

The background features abstract, overlapping geometric shapes in various shades of blue, ranging from light sky blue to deep navy blue. These shapes are primarily located on the left and right sides of the frame, creating a modern, dynamic feel. The central area is white, providing a clean space for the text.

Academic Researcher Unit New Contract Training

Background of Bargaining Unit

- ▶ The UAW already represents two academic bargaining units at University of California
 - ▶ Academic Student Employees (Local 2865)
 - ▶ Postdoctoral Scholars (Local 5810)
- ▶ In fall, 2018, UAW successfully organized the Academic Researchers
 - ▶ UC and UAW reached agreement on the parameters of the bargaining unit in February 2019.
 - ▶ We started bargaining in April 2019
 - ▶ New Contract ratified November 8, 2019 - perhaps a record for speed in bargaining a brand-new contract.
 - ▶ Academic Researchers are part of the same local as Postdocs: Local 5810

Contract Duration

- ▶ Contract was ratified on November 8, 2019
2503 members voted, with 98% in favor of ratification
- ▶ Contract expires September 30, 2022
- ▶ Bargaining begins again in May 2022

Who is in the Unit?

- ▶ **Specialists, including Junior Specialists**
 - ▶ Title Codes: 3300, 3301, 3310, 3311, 3320, 3321, 3329, 3330
- ▶ **Project Scientists**
 - ▶ Title Codes: 3390, 3391, 3392, 3393, 3394, 3395, 3490, 3491, 3492, 3493, 3494, 3495
- ▶ **Professional Researchers**
 - ▶ Title Codes: 1987, 1988, 1989, 1997, 1998, 1999, 3170, 3180, 3190, 3200, 3210, 3220
- ▶ How many Academic Researchers are there?
Approximately 55 at UC Merced and 4000 system-wide

Who is not in the unit?

- ▶ Supervisors (must meet HEERA* definition of supervisor to be excluded from unit)
 - ▶ *California's Higher Education-Employee Employer Relations Act
- ▶ Without Salary appointments
- ▶ Visiting appointments (must be visiting from another institution)

SALARY

Range Adjustment to Base Salary

- ▶ **January 1, 2020**
 - ▶ 4% Range Adjustment - Specialists and Project Scientists
 - ▶ 4.5% Range Adjustment - Professional Researchers
- ▶ **July 1, 2020**
 - ▶ 3% Range Adjustment
- ▶ **July 1, 2021**
 - ▶ 3% Range Adjustment
- ▶ **July 1, 2022**
 - ▶ 3% Range Adjustment
- ▶ **NOTE: Unlike all other academic appointees, the represented Academic Researchers did not receive a range adjustment in 2019.**

SALARY

Equity and Smoothing

- ▶ For some of the ranks and steps in the Specialist and Project Scientist series, there will be additional increases over the life of the contract to address:
 - ▶ Compression with Postdoc Salary Scale
 - ▶ Compression with Staff Research Associate Scale
 - ▶ Unequal increments between steps
- ▶ Equity and Smoothing does not impact the B/E/E scales

Planning for pay increases

- ▶ Over the next three years, Academic Researcher salaries will go up substantially.
- ▶ Depending on rank and step, equity and smoothing will result in even greater increases for some Project Scientists and Specialists. These large initial increases will settle out over the life of this contract.
- ▶ PIs should carefully budget a range for new hires and budget appropriately for existing personnel.

SALARY

Off-Scale Components and Merit Increases

▶ **Off-Scale Components**

- ▶ Contract permits off-scale components to salary
- ▶ Increases to the off-scale components are at the location's discretion
- ▶ No notice to the union required
- ▶ Off-scales components shall be \$100 increments.
 - ▶ For General Salary Administration, APM 600-18 b: “Annual salary rates are rounded to the nearest \$100 if the scale rates for the title series are given in \$100 increments.”
 - ▶ For Off-scale Salaries, APM 620-4: “An off-scale salary shall be in a multiple of \$100 when the scale salaries of the relevant title series are multiples of \$100.”

▶ **Merit Increases**

- ▶ In addition to range adjustments, salaries are subject to merit/promotion increases after review/approval.
(More on this later.)

NOTIFICATION OF APPOINTMENT AND REAPPOINTMENT

- ▶ For appointment, follow local appointment procedures following a recruitment or search waiver in AP Recruit.
- ▶ Upon approval of the appointment and within seven (7) calendar days of appointment, the School is required to give the new employee a notice of appointment based on the template available in the Academic Personnel Box folder.
- ▶ This notice of appointment contains critical information required by the contract.
- ▶ For reappointment, the same notice of appointment is required.

APPOINTMENT LENGTH

- ▶ Minimum 1-year appointments until first merit review
 - ▶ Exceptions: lack of work, lack of appropriate funding, programmatic need
- ▶ Locations are not prohibited from providing longer term appointments
- ▶ With first merit review, any reappointments are for normative period of review for rank and step
 - ▶ No exceptions
 - ▶ If needed, see layoff provisions
- ▶ Step with indefinite duration (no normative time) must be reviewed at least every five years with minimum of 3-year appointment, and, if reappointed, followed by 2-year appointment.

APPOINTMENT LENGTH EXAMPLE #1

- ▶ Associate Specialist with initial appointment at Step I on July 1, 2019
- ▶ Reappointed at Step I on July 1, 2020 through June 30, 2021
- ▶ Normative Review Cycle is 2 years
- ▶ Merit review to be effective July 1, 2021 is conducted, 1-STEP MERIT GRANTED

- ▶ Q: If reappointed on July 1, 2021, what is the minimum required length of appointment?
- ▶ A: Reappointment July 1, 2021 must be for minimum of two years (normative review cycle)

APPOINTMENT LENGTH EXAMPLE #2

- ▶ Full Project Scientist with initial appointment at step I on March 1, 2020, ending June 30, 2021
- ▶ Normative review cycle is 3 years
- ▶ Reappointed at step I on July 1, 2021 through June 30, 2022
- ▶ Reappointed at step I on July 1, 2022 through June 30, 2023
- ▶ Merit review to be effective July 1, 2023 is conducted - MERIT DENIED
- ▶ Q: If reappointed on July 1, 2023, what is the required minimum length of appointment?
- ▶ A: Reappointment on July 1, 2023 must be for minimum of three years (normative review cycle)

APPOINTMENT LENGTH EXAMPLE #3

- ▶ Academic Researcher at a step with indefinite duration
 - ▶ Examples: full Specialist step IX; full Project Scientist step V and above; full Professional Researcher step V and above
- ▶ Must be reviewed for merit at least every 5 years
- ▶ Upon review, reappointed for a minimum of 3 years. If reappointed, to be followed by a minimum of 2 years.

MERIT AND PROMOTION REVIEW PROCESS

Key Features

- ▶ We can keep most of our existing protocols, guidelines and delegations of authority for conducting merit and promotion reviews.
- ▶ However, we now have strict timelines, and we must become much more consistent in following our practices.
- ▶ It is important to monitor eligibility of academic researchers who are eligible to be reviewed.
- ▶ Written notification of eligibility must be sent to academic researchers eligible for review **at least 6 weeks before their materials are due** to the department.
- ▶ Reviews must be concluded by the effective date of July 1.
 - ▶ Academic Researchers are eligible for advancement after normative time at current step (2, 3, or 4 years)

MERIT AND PROMOTION REVIEW PROCESS

Written notification of eligibility

- ▶ Written notification of eligibility to candidates must include:
 - ▶ List of materials and how they should be submitted
 - ▶ Due date to submit materials (at least six weeks out)
 - ▶ Link to series article and applicable campus review guidelines
 - ▶ Effective date of the merit or promotion (the following July 1)
- ▶ A template is available in the Academic Personnel Box folder

MERIT AND PROMOTION REVIEW PROCESS

Deferrals

- ▶ Academic Researchers may request a deferral. To request a deferral, the candidate responds to the notification and submits to the department chair and School.
- ▶ Granting a deferral request is at the discretion of the University
- ▶ If the request for deferral is granted, the written acknowledgement should address the length of the next appointment.

APPOINTMENT LENGTH AND MERIT/PROMOTION REVIEW

- ▶ **BEST PRACTICE** (but not required by contract) - Try to sync up an Academic Researcher's merit/promotion review cycle with their appointment term
- ▶ Example 1: If you hire a new Project Scientist on March 1, consider making their appointment end on June 30 of the following year.

APPOINTMENT LENGTH AND MERIT/PROMOTION REVIEW (Continued)

- ▶ Example 2:
- ▶ Assistant Specialist (2-year review cycle) with initial appointment at step I on March 1, 2019, ending February 28, 2020. Eligible for merit review effective 7/1/2021.
- ▶ Reappointment 3/1/2020-2/28/2021.
- ▶ Reappointment 3/1/2021-2/28/2022.
- ▶ Merit review to be effective July 1, 2021 is conducted - MERIT APPROVED
- ▶ Recommend issuing new notice of reappointment (superseding old notice) for a two-year appointment effective 7/1/2021-6/30/2023, to keep appointment term and merit review cycle aligned. (Rather than waiting to do a reappointment 3/1/2022-2/28/2023.)

APPOINTMENT LENGTH AND MERIT/PROMOTION REVIEW (Continued)

- ▶ Example 3:
- ▶ Assistant Specialist (2-year review cycle) with initial appointment at step I on March 1, 2018. Merit approved 3/1/2020 with a two-year appointment through 2/28/2022.
- ▶ Reappointment 3/1/2022-2/29/2024.
- ▶ Merit review to be effective July 1, 2023 is conducted - MERIT APPROVED
- ▶ Recommend issuing new notice of reappointment (superseding old notice) for a two-year appointment effective 7/1/2023-6/30/2025, to align the appointment term and merit review cycle. (Rather than waiting to do the reappointment 3/1/2024-2/28/2026.)

APPOINTMENT LENGTH AND MERIT/PROMOTION REVIEW (Continued)

- ▶ Example 4:
- ▶ Full Project Scientist (3-year review cycle) receives merit 7/1/2020 and receives reappointment for three years beginning 7/1/2020.
- ▶ Requests and is granted deferral 7/1/2023.
- ▶ Reappointed for three years effective 7/1/2023 through 6/30/2026.
- ▶ Receives merit effective 7/1/2024.
- ▶ Recommend issuing new notice of reappointment (superseding old notice) for a three-year appointment effective 7/1/2024, to keep appointment term and merit review cycle aligned.

Junior Specialists

- ▶ Junior Specialists are normally appointed for a term not to exceed one year and may be reappointed for a maximum of one second full year. A third year is available only by exception granted by the Dean at request of PI.
- ▶ Junior Specialists do not undergo merit review. If the Junior Specialist was hired via an open recruitment and meets the appointment criteria for the assistant specialist rank, they may be eligible for a promotional review to Assistant Specialist.
- ▶ Junior Specialists have two steps. When reappointing for a second year, the Junior Specialist may be reappointed on the second step according to the school/department practice.

LAYOFF AND REDUCTION IN TIME

- ▶ A Layoff or Reduction in Time may be based on:
 - ▶ Lack of appropriate funding
 - ▶ Lack of work
 - ▶ Change in Programmatic need
- ▶ Layoff order is based on special skills, knowledge, or ability
- ▶ The layoff unit is the laboratory or Research unit
- ▶ The employee gets 45-day notice of layoff or reduction in time
 - ▶ There is a template notice available in the Academic Personnel Box folder
 - ▶ Academic Personnel must review and approve notices of layoff before they are issued
 - ▶ Academic Personnel must receive a copy of the issued notice to provide to union within five days of notice to Academic Researcher

Process for Layoff and Reduction in Time

- ▶ When need for Layoff or RIT becomes known:
 - ▶ School downloads the current layoff/reduction in time worksheet and template letter from Academic Personnel Box Folder.
 - ▶ School works with PI to complete the worksheet
 - ▶ School drafts letter using template and submits the worksheet and draft letter to their assigned analyst in Academic Personnel for review and approval.
 - ▶ Once approved by Academic Personnel, signed letter may be issued by the school.
 - ▶ Final letter must be provided again to the assigned analyst in Academic Personnel for the personnel file and for routing to the union.

LAYOFF AND REDUCTION IN TIME

Layoff Status

- ▶ An Academic Researcher who has been laid off or had their time reduced shall have “layoff status” for one year, or until the end of their appointment, whichever is sooner.
- ▶ An Academic Researcher on layoff status shall be offered a vacant position that the University intends to fill for the same title and in the same layoff unit, if the Academic Researcher is qualified.
- ▶ The Department and School are responsible for ensuring laid-off Academic Researchers receive consideration of their qualifications for vacant positions in the same layoff unit.

LAYOFF AND REDUCTION IN TIME

Special Provision for PIs and co-PIs

- ▶ PIs and co-PIs may request to reduce their salaries as an alternative to layoff or reduction in time
 - ▶ Granting request is at the discretion of campus
 - ▶ Reduction may not exceed their term appointment
 - ▶ Agreement must be in writing - a template agreement is available in the Academic Personnel Box folder
 - ▶ PI must remain FLSA exempt
 - ▶ PI's effort must remain commensurate with their appointment percentage

Percentage Appointment and Effort

- ▶ Most Academic Researchers are exempt
- ▶ Some part-time Researchers are non-exempt (hourly).
- ▶ **Workload must be commensurate with appointment percentage.**
- ▶ BEST PRACTICE: Set work schedule to align with appointment percentage.
Example: 80% = Monday through Thursday.
- ▶ BEST PRACTICE: Avoid odd appointment percentages, e.g., 60%, not 63.2%
- ▶ BEST PRACTICE: Avoid 49% appointments (just shy of eligible for benefits)
- ▶ BEST PRACTICE: For any part-time appointee, PI should document how they assign workload in such a way that workload does not exceed appointment percentage.

Non-Reappointment

- ▶ Written notice of non-reappointment is NOT required for:
 - Appointments that are less than 50% time or short-term appointments of less than a year.
 - Appointments of more than 50% time with fewer than eight (8) consecutive years of service.

Non-Reappointment (continued)

- ▶ Written notice of non-reappointment IS required for:

Appointments of more than 50% time with eight (8) or more consecutive years of service.

1. Requires Notice of Intent - *at least* sixty (60) days prior to the end date and shall state the following:
 - The intended action is not to reappoint the Academic Researcher and the proposed effective date;
 - The basis for non-reappointment, including a copy of any materials supporting the decision not to reappoint;
 - The Academic Researcher's right to respond either orally or in writing within fourteen (14) calendar days of the date of issuance of the written Notice of Intent; and
 - The name of the person to whom the Academic Researcher should respond
2. The Academic Researcher shall be entitled to respond, either orally or in writing, within fourteen (14) calendar days of the date of issuance of the written Notice of Intent. The response, if any, shall be reviewed by the administration.
3. After timely review of the response, if any, the University shall issue a written Notice of Action, within thirty (30) calendar days of the date of issuance of the written Notice of Intent, to the Project Scientist and the Union of the non-reappointment and its effective date.

NEW RULES ABOUT WITHOUT SALARY (WOS) APPOINTMENTS

- ▶ **GENERAL RULE FOR NON-PIs:** Do not give WOS appointments to Academic Researchers who have been laid off or have not been reappointed due to lapse of funding, even if future funding is expected.
- ▶ **EXCEPTION FOR PIs WITH LAPSE IN FUNDING FOR LESS THAN FOUR MONTHS:** For Academic Researchers who are Principal Investigators, if funding lapses but is expected to be restored within four months, you may place their represented title on a “short work break” in UC Path and give them a WOS appointment.
- ▶ **EXCEPTION FOR PIs WITH LAPSE IN FUNDING FOR MORE THAN FOUR MONTHS:** For Academic Researchers who are Principal Investigators, if funding lapses with an expectation that it will be restored after more than four months, issue notice of layoff for represented title, place them on a WOS appointment, and end the represented title appointment. Do not create a “short work break”.

WORK AUTHORIZATION PAPERWORK ON REAPPOINTMENT

▶ SPECIAL RULE

- ▶ Only upon reappointment, the University may be liable for failing to process work authorization (visa) paperwork promptly
 - ▶ The Academic Researcher must show:
 - ▶ The University's failure resulted in delay in effective date of reappointment, and
 - ▶ The Academic Researcher made reasonable efforts to follow up with University to ensure timely processing
- ▶ Any remedy due to the Academic Researcher would be calculated in reference only to pay lost during the time the University was solely responsible for the delay.

BENEFITS

- ▶ Academic Researchers will keep their current benefits, with same eligibility requirements
 - ▶ Health plans
 - ▶ Choice of Retirement plans for new hires (Savings Choice or traditional pension)
 - ▶ If Regents increase employee contributions to pension, University must bargain the increase with UAW.
- ▶ Sick Leave
 - ▶ No change from APM
- ▶ Vacation Leave
 - ▶ No change from APM

LEAVES

- ▶ Standard leave provisions in accordance with UC policy and legal requirements
- ▶ Use of unlimited accrued sick leave for baby bonding
- ▶ Requests for intermittent parental leave of less than 2 weeks shall not be unreasonably denied.

UNION SECURITY

- ▶ Key Article for the Union
- ▶ University will refer Academic Researchers' union-related inquiries to the union
- ▶ Provides for automatic payroll deduction of union dues and “Voluntary Political Action” contributions
- ▶ Provides for process of providing monthly electronic data to the union about their bargaining unit members

UNION ACCESS TO NEW EMPLOYEES

- ▶ University must provide the union 30-minute access to new Academic Researchers for the purpose of new employee orientation by the union using one of the following methods:
 - ▶ Location-wide group onboarding
 - ▶ If no location-wide group onboarding, then union access to location-wide new employee orientation
 - ▶ Catch-all: If neither of the above, then individual union orientation, one-on-one. Union is responsible for contacting the researcher and scheduling the orientation.
- ▶ Local LR office will provide union with schedule for group onboarding or new employee orientation at least 10 calendar days in advance.
- ▶ Attendance is mandatory.

Out of Unit Movement

- ▶ If a represented Academic Researcher is deemed a supervisor (under HEERA definition) or has a title change out of the bargaining unit, the University must provide 30-day advance notice to the union.
- ▶ The Academic Researcher shall be removed from the unit on the effective date.
- ▶ If union disagrees, they can file a grievance, and take it to arbitration.
- ▶ The arbitrator is limited to determining whether the Academic Researcher should be in or out of the bargaining unit.
- ▶ NOTE: There is no duty to notice the union if an Academic Researcher applies for a non-bargaining unit position through an open recruitment and is selected.

ACADEMIC FREEDOM (DOES NOT APPLY)

- ▶ The new APM 011, *Academic Freedom, Protection of Professional Standards, and Responsibilities of Non-Faculty Academic Appointees* does NOT apply to Academic Researchers
- ▶ Unexpected surprise at bargaining table: The Union was not interested in giving the University “academic responsibility” in exchange for receiving “academic freedom.”

Other Key Contractual Provisions

- ▶ Health and Safety
- ▶ Grievance and Arbitration
- ▶ Non-Discrimination
- ▶ No Strikes
- ▶ Management and Academic Rights
- ▶ Corrective Action and Dismissal
- ▶ Reasonable Accommodation
- ▶ Medical Separation
- ▶ Personnel Files

Where is the Contract?

- ▶ The Entire Contract is available at:
- ▶ <https://ucnet.universityofcalifornia.edu/labor/bargaining-units/ra/index.html>
- ▶ Find additional resources and links (including this PowerPoint) on the Academic Personnel website.

Thank you!