

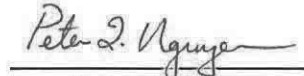
TENTATIVE AGREEMENT

UC-UAW Successor Bargaining
Postdoctoral Scholars
Article 26 – Titles and Classifications
UC Proposal 2
November 22, 2021
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For The University

 1-18-22

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ARTICLE 26 TITLES AND CLASSIFICATIONS

A. GENERAL PROVISIONS

1. A Postdoctoral Scholar is an individual who has received a doctoral degree (or equivalent) and is engaged in a temporary and defined period of mentored advanced training to enhance the professional skills and research independence needed to pursue his or her chosen career path.
2. Postdoctoral Scholars train under the direction and supervision of faculty mentors in preparation for academic or research careers.
3. In addition to pursuing advanced preparation in research, Postdoctoral Scholars may be approved to engage in other activities to enhance teaching and other professional skills. If formal teaching duties are assigned, a Postdoctoral Scholar will be assigned both a Postdoctoral Scholar title and an appropriate teaching title.
4. Ordinarily, Postdoctoral Scholars are not permitted to serve as principal investigators on extramurally sponsored contracts or grant applications. Because the University recognizes that proposal preparation is an important aspect of most postdoctoral training, campuses may permit Postdoctoral Scholars to serve as principal investigators on such applications that are restricted to Postdoctoral Scholars, or in other circumstances approved by the University. **Applications for Principal Investigator status shall be carefully considered.**
5. The provisions of this section are not grievable.

B. BARGAINING UNIT CLASSIFICATIONS

A brief description of the titles and classification in this unit is set forth below. The parties understand and acknowledge that these descriptions are intended to be general. The University may concurrently appoint Postdoctoral Scholars to more than one Postdoctoral Scholar title.

1. **Postdoctoral Scholar – Employee (3252):** An appointment is made in the title “Postdoctoral Scholar – Employee” when
 - a. the agency funding the salary requires or permits the appointee to be an employee of the University, or
 - b. whenever General Funds, Opportunity Funds or other University discretionary funds are used to support the position.
2. **Postdoctoral Scholar – Fellow (3253):** An appointment is made in the title “Postdoctoral Scholar – Fellow” when the Postdoctoral Scholar has been awarded

a fellowship or traineeship for postdoctoral study by an extramural agency and the fellowship or traineeship stipend is paid through a University account.

3. **Postdoctoral Scholar – Paid Direct (3254):** An appointment is made in the title “Postdoctoral Scholar – Paid Direct” when the Postdoctoral Scholar has been awarded a fellowship or traineeship for postdoctoral study by an extramural agency and the agency pays the fellowship or traineeship directly to the Postdoctoral Scholar, rather than through the University. Such appointments shall have a “without-salary” status.
4. **Postdoctoral Scholar-- Employee NEX (3255):** An appointment is made in the title “Postdoctoral Scholar-- Employee NEX” when:
 - a. the agency funding the salary requires or permits the appointee to be an employee of the University, or
 - b. whenever General Funds, Opportunity Funds or other University discretionary funds are used to support the position. and
 - c. based on the percentage appointment of the Postdoctoral Scholar, the prorated salary per week does not meet the FLSA salary level test.
5. **Interim Postdoctoral Scholar--Employee (3256):** An appointment is made in the title “Interim Postdoctoral Scholar--Employee” when UC graduate students who recently obtained their PhD degree or equivalent who need a short-term appointment to complete an existing project from their graduate educational programs before moving on to other employment. *While Postdocs may be appointed more than once to TC 3256, no one shall be appointed in TC 3256 for more than a cumulative total of 12 months in one or multiple appointments.*

~~FOR LBL ONLY~~

- ~~6. **Employee Postdoctoral Fellow (LBL):** The Postdoctoral Fellow appointment is determined when (1) the research is supported by Laboratory funds, or (2) the Laboratory is reimbursed by an external agency for the postdoctoral fellow's appointment.~~
- ~~7. **Employee Special Postdoctoral Fellow (LBL):** The Special Postdoctoral Fellow appointment is for the individual who has funding support from an external agency. The division augments the fellowship funding with additional work and compensation to reach approved Laboratory pay rate minimums.~~
- ~~8. **Employee Interim Postdoctoral Fellow (LBL):** The Interim Postdoctoral Fellow appointment is for the time period between finishing doctoral degree requirements as a Laboratory Graduate Student Research Assistant (GSRA) and beginning postdoctoral work elsewhere. There should be no break in service between the~~

~~end of the GSRA appointment and the beginning of the Interim Postdoctoral Fellow appointment. Such interim appointments are made by a division director, based on the recommendation of the supervisor, and are not to exceed six months.~~

- ~~9. **Affiliate Postdoctoral Fellow Stipend (LBL):** The Affiliate Postdoctoral Fellow Stipend appointment is for a postdoctoral fellow who has been awarded or appointed to a fellowship or traineeship for postdoctoral study by an external agency. The fellowship or traineeship is paid through a Laboratory non-payroll account.~~
10. **Affiliate Postdoctoral Fellow Paid Direct (LBL):** The Affiliate Postdoctoral Fellow Paid Direct appointment is for the postdoctoral fellow who has been awarded a fellowship or traineeship for postdoctoral study by an external agency. The agency pays the fellowship or traineeship directly to the postdoctoral fellow rather than through the Laboratory.

C. NEW CLASSIFICATIONS

1. When the University creates a new Postdoctoral Scholar classification and title, the University shall mail a notice to the Union of the bargaining unit assignment, if any, of such classification. The Union shall have sixty (60) calendar days after mailing of such notice to contest the University's assignment of the newly created classification/title to a bargaining unit, or to an employee grouping which has not been assigned to a bargaining unit. Postdoctoral Scholars shall not be assigned to the newly established classification until the bargaining unit assignment is either agreed to or resolved by PERB.
 - a. If the Union contests the bargaining unit assignment of the newly created classification/title within the sixty (60) calendar day notice period, the University and the Union shall meet and confer in an effort to reach agreement on the bargaining unit assignment for the classification. If the parties are unable to reach agreement regarding the bargaining unit assignment of the title/classification, the dispute shall be submitted to PERB for resolution.
 - b. If the Union does not contest the bargaining unit assignment of the newly created position within the sixty (60) calendar day notice period, the unit assignment of the new classification shall be deemed agreeable to the parties and Postdoctoral Scholars shall be assigned to the newly created classification.
2. If the new classification/title is in the bargaining unit, the University and the Union shall meet and confer regarding the salary range and ancillary pay practices for that new classification.

D. OUT-OF-UNIT MOVEMENT

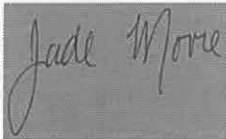

1. In the event the University initiates the movement of a person in a Postdoctoral Scholar title to a University title that is not in the bargaining unit during the Postdoctoral Scholar appointment, the University shall notify the Union in writing.
 - a. If the Union contests the removal of the individual(s) from the bargaining unit within fifteen (15) calendar days after receiving the University's notice, the University shall submit the matter to PERB for resolution. The University will not remove Postdoctoral Scholars from the bargaining unit until UC and the UAW reach agreement, or the matter is resolved by PERB.
 - b. If the Union does not contest the unit assignment of the Postdoctoral Scholar title(s) within the fifteen (15) calendar day notice period, the movement out of the unit may proceed.

2. In the event the University proposes to move the title of Postdoctoral Scholar–Employee, Postdoctoral Scholar-Fellow, or Postdoctoral Scholar-Paid-Direct out of the bargaining unit, the University shall notify the Union in writing.
 - a. If the Union contests the removal of the title(s) from the bargaining unit within sixty (60) calendar days of receiving the University's notice, the University shall submit the matter to PERB for resolution. The University will not remove Postdoctoral Scholar titles from the bargaining unit until UC and the UAW reach agreement, or the matter is resolved by PERB.
 - b. If the Union does not contest the unit assignment of the Postdoctoral Scholar title(s) within the sixty (60) calendar day notice period, the movement out of the unit may proceed.

For the UAW:
Date: 1/19/22



Bradford De Zanker



Jade More

Michael J. Miller
(Signature)



Joseph Bed

