Postdoctoral Scholars Contract Training

February 15, 2023
February 21, 2023

Presented By:
Billy Ko
Academic Personnel
AGENDA

- Bargaining Summary
- Minor Revisions
- NEW Childcare Programs
- Appointments
- Compensation
Summary of PX Bargaining Process

- The University and the UAW 5810 began bargaining in July 2021 for the Postdoctoral Scholars successor agreement
- There were many issues all four units had in common
- Agreements were reached two weeks into the strike on November 28, 2022, along with the Academic Researchers, and ratified on December 9.
- There are many substantial changes
- This Agreement is effective now and expires September 30, 2027
- Copy of tentative agreement is available on UCnet
MINOR REVISIONS
Current Contract Language

- 1 - Recognition
- 5 - Discipline & Dismissal
- 7 - Health & Safety
- 10 - Labor Mgt Meetings
- 14 - No Strikes
- 18 - Personnel Files
- 19 - Posting
- 22 - Severability
- 24 - Successorship
- 26 - Titles & Classifications
- 27 - Training
- 28 - Travel Reimbursement
- 31 - University Facilities & Services
- 32 - Waiver
- 34 - Work Incurred Injury/Illness
- 35 - Workspace & Materials
Minor Revisions

► Article 8 - Holidays - added Juneteenth
► Article 11 - Layoff - reduced days to copy union from 5 to 3 business days
► Article 13 - Management and Academic Rights
  + investigation of matters of sexual harassment, discrimination, misconduct
  + requiring compliance with federal funding agency laws and policies
► Article 15 - Non-Discrimination in Employment
  ► Replaced definitions with those matching Policy
  ► Added Retaliation language - conforms with Policy
► Article 17 - Personal Time Off
  ► Added provision for appointments of less than 12 months
Key Appendix Updates

- Enumeration of Benefits
- Membership Election Form and Coversheet
- Grievance Form
- Sample Appointment Letter
- Benefits Side Letters
  - Infertility benefits
  - Updated for 2024
Article 3 - Benefits

► 2023 - No changes to premiums
► 2024 - Postdocs will pay fixed percentages for their portion of the premium:
  ► 2% for the HMO - all coverage levels (employee, +spouse, +child(ren), +family)
  ► 4% for the PPO - all coverage levels
► 2024 - new benefits offered including:
  ► Increases in vision benefits
  ► Infertility treatment
  ► Acupuncture
  ► Emergency Room visit increased to $75 copay; urgent care remains at $35 copay
► Death Benefit - (same as the APM)
  ► 6 months of service at least 50% time
  ► One month of salary paid to survivors or to the estate
Article 6 - Grievance & Arbitration

**Pre-Arbitration Conference**
- Select arbitrator
- Discuss arbitrability claims (if any)
- Discuss whether a settlement is possible or mediation is an avenue

**Bifurcation Process**
- If not resolved, arbitrability will be resolved via written briefs, though a hearing may be needed.
- Such hearing is separate and apart from the merits of the case, though there will be one arbitrator for both arbitrability and the merits.
New Article - Respectful Work Environment

Key Objective of the UAW
- Postdocs are considered a vulnerable community

Largely Consistent with UC Abusive Conduct Policy
- Definitions
- Complaint Procedure
- If policy is inconsistent with CBA, CBA governs

Grievable and Arbitrable
- UC investigation is still required, if applicable
- If investigated, UC will insist on having report before going to hearing
Article 9 - Individual Development Plans

- IDPs are separate and distinct from Progress Assessments (moved to its own article)

- Clarifies that an IDP may be required by a grant, fellowship, or program (previous contract was in conflict with this concept)

- The contents of IDPs are not grievable
Article 12 - Leaves of Absence

- Postdocs are now eligible for 8 weeks of Postdoctoral Paid Family Leave (PPFL) to be used for:
  - Bonding with newborn or newly adopted/placed child
  - Care for a family member with serious health condition
  - Military caregiver
  - Qualifying exigency leave

- Replaces previous paid parental benefit of 4 weeks

- There is no FML eligibility requirement; it is not the same as the systemwide PFCB benefit, but its own program.
Article 16 - Parking and Transit

Key issue for UAW - Alternative Transportation and a reduction in UC’s carbon footprint

- December 2023 - all locations make pre-tax programs available for transit options; implement systemwide discounted e-bike program
- December 2024 - access to enhanced UC Travel measures to reduce impact of University business travel on carbon emissions
- December 2025 - goal of no fee regional public transit

Labor Management Meetings - campus level

- Enhance commuting options
- Goal: environmental impact
- Cost: reductions
Article 20 - Professional Development

- New, separate article

- New language states that campuses will continue to provide access to professional development and career counseling programs, including:
  - Writing workshops
  - International scholar workshops
  - Transitions to academic and professional careers

- This is *not* a new obligation
Article 21 - Progress Assessments

- Language is close to the same as previous contract language, but now as a standalone new article.
- Encourage all P.I.s to use this process and conduct periodic and annual reviews.
- Grievances are limited to factual inaccuracies.
Article 22 - Reasonable Accommodation

**Temporary Work Adjustment**
- During the interactive process, the Disability Manager and the Department will work to find a temporary solution if possible while the IP continues.
- Example: Ordered a sit/stand desk, but hasn’t arrived - find a temporary solution like using books to prop up laptop or taking frequent breaks to move.

**JLMC**
- New Committee to discuss accommodations on a systemwide level

**Notice in Appointment Letter**
- Appendix G will carry a statement regarding raising accommodation issues as early as possible
Article 29 - Union Access and Rights

- **Campuswide Postdoctoral Scholar New Employee Orientation**
  - Monthly
  - Union has 30 minutes on the Agenda - “integral part”
  - If campus has an on-line orientation, must provide Union with in-person option if requested

- **Appointment Letter** - will reference the mandatory orientation

- **Notice**
  - Each campus shall provide the Union with the schedule at least 30 days in advance
  - New Postdocs must be notified 7 days from their start date
New Employee Orientation - Continued

- Special Notice to new Postdocs
  - Welcome
  - Date, Time and location of orientation
  - Mandatory attendance
  - Union will be presenting on the Agenda
  - Link - to the UAW website - inform of make-up sessions

- Make Up Sessions
  - UC is not required to schedule, but the UAW does get 30 minutes
  - Mandatory - compliance with AB 119
Article 30 - Union Security

- New Membership Election Form (MEF) process; universal for all four units (Postdoc, Academic Researchers, ASEs, GSR)

- Process
  - Union provides Labor Relations a list by the 10th
  - University transmits the cover letter and form to that list via DocuSign **no later than 5 working days**; **copy the UAW**
  - Two reminders during a 30-day period - set up automatically

- **NOTE:** Link to the UAW’s website containing the electronic MEF will also be provided on the Notice of Appointment Letter
Article 33 - Work Authorization

- New language
  - Department, program or unit shall pay campus recharge fees established by the ISSO and not pass on to the Postdoc.

- This language should represent current practice for the last five years, but memorializes it in the Agreement
New Article - Immigration

- Formerly a Side Letter with Academic Student Employees - now an article for ASEs, GSRs, and Postdocs. Provides consistency across the three units for considerations unique to international employees.

- Important Sections
  - Leave time to attend immigration hearings - with 1 week notice
  - If terminated for work authorization, provide this Article
  - Meeting with Postdoc who is exclusively terminated because of visa issues to assist in making reasonable efforts to reemploy the Postdoc when they can provide valid work authorization
  - Meet and confer if immigration laws change (already an obligation)
  - Joint Labor Management Committee
CHILDCARE PROGRAMS
NEW Article 37 - Childcare Reimbursement

- Effective October 1, 2023
  - Expenses must be incurred after October 1, 2023 to be eligible for reimbursement

- Applicable to children who are 12 and under (as of the date the expense is incurred and are living in the Postdoc’s household. Includes foster or adopted child(ren) or part-time living situations.

- Starting at $2500 per calendar year (Jan 1 - Dec 31)
  - October 1, 2024 = $2600
  - October 1, 2025 = $2700
  - October 1, 2026 = $2800
Childcare Reimbursement - Continued

- Fellows and Paid Directs
  - If an external grant or fellowship provides a childcare benefit of at least $2500 (or applicable contractual amount), that satisfies the University’s obligation
  - If the benefit is less than the contractual amount, the University will supplement up to the contractual amount

- Process for reimbursement - local process

- Unused funds do not roll over into next year

- Dependent Care Flexible Spending Account
  - Eligible effective January 1, 2023
  - May not use Dep Care to cover cost of the childcare reimbursement - no double dipping
Childcare Reimbursement - Continued

<table>
<thead>
<tr>
<th>Dates Expense Incurred</th>
<th>Submission Deadline</th>
</tr>
</thead>
<tbody>
<tr>
<td>10-1 to 12-31</td>
<td>Submit by 1-31</td>
</tr>
<tr>
<td>1-1 to 3-31</td>
<td>Submit by 4-30</td>
</tr>
<tr>
<td>4-1 to 6-30</td>
<td>Submit by 7-31</td>
</tr>
<tr>
<td>7-1 to 9-30</td>
<td>Submit by 10-31</td>
</tr>
</tbody>
</table>
Professional Travel Childcare Expense Program

- Same $2500 allotment - not additional funding, just alternative use

- Used for:
  - Extra childcare while Postdoc is away on approved travel
  - On site childcare while Postdoc is on approved travel
  - Transportation of child and/or caregiver to approved travel location
  - Food and lodging, if needed, for child and/or caregiver if overnight
  - Shipping of breastmilk home for a child when Postdoc is away on approved travel

- Can only be used for University-approved travel
QUESTIONS
So Far?
ARTICLE 2 - APPOINTMENTS
Article 2 - Appointments

- The initial appointment for Postdoc-Employees (3252) is now for a minimum two-year period, **no exceptions**.

- Reappointments shall be for at least one year, unless an exception applies:
  - Less than one (1) year of programmatic work
  - Will exhaust 5 years maximum/6th year exception of postdoc service at UC
  - Work authorization limitations

- The following exceptions have been eliminated:
  - Insufficient funding - may need to issue layoff notice
  - Change in PI
Appointments Transition

Transition Period: December 9, 2022 - April 1, 2023

- All initial appointments following ratification must be for two years
  - Open recruitments: Must advertise position for two years minimum
  - For existing searches - make soft/formal offer for two years if possible

- Reappointments
  - For existing postdocs completing the initial one-year appointment - reappointed for two years
  - Reappointment for one year if exception reason applies, but remember...

- Section C.2. - mutual understanding that the postdoc shall receive a 2-year appointment over Postdoc career
Appointments Releases

- There is a new release provision for Postdocs on their initial appointment, with minimum 30 days’ notice to the Postdoc.

- The release cannot be effective before the one year mark
  - The last day to issue the notice is one year following the date of hire
  - Notice provided less than 30 days before the one year mark extends the appointment by a proportional amount

- Release is at the University’s sole discretion and can be for any reason, except an unlawful reason. Consult with AP and HR-Labor Relations.

- However, the release should not be a substitute for a layoff; if funding has run out, the University should follow Article 11 - Layoff.

- A released Postdoc may obtain future UC employment.
Scenario #1
Release

- Aaron is a new Postdoc in Biology, working for P.I. Li.
- Aaron will receive an appointment letter stating he will be appointed for two years, but may be released on his first anniversary date with 30 days’ notice.
- P.I. Li thinks Aaron is doing a great job, but the funding is running low.
- Should P.I. Li initiate Aaron’s release 30 days before his anniversary date?
- **ANSWER: No** - P.I. Li should layoff Aaron in accordance with Article 11.
Scenario #2
Performance Issues

► Pedro receives a two-year appointment to work in Dr. Armstrong’s lab in Physics.

► Dr. Armstrong has talked to Pedro about his performance, but Pedro is not contributing to the research as expected. Should Dr. Armstrong release Pedro at his anniversary date with a 30-day notice?

► **ANSWER:** Yes, despite proper mentorship, Pedro was not meeting performance expectations towards achieving the mission of the Lab.

► **COROLLARY:** Dr. Armstrong can utilize Article 5, Discipline and Dismissal, as a tool to manage Pedro’s performance prior to the one-year release.
Scenario #3
Misconduct

- Jill, a Postdoc works for P.I. Esteban. She has a two-year initial appointment.
- A graduate student accuses Jill of throwing away his samples that do not support her research analysis.
- P.I. Esteban follows campus procedures to report academic dishonesty. The University conducts an investigation and concludes Jill acted inappropriately.
- What should P.I. Esteban do?
- **ANSWER:** Follow Article 5, Discipline and Dismissal, and not wait for the “release” at the one year mark. However, based on timing, release may be an option.
ARTICLE 4 - COMPENSATION
<table>
<thead>
<tr>
<th><strong>Old Contract</strong></th>
<th><strong>New Contract</strong></th>
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<tbody>
<tr>
<td>Scale changes with NIH updates; scramble to apply new scale for upcoming new appointments and reappointments.</td>
<td>UC-based salary scales, updated every October 1 with 3.5% increases across all levels.</td>
</tr>
<tr>
<td>Range increases apply when a postdoc is reappointed (or on their anniversary date). Two salary scales often in effect at the same time.</td>
<td>Range increases apply to all postdocs at the time the increase takes effect. Only one salary scale in effect at a time.</td>
</tr>
<tr>
<td>Annual salary increases due on postdoc’s individual anniversary date.</td>
<td>Postdoc’s experience level increases on April 1 or October 1, depending on month of the initial appointment date. Postdoc may receive an “early” experience level increase within first 12 months from hire date.</td>
</tr>
<tr>
<td>Postdocs who are paid above the minimum for their experience level on their anniversary date receive either an increase to the next experience level, or a 2% salary increase, whichever is greater.</td>
<td>Postdocs who are paid above the minimum for their experience level on April 1/October 1 receive either an increase to the next experience level, or a 3% salary increase, whichever is greater.</td>
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</tbody>
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**Hiring Chart By Month with Experience Level Increases**

<table>
<thead>
<tr>
<th>Month of Hire</th>
<th>When Experience Level Increases Occur</th>
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<tbody>
<tr>
<td>January</td>
<td>October</td>
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<tr>
<td>February</td>
<td>October</td>
</tr>
<tr>
<td>March</td>
<td>October</td>
</tr>
<tr>
<td>April</td>
<td>October – if hired on April 1</td>
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<td></td>
<td>April – if hired April 2- 30</td>
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<tr>
<td>May</td>
<td>April</td>
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<td>June</td>
<td>April</td>
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<td>July</td>
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<td>August</td>
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<td>September</td>
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<td>October</td>
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<td>November</td>
<td>October</td>
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<tr>
<td>December</td>
<td>October</td>
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<tr>
<td>Experience Level</td>
<td>Salary Level</td>
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<tr>
<td>------------------</td>
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</tr>
<tr>
<td>Level 0</td>
<td>60,000</td>
</tr>
<tr>
<td>Level 1</td>
<td>62,220</td>
</tr>
<tr>
<td>Level 2</td>
<td>64,522</td>
</tr>
<tr>
<td>Level 3</td>
<td>66,909</td>
</tr>
<tr>
<td>Level 4</td>
<td>69,385</td>
</tr>
<tr>
<td>Level 5</td>
<td>71,952</td>
</tr>
</tbody>
</table>
Article 4 - Compensation
Experience Levels

► Effective April 1, 2023
  ► Postdocs with initial UC hire dates between April 2 and September 30 will be moved to their next experience level on the new UC scale at the time of hire/rehire.
  ► New Hires since December 9 paid at the 5/1/22 scale minimums, will receive range adjustment on April 1
  ► Postdocs with individual anniversary dates before April 1 - continue to receive anniversary date salary increase and will receive a range adjustment on April 1 - if paid at the 5/1/22 scale minimum

► Future Movements
  ► Postdocs with initial hiring dates occurring between October 1 and April 1 shall move to next level on October 1.
  ► Postdocs with initial hiring dates occurring between April 2 and September 30 shall move to next level on April 1.

► First year - smooth out, so level 0 to 1 happens before a full year, but annually after that
► Experience levels still matter for initial placement on scale and April/October determinations
Scenario #4
New Hire

- Carla is hired with no experience on May 1, 2023. She is placed at Level 0 ($60,000).

- Carla receives a range increase on October 1, 2023. She is still on Level 0, but the rate is now $64,480.

- On April 1, 2024, she moves to experience level 1, even though it’s one month prior to her one-year anniversary. Her new salary is $66,868.

- In the future, she’ll receive a range increase in October and an experience level increase in April.
Scenario #5
Transition

- Sam is initially hired on December 1, 2022 with 2 years of previous experience at another institution.

- He is placed on the current scale, Level 2, at $59,784.

- On April 1, 2023, he receives the range increase and will be paid $64,522, which is still Level 2.

- On October 1, 2023, he will receive both an experience-based level increase to Level 3, as well as a range increase. His new salary is $71,908.

- October 1 is now the annual experience level-increase date going forward.
Scenario #6
Initial Hire Transition

- Keenan was initially hired January 1, 2022, at Level 0 ($55,632).

- Reappointed at Level 1 ($57,852) on January 1, 2023, receives experience increase to Level 1.

- On April 1, 2023, receives the range increase for Level 1 ($62,220).

- On October 1, 2023, he will receive both an experience level increase to Level 2 and a range increase. His new salary is $69,342.

- October 1 is now the annual experience level-increase date going forward.

- On October 1, 2024, moves to Level 3 and the Scale increases by 3.5% range adjustment. His new salary is $74,425.
Scenario #7
Transition

- Jaime is hired on September 1, 2022 at Level 0 - $55,632.

- On April 1, 2023, receives an experience level increase to Level 1, and is placed on the new scale. The salary is $62,220.

- On October 1, 2023, receives scale increase to $66,868.

- On April 1, 2024, receives experience increase to Level 2 at $69,342.

- April 1 is now the annual experience level increase date going forward.

- On October 1, 2024, receives range increase to $71,769 and remains on experience Level 2.
Scenario #8 Above Level Minimum Experience

Zahara is hired on February 1, 2023 on an initial two year appointment, at Level 0. Her salary is $65,000, above the minimum.

• On April 1, 2023, her salary stays the same. Level is 0 is now $60,000, less than current salary of $65,000.

• On October 1, 2023, Zahara is eligible for both an experience increase to Level 1 and the range adjustment. Her current salary is still above the rate for level 1, so she receives a 3% increase instead. Her new salary is $66,950, which is $82 higher than current Level 1 rate of $66,868.
On October 1, 2024, Zahara is eligible for both an experience level increase to Level 2 as well as the range adjustment. She moves on scale to Level 2 because the rate is higher.

- Calculation:
  - 3% increase to $66,950 = $68,959
  - Level 2 on scale = $71,769
QUESTIONS?

Reminder: Office hours will be held every Tuesday from 10:00am - 12:00pm, beginning Feb 28, 2023.
Zoom info for office hours: https://ucsb.zoom.us/j/8283753167

Questions about the Postdoc bargaining unit: email to billy.ko@ucsb.edu