**Academic Researcher Contract**

**Implementation Guidelines for Academic Personnel Offices**

**Contract Training**

* Because this is a first collective bargaining agreement for Academic Researchers, the best practice is to tailor the contract training to PIs/supervisors. The College/School AP Deans’ staff, Department managers/MSOs, or Regional Support Services should work with the PIs/supervisors to ensure contract compliance. Chairs’, lab managers’, ORU Directors’, and departmental faculty meetings, are examples of where AP offices can get this message out. The attached collective bargaining agreement training powerpoint can be modified at your location to include relevant information only and distributed to faculty/PIs.
* Please partner with your campus Labor Relations office to ensure that all appropriate personnel on your campus are trained on the new contractual provisions.

**Compensation**

* Salary Scales - If an Academic Researcher is on an overlapping step (e.g., Assistant, Step 6 or Associate, Step 5, in the Project and Research series), a campus may opt not to use both steps that are overlapping and instead may choose to use only one of the overlapping steps. However, if the steps are not overlapping, all steps on the Academic Researcher salary scales must be available and used.
* Off-scale
  + Contract permits off-scale increments
  + Increases to the off-scale increments are at the location’s discretion
  + No notice to the union required
  + If your campus provides transitional or temporary off-scales, the reason for the transitional/temporary off-scale should be well documented and communicated to the Academic Researcher in writing

**Without Salary Appointments**

* Non-PI Academic Researchers
  + If there are gaps in funding, a non-PI Academic Researcher should be laid off pursuant to the Layoff and Reduction in Time article. They should not be placed into a Without Salary title or placed on a short work break.
* Principal Investigator Academic Researchers
  + On a case-by-case basis, in lieu of layoff, the PI Academic Researcher may be appointed in a concurrent out-of-unit WOS title. Please work with your campus Labor Relations office to determine if notice to the UAW is appropriate.
  + The following are instructions on how to enter into UCPath situations where a PI Academic Researcher lowers their pay to $0, but still conducts work. In these cases, it is expected that additional funding will be forthcoming (documentation of this should be provided). In UCPath, it is best if this situation is processed as two separate actions (concurrent appointments):
    - Place the original in-unit paid appointment on Short Work Break.
      * There is no expectation that the appointee will perform work under the original appointment while on Short Work Break.
      * There is reasonable assurance that the appointee will be returning to work after a period off pay status.
      * No pay is generated.
        + This will preserve the parameters of the appointment (FTE, pay rate, pay group, comp rate code, rank, step, salary, etc.)
    - Add a concurrent out-of-unit WOS appointment.
      * The appointee can perform services/work under the WOS appointment.
    - When funding returns,
      * Return from Short Work Break to resume pay
      * End the WOS appointment

**Series Specific Articles Appointment Lengths (Professional Researchers, Project Scientists, Specialists, Coordinators of Public Programs)**

* Minimum 1 year appointments until first merit or promotion review (“review”)
  + Exceptions: lack of work, lack of appropriate funding, programmatic need
  + If the initial appointment is less than a year because of at least one of the three reasons, campuses should document the reasons. Campus departments should provide the central campus AP office with the reason for the less than one-year appointment.
* Locations may provide longer term appointments
* With first merit review, any reappointments are for normative time at rank and step
  + No exceptions
  + If shorter reappointment length needed, see Layoff provisions
* Steps with indefinite duration (no normative time) must be reviewed at least every 5 years; if the Academic Researcher is reviewed every 5 years, the Academic Researcher can be reappointed with a minimum 3 year appointment, and if reappointed again, followed by a minimum 2 year appointment
* Appointment length during transitional period following ratification of collective bargaining agreement (CBA) (ratification date 11/8/19):
  + An initial appointment in an Academic Researcher series title after 11/8/19 will follow the rules of the CBA, which is the initial appointment in an Academic Researcher series title will be for a minimum of one year (unless it is shorter for one of the reasons listed as exceptions in the CBA) and for a majority of campuses will align appointments to end on June 30th (as long as the appointment is for at least one year, a campus can choose to not align the end date of the appointment on June 30th).
  + Academic Researchers who are already in an Academic Researcher series title on 11/8/19 will be reappointed for a minimum of one-year terms and once they are reviewed, reappointments will be for the normative time at rank and step, and for a majority of campuses will align appointments to end on June 30th. If there is no normative time at rank and step, use the last review conducted as the date to determine when they are due for the next review. Until the next review, the Academic Researcher will be reappointed for a minimum of one-year terms (unless it is shorter for one of the reasons listed as exceptions in the CBA).
* A campus may always make longer appointments than required under the CBA. If the review period and appointment length are not already synced up, a longer appointment to sync the appointment length with the review cycle may be appropriate.
* A campus may choose not to align the review cycle with the appointment length. However, the appointment length must still be at least the normative time at rank and step (with the exception of the indefinite steps, which follows the rules above regarding steps with no normative time).
* Under the collective bargaining agreement, if an Academic Researcher is not deemed meritorious following a merit review, the Academic Researcher may still be reappointed (a campus, however, has the discretion not to reappoint if the Academic Researcher is not deemed meritorious). The collective bargaining agreement does not require that an Academic Researcher be reappointed or have to be reviewed in order to be reappointed.
* If an Academic Researcher is (1) hired into an in-unit title via a time-limited waiver of recruitment (e.g., continuation of training or emergency hire) and then (2) is appointed in that same title, with the same rank and step, following an open recruitment, all time served in the both positions will count toward the next advancement.
* Example #1
  + Associate Specialist with initial appointment at Step I on July 1, 2018
  + Normative time at rank and step is 2 years
  + Reappointed at Step I on July 1, 2019 through June 30, 2020
  + Eligible for merit review to be effective July 1, 2020
    - Merit review must be conducted prior to July 1, 2020
  + Reappointment July 1, 2020 must be for minimum of two years (normative time at rank and step)
* Example #2
  + Full Project Scientist with initial appointment at Step I on March 1, 2019, ending June 30, 2020
  + Normative time at rank and step is 3 years
  + Reappointed at Step I on July 1, 2020 through June 30, 2021
  + Reappointed at Step I on July 1, 2021 through June 30, 2022
  + Merit review must be conducted prior to July 1, 2022
  + Reappointment July 1, 2022 must be for minimum of three years (normative time at rank and step)
* Example #3
  + Academic Researcher at a step with an indefinite duration
    - Examples: Full Specialist Step IX, Full Project Scientist Step V and above, Full Professional Researcher Step V and above
  + Must be reviewed at least every 5 years
  + Upon review, reappointed for a minimum of 3 years. If reappointed, to be followed by a minimum of 2 years

**Merit Process**

* University must provide written notification to Academic Researchers eligible for review at least 6 weeks before their materials are due
* Please update your campus review guidelines to reflect the collective bargaining agreement terms and the references should be to the collective bargaining agreement rather than the APM. The non-represented Academic Researchers (supervisors) will remain subject to the APM.
* The UAW cited to UCD, UCR, and UCSB as having the model campus review guidelines. The UCD, UCR, and UCSB guidelines may be useful to you if you are planning on updating your review guidelines.
* Notice shall include (template provided):
  + List of materials and how they should be submitted
  + Due date
  + Link to series article and applicable campus review guidelines
  + Effective date of the merit or promotion
* Academic Researcher may request a deferral or off-cycle review
  + Granting such requests is at the discretion of the University
  + If the request is granted, the written acknowledgement should address the length of the next reappointment and state that the new appointment will be superseding the old appointment

**Reappointment at Reduced Percentage**

* Under the Academic Researcher contract, if a Professional Researcher, Project Scientist, or Specialist has more than eight years of service at 100% time, and the PI needs to reappoint at only 50% time due to reduced funding, is there a 60-day notice obligation to the employee, and to the union for the reappointment at reduced time?
  + The Academic Researcher contract does not require a 60-day notice with a right to respond when reappointing at a lesser percentage. For series specific articles, non-reappointment provisions do not apply for a reduction in time for new appointments, but the best practice is to give as much notice as you can to the Academic Researcher of a reduction in time when reappointed.

**Layoff and Reduction in Time** (template provided)

* 45-day notice to Academic Researcher
* Notice to Union within 5 working days of notice to Academic Researcher
* PIs and co-PIs may request to reduce their salaries as an alternative to layoff
  + Campus discretion
  + Reduction may not exceed their term appointment
  + Agreement and/or restoration must be in writing
  + Must remain FLSA exempt
  + Their effort must remain commensurate with their appointment percentage appointment

**Workload Should Be Commensurate With Appointment Percentage**

* Best Practice
  + 80% = Monday through Thursday, for example
  + Appointment percentages in measurable effort, e.g. 75%, not 71.3%, etc.
* If reduction in time, document reduction in workload (template attached)
* As stated above, campuses should tailor the contract training to PIs/supervisors, including provisions about the work being commensurate with appointment percentage. The College/School AP Deans’ staff, Department managers/MSOs, or Regional Support Services should work with the PIs/supervisors to ensure that the work being performed is commensurate with appointment percentage. Chairs’, lab managers’, ORU Directors’, and departmental faculty meetings, are examples of where AP offices can get this message out.

**Eight-Year Limit**

* Eight-year limit applicable to Assistant Professional Researchers (mandatory for Professional Researchers) and may be applicable to Assistant Project Scientists (campus discretion as to Project Scientists).
* Only service in the title series counts toward the 8-year limit.

**Out-of-Unit Movement**

* Out-of-unit movement steps to follow (this applies even if the Academic Researcher appointment ended and they are reappointed in a non-represented Academic Researcher title, if there was no open recruitment into the out-of-unit title):
  + Step 1: Department/Lab fills out out-of-unit movement checklist if the Academic Researcher is being moved out of the unit because the Academic Researcher became a supervisor and submits to the central campus Academic Personnel office (use attached template).
  + Step 2: Work with campus Labor Relations office to send out-of-unit movement letter to notify the union (use attached template) 30 days prior to the effective date of the out of unit movement.
  + Step 3: Move the Academic Researcher to an out-of-unit title on the effective date listed in the notice and issue new non-represented appointment letter that includes information on terms and conditions of employment for the non-represented Academic Researcher, including salary information.
  + Step 4: UAW may request to meet and discuss, and if they disagree with the action they may grieve. This would not delay the movement out of the unit. The grievance may proceed to arbitration, and the arbitrator may order the Academic Researcher back into the unit. If that occurs, the Academic Researcher is solely responsible for any back dues owed to the union.

**Reappointment – Work Authorization Paperwork**

* Only upon reappointment, the University may be liable for failing to process work authorization paperwork promptly
* Academic Researcher must show:
  + The University’s failure resulted in delay in effective date of reappointment, and
  + Academic Researcher made reasonable efforts to follow up with University to ensure timely processing.
* Remedy calculated in reference only to pay lost during the time the University was solely responsible for the delay.

**Union Access to New Employees**

* University must provide the Union 30-minute access to new Academic Researchers for the purpose of new employee orientation using one of the following methods:
* Location-wide Group Onboarding if adequate facilities available
* If no Location-wide Group Onboarding, then Union access to Location-wide New Employee Orientation
* Catch all – If neither of the above, then individual Union orientation
* Local Labor Relations Office will provide Union with date, time, location of group onboarding or new employee orientation and contact information for person in charge of scheduling at least 10 calendar days in advance
* Attendance is mandatory although discipline is not warranted if the Academic Researcher does not attend. The University shall not discourage attendance.
* Union will send joint letter to new Academic Researcher (appendix to the contract)