



**University Council-American Federation of Teachers**  
*Representing Lecturers and Librarians of the University of California*

**To:** Peter Chester, University Negotiator  
**From:** Alan Karras, UC-AFT Vice President-Grievances  
Chief Negotiator  
**Re:** Successor Negotiations

28 January 2011

Dear Peter:

As we discussed, please find attached the initial proposals from UC-AFT for a successor agreement to the one that expires on 31 July 2011.

The proposals are organized into three functional areas: appointments, procedures/policies, and the economic package. There is, of course, some overlap. In addition, UC-AFT proposes a new article that addresses the issues surrounding online education.

With best wishes,

A handwritten signature in black ink, appearing to read 'Alan L. Karras', is shown on a light-colored background.

Alan L. Karras  
UC-AFT Vice President-Grievances  
Chief Negotiator

**Cc: Maria Elena Cortez, UC-AFT Executive Director**  
**Robert Samuels, UC-AFT President**  
**Mike Rotkin, UC-AFT Vice President-Organizing**  
**Ben Harder, Bargaining Team Member**

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# UC-AFT Initial Successor Proposals, 28 January 2011

## Section 1--Appointments

### ARTICLE 6

#### ACADEMIC YEAR – APPOINTMENT

New provision to minimize term-by-term appointments when NSF will be (or are) employed on an annual basis.

### ARTICLE 7a

#### NSF APPOINTMENTS

General improvements that will serve to clarify shared understandings:

- Update language;
- Delete references to summer sessions (discuss as part of Article 22);
- Appointment Letters: clarify date by which appointment letters will be issued

Churning issues are widespread, with departments engaging in tactics and “workarounds” that result in ongoing churning. **Revise language to address this issue more clearly.**

Revise and expand reappointment language to address the lack of department reappointment procedures. UC-AFT has concerns about:

- Inconsistent practices;
- Lack of transparency;
- Widespread lack of written departmental procedures;
- Automatic trigger for reappointment consideration;
- Materials and other factors to be considered in reappointment decisions.

Improve minimum salary increases for those who are still pre-6

Tighten language re: replacing NSF with lower paid NSF

Improve Grievability and Arbitrability language

## **ARTICLE 7b**

### **PROCESS FOR INITIAL CONTINUING APPOINTMENTS**

Clarify the timing and relationship between the instructional needs assessment, the excellence review, and notification to NSF of outcome

Ensure one year's notice of separation from the University

Delete references to summer session (discuss as part of Article 22)

Limit and clarify situations where instructional need does not exist

Make Instructional Need language and Reemployment language consistent with respect to when a department "needs" an NSF

Clarify the role of student evaluations

Clarify the "confidentiality" of the Excellence Review Committee

Clarify (or delete language addressing "the weight to be given the materials/information" during the evaluation of teaching excellence

Improve Grievability and Arbitrability language

## **ARTICLE 7c**

### **CONTINUING APPOINTMENTS**

Eliminate references to summer session

Ensure that the University does not inappropriately reduce continuing appointment percentages prior to excellence reviews

Improve language concerning continuing appointment base and augmentation

## **Section 2—Procedures and Policies**

## **ARTICLE 8**

### **INSTRUCTIONAL SUPPORT**

Address situation where NSF is unable to teach and the class cannot be rescheduled or cancelled

## **ARTICLE 9**

### PROFESSIONAL CONCERNS, MEETINGS AND PROGRAMS

Meaningful increase to Professional Development Fund Pool

Revise section G

## **ARTICLE 10**

### PERSONNEL FILES

Clean up language by deleting “personnel” where it appears prior to “review file” so that all references are to “review files” and not to “personnel review files”

Clarify distinction between personnel file and review file

## **ARTICLE 12**

### LEAVES

Address the issue of fiscal year NSF who become sick yet do not accrue sick leave

## **ARTICLE 17**

### LAYOFF, REDUCTION IN TIME, AND REEMPLOYMENT

Expand language to include a showing of no instructional need and/or that course/programs are being discontinued despite instructional need when implementing layoffs and/or reductions in time

Clarify language that limits access to continuing appointments and reemployment rights

Address contractual definition of seniority

Improve notice period for reductions in time for continuing appointments

Clarify when the University will notify Union of layoffs and reductions in time for pre-6 and continuing appointments

Revise reemployment language to mirror instructional need language (7b)

Improve Arbitrability language

Require University to first reemploy laid off NSF prior to posting a position and searching for new NSF

Close loopholes that encourage course renumbering

Clarification of the right of (forced) retirees to reemployment

### **ARTICLE 23**

#### **SUMMER SESSION**

Begin to include certain summer courses when counting an NSF's time and service for a continuing appointment

Article 7 provisions applicable to Article 23

Revise compensation language to provide consistency, to eliminate the University's discretion, and either to eliminate or limit "unusual circumstances" for providing lower compensation

Address inequities in compensation caused by units, class hours, course length and any other appropriate factors

Ensure that summer session earnings will not be treated as supplemental income for annual appointments, *systemwide*.

### **ARTICLE 24**

#### **INSTRUCTIONAL WORKLOAD**

Eliminate Resolution of Workload Value Disputes section

Require departments to develop and publish IWCs

Clarification of 8-course maximum

Improve arbitrability

### **ARTICLE 27**

#### **PAYROLL DEDUCTIONS**

Ensure that lecturers who leave employment, and subsequently return to employment, keep their membership status if they later return to work (for a period of 60 months).

### **ARTICLE 32**

#### **GRIEVANCE PROCEDURE**

Clarify procedural issues:

- meeting timelines (e.g. Clarify that Step 1 meetings must be conducted within ten calendar days);
- definition of “filing;”
- use of email in grievance filing and documentation;
- grievant meeting participants (e.g. Eliminate observer language limitation for grievance meetings);
- Improve the arbitration procedure language so that neither party can hold up the selection of an arbitrator or the scheduling of a hearing

Put together a more robust panel of arbitrators

#### **ARTICLE 40** DURATION

Revise MOU termination date

Revise successor agreement dates

#### OTHER

- Incorporate sideletters into the MOU (e.g. Boland, Switkes)
- Incorporate settlement agreements into the MOU (e.g. Baldi)

### **Section 3—Economic Package**

#### **\*\*\*ARTICLE 11** BENEFITS

**It is not our intention to open this article.** However, we would like to reserve this right in the event we cannot reach agreement on the economic package.

#### **ARTICLE 21** SALARY

Ensure salary increases that exceed increased benefit costs and pension contributions

Ensure that any special wage adjustments include NSF

Eliminate/revise prior general salary adjustments

Eliminate/revise additional salary scale adjustments

Eliminate/revise one-time salary adjustments

Eliminate/revise non-general range adjustments

Special Provision #5. Address on-going issue of social security and part-time lecturers

Discuss establishment of salary levels when moving between campuses

## **ARTICLE 22**

### **MERIT REVIEW PROCESS**

Shorten the time between merit reviews for continuing appointees

Increase the minimum continuing appointment merit increase

Delete "by agreement" language

Improve the merit process by requiring departments to provide all applicable campus and department merit review guidelines directly to the NSF

Eliminate language at F

Improve arbitrator's authority to mirror the excellence review process

In addition, UC-AFT proposes a NEW article, described below:

## **NEW ARTICLE**

### **ONLINE EDUCATION**

Develop language that addresses the following concerns:

- Defining online courses;
- Intellectual property rights;
- Workload/Course load;
- Review Process;
- Assignment;
- Preventing loss of work as classes move to online environment;
- Class size/enrollment caps;
- Course Development;
- Use of courses outside of the campus and at other campuses;
- Joint committee to address ongoing and evolving issues;
- On-line student evaluation