

NEW EMPLOYMENT PROVISIONS-- GENERAL

- 1. The LIMITEDQNA-L account has received a number of questions regarding how the new UCRP and employment policies will impact budgets, especially for those who rely on contracts and grants for funding. (4/13/2001)**

The project workgroup consulted with the UC Budget Directors for guidance in how to respond to these questions. The Budget Directors indicated that budget issues can only be addressed at the local level because of variations in local funding policies regarding the cost of additional employee benefits (such as increased health and welfare benefits for employees, departments' matching employee's social security contributions, and how the increase of employees having career status will affect each location's budget). If you have budget questions, please contact your local budget office.

- 2. Since the various monthly maintenance reports are sorted by department, what happens for employees who are working in more than one department? (3/27/2001)**

Every employee has a home department designated in PPS, and the monthly maintenance reports will go to the home department only.

- 3. What changed for casual employees when the enhanced benefits and employment policy proposals became effective on January 1, 2001? Do casual employees (employees who now hold limited appointments) automatically become career employees and eligible for career benefits? Have departments operating costs (i.e., full benefits and Social Security) increased right away? (3/19/2001)**

On January 1, 2001, new personnel policies covering limited and floater appointments became effective and the University began counting hours on pay status in limited appointments to determine eligibility for career status and membership in UCRP. When an employee becomes eligible for career status under the new rules, departments will be required to process the appropriate personnel action. If the new career appointment is established for at least 50% time for a year or longer, the employee will be eligible for UCRP membership and the benefits that flow from UCRP eligibility. Departments will be required to cover the associated costs of the new career appointment.

With regard to the employment look back, operating costs will increase on the effective date of the new career appointment if the appointment is established at 50% or more time for a year or longer, or if the new appointment when added to the original appointment is 50% or more time for a year or longer. If the appointment is established at less than 50% time or for less than a year, the employee will automatically become a member of UCRP and incur increased operating costs when and if the employee is on pay status for 1,000 hours in a rolling 12-month period.

There will be no departmental costs associated with the retirement look back.

- 4. A former employee accumulated more than 1000 hours in the "look back" period but was terminated in late November in accordance with a pre-determined termination date. The employee was not on the payroll on January 1, 2001. Does the campus need to wait 120 days before it can rehire the employee in order that his previous hours do not count toward qualifying time on pay status either under the look back or look forward provisions? (3/19/2001)**

A department does not need to wait 120 days before it can rehire an employee who was terminated in accordance with a pre-determined termination date. Departments should not, however, terminate an employee for the sole purpose of denying eligibility for conversion to a career appointment. In the case presented here, qualifying time on pay status between 12/1/99 and 12/31/00 will not make the rehired employee eligible for career status under the look back provisions if that employee was not appointed to a limited position on 1/1/01, nor will it contribute to the 1,000-hour career status threshold looking forward when the individual is rehired.

- 5. Do the personnel policy changes apply to house-staff? To employees with contract appointments? (11/1/2000)**

The personnel policy changes do not apply to house-staff who are academic personnel nor to employees who hold contract appointments.

- 6. What type of academic titles/appointments are affected by the proposed personnel policy changes? (11/1/2000)**

Academic titles/appointments are not affected by the changes to staff personnel policy. They are affected, however, by the retirement eligibility changes.

- 7. What type of an appointment is one that is established at 75% time for duration of 11 months? (11/9/2000)**

This is another example of where temporary staffing needs will require careful monitoring. Depending on the campus and whether the employee is covered by a collective bargaining agreement, there are a number of options that could be utilized in this situation. If the campus has a temporary employment pool, the position could be filled by an employee appointed as a floater, provided that the job title is covered by a collective bargaining agreement that provides for floater appointments. If this option is not possible or appropriate, the position could be filled with an employee on an employment contract (for non-exclusively represented employees) or per diem title (if available under a collective bargaining agreement). Other alternatives that may be feasible in some circumstances include (1) job-sharing by two individuals holding limited appointments, each appointed at

no more than 48% time; or (2) two consecutive full-time limited appointments held by two different employees for shorter periods of time. If none of these alternatives are feasible, the appointment would need to be established as a limited appointment; however, the incumbent would convert to career status after 1,000 hours on a pay status without a break in service of at least 120 consecutive days.

- 8. A casual (limited) employee is hired on 1/2/01 to replace a career employee who is on pregnancy disability leave. The casual employee reaches the 1,000-hour threshold on 6/26 and converts to career status on 7/1. A career employee is hired on 2/1/01 to fill a permanent position in the same classification title and same unit as the employee with the limited appointment and the career employee who is on leave. On 8/1 the employee on leave returns to work. Which employee is laid off? The limited appointee hired on 1/2 who converted to career status, the career appointee hired on 2/1, or the career employee returning from pregnancy disability leave? (11/1/2000)**

This is an excellent example where temporary staffing needs will require careful monitoring. If the campus has a temporary employment pool, it would be advantageous to fill the pregnant employee's position with an employee from the pool. Absent a pool, the position could be filled with an employee on an employment contract (for non-represented employees) or per diem title (if available under a collective bargaining agreement). Other alternatives that may be feasible in some circumstances include (1) job-sharing by two individuals holding limited appointments, each appointed at no more than 48% time; or (2) two consecutive full-time limited appointments appointed for shorter periods of time.

Assuming that none of the alternatives discussed above occur, seniority points would be calculated for (1) the returning career employee, (2) the employee who was hired on 1/2 and who subsequently converted to career status, and (3) the career employee who was hired on 2/1. Since layoff is in inverse order of seniority, the employee hired on 2/1 would be laid off, unless one or more of these three employees had special skills, knowledge, or abilities not possessed by the other employees in the layoff unit.

- 9. Is there any concern that there may be a conflict with equal employment opportunity laws in cases where temporary employees by default move into career positions or in instances where a department opts to release an employee to avoid career status but hires someone else to do the remaining work based on need?(6/6/2001)**

It is important for campuses to observe equal employment opportunity and affirmative action requirements while meeting the objectives of the new policies related to temporary employment. The University is required by Federal law to undertake affirmative action for minorities, women, individuals with disabilities, and covered veterans to promote equal employment opportunity for these protected groups; to establish placement goals for minorities and women when there is under utilization; and to demonstrate good faith

efforts towards meeting these goals. Therefore, the Office of the President has recommended that campuses recruit for limited appointments that are expected to exceed five months in duration and initiate outreach efforts to create diverse pools of applicants to demonstrate that the University is making a good faith effort to meet its equal employment opportunity obligations.

With regard to the second part of the question, personnel policy and the applicable collective bargaining agreements state that employees holding limited or floater appointments may be released at any time at the discretion of the University. The release of an employee is not in itself in conflict with EEO requirements, unless the release was discriminatory or a pattern of such releases indicated a disparate adverse impact on minorities, women or other protected groups.

10. Under what circumstances can an employee be appointed to a career appointment for less than 50% time and/or less than one year? (6/6/2001)

Normally, when a career appointment is established it must be established for at least 50% time for at least one year. However, pursuant to the policy changes issued on January 1, 2001, there is no requirement to raise the percent time appointed to 50% or extend the appointment duration for at least one year when an employee who holds a limited appointment converts to a career appointment upon reaching 1,000 hours on pay status. It is only in these latter circumstances (i.e., when an employee converts from an appointment with an end date of less than one year and/or an appointment of less than 50% time) to a career appointment that an employee may be appointed to a career appointment for less than 50% time and/or for less than one year.