

Faculty Additional Employment Guidelines

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Overview

This document provides guidance for the implementation of additional employment for employees represented by the California Faculty Association (“CFA” or “Unit 03”). Throughout this document, these employees are sometimes collectively referred to as “faculty.” The terms “overload,” “125% rule,” “Article 36,” and “2403” are all terms used to represent additional employment (or its implementation). In addition to the information presented in this document, all policies, procedures, guidelines, and regulations regarding additional employment apply. Because of this, this document purposefully avoids duplication or replication of policy whenever possible.

Notable Changes Since the Previous Fiscal Year

- This is the first version of this document.

Applicable Policies

There are numerous policies and documents that both directly and indirectly affect additional employment.

Article 36 – Additional Employment (CBA)

This article of the CBA is the primary text used in interpreting eligibility, limitations, and enforcement of additional employment. This document is primarily centered around the interpretation of this article.

- Within the *Supplemental Agreements and Letters of Contractual Intent* section of the CBA, one will find the MOU that establishes the creation of job code 2403 (“2403”). HR 2015-22 is a direct outcome of that MOU.

HR 2015-22 – 2403 Technical Letter

This technical letter provides guidance for use and implementation of job code 2403. It provides three common scenarios for 2403s with guidance on how to craft appointment parameters. This technical letter notably accomplishes the following:

- Clarifies that 2403 appointments are not to supplant Continuing Education appointments.
- Reinforces the fundamental requirement that additional employment is limited to full-time faculty
- Provides examples of time and effort measures that may be used to calculate appointment parameters. These measures are discussed later in this document.

HR 2002-05 – CSU Additional Employment Policy

This policy is the foundation for additional employment for all employees within the CSU. Notably, this policy accomplishes the following:

- Defines “overload” as a term exclusive to faculty.
- Clarifies that CSU auxiliary and CSU foundation employment are considered additional employment (this is also reinforced within the CBA).
- Clarifies that, with the exception of federal grants or contracts, overload limitations and calculations are not exclusively a function of base pay or salary.
- Clarifies that the rate of pay for additional employment may differ according to work performed and rules (if any) of the external funding/granting source.
- Specifies the timeframes for the application of additional employment limitations (this is reinforced within the CBA).
- Defers to the CBA for additional rules.

EP&R 76-36 – Faculty Workload: Policies and Procedures

This document defines Weighted Teaching Units (WTU) as the measure of faculty “workload.” Throughout this document, “workload” strictly applies to time and effort measured using WTU.

Article 20 – Workload

This article of the CBA, amongst other things, describes the primary professional responsibilities of faculty. It is especially pertinent in determining whether additional employment is “of a substantially different nature.”

Measures of Time and Effort

“Measures of time and effort” refer to the metrics used to account for additional employment compliance. What follows here is a description of the two primary measures of time and effort with a description of their typical use. Additionally, formulas are presented that allow for these measures to be converted to hours for simpler comparisons.

Weighted Teaching Units (WTU)

WTU is a measure exclusively reserved for instructional faculty workload under Article 20. It is primarily used for the professional responsibilities of instructional faculty (notably, teaching). A WTU translates to approximately 45.33 total hours of time and effort. When used to calculate additional employment limitations, 1 WTU = 45.33 total hours of time and effort. This calculation is as follows:

$$\begin{aligned} 170 \text{ academic year (AY) days} * 8 \text{ hours per day} &= 1360 \text{ total hours in an AY} \\ 1360 \text{ total hours} / 30 \text{ WTU in an AY} &= 45.33 \text{ hours per WTU} \end{aligned}$$

Additional notes

- If WTUs are used for 2403s, the faculty member’s base rate of pay *must* be used in calculating appointment parameters.
- For faculty holding multiple appointments, the base rate of pay used is the one applicable to the specific additional employment in question. This scenario is most common with additional WTU appointments under 36.5 (d).

Full-time Equivalence (FTE)

FTE is a measure of the average hours of time and effort per day within a given timeframe on a scale of 0 – 1 (0 to 8 hours). This means FTE in and of itself is meaningless without a start date and end date. To convert FTE to total hours for comparison:

$$\begin{aligned} \text{Count the number of contiguous weekdays within the start and end date (N)} \\ \text{Total hours} &= N * \text{FTE} * 8 \end{aligned}$$

Additional notes

- If FTEs are used for a 2403, the base rate of pay may be different than the faculty member's standard rate when warranted (when guidelines or other parameters allow).
- Time and effort on federal grants *must* be calculated at the faculty’s standard rate.
- For appointment parameters, start dates and end dates are *always* weekdays. Appointments involving explicit work on weekends should have dates that encompass the weekend in question.

Additional Employment Limitations

On-/Off-Season

For AY employees, the following terms are casually used at Cal State East Bay to describe applicable time periods for limitations on additional employment.

- “On-season:” Additional employment occurring during academic year terms (Fall and Spring). This is sometimes referred to “on-contract” as well.
- “Off-season:” Additional employment that is not on-season.

25% Overage

During on-season, the 25% overage allowed per term is as follows:

WTU	FTE	Days	Hours
3.75	0.25	21.25	170

During off-season, AY employees may be additionally employed up to a full 125% time. This amounts to a standard 8-hour workday plus two additional 2 hours for up to 50 hours per workweek (40 standard hours + 10 overage hours).

On-season limits are always in effect for calendar year (i.e. “12-month” employees). Put another way, there is no off-season for calendar year employees.

Federal regulations prohibit exceeding 100% effort on federal grants.

Provision 36.5

Provision 36.5 is the core of Article 36. An important note about this provision is that only *one* of the conditions needs to be satisfied for compliance purposes.

What follows here are some considerations in interpreting each of the conditions. Each condition is given a letter corresponding to its source within the provision. The title of each consideration is a short, casual description of the condition. As with the entirety of this document, refer to the source text for final, authoritative policy language.

A: Employment of a substantially different nature

This is the most difficult condition to satisfy. This is because it focuses on the nature of *employment*.

- Additional employment outside the division of the employee’s primary employment (e.g. “Academic Affairs,” “Student Affairs,” etc.) normally satisfies this condition. This is because of the near-exclusive use of the job codes within the divisions. Note that subtle differences in AY vs. 12-month job codes do not constitute “substantial differences.”
- Article 20 is often consulted when considering the nature of primary employment. This is because this article, amongst other things, has a significant amount of text devoted to the responsibilities of faculty.

- Because job code 2403 is a mechanism for additional employment in and of itself, additional information may be required to ascertain what makes a specific instance of additional employment substantially different in nature to the employee's primary appointment.

B: Funded from non-general fund sources

Outside of 36.5 (d), this condition is the one most commonly satisfied. This is because it focuses on the source of funding for additional employment appointments.

- “Non-general fund sources” are interpreted to be Cal State East Bay funds within the Common Financial System (CFS) other than EB001.
 - Funding received into EB001 from the Chancellor's Office in the form of Cash Posting Orders (CPOs) are considered “non-general fund sources” for the purposes of additional employment. When applicable, backup documentation for the CPO is required to ensure complete compliance of fund use.
- Fund-use rules and agreements are always in effect and may obviate the use of a non-general fund source. A common example of this is, Continuing Education Revenue Funds (Fund 441 –CERF). These funds are restricted for the support and development of self-support programs.” Because of this, they may not be used to pay for additional employment supporting state-side work.

C: Accrual of part-time employment at more than one campus

This condition is fairly straight forward and applies most commonly to lecturers with teaching appointments at multiple CSU campuses.

D: Necessary to meet a temporary faculty employee's entitlement to full-time work

This condition is the most common at Cal State East Bay. It is known casually as the “16th Unit” or “additional WTU” condition. There are some very important caveats to this condition:

- This condition is explicitly tied to the text referencing Article 12. It is *not* applicable to tenure-track faculty.
- The word *necessary* is key in this condition. For this reason, a detailed accounting of how the additional employment will specifically satisfy the condition is required.

Special Off-season Considerations

Off-season additional employment has some unique features that are worthy of further discussion.

Winter Intersession and Summer Term

Winter Intersession and Summer Term are formally not academic year terms. However, teaching assignments are still made with WTU as the primary measure of time and effort. Because of this, additional employment limitations are derived with the following formula:

$$\text{Total applicable hours} / 45.33 \text{ hours per WTU} = \text{Max allowable WTU @ 125\%}$$

Reaching 1.25 FTE Off-season Employment with 2403s

To achieve 125% during the off-season solely using 2403s, multiple 2403s must be utilized. This is because it is impossible to create an appointment of any kind in excess of 1.0 FTE. Due to 36.5 (a), two 2403s created for employment of the same nature is not permitted. Instead, 36.5 (b) typically serves as the condition that needs to be satisfied. While rare, this is most commonly found within additional employment relating to research and sponsored programs.

Questions

Further questions about this document may be posted to the following channel within the Academic Affairs workspace in Slack:

#oaa-process-125-rule

Additionally, questions may be individually addressed to:

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