

1 **San Jose State University**
2 **Academic Senate**
3 **Professional Standards Committee**
4 **February 27, 2023**
5 **Final Reading**
6

AS 1842

7 **Sense of the Senate Resolution**

8 **In Opposition to the Exclusion of Faculty Early Retirement**
9 **Program Faculty From Pandemic Compensation**

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

15 **Whereas:** the CBA specifically calls out in section 31.7 that faculty shall receive a one-time
16 \$3500 payment per fulltime faculty, and a proportionate share of that amount pro rata for part
17 time faculty, based on the hours worked during the period in question, and

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

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

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

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

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

33 **Resolved:** That copies of this resolution shall be distributed widely to students, faculty, and staff
34 members of the SJSU community, to the Academic Senate of the CSU, to the CSU Chancellor,
35 Executive Vice Chancellor for Academic Affairs, President of CFA, Faculty Trustee of the Board
36 of Trustees, the CalPERS Board of Administration, the CalPERS Chief Executive Officer, and
37 the CalPERS Deputy Executive Officer, Customer Services & Support.
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39 **Approved:** November 21, 2022
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42 **Vote:** 7-0-0

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

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46 **Absent:** Barrera

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48 **Financial Impact:** None foreseen

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50 **Workload Impact:** None foreseen