

University and UAW Joint Statement on Leave Compliance

United Auto Workers Local 4811 and the University of California system have agreed to resolve several grievances around the use of the University's time and attendance systems for UAW-represented UC employees.

With this agreement in place, the parties acknowledge that it is expected that UAW-represented UC employees will record whether or not they took a leave of absence by using the University's time and attendance systems.

The agreement also clarifies how the time and attendance systems should be used in the event of a labor stoppage. The University will make training available for UAW employees and will not discipline employees for failure to engage with time and attendance systems until Spring 2025. This grace period will allow employees to access training and ensure that supervisors are aware of the agreement. Lastly, the agreement also provides labor management meetings on each campus to resolve outstanding issues related to the system.

"We're pleased to have come to a compromise that clarifies our leave reporting processes," said Matt Teaford, Executive Director of Systemwide Employee and Labor Relations for the University of California. "We always appreciate the opportunity to find common ground and resolve our disagreements collaboratively."

"We are glad to have reached an understanding on leave reporting with UC, and look forward to resolving other major outstanding issues," said Rafael Jaime, a PhD candidate in English at UCLA and the President of UAW Local 4811.

Frequently Asked Questions

1) What are my responsibilities as Instructor of Record (IOR) related to timekeeping?

Pursuant to Regents Bylaw 40.1, The Regents of the University of California delegated to the Academic Senate, supervision of all courses and curricula in recognition that faculty participation in the shared governance of the University of California through the agency of the Academic Senate ensures the quality of instruction, research, and public service at the University while protecting academic freedom. The Academic Personnel Manual (APM – 410-20), which underwent management consultation and systemwide review, provides that Teaching Assistants serve "under the active direction and

supervision of a regular member of the faculty to whom responsibility for the course's entire instruction, including the performance of Teaching Assistants, has been assigned." Accordingly, the University relies on Instructors of Record to certify the accuracy of leave-reporting for Teaching Assistants or other ASE titles under their purview (e.g., Teaching Fellows, Associate Instructors, Tutors, and Readers) in the time and attendance system.

2) What are my responsibilities as Principal Investigator (PI)?

Principal Investigators are reminded that federal research grants are subject to Uniform Guidance (2 C.F.R. Part 200), which establishes uniform administrative requirements, cost principles, and audit requirements, in addition to agency-specific reporting and cost principles. Principal Investigators have primary responsibility for financial management and control of project funds in accordance with University and sponsor policies and procedures. This includes ensuring accurate reporting of hours worked and wages charged to sponsored agreements.

Principal Investigators who have GSRs, Postdocs, and Academic Researchers listed as key personnel or contributors on their contracts or grants are responsible for ensuring accurate effort reporting, which is accomplished in part through verifying accurate reporting of absences in the time and attendance system. Accordingly, Principal Investigators are required to certify the accuracy of leave-reporting by employees in the time and attendance system.

3) What do I do if a UAW-represented employee is not compliant with their own reporting requirements?

The first step is generally to advise the employee to complete their timesheet or make any needed corrections. Should non-compliance continue, IORs and PIs are advised to alert their Department Chair and consult with Labor Relations and Academic Personnel before issuing any counseling memos or disciplinary actions related to time and attendance reporting.

4) If an employee refuses to report their absence(s) in time and attendance and the Instructor of Record or Principal Investigator knows that the individual was absent, can the Instructor of Record or Principal Investigator supervisor override the individual's timesheet and enter the absence into the time and attendance system?

Yes. It is always important to ensure that payment of University funds aligns with the work performed. Accordingly, supervisors, as well as backup approvers, should ensure

that time, and therefore pay, is recorded and provided appropriately and therefore should modify the hours on behalf of the employee. When that happens, the changed records are stored on the timesheet and the employee is notified via email. When there are leave recording errors, each campus should invoke the override functionality in time and attendance systems, if needed.

5) Does certifying the accuracy of leave reporting by ASEs, GSRs, Postdocs, and Academic Researchers convert Instructors of Record and Principal Investigators into Supervisors under the Higher Education Employer-Employee Relations Act (HEERA)?

No. Whether an Instructor of Record is a supervisor over a course and ASEs assigned to the course does not automatically convert the Instructor of Record into a supervisor under HEERA. An individual can be a supervisor in many different contexts (*e.g.*, supervision over a course, supervision of a lab, managing of absences). However, to be a supervisor under HEERA, the individual must meet the criteria under HEERA to qualify as a supervisor.

6) How do I know if an ASE or GSR is absent and needs to report time?

For ASE titles, their work obligations are set by their Description of Duties or equivalent communication. For example, if a Teaching Assistant is unable to attend their scheduled office hours, and had no other responsibilities that day, they would need to account for that absence under the terms of their collective bargaining agreement (*i.e.*, an approved leave of absence). In general, ASEs are required to communicate to their Instructor of Record when they are unable to meet their work obligations. It is important that Instructors of Record set clear communication expectations up front at the start of an academic term for all ASEs supporting their courses.

For GSR titles, their work schedule and any communication requirements regarding attendance should be set through employment expectations provided to the GSR in writing. Should a GSR be absent during their regularly scheduled work hours, they would need to account for that absence under the terms of their collective bargaining agreement (*e.g.*, using Personal Time Off, an approved leave of absence, or pre-approved alternative work arrangement with their PI). For purposes of time and attendance management of GSR employees, such employment expectations and schedules are considered separate and distinct from any academic obligations, such as under a directed study (*e.g.*, 299) course.