. In addition, faculty members whose salary is partially reimbursed by a grant or contract will receive a pro rata exemption from the furlough. For example, if an AY faculty member's salary is reimbursed 50% from a grant or contract, the annual furlough obligation would be reduced to 9 days.

Note that complex issues exist regarding grants, contracts, and cooperative agreements. Separate advice has been developed to deal with these issues (see the Furlough Sponsored Programs FAQ).

28. Are faculty members whose salaries are reimbursed from sources other than external grants and contracts (e.g. endowments, University extension) subject to furlough?

Yes.

29. Is work through University Extension subject to furlough?

Faculty members appointed in classifications 2322 (Special Programs) and 2323 (Extension for Credit) are exempt from furlough in those classifications.

30. Are faculty members classified as Grant Related/Specially Funded Instructional Faculty (GRIF) subject to furlough?

Yes.

31. Are faculty members with H-1b visas subject to furlough?

Yes.

32. Are participants in the Faculty Early Retirement Program (FERP) or Pre-Retirement Reduction in Time Base (PRTB) subject to furlough?

Yes.

33. If a faculty member receives additional employment, is that employment subject to furlough.

If a faculty member has additional employment in a CSU position such that the faculty member's time base exceeds 1.0, the portion over 1.0 is not subject to furlough. In addition, the following specific forms of additional employment would not be subject to furlough in any case.

- Additional employment through *Extension* (classes 2322 and 2323) is exempt from furlough (see above.)

- Additional employment through an *auxiliary* is governed by the policies of the auxiliary and is not included in the CSU furlough program.
- Faculty members appointed as *Special Consultant* typically have assignments for an agreed-upon number of days, and would continue to be paid for days worked. However, the campus may choose to reduce the utilization of such appointments in order to achieve savings and meet the operational needs of the campus.
- For a faculty member employed as a *substitute* (classification 2356), payment is by the class taught.

34. Have the limitations on additional employment changed?

Yes. The MOU amends article 36.4 of the collective bargaining agreement as follows: "The 25% overage as used in this Article shall be calculated as a percentage of the faculty unit employee's pre-furlough full-time workload or, when appropriate, full-time time base or 25% of the faculty unit employee's pre-furlough full time salary, whichever is greater. The total additional employment of the faculty unit employee shall not exceed the 25% overage."

35. If a faculty member is due settlement pay in August, will the pay be subject to the furlough reduction?

Not if the settlement is residual pay for the prior academic year. No payments associated with the 2008/09 academic year are included in the 2009/10 furlough program.

LEAVES, HOLIDAYS, ETC.

36. Are paid holidays being used as furlough days?

No. Faculty members in 10 month and 12 month classifications will continue to observe paid holidays as provided in Article 33 of the CBA. While academic year faculty are not required to work on days designated as academic holidays within the campus academic calendar, they are not compensated for these days and as such may not use academic holidays for furlough.

37. Are sabbatical leaves subject to furlough?

Yes. The salary the employee receives during the sabbatical leave will be reduced by 9.23%

38. Are difference-in-pay leaves subject to furlough?

Yes. The salary the employee receives during the DIP leave (based on the difference between the faculty member's salary and the minimum salary for the rank of Instructor) will be reduced by 9.23%

39. Will maternity/paternity leave be affected by furlough?

Yes. An employee on a maternity/paternity leave will be subject to furlough; however, days taken as furlough will extend the leave period by the same number of days. In other words, the employee will still receive the same number of paid days of leave.

40. Is an employee on jury duty subject to furlough?

No. Jury days do not count as furlough days; if the employee had a furlough day scheduled but was required to perform jury duty, the furlough day must be rescheduled. See the benefits letter for additional information..

41. Are Family Medical Leave, NDI/IDL, TD and military leaves subject to furlough?

No. Refer to the forthcoming Benefits Technical Letter for information regarding how benefits and leaves will be impacted by the furlough.

42. Have rules been relaxed regarding leaves without pay during the furlough period?

Yes. According to section 6 (h) of the MOU, any faculty unit employee may request (subject to Article 22 of the CBA) a leave of absence without pay for any academic term or terms from July 1, 2009 through June 30, 2010.

43. What about FERPs?

According to section 6 (g) of the MOU, any FERP participant may request, and shall be granted, a leave of absence without pay for any academic term or terms between July 1, 2009 and June 30, 2010. Such a leave of absence shall not adversely affect future participation in FERP; the faculty member remains entitled to participate in FERP for a total period of no more than 5 academic or fiscal years.

This eases the rules in the CBA in two ways. First, under the CBA (article 29), a FERP participant is entitled only to a single leave of absence, for personal illness. The leave of absence allowed by the MOU need not be for illness (in fact does not require a justification), and could be taken even if the FERP participant had previously taken a leave of absence during FERP.

Second, if a FERP participant takes a leave for the entire 2009/10 academic or fiscal year, 2009/10 will not count toward the 5 years available for the FERP. For example, a faculty member who began FERP in 2008/09 would normally be eligible for FERP only through 2012/2013. If the faculty member took a leave of absence and did not work in 2009/10, the faculty member would still have four remaining years of FERP eligibility and could continue in the program through 2013/2014.

Note that if the FERP participant works at all in 2009/10, the year counts as one of the 5 years and the period of FERP is not extended.

44. What about PRTB?

Section 6 (i) of the MOU allows faculty members who meet the eligibility criteria for PRTB (see article 30 of the CBA) to enter the program in 2009/10. The normal six month notice period is waived, and entry may commence with any term or terms between July 1, 2009 and June 30, 2010. In addition, a participant in PRTB may request and shall be granted a further reduction in time base for any term between July 1, 2009 and June 30, 2010

MISCELLANEOUS PROVISIONS

45. How will disputes regarding workload be handled?

The CSU and CFA have agreed to form a state-wide labor-management committee to monitor the effects of furlough on workload. However, the CSU and faculty unit employees are expected to make a good faith effort to resolve such workload issues at the campus level before they are brought to the attention of the state-wide committee.

46. Are there any special considerations for probationary faculty?

As described in the MOU (section 5 (d)) it is the intent of the parties that the furlough program not have an adverse impact on the eligibility for or the award of tenure and/or promotion. To that end, upon the request of a probationary faculty unit member between July 1, 2009 and June 30, 2010, the probationary period for that employee will be extended by one year, provided that the request is received by the appropriate administrator before the first level of review has rendered its recommendation concerning an active application for tenure and/or promotion.

47. Are there any considerations for 3-year temporary faculty?

Yes. Any such temporary faculty unit employees who are laid off between July 1, 2009 and June 30, 2010 will be placed on the reemployment list (per article 38.48 of the CBA) and will have rights as described in that article as well as rights under articles 12.7 and 12.8.