



OFFICE OF THE VICE PROVOST --
ACADEMIC PERSONNEL AND PROGRAMS

OFFICE OF THE PRESIDENT
1111 Franklin Street, 10th Floor
Oakland, California 94607-5200

September 15, 2023

CHANCELLORS
ACADEMIC COUNCIL CHAIR JAMES STEINTRAGER
LABORATORY DIRECTOR MICHAEL WITHERELL
ANR VICE PRESIDENT GLENDA HUMISTON

**RE: Systemwide Review of Proposed Academic Personnel Manual (APM) Section 672,
Negotiated Salary Program**

Dear Colleagues:

Enclosed for systemwide review is a proposed draft of Academic Personnel Manual (APM) Section 672, Negotiated Salary Program (APM - 672). The new policy is proposed in response to a recommendation from the Negotiated Salary Trial Program (NSTP) Phase 2 Taskforce, with the support of Provost and Executive Vice President Katherine S. Newman, to institutionalize the program in policy.

Background

Discussions of a possible negotiated salary program for general campus faculty have occurred at the University of California for more than 20 years, at both the campus and systemwide levels. These discussions culminated in the Negotiated Salary Trial Program (NSTP), which was approved by the Academic Council and the Council of Vice Chancellors for implementation in an initial phase from July 1, 2013, through June 30, 2018. Three campuses, including UC Irvine, UC Los Angeles, and UC San Diego, participated in phase one of the NSTP. In year four of phase one, a joint Senate-Administration Taskforce that was convened to review the program issued its report to then-UC Provost/Executive Vice President (EVP) Aimee Dorr on June 22, 2017, recommending continuation of the program under certain conditions. In January 2018, based on input from the systemwide review, then-UC Provost/EVP Michael T. Brown approved an expansion and continuation of the NSTP in a second phase, to begin on July 1, 2018, and run through June 20, 2022, with a possible one-year extension to facilitate determination at that time whether to establish the program as APM policy, terminate it, or alter it. In addition to the three phase-one campuses, three new campuses (UC Davis, UC Riverside, and UC Santa Cruz) joined the program during phase two.

On September 17, 2021, then-Provost/EVP Brown approved a one-year extension of the NSTP, for an additional fifth year for phase two for fiscal year 2022–23. Additionally, he requested that the six participating campuses provide a plan for possible rescindment should the program end. On October 12, 2021, then-Provost/EVP Brown appointed the NSTP Phase 2 Taskforce to review the program and make a recommendation on whether to institutionalize the program in policy or to end it. The

Phase 2 Taskforce “concluded that ending the negotiated salary program would be so disruptive that we cannot recommend such a course of action. Rather, accepting that it needs to continue, we have addressed how it can be improved and expanded.” They offered broad recommendations for a permanent negotiated salary plan.

On April 15, 2022, then-Provost/EVP Brown distributed for a 90-day Systemwide Review the Report from the Negotiated Salary Trial Program Phase 2 Taskforce, seeking input and advice on the Taskforce recommendations, as summarized in the executive summary, and supported by the report text and appendices. As it became evident that the University of California Office of the President would not be able to welcome Provost/EVP Brown’s successor until later in 2022-23, Phase 2 of the NSTP was extended for another additional year, into fiscal year 2023-24. The NSTP continued to be based on the “Program Document” first issued on June 15, 2012, and updated on February 18, 2018, and including subsequent modifications and clarifications.

On September 12, 2022, in appreciation of the need to accord the new Provost and Executive Vice President for Academic Affairs sufficient time to review the large volume of systemwide comments that were submitted, then-Provost/EVP Brown extended Phase 2 of the NSTP for another additional year, into fiscal year 2024-25. In February 2023, Provost and Executive Vice President Newman reviewed the feedback received during Systemwide Review of the Report of the Negotiated Salary Trial Program Phase 2 Taskforce and determined that the NSTP should be institutionalized in policy.

Academic Personnel and Programs (APP) convened a workgroup to provide guidance in response to the report of the NSTP Phase 2 Taskforce and to draft policy language in the event the NSTP was approved to transition to a permanent salary program in the APM. The Working Group met on multiple occasions between Fall 2022 and Spring 2023 and recommended the NSTP transition to a permanent salary program. APP drafted the proposed APM - 672 - Negotiated Salary Program based on input from Working Group members and taking into consideration the current NSTP, similar sections of the APM, and the Report from the NSTP Phase 2 Taskforce.

From late May 2023 to late July 2023, APP distributed the draft policy for management consultation. Comments submitted to APP reflected general approval of the proposed policy, with recommended revisions to several provisions. Following analysis of and review of the comments, we are circulating a revised draft of APM - 672 for systemwide review.

Key Policy Provisions

The purpose of the Negotiated Salary Program (NSP) is to provide a mechanism for participating campuses to augment faculty compensation on a temporary basis according to the competitive requirements of academic disciplines. Specific goals of the NSP include:

- To recruit and retain outstanding faculty by leveraging external, non-state-appropriated funds;
- To encourage and recognize significant contributions to the University mission; and
- To offer negotiated compensation to participating general campus faculty.

The proposed policy includes the following key provisions:

- **Eligibility:** Eligibility is limited to Senate faculty and Acting appointees in Senate titles. Faculty who hold appointments in a Health Sciences school, college, or department with a Health Sciences Compensation Plan are not eligible to participate in the NSP.
- **Implementation Plan:** Each campus must develop an Implementation Plan that is consistent with the policy. The Implementation Plan will be reviewed by the appropriate division Academic Senate committee, approved by the Chancellor, and reviewed by the UC Provost/EVP prior to implementation.
- **Contingency Plan:** The Campus Implementation Plan must include a Contingency Plan outlining a strategy for covering the agreed-upon compensation to each NSP participant in the event that current-year income is unexpectedly insufficient to do so.
- **Good-Standing Criteria:** Written Good Standing Criteria shall be established at the campus level and must be included in the Campus Implementation Plan. Faculty participants in the NSP must be in Good Standing, make significant contributions to the mission of the University, and meet all other conditions of the campus plan.
- **Negotiated Salary Component:** The Negotiated Salary component cannot exceed 30% of the Base Salary that was in effect on July 1 of the proposed participation year.
- **Range Adjustments:** Covered Compensation is eligible for the general range adjustment, but the Negotiated Salary Component will be adjusted so that the Total UC Salary Rate remains unchanged.
- **Summer Ninths:** To be eligible for NSP, the candidate must take the maximum amount of summer salary available to them unless the Campus Implementation Plan includes provisions allowing participants to take fewer summer ninths. Locations have authority to grant exceptions to the summer ninths requirement. Campus Implementation Plans shall address the process by which a participant may request an exception to the summer ninths requirement.
- **Leaves of Absence:** Salaried leaves of absence will be paid at the Total UC Salary Rate, which includes the Negotiated Salary Component. In the event of a funding shortfall, the Contingency Plan will be implemented to resolve the shortfall.
- **Data Collection:** Appendix A establishes minimum requirements for collection of data on which locations must be prepared to report, if requested to do so.

Systemwide review is a public review distributed to the Chancellors, the Chair of the Academic Council, the Director of the Lawrence Berkeley National Laboratory, and the Vice President of Agriculture and Natural Resources requesting that they inform the general University community, especially affected employees, about policy proposals. Systemwide review also includes a mandatory, 90-day full Academic Senate review.

Employees should be afforded the opportunity to review and comment on the draft policy, available on the [Academic Personnel and Programs website](#). Attached is a Model Communication that may be used to inform non-exclusively represented employees about these proposals. The Labor Relations Office at the Office of the President is responsible for informing the bargaining units representing union membership about policy proposals.

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We would appreciate receiving your comments no later than **December 15, 2023**. Please submit your comments to VP-ACADEMICPERSONNEL@ucop.edu. Please indicate "APM - 672" in the subject line. If you have any questions, please contact Rebecca Woolston, Associate Director, Academic Policy and Policy Exceptions, at rebecca.woolston@ucop.edu.

Sincerely,



Douglas M. Haynes
Vice Provost
Academic Personnel and Programs

Enclosures:

- 1) Proposed Draft APM - 672, Negotiated Salary Program
- 2) Proposed Draft APM - 672, Negotiated Salary Program, Appendix A
- 3) Model Communication

cc: President Drake
Provost and Executive Vice President Newman
Executive Vice Chancellors/Provosts
Executive Vice President and Chief Operating Officer Nava
Interim Executive Vice President King
Senior Vice President and Chief Compliance & Audit Officer Bustamante
Vice President Lloyd
Vice President Maldonado
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Associate Vice President Cevallos
Deputy General Counsel Woodall
Executive Director Lin
Executive Director Motton
Chief of Staff Beechem
Chief of Staff Kao
Deputy CHRO and Chief of Staff Henderson
Chief of Staff Levintov
Chief Policy Advisor McAuliffe
Director Anders
Director Chin

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Director Teaford
Director Weston-Dawkes
Associate Director Garcia
Associate Director DiCaprio
Associate Director Jue
Associate Director Woolston
Manager Crosson
Manager Garza
Assistant Director LaBriola
Policy Analyst Wilson
Policy Analyst Durrin
Administrative Officer Babbitt