



# POSTDOCTORAL SCHOLAR NEW CONTRACT TRAINING 2016

University of California  
and  
UAW 5810

Presented by  
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# 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)
    - 1<sup>st</sup> year – one year appointment – “pseudo probation”
    - 2<sup>nd</sup> and 3<sup>rd</sup> 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 5<sup>th</sup> 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

# Appointment Examples

- **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
- [http://ucnet.universityofcalifornia.edu/labor/bargaining-units/px/docs/PX\\_2016-2020\\_APPENDIX\\_G.pdf](http://ucnet.universityofcalifornia.edu/labor/bargaining-units/px/docs/PX_2016-2020_APPENDIX_G.pdf)
- <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

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



# 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

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	<b>\$48,216</b>	<b>Level 0</b>
3	\$49,152	<b>\$50,316</b>	<b>Level 1</b>
4	\$51,120	<b>\$52,140</b>	<b>Level 2</b>
5	\$53,160	<b>\$54,228</b>	<b>Level 3</b>
6	\$55,296	<b>\$56,400</b>	<b>Level 4</b>
7	\$57,504	<b>\$58,560</b>	<b>Level 5</b>

# 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

UC Level	2/1/16 Annual From	12/1/16 Annual To
0 (0-11)	\$43,692	<b>\$48,216</b>
1 (12-23)	\$45,444	<b>\$50,316</b>
2 (24-35)	\$47,268	<b>\$52,140</b>
3 (36-47)	\$49,152	<b>\$54,228</b>
4 (48-59)	\$51,120	<b>\$56,400</b>
5 (60-71)	\$53,160	<b>\$58,560</b>

# 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

UC Level	Annual Less Than	12/1/16 Annual Increase To
0 (0-11)	<48,216	\$48,216
1 (12-23)	<50,316	\$50,316
2 (24-35)	<52,140	\$52,140
3 (36-47)	<54,228	\$54,228
4 (48-59)	<56,400	\$56,400
5 (60-71)	<58,560	\$58,560

# December 2016 Increase

## *No Increase Required*

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

UC Level	12/1/16 Annual Greater Than
0 (0-11)	<b>\$48,216</b>
1 (12-23)	<b>\$50,316</b>
2 (24-35)	<b>\$52,140</b>
3 (36-47)	<b>\$54,228</b>
4 (48-59)	<b>\$56,400</b>
5 (60-71)	<b>\$58,560</b>

# 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/1617/1617-postdoc-scale-issue/t23-12-1-16.pdf](http://ucop.edu/academic-personnel-programs/_files/1617/1617-postdoc-scale-issue/t23-12-1-16.pdf)

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

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# Questions?

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