

**SAN JOSE STATE UNIVERSITY
ONE WASHINGTON SQUARE
SAN JOSE, CA 95192**

SS-S23-1, Sense of the Senate Resolution, In Opposition to the Exclusion of Faculty Early Retirement Program Faculty From Pandemic Compensation

Legislative History:

On February 27, 2023, the Academic Senate approved the following Sense of the Senate Resolution presented by Senator French for the Professional Standards Committee.

Whereas: The Chancellor’s Office of the California State University (“CSU”), in conjunction with the California Faculty Association, negotiated, and their constituents ratified, a new Collective Bargain Agreement (“CBA”) on March 22, 2022, which in part provides for faculty of the CSU to receive additional pay for having to spend time, transforming face-to-face classes into online courses during the 2020 pandemic period, and

Whereas: the CBA specifically calls out in section 31.7 that faculty shall receive a one-time \$3500 payment per fulltime faculty, and a proportionate share of that amount pro rata for part time faculty, based on the hours worked during the period in question, and

Whereas: Faculty Early Retirement Program (FERP) faculty, per the CBA, were to be included in such payment, subject to CalPERS approval, which subsequently has ruled such payment is not allowed, based on a prohibition of “extra pay for extra work”, FERP faculty being constrained per CalPERS law to 960 hours per year, and

Whereas: FERP faculty worked just as hard to convert their classes to online instruction as did any other faculty, and

Whereas: both the Academic Senate of the California State University (“ASCSU”) and the California State University Emeritus and Retired Faculty and Staff Association (“CSU-ERFSA”) have issued resolutions supporting this FERP payment under the CBA; therefore be it

Resolved: That the Academic Senate of San José State University (SJSU) strongly supports the sentiments expressed in the resolution of CSU-ERFSA; be it further

Resolved: That the Academic Senate of San José State University (SJSU) urges both the CSU Chancellor and the President of CFA to direct their relevant professional staff and legal counsel to work collaboratively to address CalPERS’ interpretation of regulations that negate the clear language and intent of the CBA to compensate FERP and other RA faculty; be it further

Resolved: That copies of this resolution shall be distributed widely to students, faculty, and staff members of the SJSU community, to the Academic Senate of the CSU, to the CSU Chancellor, Executive Vice Chancellor for Academic Affairs, President of CFA, Faculty

Trustee of the Board of Trustees, the CalPERS Board of Administration, the CalPERS Chief Executive Officer, the California State University Emeritus and Retired Faculty Association, and the CalPERS Deputy Executive Officer, Customer Services & Support.

Approved: November 21, 2022

Vote: 7-0-0

Present: French, Gómez, Kazemifar, Monday, Rapanot, Smith, Wang

Absent: Barrera

Financial Impact: None foreseen

Workload Impact: None foreseen