



# **Postdoctoral Scholars Contract Training**

February 15, 2023  
February 21, 2023

Presented By:  
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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 10<sup>th</sup>
  - ▶ 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



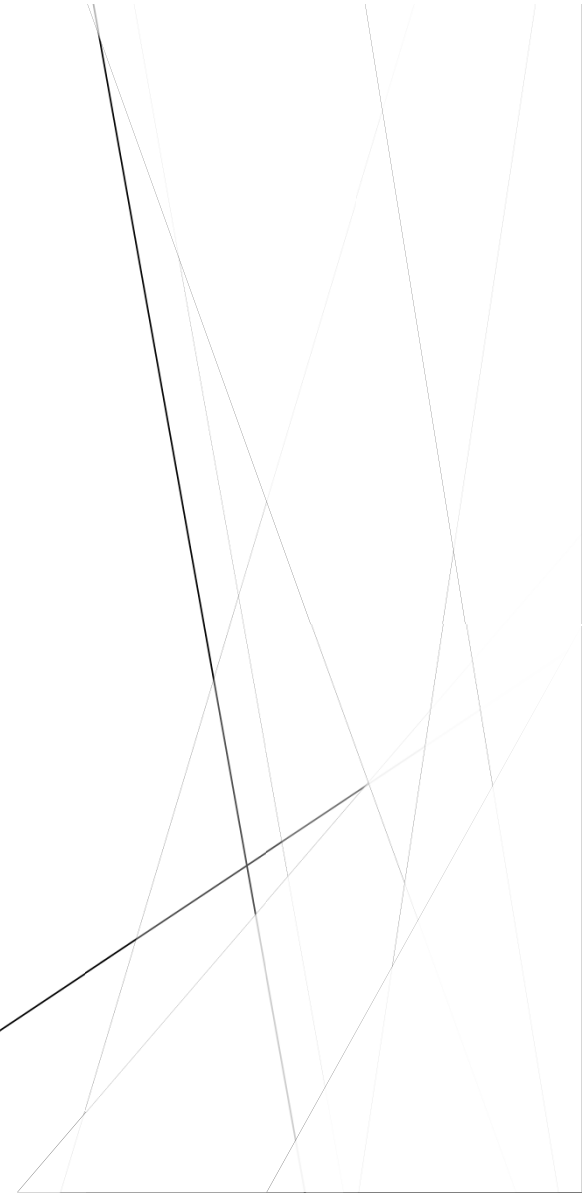
# Childcare Reimbursement - Continued

<u>Dates Expense Incurred</u>	<u>Submission Deadline</u>
10-1 to 12-31	Submit by 1-31
1-1 to 3-31	Submit by 4-30
4-1 to 6-30	Submit by 7-31
7-1 to 9-30	Submit by 10-31

# 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/6<sup>th</sup> 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



<b>Old Contract</b>	<b>New Contract</b>
Scale changes with NIH updates; scramble to apply new scale for upcoming new appointments and reappointments.	UC-based salary scales, updated every October 1 with 3.5% increases across all levels.
Range increases apply when a postdoc is reappointed (or on their anniversary date). Two salary scales often in effect at the same time.	Range increases apply to all postdocs at the time the increase takes effect. Only one salary scale in effect at a time.
Annual salary increases due on postdoc's individual anniversary date.	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.
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 <b>2%</b> salary increase, whichever is greater.	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 <b>3%</b> salary increase, whichever is greater.

# Hiring Chart By Month with Experience Level Increases

Month of Hire	When Experience Level Increases Occur
January	October
February	October
March	October
April	October – if hired on April 1
	April – if hired April 2- 30
May	April
June	April
July	April
August	April
September	April
October	October
November	October
December	October

**UC Scale - Effective  
April 1, 2023**

**October 1, 2023  
PX New Range**

<u>Experience Level</u>	<u>Salary Level</u>
<u>Level 0</u>	<u>60,000</u>
<u>Level 1</u>	<u>62,220</u>
<u>Level 2</u>	<u>64,522</u>
<u>Level 3</u>	<u>66,909</u>
<u>Level 4</u>	<u>69,385</u>
<u>Level 5</u>	<u>71,952</u>

<u>Experience Level</u>	<u>Salary Level</u>
<u>Level 0</u>	<u>64,480</u>
<u>Level 1</u>	<u>66,868</u>
<u>Level 2</u>	<u>69,342</u>
<u>Level 3</u>	<u>71,908</u>
<u>Level 4</u>	<u>74,569</u>
<u>Level 5</u>	<u>77,327</u>

# 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 Minimum

- 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.

## Scenario #8 Continued Experience Minimum

- 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](mailto:billy.ko@ucsb.edu)