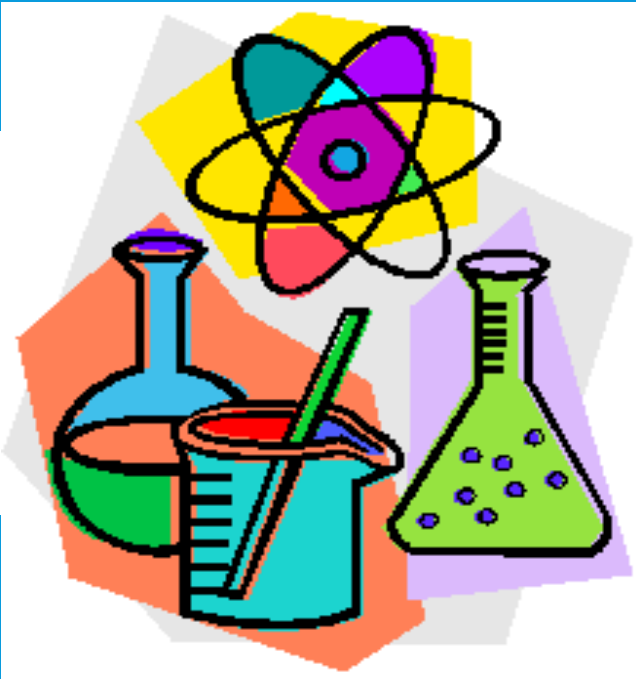


University of California
Santa Barbara



POSTDOCTORAL SCHOLARS NEW CONTRACT TRAINING

November 29, 2016

Presented by
Academic Personnel
& Labor Relations

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

ARTICLE 1 RECOGNITION

ARTICLE 26 TITLES AND CLASSIFICATIONS

- 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):**
 - 1st year – one year appointment
 - 2nd and 3rd 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 5th 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

APPOINTMENTS – IMPORTANT CONSIDERATIONS

- 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) .

APPOINTMENT EXAMPLES

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

APPOINTMENT EXAMPLES

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

APPOINTMENT EXAMPLES

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

APPOINTMENT EXAMPLES

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

	HMO	PPO
Postdoc Only	2%	\$20
Postdoc + Spouse	3%	\$40
Postdoc + Child	2%	\$40
Family	3%	\$60

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

ARTICLE 4 COMPENSATION

• **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

COMPENSATION COMPARISON

NIH Years of Experience	Current NIH Stipend for federal FY 2016	Projected NIH Stipend for federal FY 2017	New UC Levels eff 12/1/16
0	\$43,692	\$47,484	
1	\$45,444	\$47,844	
2	\$47,268	\$48,216	Level 0
3	\$49,152	\$50,316	Level 1
4	\$51,120	\$52,140	Level 2
5	\$53,160	\$54,228	Level 3
6	\$55,296	\$56,400	Level 4
7	\$57,504	\$58,560	Level 5

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

COMPENSATION SCENARIOS

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

COMPENSATION SCENARIOS

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?

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