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ACADEMIC SENATE DIVISION CHAIRS
UC FACULTY

Re: Guidance for Faculty on Work Effort Reporting

Dear Colleagues,

The Office of Employee and Labor Relations at UC Office of the President last week sent systemwide guidance to the campuses for procedures to be used to adjust overpayments of salary for UAW-represented student employees who withheld their labor during the strike period between November 14, 2022 and December 23, 2022. This action is required by the University to comply with Regental policy and federal and governmental regulations authorizing payment of wages for services rendered to the institution. As the process moves forward, represented employees may receive letters notifying them of the estimated amount of overpayment in prior pay checks. The employee will have two weeks to respond to the notice.

Of note to Senate faculty is that this guidance also includes procedures by which principal investigators (PIs) and others with reporting obligations can ascertain work effort in discussions with student employees. As the memo explains, “a supervisor, PIs, or others with reporting obligations should only talk to an employee about work missed” under two circumstances: 1) discussion should take place if it is needed to get information enabling assessment of “performance of the work or project status”; or 2) a discussion may be necessary if “effort or time reporting on contracts and grants cannot be met through other established processes and attestations.” In other words, discussion should only take place if regular time reporting mechanisms or attestations are insufficient to establish status of projection completion or effort reporting needs.

As to the nature of such discussions, they should “generally focus on work and time completed, as opposed to work missed due to strike activity.” A PI might ask an employee what they were able to get done on a project rather than asking what they did not do. If a supervisor, PI, or other individual with reporting duties believe they still lack sufficient information concerning work completed, they should write the employee (via email) and explicitly state that the request for clarity has to do with understanding work performed during the strike period “in order to comply with contract and grant reporting requirements under federal, state or other sponsored awards” or “in order to understand the status of a project” and, further, that individuals “will not face adverse consequences based on protected strike activity for providing the information.” Note, however,

that under labor law “adverse consequences” *does not include* correcting previous overpayment of salary.

The guidance also recognizes that employees may express concerns about overpayment letters as well as other matters in conversations with their supervisors, PIs, and others. All are reminded that conversations “focused on strike activity may be perceived as intimidating and/or retaliatory by the employee” and that “supervisors” and any others with reporting obligations “are strongly encouraged to reach out to their academic personnel or labor relations offices with questions about how to talk to employees about missed due to strike activity.”

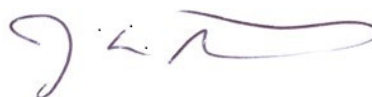
We reiterate our earlier [guidance](#) that faculty play an important role in effort reporting of graduate student employees and other trainees on federal grants. By federal regulations, these reports must be accurate, or the University and the PI are put at risk. Hence, PIs should not certify these reports unless they are confident that the report is accurate. Guidance in the local context for recommended procedures should be available from department chairs, unit heads, labor relations staff, or other campus administrators. In the case of uncertainty, faculty should not certify work effort and instead discuss the matter with their department chair or unit head so that appropriate fund sources can be employed. Our advice is to ask for help in the case of uncertainty, as inaccuracy in these forms can have serious consequences for both PIs and the institution.

Senate leadership continues to express faculty concerns regarding these matters within the highest administrative levels of the University. We recognize that procedural guidance for the many questions that faculty have had following resolution of the strike has been slower in coming than we had hoped. Senate leadership remains committed to escalating faculty concerns to the forefront of administrative decisions and sharing with you as quickly as possible the information you might need.

Sincerely,



Susan Cochran, Chair
Academic Council



James Steintrager, Vice Chair
Academic Council

cc: Provost & Executive Vice President Newman
Associate Vice President Matella
Academic Council
Senate Division Executive Directors
Executive Director Lin