



OFFICE OF THE VICE PRESIDENT
HUMAN RESOURCES

OFFICE OF THE PRESIDENT
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April 13, 2012

Via E-mail and U.S. Mail

Alan Karras
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c/o International and Area Studies
101 Stephens Hall
Berkeley, CA 94720

Maria Elena Cortez
UC-AFT Executive Director
246 N. Hillcrest Boulevard
Inglewood, CA 90301

RE: UC 2012 IX Reopener Proposals

Dear Maria Elena and Alan:

I am pleased to provide you with the University's 2012 initial Reopener Proposals. Per the contract, the reopeners are limited to two articles each plus the Salary Article. As we agreed, the University's initial proposals identified below are presented in a conceptual format rather than express contract language. Each section provides information regarding the potential change, and, where applicable, the University's rationale for the potential change.

Article 7B: Process for Initial Continuing Appointments

- 1) Explore modifications to the existing time frames for completion of the instructional needs assessment and excellence reviews to allow greater administrative flexibility.

Rationale: Under the current contract language, UC may be obligated to make instructional needs projections several years in advance of what would be the Non-Senate Faculty instructor's ("NSF") initial Continuing Appointment year. Similarly, the University may be obligated to complete the excellence review of an NSF several years prior to an NSF's initial Continuing Appointment year.

- 2) Explore new provisions that would allow UC greater flexibility in those circumstances where the University has made a positive needs assessment and then, prior to the commencement of the initial Continuing Appointment year, the instructional need for a Continuing Appointment disappears.

Rationale: Currently, there is ambiguity with respect to the University's ongoing responsibility to complete the excellence review and/or confer a Continuing Appointment if the instructional need disappears prior to the completion of the excellence review or the beginning of the initial Continuing Appointment year. Allowing the University to make the needs assessment or

conduct the excellence review closer in time to what would be the NSF's initial Continuing Appointment year will reduce the potential for layoffs.

- 3) Explore possible clarifications to the provisions regarding confidentiality of faculty members participating on standing committees involved in the excellence review process.

Rationale: Under accepted and long-standing University policy and practice, the University maintains the confidentiality of the identities of ad hoc committee members that participate in the academic review process.

- 4) Review language to remove references to the process for termination due to academic performance.

Rationale: The language detailing the process for termination due to academic performance was moved from this article to Article 30 Discipline and Dismissal as a result of the 2011 Successor Negotiations.

Article 21: Salary

Propose terms of a compensation program that reflect the 1) University's budgetary circumstances and 2) the anticipated State General Fund Allocation for fiscal year 2012-13.

Article 32: Grievance

- 1) Establish a mandatory step 3 appeal process with review by the UCOP-Labor Relations Office.

Rationale: A formal review by the Office of the President prior to arbitration will facilitate greater consistency of application and interpretation across the UC system.

- 2) Clarify the union's/grievant's obligation within the meaning of Section D 3 to make known all "contentions" relevant to the grievance at the Step 2 grievance review.

Rationale: It is incumbent upon the union/grievant as the moving force behind a grievance to identify all arguments in support of the claim that the University has violated a provision(s) of the collective bargaining agreement. Early identification of issues/evidence makes it more likely that the grievance will be resolved at the earliest possible stage.

I look forward to a collaborative and productive series of negotiations.

Best regards,



Peter M. Chester

Associate Director-Labor Relations

Alan Karras
Maria Elena Cortez
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Page 3 of 3

cc: Vice President Duckett
Executive Director Tanaka
Manager Henderson
Manager Lunsford
Labor Relations Managers