

**Side Letter
between
APSCUF and PASSHE**

Enhanced Sick Leave Payout Program

The Pennsylvania State System of Higher Education (“State System”) and the Association of State College and University Faculties (“APSCUF”) agree to implement an Enhanced Sick Leave Program (“the Program”), to encourage faculty retirements to be submitted by March 2, 2020 with an effective date on or before August 14, 2020.

A. Program Commencement

1. Current eligible faculty members may participate in the Program in accordance with the provisions in Sections B and C for only retirements received in the 2019 – 2020 fiscal year, prior to March 2, 2020 with an effective date on or before August 14, 2020.
2. The parties agree to inform all eligible faculty about the Program after the APSCUF legislative assembly has either voted to approve this side letter or to send it for ratification to the APSCUF membership. The State System will send each faculty member who is believed to be eligible a customized letter noting their estimated payout based on the provisions of this side letter. Eligibility is subject to verification prior to acceptance of participation in the Program.
3. The Program requires that the minimum number of faculty providing notice of retirement on or before March 2, 2020 and retiring between July 1, 2019 and August 14, 2020 be at least 200 faculty who meet the eligibility criteria in Section B.2. below. If the 200 minimum threshold is not met by close of business on March 2, 2020, then the program will not be implemented.
4. Faculty members meeting the eligibility criteria in Section B.2. below who have already retired in the 2019 – 2020 fiscal year as of the ratification of this side letter by the Board of Governors will count towards the 200 minimum threshold number noted in #3 above; however, those who have retired and who were no longer actively employed during the Fall, 2019 semester will not be eligible for the enhanced sick leave payout. Those faculty members who have submitted a letter of intent to retire on a date after the start of the Fall 2019 semester shall be eligible for the enhanced sick leave payout.
5. The State System will make weekly reports to all bargaining unit employees and to State APSCUF regarding the number of employees requesting to participate and will verify the final number and communicate that number to all bargaining unit employees and to State APSCUF no later than March 16, 2020.

B. Eligibility

1. Participation in the Program is limited to regular full-time faculty members employed as of the start of the fall 2019 semester.
2. Participation in the Program requires that the faculty member qualifies for majority-paid retiree health care at the time of retirement, as defined in the table below.

| Current Hire Date | Retirement Age | Years of Service | Type of Service |
|---|---|-------------------------|-----------------------------------|
| Prior to Fall Semester 1997 | 60 | 10 | Credited Service |
| | Any Age | 25 | |
| | Any Age with Approved Disability Retirement | 5 | |
| Fall Semester 1997 - June 30, 2004 | 60 | 15 | Commonwealth/State System Service |
| | Any Age | 25 | |
| | Any Age with Approved Disability Retirement | 5 | |
| On/After July 1, 2004 | 60 | 20 | Commonwealth/State System Service |
| | Any Age | 25 | |
| | Any Age with Approved Disability Retirement | 5 | |

C. Individual Faculty Member Provisions

1. An eligible faculty member must submit a letter of retirement to the President of the University on or before March 2, 2020.

2. The eligible faculty member must indicate in their retirement letter a retirement date on or before August 14, 2020.
3. Any faculty member currently on an approved phased retirement arrangement may accelerate their arrangement, if necessary, and participate in the Program by sending a letter to the President of the University by March 2, 2020 of their intention to accelerate their retirement and retire on or before August 14, 2020.
4. If the Program is not implemented, the Faculty Member will have the option to either rescind their retirement no later than April 10, 2020 if they are currently active, or retire on the effective date within their retirement letter. In the latter case, the provisions of Article 17 E.2. of the collective bargaining agreement will apply.

For Faculty under an approved phased retirement arrangement, they may resume with their arrangement as originally approved and executed, or retire at their accelerated date.

5. If the Program is implemented, all submitted retirements under the provisions of this side letter are irrevocable and the payouts will be conducted in accordance with the side letter.
6. Faculty members shall not be paid for partial days of accumulated sick leave.

D. Enhanced Sick Leave Provisions

If the Program is implemented, the sick leave payouts noted in Article 17, Section E.2. will be adjusted based upon the table below.

| Days Accumulated | Current Days Paid | Total Days Paid if the Program is Implemented | |
|------------------|-------------------|---|--|
| | | Less than 25 years of service (2.25 factor) | 25 or more years of service (2.5 factor) |
| 10 to 74 days | 10 | Up to 22* | Up to 25* |
| 75 to 149 days | 20 | 45 | 50 |
| 150 to 224 days | 30 | 67 | 75 |
| 225 to 299 days | 40 | 90 | 100 |
| 300 and over | 50 | 112 | 125 |

* A faculty member may not get paid out for more sick days than they have accumulated.

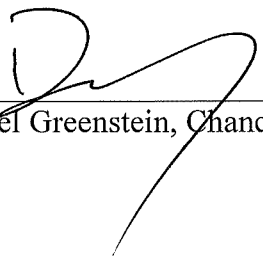
E.g., If the Program is implemented, and the eligible faculty member with more than 25 years of service has 20 sick days accumulated, they will be paid 20 days of accumulated sick leave upon retirement.

E. **Impact on 25% FTE Limit of Temporary and Regular Part-Time Faculty in Article 11, Section F of the Collective Bargaining Agreement**

If the Program is implemented and the retirement of Regular Faculty under this side letter causes any University to exceed the twenty-five (25) percent FTE limit on employment of Temporary and Regular Part-Time Faculty set forth in Article 11, Section F of the Collective Bargaining Agreement, then the University shall be relieved of the obligation to come into compliance with that Section for the 2020-2021 academic year only. The obligation to comply with the twenty-five (25) percent FTE limit will resume for the 2021-2022 academic year.


AGREED on January 16, 2020:

STATE SYSTEM



Daniel Greenstein, Chancellor

APSCUF



Kenneth M. Mash, President