

FACULTY ASSOCIATION at UCLA: A Ten Year Retrospective: 1990-2000

The UC Faculty Associations (FAs) have been carefully following faculty welfare issues for about 25 years. The FAs are independent, dues supported organizations on nearly every UC campus (all except UC Irvine), with Bylaws, an Executive Board of faculty members, and staff. They began in the seventies in an effort to protect faculty interests by following closely the decisions of the University Administration and the legislature in matters of the salaries, benefits, and working conditions of faculty. Because it is state-funded, the Academic Senate may not use its resources to lobby on behalf of faculty interests, but the Faculty Association is not restricted in this way. Thus the UC FAs provide a framework within which members of the Academic Senate can do a job that very much needs to be done. The FAs leave matters of academic policy to the Academic Senate unless the Senate or the Administration specifically asks for our help (which has been done quite often as shown below in the Legislature section). The Faculty Associations are thus free to hire the professional services of a lobbyist in Sacramento to help us monitor and where necessary influence the decisions of the legislature to enhance faculty welfare. As noted below, the legislative achievements of the FAs during the last decade have been impressive.

The FAs are not unions (all except the Santa Cruz FA, which is the collective bargaining agent for faculty on that campus), but they have some carefully defined labor rights by virtue of their affiliation with the Santa Cruz FA. As a group, called the Council of the University of California Faculty Associations, the FAs are entitled to be consulted about changes in policies that affect the employment conditions of faculty, like salaries, benefits, and systemwide policies. They have the right to call for a meeting in Oakland to discuss issues important to faculty. It has also been an important part of the mission of the Faculty Associations to share information with faculty and Senate committee members through newsletters and copies of our correspondence.

From the highlights listed below, you can see what the UC Faculty Associations have done for you during the last decade.

SALARIES

2000-2001: COLA Delay: FAs show faculty and admin. the true cost of the 3 month COLA Delay on salaries—around \$1,000 on average—and on summer grant funding—substantially reduced funding levels.

1999-2000: FAs Propose Adding Cost of Living Adjustments to Salary Methodology

In national rankings, UCB ranked 16 and UCLA 17, but when cost of living was

factored in, both fell out of the top 20. We urged OP to add cost of living adjustments to the salary methodology as is currently done for the Cal State Universities.

1999: Cost of Living Adjustments to Salary Methodology Proposed

The FAs investigated the effect of cost of living on the salary rankings nationwide. UCB ranked 16 and UCLA 17, but when cost of living was factored in, both fell out of the top 20. We urged OP to take into consideration cost of living adjustments in the salary methodology just as is currently done for the Cal State Universities.

1998: 4.5% COLA for faculty (2% salary parity plus 2.5% COLA).

Reaching parity, after the serious slump in the early 90's, has taken five years and has been a major priority of the FAs. We have carefully watch-dogged the progress of this movement in the legislature and in the OP toward restoring salary parity with the Comparison 8 Institutions.

1997: FAs Urge Return to Parity with Comp 8

FAs met with Oakland Director of Budget to discuss faculty salaries and urge the COLA necessary to reach parity with the Comparison 8 Institutions

1996: Changes Inside the System: Adding Market Influence to Faculty Salaries A+B+C

The FAs analyzed the implications of the task force report on faculty compensation reform that proposed an A scale (equity component), a B scale (an added amount that would replace devices like off-scale, above scale) and a C component reserved for academic stars.

1995: Report Shows UC Salary Erosion Over the Past Decade

The FAs investigated the salary situation of UC faculty as the state budget crisis eased.

1994: The \$11 Million Dollar Decision: A Certain 75% of 1991-92 Merits or A Chance for a Better Deal.

The FAs analyzed the choice facing those faculty who received promotions and merit increases for 1991-92 and had to decide whether to join a class action suit against the University for repayment of the merits or trust in the University to restore them voluntarily.

1994: FA Testimony Lowers Legal Fees in Merit Class Action Suit

The FAs attended the hearing in SF and registered opposition to the proposed 25% legal fee. On the basis of the FA testimony alone, the judge lowered the legal fees to 19.2%. For those faculty who joined the class action lawsuit, they then received 80.8% of their merits instead of the proposed 75%.

1993: FAs Oppose Salary Cut of 3.5%

The FAs urged OP not to cut faculty salaries by 3.5% for 1993-94. We suggested that there were other ways of finding funds, like cutting administrative bloat.

1992: FAs File an Unfair Practice Charge with CA PERB Board against the UC Regents

The FAs alleged that the University failed to meet and confer with the UCSC FA prior to delaying merit increases from Jan. 1, 1991 to July 1, 1992 when they had the legal obligation to do so.

1992: Salary Increases to UC Administrators During the Merit Freeze

FAs reveal that during the time of the merit freeze for UC faculty, administrative increases were given to 74 people, six of whom were top executives, receiving about 9.12% more per year.

1991: FAs Oppose Merit Freeze

The FAs urged the governor and the legislature not to cut merits to UC faculty as a budget tightening device. Such a method would single out one group of faculty—those that had earned merit increases—and penalize them alone. Although these efforts were successful with the legislature—which funded UC merits--the Regents voted to freeze faculty merit increases and to offer no salary increase. They did this at a time that they also voted to give President Gardiner a compensation package of \$307,900 which was 30% higher than the mean compensation received in a nationwide comparison group of 23 other higher ed. chief executives. The FAs opposed the level of this compensation package as well as other “deferred compensation” practices among UC administrators.

BENEFITS

HEALTH

2000: FAs will meet in Oakland to discuss level of funding for UC Health Plans

UC FAs plan to meet in Oakland on Nov. 17, and one of the agenda items is the level of funding for UC healthcare. We are concerned that some of the plans, like UC Care, are underfunded to deliver the services they promise to. And we want more information on what UC has done with the healthcare contribution savings reaped in the last ten years as a result of managed care.

2000: UC Care: Time for Change

The FAs informed faculty about the funding problems of UC Care. A town hall meeting at UCLA between the negotiators of the UCLA Medical Group contract and OP representatives drew more than 100 faculty. Although the problems surfaced at UCLA in the termination of the UC Care Prudential/Aetna contract by the UCLA Medical Group, similar problems appeared later in the Bay Area.

1999: FAs urged OP to include a Point of Service Plan in the Options Available

In a meeting at OP, the FAs urged UC to adopt some form of risk adjustment in pricing plan premiums and incorporate better pharmacy and out of area coverage. We also reinforced the desire of faculty always to have a Point of Service option among healthcare plans.

1998: FAs Investigated the 24% Decline in the Employer Contribution to Health Care between 1993 and 1997.

The FAs pushed for maintaining an affordable triple option plan, providing better access to primary care physicians, and offering all UC faculty the opportunity to use UC medical school faculty and facilities at a reasonable price. We also advocated better out-of-area coverage for faculty.

1996: FA Presents Health Care Concerns Survey Results to OP

On May 24, 1996 the FAs met with OP to press faculty concerns about UC's rapidly changing healthcare environment. In preparation for this meeting, in April of 1996 some of the campus FAs conducted an informal email survey among FA members to determine what healthcare issues mattered most to faculty. The FAs asked OP to send out to conduct consumer satisfaction evaluations of the UC health plans so that faculty could evaluate the ratings of the different plans.

1994: The FAs Meet in Oakland to Discuss Faculty Health Care Concerns.

At the beginning of this calendar year, FA reps. met with OP to discuss changes in health care plans, particularly the redesign of UC Care into a Point of Service Plan. We expressed the concern that UC was underfunded to deliver what it promised and that its real mission was to draw enrollees from Pru High Option.

1993: FAs Investigate the Healthcare Options Desired by Faculty so that the Design of the new UC Care Serves Faculty Interests.

1992: FAs Send Out Healthcare Alert

We sent out An Alert to faculty in the open enrollment period providing a detailed comparison of Prudential High Option and UC Care.

1991: FAs Ask for a Table to Help Individuals Compare Health Plan Options

The FAs felt that faculty might have difficulty wading through many brochures in order to select a health plan during Open Enrollment. The FAs sent to Oakland a copy of the PERS comparison of benefits sheet and asked that OP do the same kind of table for its employees, which it did the following year.

RETIREMENT

2000: Behind Closed Doors: UC Regents' Procedures

The UC FAs informed faculty about the closed-door procedures followed by the Regents in making a decision to adopt a new asset allocation policy for UCRP, the General Endowment Pool (GEP), and the 403b equity and bond funds. We wrote to

Oakland and asked why the FAs were not consulted about such an important change in policy.

2000: Some Thoughts on COLAs

The FAs analyzed the various ways cost of living adjustments are accounted for. We showed that over a 15 -year period, the procedure followed by UC results in a significant reduction of income when compared to the returns generated by the Social Security or the CA Consumer Price Index.

1997: Faculty Want More Investment Choices for 403b and DCP Accounts

The FAs conducted campus surveys to find out what faculty knew about 403b and DCP accounts, whether they understood the default options, and what kind of investment choices they wanted. We were especially concerned that the default to UC Savings had serious implications for investment returns.

1997: Buyback Choices: Complex Predictions

Many faculty do not understand whether they should buyback a year of absence from UCRP monthly contributions. Others felt they were misled about their options. The FAs presented information about these difficult decisions, especially in terms of comparing investments in buyback versus other kinds of investment vehicles, to help faculty become more informed about their choices.

1994: VERIP III—How Much is it Worth?

FAs investigated VERIP III and offered an analysis to faculty so that they could decide which is the best option for them. We also drew faculty attention to the issue of choosing or not choosing a co-annuitant.

1994: Lump Sum Cashout \$\$\$

The FA published for faculty the factors that they could use to make an estimate of what their lump sum cashout might be from UCRP. These factors were not easily available, and several faculty felt that they couldn't make an important retirement decision without more information.

1993: FAs warn faculty that there will be a VERIP III.

We urged the University to clarify recall options and discuss the tax implications of taking VERIP III for some faculty.

1992: the UC FAs warn faculty that there will be a VERIP II

The FAs urged faculty considering taking VERIP II that they should cancel their tax-deferred contributions to 403(b) plans in order to bring their W-2 salary closer to their actual salary. The FAs also warned certain faculty that if they took the VERIP, they should be aware of the IRS Limits to Retirement Income.

DOMESTIC PARTNER BENEFITS

1997: FA representatives actively lobbied OP and the Regents in support of domestic partner benefits.

DISABILITY

1992: FAs Discuss Disability

The FAs investigated the new disability plans and provided guidance on the pros and cons of each choice and of the default options. We urged OP to give all employees a 360 day waiting period option for the short term disability and the long term disability policies.

LEGISLATIVE:

BUDGET

1999: Multi-year Funding Compact for UC

The FA lobbying team joined with others to support a multiyear UC Funding Compact and provide targeted funding for UC libraries.

1998: Additional Funding for the Libraries

Along with the FA lobbyist James Bruner, FAs lobbied local representatives to gain an additional \$10M in funding to help restore the depleted collections of the libraries. This was in addition to the \$3M for the digital library that had already been requested by OP.

1997: Budget Mischief at UC

The FAs investigated the way UC constructs its "Facts in Brief" reports to faculty during this budget crisis. We found the categories misleading, especially concerning funding of institutional support.

1997: COLA Delays Save UC Money

The FAs informed faculty how often the COLAs had been delayed for the last ten years. We found that in the last two years, October has been the start date for COLAs. For 3 of the last 10 years, COLAs were delayed 6 months. One year, 1988-89 the COLA was delayed 11 months. The only time in the last 10 years that a salary change occurred at the beginning of the fiscal year was in July 1993 when all employees took a pay reduction of 3.5%.

1997: FAs Support AB 1415: Long-term Stable Funding for UC

This bill would have provided UC with more stable long-term funding. FA members testified in Sacramento in support of this bill. The governor vetoed it but promised to pursue long-term funding stability for the University.

1997: Stable Funding for UC Medical Schools

The FAs actively supported two bills that would have increased support for medical education at UC

PERSONNEL FILES/CONFIDENTIALITY

1999: No on SB 172 A Breach of Confidentiality

UC's lobbyist asked the FAs to assist in their efforts to defeat SB 172 that would have seriously impacted faculty personnel reviews at UC and other research universities in California.

1996: No on SB 1503 Open Meetings for Senate Committees

The FAs actively opposed SB 1503 that would have imposed formal open meetings requirements on all faculty Senate committee deliberations. The FA lobbyist and the UC lobbyist met with Senator Dills, who agreed not to move the bill forward through the Legislature.

1995: No on AB 240 Open Meetings for Senate Committees

The FAs actively opposed AB 240 that would have applied the Bagley-Keene Open Meeting Act to Senate meetings, which would have included meetings to discuss personnel actions, faculty recruitment, and competitive research grants. We opposed it as a violation of confidentiality as well as an imposition of burdensome bureaucratic obligations to publish agendas and restrict discussion to agenda items.

1992: Victory for FAs in Confidentiality Lawsuit

On Oct. 4, 1992 the state Appeals Court handed down a decision in the Scharfe case. The FAs had filed an amicus curiae brief (written by David Feller, Law, UCB) on the University's behalf. The Court ruled that UC's tenure procedures that guaranteed the privacy of authors of confidential letters were legal.

CLASSROOM/TEACHING

2000: FAs Help Draft AB 1773 to Protect Faculty Intellectual Property in the Classroom

On Sept. 22, Governor Davis signed AB 1773, legislation sponsored by the California Faculty Association (the CSU Faculty Union) and the Council of UC Faculty Associations. In its final form this bill prohibits any business, agency, or person from preparing, causing to be prepared, giving, selling, transferring or otherwise distributing or publishing for any commercial purpose, any contemporaneous recording of an academic presentation in any California higher educational institution, public or private. The sponsors sought to halt the widespread practice of course notes from hundreds of courses given on dozens of campuses throughout California being posted on web sites without the knowledge or permission of the instructors.

1996: No on SB 1399 Restrictions on Faculty Use of their own Textbooks

This bill concerned possible conflict of interest in the selection of required reading material and would have prohibited faculty from using their own texts without prior administrative approval.

1994: No on 184 “Three Strikes and You’re Out.”

The FAs also lobbied for the defeat of Proposition 184 because it was contrary to the interests of higher education in California.

COLLECTIVE BARGAINING

1999: HEERA Hearing: UC Faculty Testify

On August 18, 1999 the Council of UC FAs was a significant participant in a hearing on HEERA (Higher Education Employee Relations Act) that was held by the Senate Educ. Committee. We arranged for the keynote appearance of Prof. Emeritus David Feller (Law, UCB), one of the acknowledged “fathers” of the Act and the first Council Chair. Prof. Robert Meister (Politics, UCSC) from the Santa Cruz FA testified to the inadequacy of the current law when bargainable dealings with the University are at an impasse.

UC POLICIES/ISSUES

INTELLECTUAL PROPERTY

1999: FAs Oppose the Tanner Report

The FAs actively opposed portions of the UC Tanner Report on faculty intellectual property and copyright that would separate the contents of a lecture from its performance and allow some transfers of copyright without written agreement.

INCOMPETENCE (APM 075)

1999: FAs Oppose the Proposed New Policy on Incompetence

The FAs registered opposition to the proposed new APM 075 policy on dismissing incompetent faculty on the basis of lack of clear definitions of incompetence as distinguished from disability, willful misconduct, and non-meritorious performance. We also objected to the diminished role of P&T to protect faculty rights in early termination cases.

1995: “Good Cause”

The FAs investigated the new policies on dismissing incompetent faculty. We opposed the policy in Oakland as lacking adequate protections for faculty. Particularly, the guaranteed right to the adversarial and evidentiary hearing before P&T was threatened by the new policy.

OUTSIDE PROFESSIONAL ACTIVITIES (APM 025)

2000: The Council Registers Opposition to Current Changes to APM 025

The FAs responded to the formal Notice of a change in policy and opposed the policy as a whole as omitting important new issues of conflict of interest in an entrepreneurial university, vague definitions of a “day,” selective application criteria.

1995: Outside Employment: New Policy Draft, New Limits, New Problems

The FAs investigated the proposed new policy on outside employment, APM 025. We found the policy unacceptable because the definition of outside employment was too broad in scope (it included both professional and nonprofessional activities), should not have included weekends, imposed onerous reporting requirements, and had the potential to violate confidentiality.

HOUSING

1991: FAs Conduct Housing Survey

Some campus FAs conducted a survey on faculty housing preferences and contacted OP about how the cost of living differences between the UC campuses affect faculty recruitment and retention. The high cost of housing in some urban areas is the root of the problem and that additional housing allowances should be paid to newly recruited faculty or to faculty buying a first home.

PARKING

Continued Vigilance on all UC Campuses

Nearly all of the FAs have actively followed increases in parking fees. They have been particularly interested in tracking whether parking fees are used to pay for parking costs. Throughout the decade, it has often been the practice of the University to collect far more in fees than it needs to cover costs, to increase parking fees, and to use these extra funds in diverse ways.

2000: the UCSC FA asked for collective bargaining on the issue of parking. UCB FA has protested increased parking fees.

1992: the UCLA FA retained an attorney to question excessive parking fees.

UC MEDICAL SCHOOLS

2000: FA Facilitated Meetings at UCLA: Faculty & Admin. Discuss Governance

1999: FAs Offer Help in Drafting Campus Options for Outside Compensation

The FAs helped the UC medical schools to draft a local (campus) option policy that would allow for a fairer distribution of outside professional income.

1999: The FAs Debate the Merger between UCSF and Stanford

The FAs led by UCSF FA became actively involved in the debate over whether to dissolve the UCSF/Stanford Merger. FA comments on this issue were quoted in several newspaper articles.

1994: In-Residence Faculty at UC: It's Time to Clarify Some Basic Employment Rights

The UC FAs recommended that the administration extend the rights of in residence faculty both without and with ending dates to include special considerations for

those who have worked for the University for many years and are close to retirement. The Council also supported the concept that all in residence faculty facing termination should be granted a P&T hearing if requested.