

UNIT 18 LECTURER APPOINTMENTS

A Primer for Department Chairs


Presented by

James DiCaprio, Associate Director, Academic
Employment and Labor Relations


Danny Gray, Director, Academic Employment and
Labor Relations

October 25, 2018 Academic Affairs Brown Bag Series

TOPICS TO BE COVERED

- ▶ Overview of Unit 18
 - ▶ “Churning” – What it is and How to Avoid it
 - ▶ Pre-Six Mentorship Meetings
 - ▶ Continuing Appointments – Is this the same as tenure?
 - ▶ Lecturer Workload
 - ▶ Lecturers and “Volunteer Service”
 - ▶ Part-time Lecturers – special rules
 - ▶ Paid Medical Leave
- 

OVERVIEW

- ▶ Unit 18 is the Non-Senate Instructional Unit
 - ▶ At UC Davis, these are Lecturers and
 - ▶ Supervisors of Teacher Education (School of Ed. Only)
 - ▶ Represented by AFT – Systemwide Contract
 - ▶ Does NOT include Lecturers with Security of Employment (“LSOE”)
 - ▶ Does NOT include Educators Without Salary (formerly known as Lecturers Without Salary or LWOS.)
- 

OVERVIEW (CONT.)

- ▶ Lecturers are of two varieties:
 - ▶ Pre-Six Lecturers
 - ▶ First 18 quarters in a department
 - ▶ Term appointments
 - ▶ University has broad authority not to reappoint.
 - ▶ Continuing Lecturers
 - ▶ After 18 quarters in the same department, and after passing the “excellence review”, Pre-Six Lecturers become Continuing Lecturers.
 - ▶ They have a “base appointment percentage” and no end date.
 - ▶ They are reviewed for a 6% merit increase every three years.

Which of the Following are Permissible Reasons Not to Reappoint a Pre-Six Lecturer?



- Poor teaching evaluations
- Good, but not excellent, teaching evaluations
- Lecturer's course will not be taught next year
- Course will be assigned to a senate faculty member next year
- Course will be assigned to a graduate student instructor next year
- This Lecturer got her PhD at the University of Chicago, and you want to replace her with a Pre-Six Lecturer who got his PhD from Stanford.
- This Lecturer has already taught 15 quarters and you want to avoid creating a Continuing Appointee.

Which of the following is/are subject to grievance and arbitration?

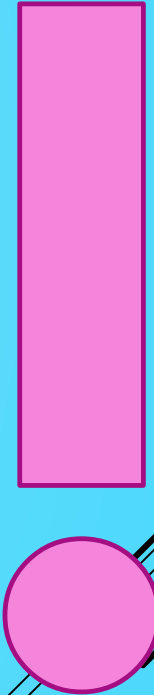
- A decision not to reappoint a Pre-Six Lecturer
- A Negative Excellence Review
- A Negative Merit Review



Churning

Churning is the practice of not reappointing a Pre-Six Lecturer for the purpose of avoiding giving them their tenth quarter pay increase or for the purpose of avoiding creating a Continuing Appointment.

Churning is a violation of the contract.



Hypothetical

Nancy Noah is a Pre-Six Lecturer in your department who is coming up on 15 quarters, and has received excellent teaching evaluations and excellent peer reviews of her teaching. Is it permissible to replace Dr. Noah with a new Pre-Six Lecturer, Bobby Bentley, whose PhD dissertation was recently completed and is considered more “cutting edge” than that of Dr. Noah?



Hypothetical

- ▶ You are the Chair of the department of Economics. For the last several years, your department has been hiring several newly minted PhDs from your own program as Pre-Six Lecturers to teach undergraduate courses. Each year you replace the previous year's Lecturers with a new crop of graduates. You reason that this is great resume-building experience for your recent graduates as they prepare to enter the job market, and it keeps your undergraduate course curriculum freshly infused with a variety of different academic perspectives.
- ▶ Is there a problem with this practice?



Quick Tips for Chairs re Churning Churning

- Perform an Assessment of your Pre-Six Lecturers every year (Exception: one-time hires who you know will not be reappointed need not be assessed).
- Do not reappoint Pre-Six Lecturers who are not Excellent or likely to become Excellent.
- The closer to 18 quarters a Lecturer gets before you decide not to reappoint them, the more it looks like churning.
- Document reasons for non-reappointment in order to defend against a possible charge of churning.

Pre-Six Mentoring Meetings

- ▶ NEW REQUIREMENT IN 2016
- ▶ Every Pre-Six Lecturer who is hired for a ninth quarter (or sixth semester) is entitled to a mentoring meeting with department chair or a Vice Chair.
- ▶ The Lecturer can decline the meeting.
- ▶ The mentoring meeting should be based on:
 - ▶ Student Evaluations
 - ▶ Course materials (syllabus, etc.)
 - ▶ Peer reviews of teaching (if any)
- ▶ The Chair is not obligated to review anything other than these three types of materials in preparation for the mentoring meeting.
- ▶ The content of the meeting should not be documented or referred to in any future assessment or review.
- ▶ Refer to the Pre-Six Mentoring Meeting Toolkit on the Academic Affairs home page.
<http://academicaffairs.ucdavis.edu/resources/unit18/index.html#mentoringmeeting>

Continuing Appointments

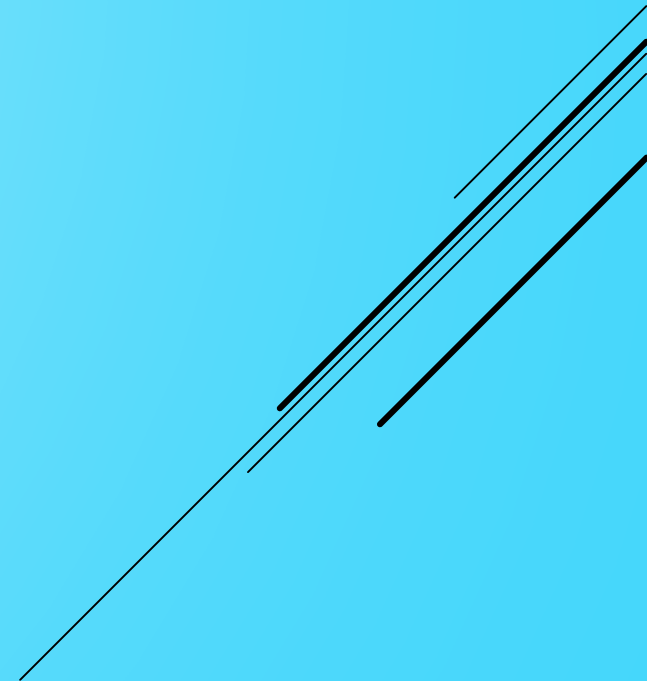
- Is this just like tenure? No, not exactly...

▶ Article 17: Layoff

- ▶ Continuing Appointees can be laid off or have their appointment reduced for either lack of work (courses get cancelled or are taught by a senate faculty) or lack of money.
- ▶ Pre-Six Lecturers can also be laid off prior to the end of their term appointments.

▶ Article 30: Discipline and Dismissal

- ▶ Misconduct
- ▶ Poor Performance



Hypotheticals

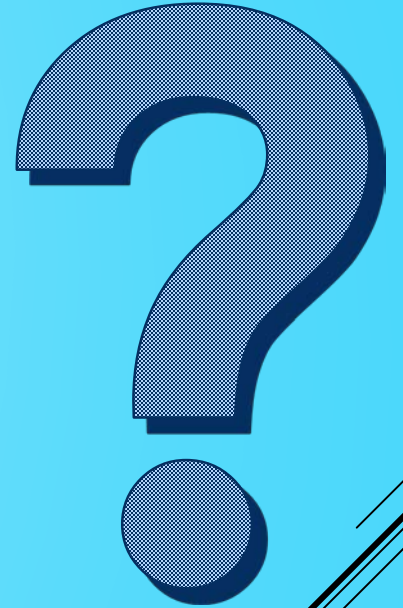
You are hiring a new Assistant Professor who wants to teach some courses currently being taught by a Continuing Appointee.

You want to assign the courses currently being taught by a Continuing Appointee to a Lecturer with Security of Employment.

You want to replace a Continuing Appointee with a Graduate Student employee.

You want to replace a Continuing Appointee with a Pre-Six Lecturer who gets better student evaluations and who is academically more qualified to teach the given subject matter.


You have a Continuing Appointee who has been getting poor student evaluations for the past several quarters.



Lecturer Workload

- ▶ Each Department has a Unit 18 Workload policy that prescribes how many Instructional Workload Credits (“IWC”) each course is worth. The total number of IWC assigned to a Lecturer will determine their appointment percentage.
- ▶ IWC’s can be changed, subject to review by Academic Affairs and prior notice to the AFT.
- ▶ What if the actual workload for a course changes significantly?
 - ▶ You must “direct a modification” in the workload of a course to account for a workload increase.
 - ▶ Tip for Chairs: If enrollment (or some other element of instructional workload) significantly increases, document a “directed modification” to the Lecturer to account for the increase.

Volunteer Service

- ▶ Hypothetical
 - ▶ For many years, your department has permitted Lecturers to volunteer to sit on various departmental service committees. The practice has become so common that previous chairs have adopted the practice of sending an email to the Lecturers at the beginning of fall quarter to ask them what committees they would like to consider volunteering for.
 - ▶ Is there any problem with this?
 - ▶ Can volunteer service be part of the basis of a positive merit review or excellence review?
- 

Volunteer Service -- Continued

- ▶ The contract says that any work that is “assigned or clearly expected”

to be performed by a Lecturer must be compensated. This means that all such work must be assigned an IWC equivalency that becomes part of the Lecturer’s appointment percentage.

- ▶ Volunteer work by Lecturers can be permissible in limited circumstances. But volunteer work does NOT form any part of the basis for a positive merit review or excellence review.

Part-time Lecturers – Special Rules

Hiring 9/12 versus 1/9

- ▶ If you hire a Lecturer to teach only one or two quarters during the academic year, you must hire them on a 1/9 basis.
- ▶ However, if you hire a Lecturer to teach all three quarters during an academic year, our academic payroll system gives you a choice: you can hire them 1/9 or 9/12.
- ▶ The contract requires that we hire 9/12 whenever possible, and certainly whenever we know by the beginning of fall quarter that the Lecturer will teach all three quarters.
 - ▶ 9/12 appointments provide benefits during the summer months, while 1/9 appointments do not.

Part-time Lecturers – Special Rules (Cont.)

Part-time Continuing Appointees –Temporary Augmentation

If you have a temporary need to increase the appointment percentage of a part time Continuing Lecturer, you may do so as a “Temporary Augmentation.” That portion of the appointment that is the temporary augmentation is hired under a separate title code. After the temporary need passes, the Lecturer returns to their previous appointment percentage.

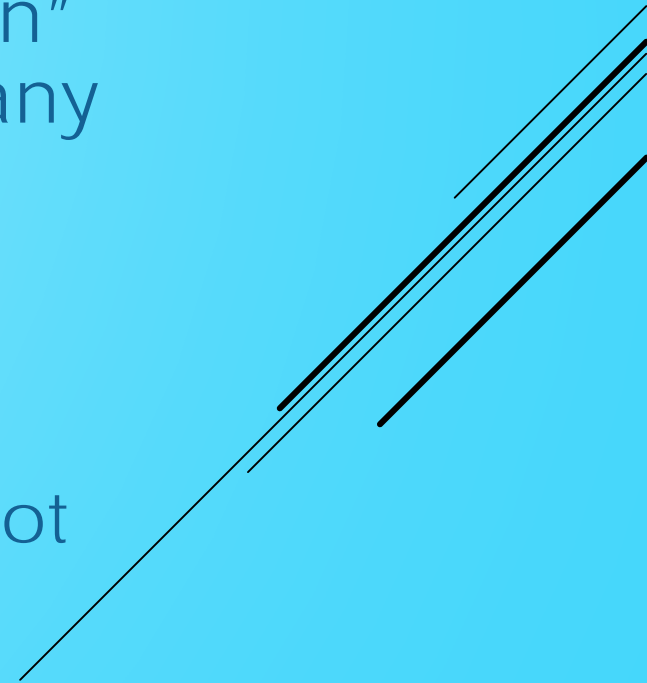


Part-time Lecturers – Special Rules (Cont.)

Part-time Continuing Appointees – First Consideration for additional classes

The contract requires that we give “consideration” first to part time Continuing Appointees prior to any Pre-Six Lecturer for any additional courses the Continuing Appointee is qualified to teach.

- ▶ Tip for Chairs: Assign new courses to Part time Continuing Appointees rather than to Pre-Six Lecturers unless you have a very good reason not to (such as the Continuing Appointee is not qualified to teach the new course).



Paid Medical Leave


Academic year lecturers do not accrue sick leave or vacation leave. However, if they have a 100% appointment for a year or more, they are entitled to Paid Medical Leave for their own illness, injury or disability.

- ▶ 2 quarters for lecturers with fewer than 10 years of employment in the bargaining unit
- ▶ 3 quarters for every 10 year period thereafter.
- ▶ Unused Paid Medical Leave does not carry over to any subsequent 10-year period.

Note: Childbearing/Childrearing leave is treated separate and apart from Paid Medical Leave. Lecturers are covered by the campus Work Life Program.

Paid Medical Leave (Con't.)

Key questions to ask?

1. Does the Lecturer currently have a 100% AY/FY appointment?
 2. How many years of services do they have in the bargaining unit?
 3. Have they previously used PML?
 4. Is the requested leave for own personal illness, injury or disability?
 5. Do we need to engage in the interactive process?
- 

Hypotheticals

Is the Lecturer entitled to use PML?

If so, how much PML will be tolled?

3 weeks into fall quarter instruction, lecturer Ronnie Danger crashes his motorcycle and suffers a broken tibia. Ronnie submits the necessary FML paperwork to AUSS-C indicating that he requires 3 weeks of bed rest and cannot perform any of the essential functions of his job.

Several weeks prior to winter quarter instruction, lecturer Sally Worksalot contacts department HR and informs them that she is medically unable to teach the full schedule of courses she has been assigned for winter. Sally submits the necessary FML paperwork to AUSS-C and is limited to teaching 2 courses rather than the 3 she was assigned.



Hypotheticals

Is the Lecturer entitled to use PML?
If so, how much PML will be tolled?

Lecturer Tony Sniffles catches a cold during the 7th week of instruction and is unable to teach his 2 assigned courses for the entire week. Donnie does not submit any medical documentation but does inform his chair that he does not feel well and does not want to spread his cold. Furthermore, a Senate Faculty member and another lecturer have agreed to cover his workload for the week.

