BARGAINING OBJECTIVES

University
- Contract Duration of 5 years
- Keep Postdocs Exempt
- Sexual Harassment Protections
- Reasonable Accommodation and Medical Separation
- Probationary Period
- Job Abandonment
- New interim title

UAW
- $50,000 minimum salary
- 1 year contract
- Family Friendly Agenda
  - Childcare subsidy
  - 8 weeks paid parental leave
  - Retirement & UC-match contributions
  - Zero cost benefits
- 5 Year Appointments
- Sexual Harassment Protections
- Increased Professional Development Funding & Control
OVERVIEW OF FINAL AGREEMENT

- 4 year deal
  - Ratified October 17, 2016
  - Expires September 30, 2020
- Provides for automatic increases following NIH scale
  - Keeps Postdocs exempt (except for small group of part timers)
  - Higher salaries
- Longer appointments
- Paid Parental Benefit
- Added 500 new Postdocs at LBL to the unit
Two new title codes *(available in January, 2017)*

**Non-Exempt (3255):**
- For **EMPLOYEES** who will be part-time, non-exempt
- Required to report hours worked
- Paid bi-weekly at an hourly rate *(Annual salary ÷ 2088)*
  - **Salary Scale 23N**
- Eligible to earn comp. time over 40 hrs. worked, with prior approval

**Interim (3256):**
- For UCSB Ph.D. grads who needs additional time to complete a project started during their graduate work
  - Ph.D. must be **conferred**
- Short-term appointments, combined not to exceed 1 year
- Intent to bridge to a new employment
- If subsequently hired in another Postdoc title, the date of hire remains the original date for calculating months of service as a Postdoc
ARTICLE 2
APPOINTMENTS

- Job security – research stability

- **Employee (3252):**
  - 1\textsuperscript{st} year – one year appointment
  - 2\textsuperscript{nd} and 3\textsuperscript{rd} year – two year appointment, provided:
    - Same project
    - Same PI
    - Two years of funding
    - Eligibility for work authorization (visas)
    - Eligibility to continue as Postdoc (up through the 5\textsuperscript{th} year)
  - Subsequent reappointments for 1 year
  - **Only one reappointment must be for 2 years (1+2+1+1) or (2+1+1+1)**

- **Fellow & Paid Direct (3253 & 3254):**
  - Appointment length matches funding length, even if supplemented
  - Do not appoint if funding award does not satisfy salary minimum
• NOTE: Two year reappointments mean that the PI should closely monitor employee performance during the first year “pseudo probation.”
  • Remember, PIs are required to follow corrective action/progressive discipline procedures before any termination (Article 5 – Discipline & Dismissal)

• Unexpected funding shortfalls may lead to layoff. 30 day advance notice is required. Please consult with Labor Relations and Academic Personnel for assistance with layoff procedures (Article 11)
Example 1

- Recent Graduate Student *(Ph.D. conferred)* needs 4 months to complete their doctoral research project:
  - Appoint using title code Interim (3256) for 4 months

- What if they stay beyond 4 months?
  - Can be reappointed within the 1 year maximum period
  - May be appointed as Employee (3252) for a year *minimum* but would be owed an increase after 8 months because the original anniversary date is set by the 3256 appointment
Example 2

- On July 1, 2016, Physics hires a Postdoc as Employee (3252) for 1 year at Step 0
- On July 1, 2017, the Postdoc is reappointed for 2 years through June 30, 2019 starting at Step 1
- On July 1, 2018, the Postdoc will receive a step increase to Step 2 (anniversary date)
- On July 1, 2019, the Postdoc is reappointed for 1 year at Step 3
- On July 1, 2020, the Postdoc is reappointed for a final 5th year at Step 4
Example 3

- On July 1, 2016, ECE hires a Postdoc as Employee (3252) for 1 year at Step 2 (2 years prior postdoc experience at Univ. of Washington)
- On April 1, 2017, the Postdoc secures an 18 month fully-funded fellowship at Step 3 at a salary higher than the initial annual salary
- New appointment letter issued for the Fellow (3253) title for the duration of the fellowship through September 30, 2018
- On April 1, 2018, postdoc fellow salary increases to Step 4
- On October 1, 2018, the Postdoc is reappointed into 3252 title for nine months at Step 4, due to 5 year eligibility limit
- On April 1, 2019, the Postdoc receives salary increase to Step 5
Example 4

- ICB appoints a Postdoc as Fellow (3253) on a fully-funded fellowship for 2 years from July 1, 2016 through June 30, 2018
  - Eligible for salary increase on July 1, 2017
  - Either to next exp. Lv. Or 2% minimum
  - Supervisor/PI or Granting Agency provides salary increase
  - Check award guidelines first for eligibility

- At reappointment, Postdoc changes to Employee (3252)
  - Can be for 1 year reappointment from July 1, 2018 to June 30, 2019 because a 2-year appointment had already been given at the time of initial appointment (Art. 2.C.2)
APPOINTMENT LETTER

- UC and UAW agree to the sample letter in Appendix G of MOU

- Use the UCSB sample letter found at: ap.ucsb.edu
  - Resources for Department Analysts/ Postdoctoral Scholars/ Employment Toolkit – Sample Appointment and Reappointment Letter
  - Do not create own dept. letter
  - Article 33 – Work Authorization, C-3: Informal communications between UC faculty and prospective postdoc do not constitute a formal appointment offer

- Make sure the following items are correctly listed:
  - Title Code
  - Appointment Duration (start/end date) and Percentage
  - Annual Salary or Hourly Rate
  - Funding Source
  - Job Location and Name of Supervisor/PI
  - Description of Job Duties
ARTICLE 25
TIME & EFFORT COMMITMENT

• Postdocs to remain full-time (100%), exempt appointees

• Concurrent temporary, teaching appointments as Lecturer are allowed. Postdoc remain exempt (100% combined).

• Part-time appointments are permissible provided the PI and the Postdoc agree to the terms. May become non-exempt depending on salary and percentage of time (FLSA test)

• For Non-Exempt (3255) Appointments:
  • Postdoc required to track their hours daily and submit their timesheet in accordance with campus practice
  • Will be paid on a bi-weekly schedule
  • May be eligible for compensatory time for over 40 hrs worked per week
  • 40 hours max in a comp time banked
  • Unused time will be paid out at the end of appointment
  • Travel time – Travel during regular working hours is compensable
ARTICLE 3
BENEFITS

- Consistency of terms (same as first contract)
- Postdocs’ contribution share is locked in at current levels for each year of the life of the contract

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<th>PPO</th>
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ARTICLE 4
COMPENSATION

1) Fair Labor Standards Act – salary threshold
   • DOL Increased to $47,476
   • Must make at or above to be exempt
   • UC determined full time Postdocs must remain exempt

2) National Institute of Health (NIH) Kirschstein Scale
   • Also determined that full-time Postdocs should remain exempt
   • Increased experience level 0 to $47,484

3) UC and UAW agrees to start Postdoc Scale at NIH steps 2-7
   • Experience level 1 and 2 are minor increases
   • UC Postdocs stay, on average, at the University for 3 years
December 1, 2016:
- All Postdocs will be placed at their current experience level on the new UC scale
- Postdocs paid above the minimum for their experience level are not required to receive an increase
- PIs are not precluded from providing a non-mandatory increase
- Due to the increase in scale, PIs may need to provide supplements for Fellows (3253) and Paid-Directs (3254) up to the new minimum
- Postdocs with funding letters restricting additional remuneration are exempt from these increases – see award guidelines

Subsequent Years
- UC implements new NIH scale (Steps 2 – 7) on the first of the month following the announcement
- Individual Postdocs receive salary increases on their reappointment/anniversary date
- 2% minimum increase or to their next salary experience level, whichever is greater
ARTICLE 4
COMPENSATION

Funding Restrictions for Fellows and Paid-Directs:

• Converting from highly paid Fellow/Paid-Direct to Employee earning less:
  • Must seek union approval for exception to reappoint at lower salary rate
  • Must be at least at the postdoc’s experience level minimum

• Cannot rehire If UAW denies exception and the Supervisor/PI cannot match the original Fellow/Paid-Direct amount
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<th>NIH Years of Experience</th>
<th>Current NIH Stipend for federal FY 2016</th>
<th>Projected NIH Stipend for federal FY 2017</th>
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SALARY IMPLEMENTATION

- **November 20th** biweekly pay period - manually convert title code 3252 to Non-Exempt (3255) with annual salary converted to an hourly rate

- **December 1st** monthly pay period - Postdocs who are above the minimum salary threshold ($913/week) will all move to the new 12/1/16 scale

- Postdoc Employees will be centrally adjusted to the new rates

- **December 4th** biweekly pay period - part-time postdocs who fall below the minimum salary threshold will be moved to Table 23N
Scenario 1

- Newly minted Ph.D. is hired on July 1, 2017 as Employee (3252) and is paid $48,216 (level 0)

- On July 1, 2018, the Postdoc is reappointed and receives an 18-month Fellowship that pays at the UC scale: $50,316 (level 1)

- On July 1, 2019, the Postdoc is paid $52,140 (level 2) for final six months of fellowship
Scenario 2:

- On July 1, 2017, the Paid Direct (3254) is funded above scale for their experience at $60,000 for first year (level 0) and $60,000 for second year (level 1)

- On July 1, 2018, Supervisor/PI must provide a 2% ($1,200) salary increase paid as an Employee (3252)

- On July 1, 2019, PI wants to reappoint as Employee only at their appropriate experience level rate (level 3 = $54,228)
  - Must secure exception from UAW to pay on scale
  - Postdoc is eligible for anniversary date increase
  - If denied, cannot reappoint Postdoc at all

- On July 1, 2020 must provide salary increase to Step 4 ($56,400) if reappointed again
ARTICLE 12
LEAVES OF ABSENCE

- Revised for legal compliance

- Contract provides for paid leave with:
  - **4 weeks parental benefit – NEW**
    - For childbirth and adoption: first 2 weeks must be taken in one block
    - Subsequent 2 weeks may be taken intermittently
  - 12 days of Sick leave – for every 12 month appointment
    - Can be carried over to subsequent UC appointment (other titles)
  - 24 days of Personal Time Off – for every 12 month appointment
    - Unused PTO does not carry over to subsequent reappointment
    - Use it or lose it basis

- Intermittent usage is permissible with supervisor approval

- Kirschstein Fellows receive a total of 8 weeks paid parental leave, which is inclusive of the 4 weeks
ARTICLE 15
NONDISCRIMINATION

• As part of the Family Friendly Agenda:

  • Lactation support: provide space and time for expressing milk. Provide storage for expressed milk.

  • All-gender restrooms: provide location of nearest all gender restroom.
RESOURCES

- **AP website**
  - Red Binder
  - Resources for Dept. Analyst
    - Forms
    - Notice of Appointment Letter Sample

- **HR Labor Relations**
  - UC Postdoc Mou
  - Grievance
  - Layoff

- **HR Benefits**
  - Postdoctoral Scholars Benefit Plan (PSBP)
    - Costs and Enrollment
QUESTIONS?

For Policies and Appointments:

Billy Ko
Academic Personnel
x4441
billy.ko@ucsb.edu

For Postdoc Contract, Grievances, & Layoffs:

Jennifer Smith
HR-Labor Relations
x4663
jennifer.smith@hr.ucsb.edu