

December 2, 2019

To: Senate Faculty (via SBFACU-L)

From: Alison Butler, Associate Vice Chancellor for Academic Personnel
Cindy Doherty, Academic Personnel Director

Re: Assembly Bill 5

We are writing to alert you to an unforeseen consequence of the new California law, Assembly Bill 5. This bill, which will go into effect January 1, 2020, redefines the criteria for determining employee vs. independent contractor status. It has come to our attention that this may impact faculty who serve as journal editors. Under the new criteria, faculty may be required to become employees of the organization for whom they are performing the editorial work.

The conflict arises with APM 025, Conflict of Commitment and Outside Activities. Under APM 025, employment outside of the University is considered a category I activity, thus requiring prior approval and annual reporting, with the time counting towards the 39- day limit on such activities. This is counter to the current categorization of editorial services as a category 3 activity, which poses no conflict and is in fact encouraged by the University.

Discussions are occurring at Office of the President to address the situation and our hope is that APM 025 will be modified to clarify the types of “employment” that are conflicts vs. those which are not, given the new legal requirements.

In the mean-time, if you plan to engage in editorial services and are required to become an employee to perform such duties, please do the following:

- Request prior approval of the activity via the OATs system. The request will be approved.
- At the time of annual reporting, if your total days of outside activity exceed 39 due to the editorial service, we will administratively override the limit to reflect exclusion of the editorial service.

Questions may be directed to Cindy Doherty at cindy.doherty@ucsb.edu or x8332.

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