

## FAQs UAW Agreement

### GENERAL

#### **What groups of student employees are covered by this agreement?**

Three groups of student employees are included in bargaining unit 11: Teaching Associates (TAs), Graduate Assistants (GAs), and Instructional Student Assistants (ISAs).

#### **What is the difference between an ISA and a “regular” student assistant? For example, would a proctor be considered an ISA or a Student Assistant?**

From the classification standard for Student Assistants, “The Student Assistant classification is distinguished from the Instructional Student Assistant, Graduate Assistant, and Teaching Associate classifications in that the Student Assistant *does not perform academic related duties* such as instruction, tutoring, grading, evaluating, research, and assisting faculty with classroom activities.” ISAs **do** perform academic related duties. A student who was hired specifically to proctor standardized exams offered by the university would most likely be classified as a student assistant, not an ISA, since the proctoring duties in that case are more clerical or administrative than academic-related. However, an ISA hired to assist a professor with a course might have proctoring duties along with other academic-related duties, such as grading or tutoring, as part of the assignment. Proctoring exams is even included as one possible activity on the description of duties form.

#### **Does the UAW agreement apply to graduate students hired on and paid through an outside (state, federal, etc.) grant?**

The determining factor is not the source of funds but whether the graduate student is hired through the university (with the grant reimbursing the general fund) or hired directly by the research auxiliary. Graduate students employed by an auxiliary are not represented by the UAW, but graduate assistants hired by the university, but supported by grant funds, are part of the bargaining unit.

### SALARY INCREASES AND FUNDING

#### **How does the retroactive pay affect departments that fund ISA pay with student fees?**

Students who were employed in Unit 11 classifications between July 1, 2016 and the implementation of the salary increases are entitled to the retroactive increase, regardless of the source of funds for the position. We recommend that chairs discuss department budget impacts with the appropriate college or university administrator.

#### **Did campuses receive a budget augmentation to cover the UAW increases?**

Generally speaking, each campus’s budget allocation includes a component for compensation increases covering all employee groups. In 2016/17, central funding was provided for a 2% compensation increase, with campuses responsible for the difference. Each campus in turn develops its own internal budget to meet its obligations.

#### **What if the increases impacted my campus or department disproportionately? What if most of our ISAs are paid at the minimum? That means they will be getting an increase of \$.50 per hour, not \$.25 per hour.**

Each campus is responsible for developing an internal budget and managing any disproportionate impacts associated with application of a particular bargaining agreement. Work with your budget officer as necessary.

It is worth noting that across the system, the majority of ISAs receive the minimum salary for the range. However, an increase of \$.50 per hour is still only a 4% increase for a student making \$12 per hour to start.

## **SUBSTITUTE TAs**

### **Can a TA substitute for tenure-track faculty or lecturers?**

The Substitute TA classification is only intended for use when one TA substitutes for another. (If a TA has been substituting or covering classes for a faculty member, bear in mind that the TA will still need to be paid for that time, but not in the substitute classification.)

### **What are the limits on when a TA can substitute for another TA? Can TAs substitute in different departments?**

TAs can only serve as substitutes in classes they are qualified to teach. TAs can also only substitute for other TAs in the department/program in which they hold an appointment.

## **APPOINTMENTS AND DESCRIPTION OF DUTIES**

### **Please define "range of hours".**

A range of hours is any spread of hours per week that Instructional Student Assistants (ISAs) might be expected to work. ISAs can be appointed for a range of hours when we expect the work hours to vary from week to week. For example, a tutor might be hired for a range of 0 to 10 hours per week over the course of a semester. Campuses are encouraged to be as specific as reasonably possible.

### **Can GAs be appointed for a range of hours?**

No. They must be appointed to a set time base.

### **Are GAs typically given academic year appointments or 12 month appointments? What are the pros and cons of each?**

Some campuses appoint most of their GAs to academic year appointments. A GA with an academic year appointment is paid over 10 months (5 months per semester) at semester campuses, or 9 months (3 months per quarter) at quarter campuses. Some campuses prefer to appoint GAs in the 12 month classification because it is easier to align the dates of appointment with the dates that the GA is actually working.

### **Has anything changed with the Fair Labor Standards Act (FLSA) status of GA appointments in this contract?**

No. GAs were already non-exempt employees.

### **What restrictions are there on appointments for GAs and ISAs? Can they work additional hours when classes are not in session?**

GAs and ISAs can work up to 20 hours per week during the academic year and up to 40 hours per week when classes are not in session.

### **Can TAs be appointed for more than 20 hours per week?**

Yes. TAs can be appointed to any time base up to full time (40 hours per week.) However, a TA who **also** holds a GA or ISA appointment (or a non-represented Student Assistant appointment) can only be appointed up to a combined 20 hours per week.

### **Can a student hold a Unit 11 appointment concurrently with a staff appointment?**

No.

**When does the new Description of Duties form take effect?**

It is in effect now and should be used for all appointments. It can be found online at the website for the collective bargaining agreement as Appendix E. <http://www.calstate.edu/hr/employee-relations/bargaining-agreements/contracts/uaw/index.shtml>

**Should we rely on conversion of WTUs to establish time base for TAs?**

Historically, we have relied on the number of weighted teaching units (WTUs) assigned to establish lecturer time base as well as time base for TAs, with 15 WTUs equivalent to full time. However, the WTU system is not recognized in the UAW agreement as the basis for establishing time, except as we have defined it for summer term appointments.

Given the importance of establishing a realistic time base for your TAs that reflects the hours they actually work, we strongly recommend using WTUs only as a starting place for establishing time base. Generally, treating a 3-WTU class as the equivalent of a 0.2 time base would be reasonable for an experienced instructor, taking into account class meeting time, prep, grading, office hours, etc. However, for a TA appointment you may need to factor in additional hours for mandatory meetings with the supervising faculty member, ongoing training, class attendance if required, and any other factors that could add additional time.

**TRAINING AND ORIENTATIONS****What are the rules regarding mandatory orientations?**

In general, orientations and training that occur during the period of a UAW appointment should be built into the student's workload. For example, a TA appointed for the academic year would typically have some hours available in the period between the first day of the semester and the start of classes when s/he could be assigned to complete a mandatory orientation. Alternately, if a TA is required to take a one-hour online training, the TA could be released from a regular duty (office hour, meeting with supervisor) to do the training. This approach does not incur additional costs. If the training/orientation is such that it cannot be accommodated within the student's workload, it will be necessary to pay the student for the additional hours worked.

If the university wants to schedule a mandatory training or orientation *outside* of the period of appointment, it will be necessary to either create a separate appointment to cover the orientation or training or extend the period of appointment to cover the time.

**How much time can we devote to orientations in the period between the start of the semester and the start of classes?**

That depends on the time base of the TA. If you have a week, and the TA has an appointment at a time base of 0.5 (20 hours per week), then you have up to 20 hours, less any time that the TA might be expected to use to prepare for the start of classes.

**Are there any exceptions to the requirement to treat trainings and orientations as part of the workload for the term?**

Yes. Exceptions will include mandatory coursework for: a) accreditation requirements; b) approved curricular requirements; and c) required training per University Executive Orders.

**We have a 1-unit TA training course that all TAs are expected to take every fall semester. Must we build this into term workload?**

That depends. If the course is not a curricular requirement, you must build it into term workload (in effect, pay students for the time they spend) each time they enroll. To the extent that the course is an actual degree

requirement, it is not necessary to build it into workload because it would fall under exception (b) above. However, if the student was only required to take 1 unit, and you required multiple enrollments, you would need to build the course into workload in all *subsequent* terms.

**In the example above, do we have to pay the tuition of TAs who take the class?**

Unless the course falls under one of the three exceptions indicated above, you would need to cover any *additional* tuition or fees the TA incurred as a result of enrolling in the class. Two examples where this might occur would be if enrollment took the student from part-time status (6 units or less) to full-time status (6.1 or more units), and if the student was an international or out-of-state student paying non-resident fees by the unit.

**Isn't it somehow "double dipping" if we pay students to take classes and also give them academic credit?**

That's why there is an exception for courses taken to meet curricular requirements. The union's concern was situations where students were being asked to take extra courses that increased the total number of units they were required to take, sometimes repeatedly.

**What about courses required prior to a TA being hired?**

It is always allowable to require appropriate disciplinary coursework as qualifications for a TA position (for example, specified organic chemistry courses prior to being hired to teach organic chemistry lab.) It would even be allowable to require a pedagogy course before considering a person for a TA position, provided the requirement was consistently applied and written into job postings. However, if the course was required during the term of the appointment, it would fall under the provisions in Article 22.

## **TRACKING TA HOURS**

**Will PeopleSoft support timekeeping for TAs?**

At present, the PeopleSoft Absence Management system has not been modified to accommodate the change of TAs from exempt to non-exempt. It will take some time for those changes to be made; when they are, campuses will be notified.

**Are we required to have TAs fill out timesheets?**

The requirement at this time is to make sure any excess hours TAs work are compensated, and, in particular, that any overtime is paid. The mechanism for tracking is left to the campuses. Using a timesheet is one mechanism for keeping track.

**Are TAs supposed to have advance approval to work additional time beyond their regular time base?**

Yes.

**If they don't have advance approval, are we still required to pay them for the time if it has already been worked?**

Yes.

**How should a campus handle a situation where a TA works extra time without advance approval?**

The supervisor should review the situation and circumstances on a case-by-case basis. At minimum, the TA should be reminded of the need to secure permission in advance. If you believe a reprimand or other disciplinary action is warranted, you **must** consult with the appropriate administrator/Faculty Affairs, who will make the determination.

**How will additional time be paid?**

The campus payroll office should use the same mechanism that it uses for non-exempt staff who work excess hours. (Some campuses have asked whether the new “substitute classification can be used to pay for excess hours. This would **not** be an appropriate use of the classification.)

**How should the hourly rate for a TA be calculated?**

This depends on whether the TA has an academic year appointment or a 12 month appointment. For a TA with a 12-month appointment, the hourly rate can be obtained by dividing the annual base pay by 2,080 hours. However, TAs on academic year contracts work fewer hours and dividing base pay by 2,080 would produce a rate that is too low.

Here is the recommended method for calculating the hourly rate for academic year TAs:

Add the number of work days on the academic calendar to the number of holidays that fall within the campus academic calendar (see 12.1 and 12.2 for the list). Take the total and multiply by 8 to get hours worked if the individual was full time. Divide annual base pay by this number. This is the hourly rate that can be used for additional hours worked. (This can also be used to determine the rate of pay for a substitute TA.)

*Example:* the campus academic calendar has a total of 172 work days. In addition, 5 holidays are determined to fall within the dates of the academic calendar. The number of paid hours is 177 days times 8, or 1,416 hours. The TA’s base pay is \$3,000 per month, or \$36,000 per year. The hourly rate is  $\$36,000/1,416$  or \$25.42 per hour.

**How should overtime be paid?**

Again, standard campus payroll procedures should be used. Overtime only applies for time worked over 40 hours per week. The overtime rate is 1.5 times the regular hourly rate. In the example above, the overtime rate would be \$38.14 per hour.

**If a TA is receiving a tuition waiver, does that change the hourly rate?**

No. Fee waiver is not treated as part of the academic student employee’s compensation, nor is other financial aid.

**What if a TA fails to work the expected number of hours or perform required duties?**

If a TA fails to perform required duties or misses meetings or office hours, it is important to counsel the TA as to his/her obligations. If it is possible to make up the missed work within the same period, the TA can be allowed to do so, and we recommend informal resolution whenever possible.

**What leave credits are available to TAs?**

All TAs accrue sick leave at the rate of 8 hours per month, pro-rated based on time base; in other words, a half-time TA would accrue 4 hours sick leave per month. All TAs also have one personal holiday per year. In addition, TAs in 12-month appointments accrue vacation, at a rate of 16 hours per month for full time, pro-rated by time base. TAs who miss work due to illness should use their sick leave credits to cover the missed time.

**What if, despite efforts to resolve issues, the TA persistently fails to show up for work or meet obligations?**

If that is the case, work with Faculty Affairs or the appropriate administrator. Depending on the circumstances, the situation may warrant docks or disciplinary action.

**We all know about work expanding to fill the time allowed for it, and that some folks read (and grade) more slowly than others. What happens if a TA takes much more time to read/grade and thus continually threatens (at least) to incur extra hours to get a normative amount of "work" done?**

You can instruct the person to stop at the number of hours of the appointment. Obviously this means that extra work will fall on someone – potentially the supervisor. You can counsel the TA on strategies for getting the work done, and you can take performance into consideration when determining whether to rehire the TA. In an extreme situation, if you suspect the student is deliberately not getting the work done, you may want to discuss the possibility of a reprimand or other action with Faculty Affairs/ the appropriate administrator.

## **HOLIDAYS AND “HOLIDAY PAY”**

**What holidays are observed under the UAW agreement?**

See Article 12 for the list.

**If certain holidays that would otherwise fall during the semester are moved to the closure between Christmas and New Years’, outside of the academic calendar, do TAs receive pay for those days?**

Not technically. Like AY faculty, they only have work obligations during the period defined by the academic calendar.

**How does “holiday pay” work?**

The default assumption is that a TA **did not** work on a holiday. If you are asking TAs to complete a time sheet, they would indicate an appropriate number of holiday hours for those days – in the same way that they would note sick time. Pay stays the same. Additional pay would only be triggered if a supervisor required the TA to work on the holiday.

**What about weekend work?**

The week is defined as 7 consecutive 24 hour days. Weekend work would not require additional pay if the associated time was part of the expected hours for the week.

**Should we require submission of a time card or reporting of hours over spring break?**

This should not be necessary since spring break days are not academic work days on the campus academic calendar. However, if for some reason a TA was required to work over spring break, such work would be over and above the TA’s regular appointment and would need to be compensated.

## **TRAVEL POLICIES**

**If TAs attend field trips as part of their duties, are they to be compensated for the entire duration they are in attendance or is it possible to say they are “on-duty” during specified times?**

Refer to the policy on compensable time for non-exempt employees traveling on university business.

<https://cyou.calstate.edu/Policies/HRPolicies/HR2013-01.pdf>

Travel to and from the location counts as time worked, as does time the TA spends “on duty” at the field trip location. However, free time, when the TA is not under the “control” of the employer, is not compensable time.

The same rules would apply if the TA was working off site for an extended period (for example, assisting with a study trip).