

This is part of a package proposal. UAW reserves the right to withdraw this package proposal at any time, at its sole discretion and without penalty. If this package proposal is not accepted as written in its entirety and without modification as described below, this proposal will be declared to be void and non-existent and the Union will return to bargaining from its language proposed prior to this package proposal.

ARTICLE __ PROFESSIONAL RESEARCH SERIES

A. DEFINITION

1. Appointees in this series must have earned a doctorate or its equivalent. The Chancellor, or their designee, may grant an exception to this requirement. Titles in the Professional Research series are assigned to those appointees who engage in independent research equivalent to that required for the Professor series and not for appointees whose duties are limited to making significant and creative contributions to a research project or to providing technical assistance to a research activity. Appointees with Professional Research titles do not have teaching responsibilities.
2. Appointees can, with campus approval, be Principal Investigators and have the major responsibility and leadership for their research programs. The ability to secure independent funding does not automatically qualify individuals for appointment to the Professional Research series. Appointments in this series may also be made to individuals who are not Principal Investigators, if they meet the research qualifications and demonstrate the accomplishment and the independence of research equivalent to that required for the Professorial ranks.

B. RANKS AND STEPS

1. General Conditions
 - a. The following ranks and steps apply to the Professional Researcher series:
 - i. Assistant Professional Researcher, I-VI
 - ii. Associate Professional Researcher, I-V
 - iii. Professional Researcher (for purposes of this Article, referred to as "Full"), I-IX
 - b. At the Berkeley and Davis campuses—**only**, each step has a corresponding half-step (e.g., Full Professional Researcher Step I, I.5, II, II.5, etc.). Provisions in this section pertaining to normative time at each step and to overlapping steps also applies to the applicable half-steps at the Berkeley and Davis campuses.
 - c. **A Professional Researcher with an off-scale salary rate is considered to be at the pay step closest to their salary rate for the purposes of this article.**

- d. **Nothing in this shall preclude the University from providing a Professional Researcher compensation above minimums required by this agreement.**

2. Normative Time at Each Step

The normal time at each step within the Assistant and Associate rank is 2 years, except for steps IV and V of the Associate rank, which is 3 years. Within the Full Professional Researcher rank, normal time at Steps I-IV is 3 years. Time at Full Professional Researcher Step V and above may be for an indefinite time.

A Professional Researcher with an effective date of appointment in the period July 1 through January 1 will receive service credit for one year at rank and step. A Professional Researcher with an effective date of appointment in the period January 2 through June 30 will not receive service credit for that year.

3. Overlapping Steps

- a. Assistant Step V and Associate Step I are overlapping steps. Assistant Step VI and Associate Step II are overlapping steps. Associate Step IV and Full Step I are overlapping steps. Associate Step V and Full Step II are overlapping steps. Time at the lower ranked step in a pair of overlapping steps may be in lieu of time at the higher ranked step in the same pair.
- b. When time at an Assistant ranked step in a pair of overlapping steps is followed by time at the Associate ranked step in the same pair, the combined time at both steps may be two years. When time at an Associate ranked step in a pair of overlapping steps is followed by time at the Full ranked Step in the same pair, the combined time at both steps may be three years.
- c. Locations may, in accordance with local campus practices, limit the use of Assistant rank, Steps V and VI and Associate rank, Steps IV and V.

C. TERM OF APPOINTMENT

1. An appointment in the Professional Research series shall have a specified ending date and appointment percentage, ~~and the appointment shall terminate on the specified ending date without any further action.~~ **except that an appointment or reappointment to the title of Associate Research (e.g., Physicist) or Research (e.g., Physicist) may be made with no specified ending date. An appointment with no specified ending date should be made only when there is a reasonable expectation of long-term funding.**
2. **A Professional Researcher appointment will normally be a 100%, full-time appointment. Upon written request of the appointee, the University may grant**

an exception to the full time appointment expectation when the appointee is unable to make a full-time commitment for reasons of health, family responsibilities, or employment external to the University. Such a request must take into account extramural funding agency requirements, if any. An exception to full time may be granted for a range of one month to up to the end of the appointment.

3. When the University reduces an appointment as described in §B.2., above, the University and Professional Researcher shall sign a written agreement specifying the reduction in hours of work and concomitant responsibilities.
4. When a Professional Researcher simultaneously holds a University teaching appointment or other University position, the percent time of the Professional Researcher appointment normally will be reduced so that the sum of the percent times of the two appointments equals one-hundred percent (100%).
5. Upon written request initiated by a Professional Researcher at the Associate or Full rank, the University shall provide a Non-Salaried (0% time) appointment.
6. A Professional Researcher shall be appointed or reappointed, at a minimum, for a duration equal to the normative time of their pay step. The end date of a Professional Researcher appointment will normally coincide with June 30, and a Professional Researcher reappointment will normally coincide with July 1.
7. The University may, upon review, decide not to renew a Professional Researcher's appointment when the programmatic needs of the department or unit, lack of work, the availability of suitable funding for the position, or the appointee's conduct or performance do not justify renewal of the appointment.
 - a. The University shall provide a written Notice of Intent not to reappoint an Academic Researcher at least sixty (60) days prior to the appointment's specified ending date. Either the appointment shall be extended to provide the required notice, or appropriate pay in lieu of notice shall be given. The University shall provide a simultaneous copy to the Union. The Notice shall state:
 - i. the intended action is not to reappoint the appointee and the proposed effective date;
 - ii. the basis for non-reappointment, including a copy of any materials supporting the decision not to reappoint;
 - iii. the appointee's right to respond either orally or in writing within fourteen (14) calendar days of the date of issuance of the written Notice of Intent; and
 - iv. the name of the person to whom the appointee should respond.
 - b. The Academic Researcher who receives a written Notice of Intent shall be entitled to respond, either orally or in writing, within fourteen (14) calendar days of the date of issuance of the written Notice of Intent. The response, if any, shall be reviewed by the administration.

c. **If the University decides not to reappoint an Academic Researcher who holds a term appointment, following the review of a timely response, if any, from the Academic Researcher, and within thirty (30) calendar days of the date of issuance of the written Notice of Intent, the University shall issue a written Notice of Action to the Academic Researcher and the Union of the non-reappointment and its effective date.**

8. Service as a 50% or more Assistant Professional Researcher is limited to eight years of service (with the 8th year being the terminal year). Six months or more of service at 50% or more within any fiscal year as an Assistant Researcher counts towards the eight year limit. **The Chancellor may grant an exception to the eight-year limitation of service.**

9. **Professional Researchers shall have PI status. The University shall provide Professional Researchers with necessary workspace and materials on the same basis as Senate Faculty.**

D. MERIT AND PROMOTION REVIEW PROCESS

1. General Conditions

a. When Professional Researchers are eligible for merit increases and promotions, such increases and promotions are based on research qualifications and accomplishments equivalent to those for the Professor series; professional competence and activity equivalent to those for the Professor series; and University and/or public service. Merit increases and promotions are not automatic.

b. The effective date of merit increases and promotions as a result of the review process will ~~normally~~ be **no later than** July 1.

c. **An Assistant Professional Researcher shall receive a merit increase of at least one (1) full pay-step, or promotion to the next rank, upon reaching the end of normative time at their current pay step. A Professional Researcher may receive a greater merit increase or promotion based upon their review.**

d. **Professional Researchers eligible for review and/or reappointment shall receive written notification no later than August 1 of the fiscal year (which runs July 1 - June 30) in which they are eligible. This notification shall include:**

i. **A list of materials the Professional Researcher is responsible for providing and how they should be submitted;**

ii. **The date by which the Professional Researcher must submit all required materials;**

iii. **A statement that merit increases, promotions, and/or reappointments are effective no later than July 1;**

- iv. Links to the applicable collective bargaining agreement article(s) and campus guidelines and procedures for merits and promotions;
 - v. A statement that a Professional Researcher may request relevant department (or other applicable hiring unit) policies, and;
 - vi. A statement that the Professional Researcher may contact the campus Academic Personnel Office, their Department Chair, or Chair's Designee if they have questions about the review process.
- e. An Academic Researcher may request an extension of review deadlines due to leave of absence taken under Article ___ - Leaves of Absence or Article ___ - Work-Incurred Injury or Illness. Such requests shall not be unreasonably denied.
- f. Consistent with this Agreement, decisions to grant or not grant a merit increase or promotion to individual Professional Researchers are **made by the ~~at the sole discretion of~~** the University. In the event a Professional Researcher is not awarded a merit increase or promotion following a review, the University shall include an explanation for its decision that shall accompany the review determination.
- g. A Professional Researcher may request to view their Personnel Review File in accordance with the APM. A Professional Researcher may send such requests to the campus Academic Personnel Office.
- h. A Professional Researcher shall receive a search exemption for an appointment in the Specialist, Project Scientist, or Coordinator of Public Programs series provided the appointment is in the same lab/unit or equivalent. In all cases, the new appointment shall be at a pay rate no less than the Professional Researcher's current pay step.
2. Review Period
- a. Assistant Professional Researchers at all steps and Associate Professional Researchers, up to Step III, shall be reviewed every two years.
 - b. Associate Professional Researchers at Steps IV and V, and Full Professional Researchers at Steps I-IV, shall be reviewed every three years.
 - c. Full Professional Researchers at Steps V and above shall be reviewed at least every five years, in accordance with local procedures.
 - d. A Professional Researcher may be reviewed early for the purpose of accelerated advancement. If a Professional Researcher receives an accelerated merit increase or promotion of at least one (1) pay-step, then they shall also receive a reappointment with start date coinciding with the effective date of the merit increase or promotion.

- e. **Upon written request, Aa** Professional Researcher may defer their review **for reasons of their own serious illness or injury, or that of a family member., in accordance with local procedures. However,** every Professional Researcher must be reviewed at least every five years.

3. Evaluation Criteria

- a. A Professional Researcher under review for merit increase or promotion in this series shall be evaluated on the basis of the following criteria:
 - i. Research and Creative Work
 - a) Evidence of a productive and creative mind should be sought in the Professional Researcher's published research or recognized artistic production in original architectural or engineering designs, or the like;
 - b) Publications in research and other creative accomplishment should be evaluated, not merely enumerated. There should be evidence that the Professional Researcher is continuously and effectively engaged in creative activity of high quality and significance. Work in progress should be assessed whenever possible. When published work in joint authorship (or other product of joint effort) is presented as evidence, it is the responsibility of the department chair or equivalent to establish as clearly as possible the role of the Professional Researcher in the joint effort. It should be recognized that special cases of collaboration occur in the performing arts and that the contribution of a particular collaborator may not be readily discernible by those viewing the finished work. When the Professional Researcher is such a collaborator, it is the responsibility of the department chair or equivalent to make a separate evaluation of the Professional Researcher's contribution and to provide outside opinions based on observation of the work while in progress. Account should be taken of the type and quality of creative activity normally expected in the Professional Researcher's field. Appraisals of publications or other works in the scholarly and critical literature provide important testimony. Due consideration should be given to variations among fields and specialties and to new genres and fields of inquiry;
 - c) Textbooks, reports, circulars, and similar publications normally are considered evidence of public service. However, contributions by Professional Researchers to the professional literature or to the advancement of professional practice or professional education, including contributions to the

advancement of equitable access and diversity in education, should be judged creative work when they present new ideas or original scholarly research; and

- d) In certain fields such as art, architecture, dance, music, literature, and drama, distinguished creation should receive consideration equivalent to that accorded to distinction attained in research. In evaluating artistic creativity, an attempt should be made to define the Professional Researcher's merit in the light of such criteria as originality, scope, richness, and depth of creative expression. It should be recognized that in music, drama, and dance, distinguished performance, including conducting and directing, is evidence of a Professional Researcher's creativity.
- ii. Professional competence and activity; ~~and~~
- a) The Professional Researcher's professional activities should be scrutinized for evidence of achievement and leadership in the field and of demonstrated progressiveness in the development or utilization of new approaches and techniques for the solution of professional problems, including those that specifically address the professional advancement of individuals in underrepresented groups in the Professional Researcher's field. It is the responsibility of the department chair or equivalent to provide evidence that the position in question is of the type described above and that the Professional Researcher is qualified to fill it.
 - b) In certain positions in the professional schools and colleges, such as architecture, business administration, dentistry, engineering, law, medicine, etc., a demonstrated distinction in the special competencies appropriate to the field and its characteristic activities should be recognized as a criterion for advancement .
- iii. University and/or public service at the Associate Researcher and Full Researcher ranks.
- a) Services by Professional Researchers to the University, community, state, and nation, both in their special capacities as scholars and in areas beyond those special capacities when the work done is at a sufficiently high level and of sufficiently high quality, should likewise be recognized as evidence for advancement. **Activities related to the improvement of elementary and secondary education represent one example of this kind of service. Similarly, contributions to**

student welfare through service on committees and as advisers to student organizations should be recognized as evidence, as should contributions furthering diversity and equal opportunity within the University through participation in such activities as mentoring of scholars and students.

- b) **Service may include service on research review boards.**
- c) Assistant Professional Researchers are not required to participate in service activities.

- b. In accordance with existing campus practices, a campus may require a career review at Full Step VI. This advancement involves an overall career review and will be granted on evidence of sustained and continuing excellence in scholarship or creative achievement. Above and beyond that, great academic distinction, recognized nationally or internationally, will be required in scholarly or creative achievement. Advancements to Full Steps VII through IX will only be granted on evidence of continuing achievement at the level required for advancement to Step VI.
- c. Advancement to above-scale involves an overall career review and is reserved only for the most highly distinguished researchers whose work of sustained and continuing excellence has attained national and international recognition and broad acclaim reflective of its significant impact. While advancement will not occur after less than four years at Step IX, mere length of service and continued good performance at Step IX is not justification for further salary advancement. There must be demonstration of additional merit and distinction beyond the performance on which advancement to Step IX was based.
- d. A further merit increase in salary for a Full Professional Researcher already serving at an above-scale salary level must be justified by new evidence of merit and distinction. Continued good service is not an adequate justification. Intervals between such salary increases may be indefinite, and only in the most superior cases where there is strong and compelling evidence will increases at intervals shorter than four years be approved.

4. Merit and Promotion Guidelines and Procedures

- a. The UAW shall be provided the applicable campus merit and promotion guidelines and procedures as they exist or as they are developed.
- b. **The University shall maintain comprehensive and complete merit and promotion guidelines and procedures for each campus, including applicable timelines. Links to current campus guidelines and procedures may be found in Appendix ___ of this agreement.**
- c. **Each campus shall produce and provide to the Union by August 31 of**

each year a report including the outcome of each Professional Researcher review. This report shall including the following information:

- i. the individual's name, department, job title, pay step, supervisor (if applicable), and employee ID;**
 - ii. the recommended action of each individual or committee in the review process, and;**
 - iii. the final determination.**
- d. The University may change campus merit and promotion guidelines and procedures according to the normal campus processes for revising such guidelines and procedures.
- i. The University shall provide to the UAW proposed changes to campus merit and promotion guidelines and procedures at least thirty (30) calendar days prior to finalization. The University will begin to apply changed guidelines and procedures to individual Professional Researchers only with the beginning of the Professional Researchers merit review cycle. **The University shall meet and confer over the effects of proposed changes upon request of the UAW.**

~~E. GRIEVABILITY AND ARBITRABILITY~~

~~Academic judgment is not subject to grievance or arbitral review. As such, an arbitrator shall not have the authority to substitute their judgment for the University's judgment regarding the Professional Researcher's performance or qualification, nor shall the arbitrator have the authority to order the University to provide a merit increase or promotion. If the arbitrator finds a procedural violation, the arbitrator's authority shall be limited solely to ordering the University to repeat the review from the point at which the violation occurred.~~