



PERB Received  
05/14/24 11:51 AM

STATE OF CALIFORNIA  
PUBLIC EMPLOYMENT RELATIONS BOARD

# UNFAIR PRACTICE CHARGE

DO NOT WRITE IN THIS SPACE: Case No:

Date Filed: 05/14/2024

**INSTRUCTIONS:** File the original and one copy of this charge form in the appropriate PERB regional office (see PERB Regulation 32075), with proof of service attached to each copy. Proper filing includes concurrent service and proof of service of the charge as required by PERB Regulation 32615(c). All forms are available from the regional offices or PERB's website at www.perb.ca.gov. If more space is needed for any item on this form, attach additional sheets and number items.

IS THIS AN AMENDED CHARGE? YES  If so, Case No \_\_\_\_\_ NO

1. CHARGING PARTY: EMPLOYEE  EMPLOYEE ORGANIZATION  EMPLOYER  PUBLIC<sup>1</sup>

a. Full name: California Faculty Association

b. Mailing Address: 1110 K Street, SACRAMENTO, CA 95814

c. Telephone number: (916) 441-4848

d. Name and title of agent to contact: Nicholas Dix, Representation Specialist E-mail Address: ndix@calfac.org  
Telephone number: (916) 326-9728 Fax No.:

e. Bargaining Unit(s) involved: Unit 3

2. CHARGE FILED AGAINST: (mark one only) EMPLOYEE ORGANIZATION  EMPLOYER

a. Full name: Trustees of the California State University

b. Mailing Address: 401 Golden Shore Long Beach, CA 90802

c. Telephone number: (562) 951-4500

d. Name and title of agent to contact: Marc Mootchnik, University Counsel E-mail Address: mmootchnik@calstate.edu  
Telephone number: (562) 951-4500 Fax No.: (562) 951-4956

3. NAME OF EMPLOYER (Complete this section only if the charge is filed against an employee organization.)

a. Full name:  
b. Mailing address:

4. APPOINTING POWER: (Complete this section only if the employer is the State of California. See Gov. Code, § 18524.)

a. Full name:  
b. Mailing Address:  
c. Agent:

## 5. GRIEVANCE PROCEDURE

<sup>1</sup>An affected member of the public may only file a charge relating to an alleged public notice violation, pursuant to Government Code section 3523, 3547, 3547.5, or 3595, or Public Utilities Code section 99569

Are the parties covered by an agreement containing a grievance procedure which ends in binding arbitration?

Yes  No  Unknown

PERB Received  
05/14/24 11:51 AM

#### 6. STATEMENT OF CHARGE

a. The charging party hereby alleges that the above-named respondent is under the jurisdiction of: (check one)

- Educational Employment Relations Act (EERA) (Gov. Code, § 3540 et seq.)
- Ralph C. Dills Act (Gov. Code, § 3512 et seq.)
- Higher Education Employer-Employee Relations Act (HEERA) (Gov. Code, § 3560 et seq.)
- Meyers-Milias-Brown Act (MMBA) (Gov. Code, § 3500 et seq.)
- Los Angeles County Metropolitan Transportation Authority Transit Employer-Employee Relations Act (TEERA) (Pub. Utilities Code, § 99560 et seq.)
- One of the following Public Utilities Code Transit District Acts: San Francisco Bay Area Rapid Transit District Act (SFBART Act) (Pub. Util. Code, § 28848 et seq.), Orange County Transit District Act (OCTDA) (Pub. Util. Code, § 40000 et seq.), Sacramento Regional Transit District Act (Sac RTD Act) (Pub. Util. Code, § 102398 et seq.), Santa Clara VTA, (Pub. Util. Code, § 100300 et seq.), and Santa Cruz Metro (Pub. Util. Code., § 98160 et seq.)
- Trial Court Employment Protection and Governance Act (Trial Court Act) (Article 3; Gov. Code, § 71630 – 71639.5)
- Trial Court Interpreter Employment and Labor Relations Act (Court Interpreter Act) (Gov. Code, § 71800 et seq.)

b. The specific Government or Public Utilities Code section(s) or PERB regulation section(s) alleged to have been violated is/are:

California Government Code § 3571 (c)

c. For MMBA, Trial Court Act and Court Interpreter Act cases, if applicable, the specific local rule(s) alleged to have been violated is/are (***a copy of the applicable local rule(s) MUST be attached to the charge:***)

d. Provide a clear and concise statement of the conduct alleged to constitute an unfair practice including, where known, the time and place of each instance of respondent's conduct, and the name and capacity of each person involved. This must be a statement of the facts that support your claim and *not conclusions of law*. A statement of the remedy sought must also be provided. (*Use and attach additional sheets of paper if necessary.*)

See attachment

#### DECLARATION

I declare under penalty of perjury that I have read the above charge and that the statements herein are true and complete to the best of my knowledge and belief. (A Declaration will be included in the e-mail you receive from PERB once you have completed this screen. The person filing this Unfair Practice Charge is required to return a properly filled out and signed original Declaration to PERB pursuant to PERB Regulations 32140 and 32135.)

Nicholas Dix  
(Type or Print Name)

/s/ Nicholas Dix  
(Signature)

05/14/2024  
Date

## **Statement of Charge of Unilateral Change in Violation of Higher Education Employer-Employee Relations Act (HEERA)**

### ***California Faculty Association v. California State University***

#### **The Parties**

1. Charging party, California Faculty Association (“CFA”), is the “exclusive representative” within the meaning of California Government Code § 3562(i) of a bargaining unit of approximately 29,000 faculty employees employed by Respondent, California State University (“CSU”), an “employer” within the meaning of Government Code § 3562(g), at its 23 campuses. The CFA-represented CSU employees include Lecturers, Assistant Professors, Associate Professors, Full Professors, Coaches, Counselors, and Librarians who are part of bargaining unit 3 (“Unit 3”).
2. At all times relevant, CFA and CSU have been parties to a collective bargaining agreement (“CBA”) covering terms and conditions of employment for employees in Unit 3. The CBA is in effect through June 30, 2025, and it includes a grievance process that ends in binding arbitration.

#### **Statement of Facts**

##### Cal-GETC background

1. In 2021, California enacted legislation creating the California General Education Transfer Curriculum (Cal-GETC) that requires completion of a set of courses for students who transfer to the CSU from community colleges. Cal-GETC curriculum differs from the CSU curriculum for non-transfer students who attend the CSU from year one to graduation.
2. On or about March 27, 2024, the CSU Board of Trustees (BoT) proposed and approved amendments to Title 5 of the California Code of Regulations adopting Gal-GETC for all CSU students, not just transfer students.
3. The BoT is permitted to adopt its own regulations as its own quasi regulatory agency, and it does so without any legislative oversight.
4. The Title V amendments were not required by law or the 2021 legislation referenced above.
5. Adopting Cal-GETC for all CSU students (and not just transfer students) will result in the elimination of some courses and work for faculty teaching General Education (GE) in the CSU. The amendment also creates an expansion of one GE area.

6. The above-reference approval by the BoT came about despite the advice of the Academic Senate of the California State University (ASCSU) to study the efficacy and impact of the changes before adopting them or amending Title V.
7. While the new GE requirements are to take effect in Fall 2025, preparation and curricular revisions are taking place now, well before actual implementation.
8. In April of 2024, an updated GE policy was shared with each CSU campus ASCSU, the Chancellor's General Education Advisory Committee, and the Cal State Student Association. Each entity was asked to review the draft and provide the feedback which was used to finalize the policy.
9. The CSU never informed CFA directly of the changes to GE as it has informed CFA of other changes in policy.
10. The CSU has posted the GE changes publicly and online at:  
<https://calstate.policystat.com/policy/13059034/latest/>

#### CFA's Demand to Meet and Confer over Effects and Impact and Request for Information

11. On April 18, 2024, CFA sent a letter to the CSU demanding to engage in required bargaining over the change, as adopting a new GE policy impacts faculty rights in the areas of appointments, entitlement, evaluations, workload, and possibly other terms and conditions of employment. This letter also included a request for information relevant and necessary to the representation of the bargaining unit. Additionally, CFA asked that the CSU rescind the implementation of the new policy until the parties have had the opportunity to meet and confer on the matter. (See "Initial Demand and Request for Information," Exhibit A).
12. After several emails and calls back and forth, agents of the CSU reluctantly agreed that CFA has the right to meet and confer on effects and impact of the change. No date has been set, as the CSU's agents have not supplied any of the requested information. (The union requires this information before it can represent faculty in an informed manner.)
13. Despite the union's right to meet and confer on effects before the change is implemented, the CSU is actively implementing the change now by directing faculty and other employees to work on changes now. The CSU has allocated around \$4 million dollars to set the stage for the changes and is setting planning meetings over the summer and fall without meeting with the union first.

#### **Unfair Practice Charges**

14. As alleged above, the CSU failed to provide CFA notice and a reasonable opportunity to bargain over effects prior to implementing the decision to change GE in violation of California Government Code § 3571 (c).

15. As alleged above, CSU failed to supply requested information and interfered with CFA's rights of bargaining unit members to be represented by their union in violation of California Government Code § 3571 (a).

**Remedy Sought**

16. As a remedy, CFA seeks an order requiring CSU to (1) halt the implementation of the new GE requirements; (2) restore the status quo ante; (3) meet with CFA before it takes further steps to implement GE changes; (4) post a notice in conspicuous places regarding its violations of HEERA; (4) read and video record (for online viewing) a notice of its violations of HEERA; and (6) provide such other relief deemed proper by the Public Employment Relations Board.

April 18, 2024

Ms. Stefanie Gusha  
Senior Director, Collective Bargaining  
The California State University  
Office of the Chancellor  
401 Golden Shore, 4<sup>th</sup> Floor  
Long Beach, California 90802-4210

*Sent via e-mail only*

Reference: Implementation of CalGETC in the CSU

Dear Ms. Gusha,

Given the fact that the Board of Trustees has adopted CalGETC as CSU policy, CFA hereby requests to engage in the required bargaining. Please cease implementation until we have had time to meet and confer over this policy change until the union has had the opportunity to meet and confer on impact.

The policy is likely to impact faculty rights in the areas of appointments, entitlement, evaluations, workload, and possibly other terms and conditions of employment.

Further, in order to investigate the matter and advocate for our members, we require the following information:

1. Copies of any and all written directions (including but not limited to memos, emails, power point presentations, technical letters, and the like) provided to campus administrators regarding the adoption of and implementation of CalGETC.
2. A list of all courses that the administration knows will be eliminated due the adoption of and implementation of CalGETC. In providing this information, please supply the following for each course: campus; course name; course number; the number of units; and frequency the course is offered each year.
3. A list of all departments or programs that the administration knows will be eliminated due to the adoption of and implementation of CalGETC. In providing this information, please supply the following for each department or program: campus; department or program name; and other information connected to job loss including the number of faculty currently assigned work in the department or program.
4. The budget amount planned (in US dollars) to be allocated for further implementation efforts for the adoption of and implementation of CalGETC in the current budget year and the next (2024-2025) if known.

5. A list of any and all campuses that have or will receive extensions or modifications in timeline and execution of the adoption of and implementation of CalGETC. In supplying this information, please provide the campus name and the exact terms of extension or modification.
6. Copies of any communications supplied to students connected to changes in their education requirements due to the adoption of and implementation of CalGETC. In supplying this information, please provide the campus name with communication pieces or specify that the communication has been provided system wide.
7. The number of CSU-to-CSU transfer students who transferred this Academic Year (AY) to date, and the number for AY 2022-2023 and 2021-2022.

Please be in contact with me to schedule time(s) to meet. As for the information requested, please direct the information, preferably in electronic format, to me at [ksheffield@calfac.org](mailto:ksheffield@calfac.org) as well. Finally, please supply responsive information in searchable format such as Microsoft Excel.

Yours truly,



Kathy Sheffield  
Director of Representation and Bargaining

bdj

cc: Dr. Charles Toombs, CFA President  
Dr. Kevin Wehr, CFA Bargaining Team Chair

## PROOF OF SERVICE

I declare that I am a resident of or employed in the County of \_\_\_\_\_,  
State of \_\_\_\_\_. I am over the age of 18 years. The name and address of my  
Residence or business is \_\_\_\_\_

On \_\_\_\_\_, I served the \_\_\_\_\_  
(Date) (Description of document(s))

\_\_\_\_\_ in Case No. \_\_\_\_\_  
(Description of document(s) continued) PERB Case No., if known)

on the parties listed below by (check the applicable method(s)):

placing a true copy thereof enclosed in a sealed envelope for collection and  
delivery by the United States Postal Service or private delivery service following  
ordinary business practices with postage or other costs prepaid;

personal delivery;

electronic service - I served a copy of the above-listed document(s) by  
transmitting via electronic mail (e-mail) or via e-PERB to the electronic service  
address(es) listed below on the date indicated. *(May be used only if the party  
being served has filed and served a notice consenting to electronic service or has  
electronically filed a document with the Board. See PERB Regulation 32140(b).)*

*(Include here the name, address and/or e-mail address of the Respondent and/or any other parties served.)*

I declare under penalty of perjury under the laws of the State of California that the  
foregoing is true and correct and that this declaration was executed on \_\_\_\_\_,  
(Date)  
at \_\_\_\_\_  
(City) (State)

(Type or print name)

(Signature)