

POSTDOCTORAL SCHOLAR CONTRACT GUIDELINES
Ratified August 12, 2010

Based on the nature of funding, there are three ways postdoctoral scholars are compensated: (1) as employees on a PI's sponsored project (3252C); (2) on fellowships awarded by external funding agencies that provide a stipend but are administered and paid by the University through its payroll system (3253C); and (3) on fellowships awarded by external funding agencies that provide a stipend that is paid directly to the postdoc (3254C). Among the ten UC campuses, Berkeley supports the largest postdoc population which is currently 78% in category 1, 10% in category 2 and 12% in category 3.

The union contract provides a minimum allowable entry-level salary and a scale of required salary increases based on experience level. If the mandated salary increase exceeds the postdoc's fellowship stipend, the PI must provide additional funding to supplement the stipend to the established minimum. However, some fellowship programs (e.g., Einstein Fellows and Hubble Fellows) explicitly prohibit the postdoc from receiving additional compensation from the sponsoring institution. In such cases, the compensation terms of the contract do not apply. Prior to initiating a formal offer of appointment Principal Investigators should review the terms of any fellowship award to determine if it is excluded from the compensation terms of the union contract.

SUMMARY OF THE UAW POSTDOC CONTRACT

Compensation:

1. Effective September 1, 2010, all postdoctoral scholars (except those paid on funds that explicitly prohibit additional compensation) will receive salary increases based on their current salary or stipend level: 1.5% for postdocs above \$47,000; 3% for postdocs less than or equal to \$47,000 (central or manual adjustments have already been entered in system).
2. Appointments that begin prior to June 1, 2011 must be at the minimum salary of \$37,740. Appointments that begin on or after June 1, 2011, must be at the appropriate NIH experience-based salary level.
3. There will be a phase-in to the NIH-NRSA scale between June 1, 2011 and May 31, 2014; all postdocs must be at the minimum NIH rate based for his/her experience level on June 1, 2014.

**Postdoctoral Scholar Salary/Stipend Minimum
Based on NIH-NRSA Experience Level***

Experience Level	2010 Minimum Salary/Stipend Rates
0 (0 - 11 months)	\$37,740
1 (12 - 23 months)	\$39,756
2 (24 - 35 months)	\$42,624
3 (36 - 47 months)	\$44,304
4 (48 - 60 months)	\$45,960
5 (61 - 72 months)	\$47,940
6 (73 - 84 months) Requires Exception**	Minimum 2% unless prohibited by funding agency

**Rates are subject to change according to annual NIH adjustments and based on the federal fiscal year effective October 1-September 30. NIH NRSA Fellows receive adjustment retroactive to October 1. Initial appointments effective the 1st day of the 1st pay period following NIH announcement are subject to new rates. Other active postdocs must be adjusted to the new scale upon reappointment/anniversary date following announcement.*

***Postdocs exceeding the 5 year limit of postdoctoral research service can only be appointed for an exceptional 6th year with prior approval by the Dean/Vice Chancellor for Research.*

- a. Postdocs who are more than 3% below the NIH scale are required to receive at least 3% each year on reappointment or for multiple year appointments, the anniversary date;
- b. Postdocs on scale receive NIH step increase (average 5%) on reappointment or anniversary date;
- c. Postdocs who are above minimum and who would not otherwise receive an increase receive 2% on reappointment or anniversary date;
- d. Nothing in the contract prevents PIs from compensating postdocs above their appropriate NIH experience level on appointment, reappointment and/or as a merit increase
- e. New postdoc appointments effective September 1, 2010 through May 31, 2011 must be appointed at the NIH minimum salary rate of \$37,740. No postdoc appointment can be made at a salary below this amount.
- f. New hires effective June 1, 2011 must be hired at the appropriate minimum NIH experience level and receive annual increases per the compensation terms of the contract.

Time and Effort Commitment:

Postdocs are full-time exempt professionals as defined by the Fair Labor Standards Act (FLSA) and are not eligible to receive overtime. Per the contract, the workweek for full-time exempt appointees is normally at least 40 hours with emphasis on meeting the assigned responsibilities and making progress toward their professional goals, rather than working a specified number of hours. Assigned work schedules should provide the flexibility to meet research goals and may occasionally allow a schedule of less than 40 hours per week.

Exceptions to full-time employment must be requested in writing by the postdoc and **take into account extramural funding agency requirements**, if any. Exceptional appointments less than 100% shall only be considered under the following conditions:

- ◆ Postdoc is unable to make a full-time commitment for reasons of health, family responsibilities, or employment external to the University
- ◆ Postdoc simultaneously holds a University teaching appointment or other University position (total combined effort may not exceed 100%)
- ◆ Supervisor and postdoc sign a written agreement specifying the reduction of hours and responsibilities based on the agreed upon reduction in time

Note: Requests based on limited funding will not be considered.

Supplementing Salary with Federal Grant Money:

Federal funds may be used to supplement postdoc increases provided: (1) the terms of a postdoc's fellowship award do not prohibit the postdoc from receiving additional compensation from his/her sponsoring institution; (2) the supplement is an allowable expense on the contract/grant; and (3) the PI and postdoc certifies the time in the effort reporting system. PIs are responsible for documenting the duties to be performed by the postdoc based on a full-time average of 171 hours per month, the percent of effort charged to the grant and the six month effort reporting cycle. For example, a 3% increase represents 5 hours of effort per month for a total of 30 hours over a six month effort reporting period. Duties performed by the postdoc must benefit the federally funded research project in which the effort is charged. For audit purposes documentation describing the postdoc's duties and supporting the claimed percent effort should be kept with the PI's contract/grant records in the administering department/unit.

EXAMPLES

1. A Postdoc-Employee (3252C) will complete their 2nd year of postdoctoral service May 31, 2011 at the rate of \$44,300 and is being considered for reappointment for a 3rd year.

Per the terms of the contract, the minimum salary based on the postdoc's experience level is \$44,304. Upon reappointment June 1, 2011, the Postdoc will receive a minimum \$4 increase. Nothing prohibits the PI from giving more.

2. A Postdoc-Employee (3252C) will complete their 3rd year of postdoctoral service May 31, 2011 at the rate of \$46,000 and is being considered for reappointment for a 4th year.

Since the postdoc's current salary is above the appropriate NIH experience level (\$45,960), the contract requires a minimum 2% increase upon reappointment June 1, 2011. If the current funding source does not have sufficient funds for the 2% increase, other appropriate fund sources can be used. If other sources of funding are not available, the postdoc can't be reappointed.

3. A Postdoc-Employee (3252C) will complete their 2nd year of postdoctoral service May 31, 2011 at the current rate \$38,088 and is being considered for reappointment. The minimum NIH experience level is \$44,304 (\$6,216 difference) and represents a potential increase of 16%.

Since the postdoc is more than 3% below the appropriate NIH experience level, a minimum increase of 3% must be provided upon reappointment. If the PI elects to reappoint, the postdoc is entitled to a minimum salary of \$39,231 (\$38,088 + 3%). Nothing prohibits the PI from giving more.

4. A postdoc with one year of service (non-UC) is awarded a two-year extramurally funded fellowship and proposed for appointment as a Postdoc-Fellow (3253C) or Postdoc-Paid Direct (3254C) effective November 1, 2010. The stipend provided by the agency is \$38,000 which is above the NIH minimum salary (\$37,740) but below the NIH minimum experience level (\$39,756). The fellowship award does not provide funding for salary increases and it does not prohibit salary supplementation by the sponsoring institution.

The initial appointment is prior June 1, 2011 and the stipend provided by the agency meets the minimum compensation terms of the contract without additional supplementation. Since the stipend is below the appropriate NIH experience level, the PI is required to provide a minimum 3% increase on the postdoc's anniversary date November 1, 2011.

5. A Berkeley PI would like to appoint a new Postdoc-Employee for one year effective July 1, 2011 through June 30, 2012. The current project period ends December 31, 2011 but the PI fully expects that the project will be funded for an additional three years. The PI has existing funding to cover the appointment for an initial six months at the NIH minimum experience rate of \$44,304.

The PI has two choices: 1) request appointment for the initial six month period based on available funds which requires prior notice to the UAW, or 2) appoint for an initial twelve month period based on anticipation of funding and layoff the postdoc in the event that funds are not received prior to the required 30 day layoff notice period.

6. A postdoc with two years postdoctoral experience is awarded a paid direct fellowship for one year and arranges to work with a Berkeley PI. Upon review of the fellowship terms, it's determined that the annual stipend provided by the agency is \$35,000 and does not meet the contract's minimum compensation level. The terms of the postdoc's fellowship award do not prohibit additional compensation from the sponsoring institution.

If the fellowship start date is prior to June 1, 2011, the PI is required to supplement the postdoc to bring him/her to the NIH "minimum salary" of \$37,740 (\$2,740 difference). If the fellowship starts June 1, 2011 or later, the PI must supplement the postdoc to bring him/her to the "appropriate NIH experience level" of \$42,624 (\$7,624 difference). The PI must have funding to supplement the postdoc to the minimum contract compensation terms for the duration of the fellowship or the postdoc can't be appointed.

7. A postdoc is on a two-year paid direct fellowship effective January 1, 2010 through December 31, 2012 and receives an annual stipend of \$102,000 (\$8,500/mo). The funding agency does not provide annual increases nor does it prohibit additional compensation from the sponsoring institution.

Although the paid direct fellowship stipend is significantly above the NIH scale, the contract requires that the PI provide a minimum 1.5% increase effective September 1, 2010. No increase is required on the anniversary date, January 1, 2011. If the appointment anniversary date was after June 1, 2011, then a 2% anniversary date increase would be required.

Cost to PI Year 1: \$510 ($102,000 \times 1.5\% = \$103,530 / 12 = 8627.50 - \$8,500 = \$127.50 \times 4$ [# of months remaining in Year 1] = \$510)

Cost to PI Year 2: \$1,530 ($103,530 - \$102,000 = \$1,530$)