POSTDOCTORAL SCHOLAR
NEW CONTRACT TRAINING 2016

University of California
and
UAW 5810

Presented by
Tracey Pereida, Graduate Studies
Meg Wilson, Employee & Labor Relations
Overview of Final Agreement

- 4 year contract
- Ratified October 17, 2016
- Expires September 30, 2020
- Provides for automatic increases following NIH Scale
- Keeps Postdocs exempt (except part-time PD)
- Higher Salary
- Longer Appointments
- Paid Parental Benefit
- Added 500 new Postdocs at LBL to the unit
Current Contract Language
No or Minor Changes

• Art 5 – Discipline and Dismissal
• Art 7 – Health and Safety
• Art 8 – Holidays
• Art 9 – Individual Development Plans/Progress Assessments
• Art 10 – Labor Management Meetings
• Art 11 – Layoff
• Art 13 – Management and Academic Rights
• Art 14 – No Strikes
• Art 16 – Parking and Transit
• Art 17 – Personal Time Off
• Art 18 – Personnel Files
• Art 19 – Posting
Current Contract Language
No or Minor Changes

• Art 20 – Professional Development & Career Counseling
• Art 22 – Severability
• Art 23 – Sick Leave
• Art 24 – Successorship
• Art 27 – Training
• Art 28 – Travel Reimbursement
• Art 29 – Union Access and Rights
• Art 30 – Union Security
• Art 31 – University Facilities & Services
• Art 32 – Waiver
• Art 33 – Work Authorization
• Art 34 – Work-Incurred Injury & Illness
• Art 35 – Workspace and Materials
Article 1 – Recognition

Article 26 – Titles and Classifications

• Two new title codes (*available in January*)
  – 3255 – part time non-exempt hourly postdoc
  – 3256 – interim postdoc scholar (*former UC grad students*)

• Five new LBL title codes
  – Those LBL title descriptions that are similar to the current UC campus will be converted to campus title codes within the year
  – Other LBL descriptions will remain unique to the Lab
Article 2 – Appointments (TC 3255)

• Postdoctoral Scholar Employee – Non Exempt (3255)
  
  – **Used on a very limited basis**
    
    *(strict specific circumstances; health, family, other employment)*
  
  – Part-time postdoc with no other UC Davis appointment
  
  – Part-time postdoc who earns less than $913 per week
  
  – paid on an hourly basis on the BW
Article 2 – Appointments (TC 3256)

- Interim Postdoctoral Scholar Employee (3256)
  - Temporary title for “bridging” a UC graduate student who has recently earned a PhD over to a Postdoc to complete a research project
  - Cannot exceed one year in the title
  - 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 (TC 3252, 3253, 3254)

- Job security – research stability
  - Postdoctoral Scholar Employee (3252)
    - 1st year – one year appointment – “pseudo probation”
    - 2nd and 3rd year – two year appointment, provided:
      - Same project
      - Same PI
      - Two years of funding
      - Eligibility for work authorization
      - Eligibility to continue as Postdoc (up through the 5th year)
    - Only one reappointment must be 2 years
  - Postdoctoral Scholar Fellows & Paid Directs (3253 & 3254)
    - Appointment length matches funding length, even if supplemented
Appointment Examples

• **Example 1**
  – Recent UC Davis Graduate Student (PhD conferred) needs four months to complete their doctoral research project
  – Appoint using title code 3256 for four months
  – What if they stay beyond four months?
    • Can be reappointed in 3256 for up to one year but cannot stay in 3256 longer than one year
    • May be appointed in 3252 for a year but would be owed an increase after eight months because the original anniversary date set by 3256 appointment
Example 2

- On July 1, 2016, hire 3252 in Physics for one year at Step 0
- On July 1, 2017, they are reappointed for two years through June 30, 2019 at Step 1
- On July 1, 2018, they will receive a step increase to Step 2 (anniversary date)
- On July 1, 2019, the Postdoc is reappointed for one year at Step 3
- On July 1, 2020, the Postdoc is reappointed for a final fifth year at Step 4
Appointment Examples

• Example 3
  – On July 1, 2016, hire Postdoc as 3252 for one year at Step 2 (two years previous Postdoc experience at University of Washington)
  – On April 1, 2017, the Postdoc secures an 18 month fully-funded fellowship at Step 3 (preloaded)
    • New appointment letter issued for 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 five year eligibility limit in a Postdoctoral Scholar title
Appointment Examples

• **Example 4**

  – Postdoc appointed into 3253 fully-funded fellowship for two years from July 1, 2016 through June 30, 2018

  – At reappointment, Postdoc appointed to 3252 title code
    • Can be one-year reappointment from July 1, 2018 to June 30, 2019 because a two-year appointment had already been given at initial appointment (Art. 2.C.2)
Appointment Letter

- Agreed to sample letter
- Appendix G
- All elements in appointment letters must contain language in the sample letter
- [https://gradstudies.ucdavis.edu/faculty-staff/academic-personnel/postdoctoral-appointment-guide](https://gradstudies.ucdavis.edu/faculty-staff/academic-personnel/postdoctoral-appointment-guide)
Article 25 - Time & Effort Commitment

- Postdocs remain 100% full time exempt appointees.

- Simultaneous teaching appointment as Lecturer is allowable and keeps Postdoc exempt.

- Part time appointments are permissible provided the PI and the Postdoc agree to the terms & approved campus
  - Family
  - Health
  - Other Employment
Article 25 - Time and Effort Commitment

- **Non-Exempt Part Time (title code 3255)**
  - Paid on hourly rates (based on experience level)
    - How to calculate hourly rate? Full-time annual salary rate ÷ 2088
  - Minimum length of appointment is one month and can be up to the duration of appointment
  - Paid for each hour worked under 40 per week
  - Time and a half for each hour over 40 per week
    - 40 hours in a compensatory time bank
    - Unused time will be paid at the end of the appointment
  - Postdoc required to track their hours daily and submit their timesheet in accordance with departmental practice
  - Will be paid on a bi-weekly schedule
  - Travel time – Travel during regular working hours is compensable
Article 3 - Benefits

• Consistency of terms
• Postdocs will continue to pay a share, but their contribution share is locked in at current levels for each year of the life of the contract

<table>
<thead>
<tr>
<th></th>
<th>HMO</th>
<th>PPO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Postdoc Only</td>
<td>2%</td>
<td>$20</td>
</tr>
<tr>
<td>Postdoc + Spouse</td>
<td>3%</td>
<td>$40</td>
</tr>
<tr>
<td>Postdoc + Child</td>
<td>2%</td>
<td>$40</td>
</tr>
<tr>
<td>Family</td>
<td>3%</td>
<td>$60</td>
</tr>
</tbody>
</table>
Article 4 - Compensation

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

• **National Institute of Health (NIH) Kirschstein Scale**
  – Also determined that full time Postdocs should remain exempt
    • experience level 0 is at $47,484
    • experience level 1 and 2 are minor increases above
  • UC Postdoc Scale starts at NIH scale step 2 ($48,216) and ends with step 7 ($58,560)
  • UC Postdocs stay, on average, at the University for 3 years
## Compensation Comparison

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

• **December 1, 2016**
  - All Postdocs will be placed at 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 3253 and 3254 up to the new minimum
December 2016 Increase

*Payroll Moratorium – Auto Adjustment*

Nov. 30 – Dec. 5th

All Postdocs on UC Level will be adjusted to the new annual level

<table>
<thead>
<tr>
<th>UC Level</th>
<th>2/1/16 Annual From</th>
<th>12/1/16 Annual To</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 (0-11)</td>
<td>$43,692</td>
<td>$48,216</td>
</tr>
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<td>5 (60-71)</td>
<td>$53,160</td>
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</tbody>
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December 2016 Increase

**MANUAL ADJUSTMENTS NECESSARY**

After December 5th

Departments need to manually adjust PD who are paid above their experience level prior to 11/30, but below new minimum of 12/1. Also, adjust those ranged due to placement above their experience level.

<table>
<thead>
<tr>
<th>UC Level</th>
<th>Annual Less Than</th>
<th>12/1/16 Annual Increase To</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 (0-11)</td>
<td>&lt;48,216</td>
<td>$48,216</td>
</tr>
<tr>
<td>1 (12-23)</td>
<td>&lt;50,316</td>
<td>$50,316</td>
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<td>&lt;58,560</td>
<td>$58,560</td>
</tr>
</tbody>
</table>
# December 2016 Increase

**No Increase Required**

Postdocs paid above the new minimum rate for their experience level – no increase required until anniversary date

<table>
<thead>
<tr>
<th>UC Level</th>
<th>12/1/16 Annual Greater Than</th>
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</thead>
<tbody>
<tr>
<td>0 (0-11)</td>
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Article 4 - Compensation

• **Subsequent Years**

  – UC implements new NIH scale (using steps 2 – 7) the first of the month following the announcement

  – Individual Postdocs receive salary increases on their reappointment/anniversary date
Article 4 - Compensation

- Postdocs paid above the minimum for their experience level
  - December 1, 2016 – no guaranteed increase
  - Subsequent years – 2% increase or to their next salary experience level, whichever is greater

- Funding Restrictions
  - Postdocs with funding letters restricting additional remuneration are exempt from these increases

- Converting from highly paid Fellow/Paid Direct to Employee earning less
  - Must seek union approval to reappoint at lower salary level
Table 23 Links


http://ucop.edu/academic-personnel-programs/_files/1617/non-exempt-issuance/NonExempt.pdf

http://ucop.edu/academic-personnel-programs/_files/1617/1617-postdoc-scale-issue/t23n-12-4-16.pdf
Salary Implementation

- **November 20th** biweekly pay period - manually convert title code 3252 to non-exempt

- **December 1st** monthly pay period - the full-time postdocs and part-time postdocs who are above the minimum salary threshold will all move to the new Table 23
  - Postdocs on a salary point on the 2/1/16 scale to the 12/1/16 scale.
  - However, if any postdoc is not on a specific salary point, s/he will have to be manually moved by the department/service center

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

• **Scenario 1**: Newly minted PhD is hired on July 1, 2017 as Postdoc Employee (TC 3252) at UC level 0 for the first year.
  – On July 1, 2017 – pay $48,216

• On July 1, 2018 gets a 18 month Fellowship:
  – On July 1, 2018 – receives 18 month appointment to match fellowship term pay $50,316 (through December 31, 2019)
  – On July 1, 2019 – pay at annual rate of $52,140 for final six months of fellowship

*Rates are subject to change and here for illustrative purposes only*
Compensation Scenarios

- **Scenario 2**: On July 1, 2017, Paid Direct is funded above scale for their experience at $60,000 for first year and $60,000 for second year.
  - On July 1, 2018, must provide a 2% ($1,200) salary increase paid as a Postdoc Employee (TC 3252)
  - On July 1, 2019, PI wants to reappoint as Postdoc Employee at step 3 rate their appropriate experience level ($54,228)
  - Must secure exception from UAW to pay on scale
  - If no exception, cannot reappoint Postdoc at all
  - On July 1, 2020 must provide salary increase to Step 4 ($56,400) if reappointed again

* Rates are illustrative based on UC 12/1/16 scale
Article 12 - Leaves of Absence

• Revised for legal compliance
• Contract provides for paid leave with:
  – 4 weeks parental benefit
  – Sick leave (12 days per year with carry forward)
  – Personal Time Off (24 days per year)
• 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 6 - Grievance and Arbitration

- Mostly current contract language
- Eliminated facsimile filing
- Allows for the University to provide email responses if the grievance or appeal is electronically filed
- Union must agree to placing grievance in abeyance while alternative resolution being considered or is ongoing when grievance alleges violation of Article 15 Nondiscrimination
- Dismissed international postdocs may get travel visa to attend arbitration (University or Union pays costs)
- Art. 5 Investigatory Leave letter within 1 day
Article 15 - Nondiscrimination

• Revised for legal compliance
• Embraces University Policies prohibiting harassment and discrimination
• Alternative resolution procedures and interim measures designed to promptly handle, allowing Postdoc to continue research while investigation is on-going
• Special processes when grievances are filed regarding violation of this article
• Provide union documentation in cases where grievances have been filed during sexual harassment investigations
Article 15 - Nondiscrimination

• Lactation Support
  – Provide space for expressing milk
  – Provide storage for milk
  – Provide time for a Postdoc to express milk

• All-Gender Restrooms
  – Provide locations
Article 21 - Reasonable Accommodation

• New Article
• Codifies current campus practices and legal requirements
  – Describes interactive process for reasonable accommodation
  – Provides for medical documentation requirement
  – No accommodation required that presents undue hardship to University
Questions?
CONTACT US

Tracey Pereida
Academic Personnel
530-754-6447
tgpereida@ucdavis.edu

Meg E. Wilson, J.D.
Labor Relations Consultant
530-752-6424
mewilson@ucdavis.edu