

ARTICLE 22
MERIT REVIEW PROCESS

- A.** For those NSF who are eligible for merit increases, such increases are based on academic attainment, experience and performance, and are not automatic. NSF shall be eligible for merit increases in accordance with this Article in those years when the University provides merit increases to non-represented academic employees.
- B.** Consistent with this Agreement, decisions to grant or not grant a merit increase to individual NSF are at the sole discretion of the University. In the event an NSF is not awarded an increase following a merit review, the University shall include an explanation for its decision that shall accompany the merit review determination.
- C.** NSF shall be subject to merit reviews as follows:
1. Pre-Six year NSF merits – For pre-six year NSF, consideration for merit reviews, and decisions regarding the timing and amount of individual increases if any, shall be at the sole discretion of the University.
 2. Continuing Appointee merits – The University retains sole discretion in the evaluation of an NSF's performance.
 - a. A Continuing Appointee shall be considered for a merit increase at the time of the initial continuing appointment, and at least once every three years thereafter. At the sole discretion of the University, a merit increase may be considered and awarded before the completion of three years, after appropriate review. An NSF may request that his or her merit review be deferred for up to one year.
 - b. Upon review, if the NSF's performance since the last merit review is deemed excellent, the NSF shall receive a merit increase of at least six-percent (6%). The University is not precluded from granting merit increases of greater than six-percent (6%), with such increases being in intervals of three-percent (3%) only, e.g., 9%, 12%, and so on.
- D.** Demonstration Teachers, Supervisors of Teacher Education, or any NSF whose salary is paid on a "By Agreement" basis shall be considered for a merit review at the sole discretion of the University in accordance with procedures established by the University at each campus.

E. MERIT GUIDELINES AND PROCEDURES

1. The Union shall be provided copies of applicable campus merit guidelines and departmental review procedures as they exist or as they are developed, and provide copies to the Union. An individual may request a copy of the applicable campus merit review guidelines or departmental procedure(s).
2. The University may change campus merit guidelines and merit review procedures according to the normal campus processes for revising such procedures.
 - a. The University shall provide to the Union proposed changes to campus merit guidelines at least thirty (30) days prior to finalization. The University will begin to apply changed guidelines to individual NSF only with the beginning of the NSF's merit review cycle.
 - b. The University shall provide to the Union proposed changes to departmental review procedures at least a month prior to finalization. Upon request of the Union, the University shall meet with the Union to discuss the effect of the proposed merit procedure changes before the University implements such changes.
3. At the request of the UC-AFT, each campus will provide the Union with a list of NSF who were considered for merit increase during the previous academic year. The information will include the campus, the NSF's name, department, whether the individual was granted a merit increase or not, and the amount of any such increase. The information shall be provided within thirty (30) calendar days of the Union's request.

F. The provisions of this Article are not intended to preclude consideration for merit increases for the members of this bargaining unit.

G. An arbitrator shall not have authority to substitute her/his judgment for the University's judgment regarding and NSF's performance or qualification, nor shall the arbitrator have the authority to order the University to provide a merit increase. If the arbitrator finds a procedural violation, the arbitrator's authority shall be limited to ordering the University to repeat the merit review from the point at which the violation occurred. At the request of either party, the arbitrator may retain jurisdiction.