

Pay Guidance FAQs

Issued: January 13, 2023

Revised: January 17, 2023

1. Why are we asking our employees to attest to their work performed over the strike?

The University has several legal responsibilities as a public institution and a recipient of grant funds to align compensation with work provided to the institution. These obligations are set forth in Uniform Guidance, 2 Code of Federal Regulations (C.F.R.) Part 200, Art. IX, Sec. 9 of the California Constitution, and Regents Policy 7303: Policy on the Services Obligations and Leaves of Absence.

In sum, those rules provide that we cannot legally pay our employees or gift them funds if they did not provide a service to the institution. Consistent with those obligations, we are asking our employees who are in UAW units or who could lawfully support the strike to attest to whether they withheld labor during the strike. We will use that information to comply with our legal obligations to align their pay to the work performed, recording any labor withheld as leave without pay.

2. What are we doing to reduce the impacts of these pay changes on our employees?

We respect our employees' decision to engage in a strike and to lawfully withhold their labor. That principled decision results in a reduction of pay associated with labor withheld. We are taking steps to reduce the impacts of those reductions by spreading out leave without pay associated with the strike over multiple pay periods, providing additional appointments when available, and working to increase work on grants when it comports with the terms of the grant.

The University also understands and appreciates that employees may, and have sought assistance, from the Union's strike fund to mitigate the impacts of pay during the strike.

3. How can departments support employees impacted by these pay changes?

If there are opportunities to provide additional work to student employees in the first quarter, we support providing that work when allowed under the collective bargaining agreements and the terms of applicable grants. Employees may also be directed to each campus support services.

Faculty and staff should not pay employees directly for work missed due to the strike. All payments for work performed for the institution must come through the institution and are subject to appropriate payroll taxes and deductions.

4. Are employees required to fill out the self-attestation forms?

We are asking UAW employees who withheld labor to fill out the self-attestation forms to ensure that we can accurately pay them for work performed over the strike. Absent information from the employee that labor was withheld, we will issue pay based on information from our departments regarding work performed or not performed, relying on our normal processes for verifying effort and pay.

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Faculty members who withheld labor in support of the strike should also fill out attestation forms.

5. How should leave provided on the self-attestation forms be recorded?

Departments should record leave as leave without pay and in accordance with the technical guidance issued at the same time as the pay guidance. Leave should be split into three parts and submitted over three months which may be three or six pay cycles depending on whether the employee is paid monthly or bi-weekly. With a third of the leave assigned to March paychecks, a third of the leave assigned to April paychecks, and a third of the leave assigned to May paychecks.

Recording leave in this manner ensures that it is spread out over several months and that any leave recorded will not impact FTE and any benefits associated with that FTE.

6. What happens if employees do not submit attestation forms?

Employees will only fill out self-attestation forms if they withheld labor over the course of the strike. If we do not receive information that labor was withheld, we will issue pay and record time following our normal processes.

For those employees who submitted leave through a regular leave reporting process - Postdoctoral Scholars, Academic Researchers, and hourly Academic Student Employees - leave will be recorded based on their previously submitted leave information or department provided leave information.

For Graduate Student Researchers and salaried Academic Student Employees, leave will be recorded based on information provided by the department, relying on our normal processes for verifying effort and pay.

7. When should Leave Forms be submitted to departments and can campuses extend the deadlines – [New as of January 17, 2023](#)

The following timelines apply to the attestation process:

- *January 13, 2023*: Self-attestation forms provided to student employees, other employees, faculty (as appropriate), and departments.
- *January 23, 2023*: Self-attestation forms and department information due back. Campuses should coordinate internally to collect department information.
- *January 23, 2023-January 26, 2023*: Campuses coordinate internally to ensure all attestations forms are completed and submitted.
- *COB January 27, 2023*: All leave for the March paycheck must be recorded in UCPATH by campuses by the end of the day on January 27, 2023. **(Note: leave should be submitted as provided for below, with a one third of the leave recorded for the March paycheck)**

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Regarding an extension of time to enter leave into UCPATH, below are the UCPATH file submission deadlines for the 3/1, 3/30, and 5/1 paychecks. The dates listed below are file submission dates for the location's payroll departments to UCPATH. Payroll departments need time to compile the time and attendance data and files from the departments to submit to UCPATH on the dates listed below.

UCPATH Payroll Processing Timelines		
Paycheck Date	Inbound File Submission	Correction File Submission
3/1/2023	02/16/2023 2:30pm	02/17/2023 2:00pm
3/30/2023*	03/22/2023 2:30pm	03/23/2023 2:00pm
5/1/2023	04/20/2023 2:30pm	04/21/2023 2:00pm

* 4/1 is a Saturday and 3/31 is a UC Holiday which will make the pay date 3/30/23.

If a campus needs more time to collect and submit the necessary information, the campus will need to check in with its campus payroll department to get the date information is due to it internally, which is likely well ahead of the first UCPATH inbound file submission deadline of 2/16/23. If the campus is able to submit the file and meet its internal payroll deadlines and the UCPATH deadlines so leave is correctly deducted from the March 1, 2023 paycheck, then the campus may proceed.

Below is the biweekly file submission dates for the location's payroll departments to UCPATH:

Check Date	Pay Period Dates		Location
			Campus
	Begin	End	• Inbound Files Due **** (2:30 PM)
Wed 03-01-23	02-05-23	02-18-23	Tue 02-21-23
Wed 03-15-23	02-19-23	03-04-23	Tue 03-07-23
Wed 03-29-23	03-05-23	03-18-23	Tue 03-21-23
Wed 04-12-23	03-19-23	04-01-23	Tue 04-04-23
Wed 04-26-23	04-02-23	04-15-23	Tue 04-18-23
Wed 05-10-23	04-16-23	04-29-23	Tue 05-02-23

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Campuses should also work with their payroll department and review the UCPATH payroll processing timelines for biweekly employees and ensure that all deadlines are met for biweekly employees to receive timely and accurate pay and leave deductions.

8. What should you do if you have information that work was not performed over the strike?

Employees with credible information that work was not performed over the course of the strike should provide that information to their department administrator or their campus academic personnel or labor relations office.

9. How will employees be protected if they attest that they withheld labor during the strike?

Employees are protected from retaliation related to their participation in lawful strike activities, and for their good faith completion of the attestation form related to that participation. The institution takes retaliation seriously. Employees who believe that have been subject to retaliation should contact their union representative. Faculty should contact their local AP office.

Employees can also utilize anonymous reporting options available at:

<https://secure.ethicspoint.com/domain/media/en/gui/23531/index.html>

Leave recorded will be recorded in a manner that does not impact an employee's FTE or the benefits associated with that FTE.

10. What happens if employees fill out the self-attestation form, but they no longer work for the university? *New as of January 17, 2023*

Employees who withheld labor and who no longer work for the university will receive an overpayment statement from the university. Overpayments will be handled in accordance with UC's normal overpayment policies and procedures. Failure to pay will not impact an employee's underlying student status or degree completion. The overpayment process is being used for separated employees because it is not possible to apply their recorded leave to their paychecks.

11. How does the attestation process impact past and future charges on grants?

Questions regarding grant charges should be directed to your local Sponsored Project Office. The university is also putting together a workgroup of experts to help these offices answer questions related to grant charges associated with the strike.

12. Will there be more information about pay guidance provided in the future?

The university will continue to update its FAQs as it receives additional questions. Please reach out to your local Academic Personnel or Labor Relations offices with questions.

13. How should campuses respond to emails from employees regarding payroll deductions? *New as of January 17, 2023*

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Campuses can respond to emails from employees indicating that they do not consent to payroll deductions with the below templated response. Please reach out to your local labor relations office if you would like to make changes to this template.

“Thank you for your message. Please note that the University has obligations under state and federal law to align pay with work performed for the institution. There is also an expectation for all of our employees that their time and leave will be recorded accurately and honestly. Therefore, if you missed work over the course of the work stoppage last year, you are encouraged to accurately complete the attestation form that you received from your campus on January 13, 2023 and submit it to your department. Note that due to the holiday weekend, we are extending the deadline to submit attestation forms to January 23, 2023.

If you want the institution to consider additional information, like the information included in this email, please be sure to include it on your completed attestation form.”

14. Did the University engage with the union prior to implementing pay guidance and the attestation forms? [New as of January 17, 2023](#)

Yes. The university has been communicating with UAW since before the strike began on a self-attestation for covering work missed over the work stoppage period. This included sharing copies of the attestation forms with the UAW for feedback. Over the course of our discussions, we have traded versions of the form and the University made modifications based on the union’s feedback. We have also agreed to provide the union with copies of the completed forms for full transparency.

15. What should departments do with attestation forms after they submit leave information and use the information to ensure grant compliance? [New as of January 17, 2023](#)

Departments should retain copies of the forms in the same confidential manner that they would store other leave information for an employee. They should also provide copies of the completed forms for UAW members to their local labor relations office so that the institution can provide copies to the union.

16. Should campuses track completed attestation forms? [New as of January 17, 2023](#)

Yes. Campuses should track the number of attestation forms received. Local AP offices will provide departments with an excel form for this purpose.