



Systemwide Human Resources/Labor Relations
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March 12, 2025

Mr. James Coffey
Supervising Regional Attorney
Public Employee Relations Board (PERB)
Sacramento Regional Office
1031 18th Street
Sacramento, CA 95811-4124

Re: California Faculty Association v. Trustees of the California State University
Unfair Practice Charge No. SA-CE-435-H

Dear Mr. Coffey:

This constitutes the response of the Trustees of the California State University (“CSU” or Respondent), to the Charge filed by California Faculty Association (“Charging Party” or “CFA”). The Charge should be dismissed for failure to state a prima facie case of any violation of the Higher Education Employer-Employee Relations Act (“HEERA”) Government Code section 3560 et seq.

On February 20, 2025, Charging Party filed Charge No. SA-CE-435-H, alleging that the California State University (“CSU”) violated Government Code section 3571 (c) & (d) (“Charge”). Namely, Charging Party claims that CSU violated HEERA § 3571 (c) when it “failed to provide CFA notice and a reasonable opportunity to bargain over effects prior to implementing the decision to use bots to perform the work of faculty members in violation of Government Code § 3571 (c)”. The Charge also alleges, “CSU interfered with CFA’s right to represent its unit members by directly communicating and dealing with members on matters of unit work, which is a mandatory subject of bargaining and a violation of Government Code § 3571 (d)”. However, neither the facts nor the allegations support a violation of HEERA under any theory. Accordingly, the Charge should be dismissed in its entirety.

CSU Campuses
Bakersfield
Channel Islands
Chico
Dominguez Hills
East Bay

Fresno
Fullerton
Humboldt
Long Beach
Los Angeles
Maritime Academy

Monterey Bay
Northridge
Pomona
Sacramento
San Bernardino
San Diego

San Francisco
San José
San Luis Obispo
San Marcos
Sonoma
Stanislaus



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Charging Party alleges that Respondent violated Government Code section 3571 (c) when it proposed implementing artificial intelligence (“AI”) bots¹ to supplement counseling services at California State University, Sacramento (Sacramento State). Under Government Code section 3571 (c), it is a violation for an employer to “[r]efuse or fail to engage in meeting and conferring with an exclusive representative.” (Govt. Code § 3571(c).) Here, there was no change to any terms and conditions of employment to trigger the obligation to meet and confer under section 3571 (c). Indeed, on October 9, 2024, Alexander “Sasha” Sidorkin, Chief Artificial Intelligence Officer at Sacramento State, presented information during an Academic Senate meeting regarding AI Bot resources to supplement Sacramento State’s mental health counseling services. Mental health counselors at CSU are part of CFA’s bargaining unit. (Attachment A)

On October 10, 2024, CFA Representative Kim Carter Martinez sent an email to Mark Hyde, Sacramento State Sr. Director of University Labor and Employee Relations, objecting to the use of the AI bots and demanding that Sacramento State cease and desist the implementation of counseling AI bots to perform bargaining unit work. (Attachment B) That same day, Mr. Hyde responded via email stating that “[Mr. Sidorkin] has not posted or distributed any Counseling bot” and that Sacramento State would not proceed with any bots that do bargaining unit work. (*—Id.*) Additionally, Mr. Hyde informed Ms. Maritnez that there would not be any AI bits used to interpret the CBA. (*Id.*) Accordingly, there was no implementation of any AI bots to do any counseling work. Additionally, CFA never demanded to meet and confer over the decision or impacts of the decision to implement “counseling” AI bots as Mr. Sidorkin’s plans were halted by Sacramento State. Thus, the allegation that Respondent violated Government Code section 3571 (c) by implementation of the AI bots is moot and without merit as Respondent halted Mr. Sidorkin’s plan prior to any actual implementation *and* CFA never demanded to meet and confer.

Charging Party also alleges Respondent violated Government Code section 3571 (d) when it informed CFA bargaining unit members it would not be using AI bots for tutoring at the request of CFA. Under section 3571 (d) it is a violation for an employer to:

¹ “A “bot” is a computer program that simulates conversation with human end users by generating automated responses” [UPC Case No. SA-CE-435-H].



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Dominate or interfere with the formation or administration of any employee organization, or contribute financial or other support to it, or in any way encourage employees to join any organization in preference to another. However, subject to rules and regulations adopted by the board pursuant to Section 3563, an employer shall not be prohibited from permitting employees to engage in meeting and conferring or consulting during working hours without loss of pay or benefits.
(Govt. Code § 3571 (d).)

Here, Charging Party claims that an email sent by Respondent on January 10, 2025, in and of itself, constitutes a violation of section 3571 (d). This is a baseless accusation unsupported by the facts. On January 9, 2025, Mr. Sidorkin sent an email to faculty regarding the development of an AI Bot to provide tutoring services to students. (Attachment C) The email informed faculty they could submit their syllabi and course materials for the development of a customized AI bot to assist their students. (*Id.*) CFA also objected to the use of AI bots for tutoring services. While Sacramento State does have a tutoring center and tutors, CFA does not represent tutors. (Attachment A) Nonetheless, Sacramento State acquiesced to the request to cease the implementation of the AI bots for tutoring. On January 10, 2025, Mr. Sidorkin sent an email to faculty informing them the tutoring AI bots would not be implemented as requested by CFA. (Charge Attachment 1) Here, CFA has not established a *prima facie* case of how such communications could be construed as a violation of Government Code section 3571 (d).

In *Horan v SEIU, Local 1021* (2011) PERB Decision No. 2204-M, the Board reiterated that PERB Regulation 32615 (a) (5) requires a "clear and concise statement of the facts and conduct alleged to constitute an unfair practice." The charging party's burden includes alleging the "who, what, when, where and how" of an unfair practice. Mere legal conclusions are not sufficient to state a *prima facie* case. (*Horan, supra* at 7.) Here, Charging Party fails to provide sufficient factual allegations to support its suggested conclusion that Respondent violated HEERA. Merely alleging an email was sent out asking faculty if they wanted to submit their syllabi and course materials is not sufficient to issue a charge. It is wholly improper for PERB to issue a charge where the charging party cannot even present facts to show how Respondent allegedly "dominate(d) or interfere(d) with the formation or administration of any employee organization, or contribute(d) financial or



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other support to it, or in any way encourage(d) employees to join any organization in preference to another.” The union has failed to present any statement of facts, but rather makes a legal conclusion that Sacramento State violated Government Code section 3571(d) when it sent an email to faculty. Nothing in the email supports such a charge, especially since the tutoring work at issue is not performed by CFA represented employees.

In conclusion, CSU contends the Charge should be dismissed as it fails to state a *prima facie* case of a violation of Government Code section 3571(c) or (d).

Sincerely,

A handwritten signature in blue ink, appearing to read 'D. Sanchez Trevino', with a long horizontal flourish extending to the right.

Diva M. Sanchez Trevino
Director of Systemwide Labor Relations

DECLARATION OF MARK HYDE

I, Mark Hyde, declare as follows:

1. I am employed as the Senior Director of University Labor and Employee Relations in the Human Resources Office at the California State University, Sacramento (Sacramento State). In my capacity as Senior Director of University Labor and Employee Relations, I am responsible for handling and resolving faculty matters under the Collective Bargaining Agreement on behalf of Labor Relations at Sacramento State since July of 2024.
2. I have personal knowledge of the facts stated herein, and in the position statement, and could competently testify to those facts if called upon as a witness.
3. I submit this Declaration in support of the Trustees of the California State University's Position Statement in response to charge SA-CE-435-H.

I am authorized to verify it on behalf of the of the California State University, Sacramento. This declaration is executed this 12 day of March, 2025 in Sacramento, California.



Mark Hyde
Senior Director of University Labor and Employee
Relations, Human Resources Office
California State University, Sacramento

ATTACHMENT A

APPENDIX A

UNIT 3 – FACULTY

Included Classifications

| <u>Class Code</u> | <u>Classification Title</u> |
|-------------------|---|
| 0350 | CMA Continuing Education Instructor |
| 0351 | CMA Department Chair – Cruise – Academic Year |
| 0352 | CMA Department Chair Lead Maritime Vocational Instructor – Cruise |
| 0353 | CMA Department Chair Lead Maritime Vocational Instructor – Non-Cruise |
| 0354 | CMA Department Chair Maritime Vocational Instructor – Cruise – Academic Year |
| 0355 | CMA Department Chair Maritime Vocational Instructor – Non-Cruise – Academic Year |
| 0356 | CMA Instructional Faculty – Cruise – Academic Year |
| 0357 | CMA Lecturer – Cruise – Academic Year |
| 0358 | Maritime Vocational Instructor IV – Cruise – Academic Year |
| 0359 | Maritime Vocational Instructor IV – Non-Cruise – Academic Year |
| 0360 | Maritime Vocational Lecturer IV – Cruise – Academic Year |
| 0361 | Maritime Vocational Lecturer IV – Non-Cruise – Academic Year |
| 0362 | Maritime Vocational Instructor – Cruise – Academic Year |
| 0363 | Maritime Vocational Instructor – Non-Cruise – Academic Year |
| 0364 | Maritime Vocational Lecturer – Cruise – Academic Year |
| 0365 | Maritime Vocational Lecturer – Non-Cruise – Academic Year |
| 0391 | Maritime Vocational Instructor IV – 12-month |
| 0392 | Maritime Vocational Instructor – 12-month |
| 0393 | Maritime Vocational Lecturer – 12-month |
| 0551 | CMA Department Chair – 2 nd Cruise – Academic Year |
| 0552 | CMA Department Chair Lead Maritime Vocational Instructor – 2 nd Cruise |
| 0554 | CMA Department Chair Maritime Vocational Instructor – 2 nd Cruise – Academic Year |
| 0556 | CMA Instructional Faculty – 2 nd Cruise – Academic Year |
| 0557 | CMA Lecturer – 2 nd Cruise – Academic Year |
| 0558 | Maritime Vocational Instructor IV – 2 nd Cruise – Academic Year |
| 0560 | Maritime Vocational Lecturer IV – 2 nd Cruise – Academic Year |
| 0562 | Maritime Vocational Instructor – 2 nd Cruise – Academic Year |
| 0564 | Maritime Vocational Lecturer – 2 nd Cruise – Academic Year |
| 1195 | Instructional Faculty, Director, Institute for Teaching and Learning |
| 2158 | Lecturer, Summer Term – Casual Employment Employee |

| <u>Class Code</u> | <u>Classification Title</u> |
|-------------------|--|
| 2160 | Instructional Faculty, Summer Term – Casual Employment Employee |
| 2282 | Department Chair, Summer Term – Casual Employment Employee |
| 2308 | Lecturer, Statewide Nursing Program – Academic Year |
| 2310 | Instructional Faculty, Statewide Nursing Program – Academic Year |
| 2320 | Resident Director, International Programs – Academic Year |
| 2321 | Resident Director, International Programs – 12-month |
| 2322 | Instructional Faculty, Special Programs – For Credit |
| 2323 | Instructional Faculty, Extension – For Credit |
| 2338 | Counselor Trainee |
| 2356 | Substitute Instructional Faculty – Casual Employment Employee |
| 2357 | Instructional Faculty – Summer Session – Casual Employment Employee |
| 2358 | Lecturer – Academic Year |
| 2359 | Lecturer – 12-month |
| 2360 | Instructional Faculty – Academic Year |
| 2361 | Instructional Faculty – 12-month |
| 2362 | Demonstration Instructional Faculty – Casual Employment Employee |
| 2364 | Instructional Faculty, Overseas Contract Assignment |
| 2365 | Music Studio Instructional Faculty – Casual Employment Employee a. Instructional Faculty, Extra Quarter Assignment, QSYRO – Casual Employment Employee |
| 2369 | Lecturer, Overseas Contract Assignment – 12-month |
| 2373 | Head Coach – 12-month (except as amended in provision 1.4) |
| 2374 | Head Coach – 10-month (except as amended in provision 1.4) |
| 2375 | Head Coach – Academic Year (except as amended in provision 1.4) |
| 2376 | Coach – 12-month |
| 2377 | Coach – 10-month |
| 2378 | Coach – Academic Year |
| 2379 | Coaching Specialist – 12-month |
| 2380 | Coaching Specialist – 10-month |
| 2381 | Coaching Specialist – Academic Year |
| 2382 | Coaching Assistant – 12-month |
| 2383 | Coaching Assistant – 10-month |
| 2384 | Coaching Assistant – Academic Year |
| 2387 | Grant-Related/Specially-Funded Instructional Faculty – Academic Year |
| 2388 | Grant-Related/Specially-Funded Instructional Faculty – 12-month |
| 2390 | Instructional Faculty – Summer Quarter Assignment |
| 2391 | Visiting Faculty – 23 Month |
| 2393 | Visiting Faculty |

| <u>Class Code</u> | <u>Classification Title</u> |
|-------------------|---|
| 2394 | Instructional Faculty, Executive Committee, Academic Senate |
| 2395 | Instructional Faculty, Chairman, Academic Senate |
| 2399 | Instructional Faculty – Academic Year |
| 2402 | Instructional Faculty – Summer Arts Program |
| 2436 | Post-Masters Counselor Intern |
| 2437 | Pre-Doctoral Counselor Intern |
| 2457 | Instructional Faculty, Summer Session - State Support |
| 2458 | Lecturer, CalState TEACH AY |
| 2462 | Vocational Instructor – Academic Year |
| 2463 | Vocational Instructor – 10-month |
| 2464 | Vocational Instructor – 12-month |
| 2466 | Vocational Instructor – Overseas Contract Assignment – 12-month |
| 2481 | Department Chair – 12-month |
| 2482 | Department Chair – Academic Year |
| 2913 | Supervising Librarian – 10-month |
| 2914 | Supervising Librarian – 12-month |
| 2919 | Librarian – 10-month |
| 2920 | Librarian – 12-month |
| 2926 | Librarian, Program Services – 10-month |
| 2927 | Librarian, Program Services – 12-month |
| 3070 | Student Services Professional, Academic-Related I – 12-month |
| 3071 | Student Services Professional, Academic-Related I – Academic Year |
| 3072 | Student Services Professional, Academic-Related II – 12-month |
| 3073 | Student Services Professional, Academic-Related II – Academic Year |
| 3074 | Student Services Professional, Academic-Related III – 12-month |
| 3075 | Student Services Professional, Academic-Related III – Academic Year |
| 7894 | Department Chair, Statewide Nursing Program – Academic Year |

See also: <https://www.calstate.edu/csu-system/careers/compensation/Pages/salary-schedule.aspx#-Class=0-CBID=R03-Date=1-PLYear=2022-PLNumber=2202-Recs=15>

ATTACHMENT B

Yan, Charmian

From: Hyde, Mark
Sent: Thursday, October 10, 2024 2:56 PM
To: Kim Carter Martinez
Cc: Kathy Sheffield
Subject: RE: Mental Health Counseling Bot

Hi Kim,

I spoke with Sasha Sidorkin/Chief AI Officer and he has not posted or distributed any Counseling bot.

I reviewed with Sasha that any bots related to CBAs or bargaining work (Counselors in your example but not limited to them) are required to be bargained by both CSU and unions before being used, posted, published, shared, or distributed. He understands and so there should be no further issues. I'll bring this up to the Provosts office as well.

Thank you so much for bring this to my attention,
Mark



Mark W. Hyde, MSHR, SPHR
Director, Employee & Labor Relations
AIC, Academic Personnel Labor Relations
California State University, Sacramento
6000 J Street, Sacramento, CA 95819-6032
W (916) 278-6779 | M (510) 314-6047
mark.hyde@csus.edu | [FLR Website](#)

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From: Hyde, Mark
Sent: Thursday, October 10, 2024 2:42 PM
To: Kim Carter Martinez <kcartermartinez@calfac.org>
Cc: Kathy Sheffield <KSheffield@calfac.org>
Subject: RE: Mental Health Counseling Bot

Hi Kim,

I completely understand and so I'll contact Sasha immediately.

Than you,
Mark



Mark W. Hyde, MSHR, SPHR
Director, Employee & Labor Relations
AIC, Academic Personnel Labor Relations
California State University, Sacramento
6000 J Street, Sacramento, CA 95819-6032
W (916) 278-6779 | M (510) 314-6047
mark.hyde@csus.edu | [ELR Website](#)

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From: Kim Carter Martinez <kcartermartinez@calfac.org>
Sent: Thursday, October 10, 2024 2:40 PM
To: Hyde, Mark <mark.hyde@csus.edu>
Cc: Kathy Sheffield <KSheffield@calfac.org>
Subject: Mental Health Counseling Bot

Hi Mark,

This email is a follow up to the email I sent earlier regarding AI Bots. At yesterday's Senate Executive meeting, Sasha Sidorkin shared a bot he created that is meant to be given to students having a mental health crisis instead of having them talk to actual mental health counselors. If this bot is implemented we will consider it outsourcing of Bargaining Unit 3 work, and will file appropriate Unfair Practice Charges with PERB. Please make sure this bot is not utilized to replace our union counselor's work.

Thank you.

Take Care,

Kim Carter Martinez (she/her/hers)
Senior Field Representative
California Faculty Association
kcartermartinez@calfac.org

-I live, work, and love on unceded, ancestral Miwok Land
-Black Lives Matter
-Please consider the impact on Mother Earth before printing this email

ATTACHMENT C

From: [Sidorkin, Sasha](#)
To: [Sidorkin, Sasha](#)
Cc: [Nevarez, Carlos](#); [Hyde, Mark](#); [Martin, Machele](#); [Cameron, Rebecca P](#)
Subject: AI tutor bot for your class, a retraction
Date: Friday, January 10, 2025 11:48:10 AM

Dear Faculty Member,

CFA has objected to the tutoring bot project described in the email below (which you may have received on January 8 or 9). I have been directed by campus leadership to issue a retraction. I apologize to all who submitted materials and began testing their AI-powered bots. I have also been instructed to shut them all down.

I still believe that AI-powered tutoring bots are an amazing technology that can improve student achievement and reduce faculty workload. This technology is available on the open market through multiple platforms; however, you will not be able to build them through my office at this time.

The rest of the items in the email remain in effect. Wishing you a happy new semester!

Sincerely,

-Sasha

Alexander "Sasha" Sidorkin, Chief AI Officer | California State University Sacramento |
AIRC 3010 D | 6000 J Street, MS 6065 | Sacramento, CA 95819 | 916.278.3326 office |
916.599.3683 cell | [Schedule a meeting](#) | [My Zoom Room](#)
Read my [blog](#) and [my book](#) on AI

From: Sidorkin, Sasha
Sent: Thursday, January 9, 2025 11:04 AM
To:
Subject: AI tutor bot for your class

[Submit your syllabus and course materials](#) by February 1 to receive a customized AI tutoring bot for your course. The bot will assist your students with course content questions throughout the semester. This is a limited pilot program, so please request a chatbot only for **one course**.

Spring Events and Projects - [National Institute on AI in Society](#):

- [AI Fridays with Sasha Series](#) is for faculty and staff; most Fridays noon-1 PM on Zoom.
- NIAIS Open Seminar Jan 27, 1-2 PM "[How do we know AI in teaching works](#)", on Zoom. Guest Speaker is Professor Michael Angelone, American River College.

- Thursday, April 17, 4-6 PM. [The Thinking Game - Film Viewing](#). The film “takes you on a fascinating journey into the heart of DeepMind, one of the world’s leading AI labs, as it strives to unravel the mysteries of artificial general intelligence (AGI).” Bring your class, too!
- “[College and Career with AI](#)” is a 3-unit class for sac state students (grad or undergrad), with an open access option for all. Help spread the word!

If you have experience using AI in classroom, both positive and negative, our AI research assistant would [love to interview you](#).

Sincerely,

-Sasha

Alexander ”Sasha” Sidorkin, Chief AI Officer | California State University Sacramento | AIRC 3010 D | 6000 J Street, MS 6065 | Sacramento, CA 95819 | 916.278.3326 office | 916.599.3683 cell | [Schedule a meeting](#) | [My Zoom Room](#)
Read my [blog](#) and [my book](#) on AI

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action. My business address is 401 Golden Shore, Long Beach, California 90802-4210.

On March 12, 2025, I served the foregoing document described as:

CSU'S POSITION STATEMENT, PERB CASE NO. SA-CE-435-H

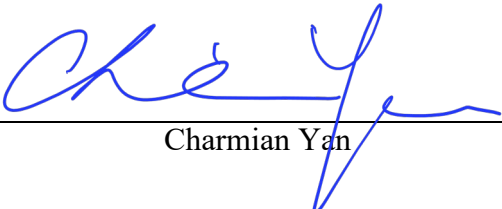
- BY MAIL:** I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice, it would be deposited with the U.S. postal service on that same day with postage thereon fully prepaid in the county of Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit of mailing in affidavit.
- BY PERSONAL SERVICE:** I caused such aforementioned document to be delivered by hand to the party indicated as the addressee on the attached mailing list.
- BY FACSIMILE TRANSMISSION** pursuant to CRC 2001 *et seq.* I transmitted to machine, pursuant to CRC 2006 from FAX No. (562) 951-4890. The facsimile machine I used complied with Rule 2003, and no error was reported by the machine. Pursuant to Rule 2006, I caused the machine to print a record of the transmission, a copy of which is attached to this declaration.
- BY ELECTRONIC MAIL:** By use of email, 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.

On the following part(ies) in this action:

Nicholas Dix
California Faculty Association
1110 K Street
Sacramento, CA 95814
ndix@calfac.org

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on March 12, 2025, County of Los Angeles, California.



Charmian Yan