November 23, 2011

Robert Anderson
Chair, Academic Council

RE: Systemwide Review of APM 200 and APM 205

Dear Bob,

Thank you for the opportunity to review and opine upon the proposed revision to APM 200, and the proposed new APM 205. Upon receipt of the proposals, I circulated them to all standing committees of the Divisional Senate, including the various Faculty Executive Committees. Although all committees were welcome to opine, I specifically requested that the Faculty Welfare Committee (FWC) and the University Emeriti and Pre-Retirement Relations Committee (UEPRRC) to opine.

Regarding APM 205, we are greatly concerned with the language that would allow a faculty member on recall to be terminated without cause prior to the negotiated end date of their recall. Emeriti, whether on recall or not, are members of the Academic Senate and should still be afforded the correlative protections and due process. Moreover, the proposal offered no rationale for such a clause. The Board would view favorably language that limited the early termination of appointments without cause only to circumstances of severe and demonstrable financial necessity. We therefore approve of the proposed APM 205, contingent upon revision.

With regard to the proposed changes to APM 200, the Board raised no objections to the proposal as written.

As is our custom at UCLA, I have attached the responses we have received, for your information. Please do not hesitate to contact me if I can be of further assistance.

Sincerely,

Andrew Leuchter
Chair, UCLA Academic Senate

CC: Martha Kendall Winnacker, J.D., Academic Executive Director
Jaime R. Balboa, Ph.D., UCLA Academic Senate CAO
October 25, 2011

To: Andrew Leuchter  
Academic Senate, Chair

From: Joel D. Aberbach, Faculty Welfare Committee Chair  
Daniel Mitchell, University Emeriti and Pre-Retirement Relations Chair

Re: Systemwide Review of APM 200 and APM 205

The Faculty Welfare Committee reviewed the Systemwide Review of APM 200 and APM 205 at its meeting on Tuesday, October 11, 2011. The committee had no objections to the proposed changes to APM 200, but had the following concerns about APM 205:

1. APM 205. 20E – The committees found the University’s ability to terminate a recall appointment without cause prior to the specified original end date unacceptable. The University has a clear and obvious obligation to abide by the agreements it makes.

2. APM 205. 24b – the Faculty Welfare Committee would like clarification to why recalled appointments in excess of 43 percent time in each fiscal year need the Chancellor’s approval.

We thank you for the opportunity to participate in this process.

Cc: Jaime Balboa, Chief Administrative Officer, Academic Senate  
Dottie Ayer, Assistant to Chief Administrative Officer, Academic Senate  
Brandie Henderson, Policy Analyst, Academic Senate
October 18, 2011

To: Andrew Leuchter, Chair
   Academic Senate

From: Council on Academic Personnel

RE: Proposed Change to APM 200, 205

CAP has reviewed the proposed changes to APM 200 and 205 and does not see a need to comment at this time.
November 3, 2011

To: Andrew Leuchter, Chair
   Academic Senate

From: Michael Meranze, Chair
       UCLA College Faculty Executive Committee

Re: College FEC response to the proposed revision of APM 200 and 205 (Recall of Academic Appointees)

Thank you on behalf of the College Faculty Executive Committee for the opportunity to review and
opine on UC Office of the President’s proposal to revise Academic Personnel Manual 200 and 205
(Recall of Academic Appointees). We discussed the proposal over email and at our October 28,
2011 meeting. On October 31, 2011, a formal faculty vote to endorse the revisions to the policy was
conducted electronically (12 approve, 0 oppose, 1 abstain).

The only concerned mentioned during our discussion was APM 205-20 (Terms and Conditions
of Employment). One member questioned the early termination clause and why the University was
now insisting on a right to early termination “with or without” cause. This addition is, he thought,
deeply troubling.

Our membership appreciates the consultative process. If you have any questions or concerns,
please contact me at meranze@history.ucla.edu. Kyle Stewart McJunkin, Academic Administrator,
is also available to assist you and he can be reached at (310) 825-3223 or
kmcjunkin@college.ucla.edu.

cc: Jaime Balboa, Chief Administrative Officer, Academic Senate
    Lucy Blackmar, Assistant Vice Provost, Undergraduate Education Initiatives
TO: Jaime Balboa, CAO  
Academic Senate  
3125 Murphy Hall

FROM: Alan J. Laub, Professor  
Chair, HSSEAS FEC

DATE: November 3, 2011

RE: RESPONSE TO ACADEMIC SENATE - SYSTEMWIDE REVIEW OF APM 200 & APM 205

We have read the proposed revisions to APM-200 and the new proposed policy APM-205 and have the following comments:

1. The changes to APM-200 are minor, except for the deletion of 200-22 Recall Appointments for Academic Appointees and the deletions of the associated Appendices A and B. The new APM-205 is intended to provide a revision and clarification of the existing policy for recalling retired academic appointees and thus replaces the deleted sections of APM-200.

2. The clarification of the Maximum 43 Percent Appointment Requirement on first read seems clear enough. It is tied to the current Medicare's rules on health and welfare benefits and who (Medicare or UC) has primary responsibility for paying the bills. But section 205-20-f Terms and Conditions of Employment - Percentage of Effort is less clear. It says:

   All concurrent recall appointments must be included when calculating the appointment percentage, not to exceed the maximum total of 43 percent time for each fiscal year.

Does this include any involvement in present and future on-line teaching, as in our MSOL program, for example? Currently, this is considered "consulting," but since the payments are made through UCLA Payroll, and Social Security and Medicare taxes are deducted, it would seem that the Medicare rules still apply (?).
3. The new APM-205 policy is vague on just how the Percent Appointment is calculated from an "effort" standpoint. In fact, it does not say, suggesting that the effort corresponding to the 43 percent maximum compensation is negotiated on an individual basis. This is in contrast to the deleted Appendix A of APM-200, which (in general) sets the recall rate for academic year appointees at 1/9th of the base salary at retirement, per quarter course, or 1/6th per semester course. In other words, teaching one course per quarter for a total of 3 courses over 3 quarters would result in a percent appointment of 33.33%. If the appointee were to add one more course, for a total of 4, the appointment would be 4/9 or 44.44%, which is slightly above the Medicare limit.
Dear Jaime -

The DGSOM FEC discussed these APM revisions at our meeting last night, November 2nd, and the Committee asked that the following feedback be communicated to you and the Senate leadership.

**With regard to APM 670**, it became apparent that many of the good qualities of the original version were being clarified, and the FEC was supportive of these improvements, and especially appreciated the table comparing the old and proposed texts. Further, it was reassuring to see that the feedback from the stakeholders had led to many of these modifications.

One potentially-concerning issue dealt with an apparent cap on the Outside Professional Earnings with an approval threshold of $40,000 or 20% of the HPCP salary (page 29 and 30 of the clean copy of the APM). The FEC would benefit from clarification on which component of the salary this cap applies to: X, X', or Y, or some combination thereof. Additionally, concern was expressed regarding the limited earnings potential for faculty who work within the 21 day maximum but who might be compensated generously for highly-specific activities during that time. One example included a potential Nobel laureate who might command relatively large honoraria for a speaking engagement and whose activities might reach the threshold with one or two talks, well within the 21 day limit and without presenting a worrisome conflict of commitment or interest issue. The Committee noted that such lectures are of great benefit to the visibility and stature of the Institution, and as such, a threshold would seem to be counterproductive.

In fact, the University has recognized that recruitment and retention of outstanding faculty requires appropriate financial recompense, including innovative approaches to such funding as have been recommended in the new APM 668, discussed below.

Our recommendation would be to focus on the conflict of commitment issues, as addressed with the 21 day limitation, and allow flexibility as to the amounts of compensation that may be linked to activities pursued within that time frame.

**With regard to APM 668**, as mentioned above, the Committee was supportive of permitting multiple sources of salary support, including through non-state funded mechanisms. As is clear, the UC system Medical Centers have used this approach successfully for many years. However, the Committee noted that care must be taken to avoid a "slippery slope" condition with eventual lack of funding from state sources, as non-state monies might be substituted for state support. This could change the character of the University from one with a public mission to more of a private university model.

**With regard to APMs 200 and 205**, the Committee was supportive of these proposed changes, as many members reflected on the great value of recalled faculty for teaching, research, clinical, and administrative help for departments, enabling active faculty to pursue forward-looking
activities to build the future of the University. The Committee noted the 43% cap, with the understanding that this was for health insurance reasons.

The Committee, Chair, and Vice-Chair of the DGSOM FEC appreciate the opportunity to vet and comment upon these important changes in UC policy.

Sincerely,

Ian A. Cook, M.D
Chair, DGSOM FEC

Jonathan S. Jahr, M.D.
Vice-Chair, DGSOM FEC
TO: Executive Committee, UCLA Academic Senate

FROM: Steven P. Wallace, PhD
Chair, UCLA School of Public Health
Faculty Executive Committee

RE: Various APM Revisions (September 19, 2011 email)

Thank you for soliciting our input on the proposed revisions to APM sections 200, 205, 668, and 670. Given the work that the School of Public Health has done in the past on trying to develop its own compensation plan based loosely on the School of Medicine plan, we were especially interested in APM 668 which would formalize a compensation plan for all units.

We considered each of the three sets of proposals and unanimously (7-0-0) voted to endorse each of the sets of proposed changes.