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Chair of the Assembly of the Academic Senate
Faculty Representative to the Regents
University of California
1111 Franklin Street, 12th Floor
Oakland, California 94607-5200

October 12, 2020

CHAIRS OF SENATE DIVISIONS AND COMMITTEES:

Re: Systemwide Review of Proposed Curtailment Program

Dear Colleagues,

I am forwarding for your review the attached letter from President Drake and the proposed campus curtailment program for 2020-21. The proposed program is the product of the joint Strategic Planning Task Force convened by the President to develop options for addressing the financial challenges of the pandemic.

We ask that you prepare feedback and submit comments to the Academic Senate office at SenateReview@ucop.edu by October 26, 2020. We understand that this highly expedited timeline will be challenging; however, it will allow us to compile and summarize comments for the Academic Council's October 28 meeting, and pass on feedback to the administration by the November 9 deadline.

One note: the document advises that "Curtailment periods would be scheduled in a manner so as not to adversely affect instruction or clinical operations." We have confirmed with Provost Brown that campuses may request a modification of their instructional calendars from his office, using the Curtailment Program as the reason for the request.

As always, any committee that considers this matter to be outside its jurisdiction or charge may decline to comment. Please do not hesitate to contact me if you have additional questions.

Sincerely,

Handwritten signature of Mary Gauvain in cursive script.

Mary Gauvain, Chair
Academic Council

Handwritten signature of Robert Horwitz in cursive script.

Robert Horwitz, Vice Chair
Academic Council

Encl:



UNIVERSITY OF CALIFORNIA

Michael V. Drake, MD
President

October 10, 2020

Office of the President
1111 Franklin St.
Oakland, CA 94607

CHANCELLORS
ACADEMIC SENATE CHAIR GAUVAIN

universityofcalifornia.edu

Dear Colleagues,

The current pandemic has created a complex set of financial challenges for the University and for every campus. The scope and scale of these challenges differ by campus, each of which represents a unique combination of academic and research programs, auxiliary enterprises, and, at five campuses, medical centers. Consequently, the optimal combination of short-term bridging strategies and longer-term structural reforms for addressing these challenges will likely vary by campus as well.

The University's broad response to these challenges will be multifaceted. I write to solicit your feedback on a proposed curtailment program as one component of that response. The proposed program would expand the existing curtailment period at UC campuses and UCOP in order to achieve workforce-related savings while minimizing the impacts to employees, protecting lower-wage employees.

The proposal was informed by the work of a task force that I convened to develop options for achieving workforce-related cost savings. It includes elements that would apply to every campus and the Office of the President but would also provide for significant campus flexibility.

Your review, consultation and feedback will inform our next steps. Please send any written feedback regarding the proposed program to 2021options@ucop.edu within 30 days, on or before November 9. Thank you in advance for your attention to this important matter.

Sincerely,

Michael V. Drake, M.D.
President

Cc: Executive Vice President and Provost Brown
Executive Vice President and Chief Financial Officer Brostrom
Executive Vice President and Chief Operating Officer Nava
Executive Vice President Byington
General Counsel and Vice President Robinson
Chief of Staff to the President Kao

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Proposed 2020-21 Curtailment Program

As is the case for the rest of the nation, the University is being impacted by the global pandemic. In addition to challenges in healthcare, education, and other UC operations, we have faced significant economic challenges.

In order to sustain our core mission and purpose, we must make difficult decisions to maintain financial solvency and position the University for future recovery.

This document outlines a proposal to reduce personnel costs through the curtailment of work hours across the University. Each year the University of California observes a minimum curtailment period during the winter break, generally between the holiday period and New Year's. This year, we are contemplating an expanded minimum curtailment period in order to address our financial challenges, while minimizing impacts to employees.

As we evaluate options to address UC's financial situation, we are keeping the following values in mind:

- *We will take a measured approach.* We will only move forward with a curtailment expansion after implementing other prudent financial savings measures.
- *We intend to protect as many jobs as possible.* By taking measured actions early, we hope to stave off the need for furloughs and temporary or permanent layoffs.
- *Impacts will be progressive based on income level.* Higher-compensated employees will carry a relatively larger percentage of the burden through a tiered plan that protects more vulnerable, lower-wage employees.
- *This is a moment for shared action.* The plan describes a systemwide application that impacts every campus and location in some way.
- *We will maintain flexibility to minimize disruption.* Essential services to campuses, medical centers and core employee customer service functions that must operate year round will continue during curtailments.

The proposed plan that follows is being shared as part of a consultation process with UC stakeholders to ensure we hear a range of perspectives. No decisions have been made. Rather, we are sharing these plans to hear from the UC community, including the Academic Senate, Regents and others as we contemplate a minimum five days of curtailment this year.

Curtailment Plan Details

The proposed curtailment program described below is intended for consideration and discussion. A final decision will come after a 30-day period of consultation with internal UC stakeholders.

Curtailment refers to a period of leave, typically unpaid, instituted in connection with the suspension of certain operations for defined periods of time, including but not limited to periods of time for energy/cost savings; transitional, seasonal, or holiday periods in the academic calendar; or the occurrence of emergency situations that adversely affect normal University operations.

References to “salary” and “pay” below are intended to refer to base pay and similar forms of regular pay and stipends unless otherwise exempted. For academic appointees, this would include the scale-based salary, any off-scale, and the above scale salary. For faculty in the Health Sciences Compensation Plan (HSCP), it may include the X and X 'components, but not the negotiated Y and Z components.

Implementation would be contingent upon making all necessary modifications to UCPath to avoid unexpected payroll disruptions.

Proposed Features

Under the program, all campuses and the Office of the President would be expected to designate a minimum of five curtailment days (excluding holidays) in fiscal year 2020-21.

- Curtailment periods would be scheduled in a manner so as not to adversely affect instruction or clinical operations and may not necessarily be confined to the holiday period, based on the needs and preferences of our campuses or health centers.
- The program would be progressive in the amount of paid and unpaid time off used by a given employee during the minimum five days of curtailment, with higher paid employees shouldering more of the cost. Employees would be grouped into salary tiers, with a different combination of paid and unpaid time off applying to each tier.
- Employees in the lowest income tier would be permitted to use accrued vacation days for at least five days of the curtailment period. (Employees with insufficient vacation accrual balances would be permitted to use vacation credits prior to their actual accrual.) Higher-earning employees would be permitted to use accrued vacation or other leave for a portion of the curtailment period to varying degrees, based on their income level. Employees in the highest income tier would be required to take at least five curtailment days as unpaid time off and could not use accrued vacation or other paid time off.
- For employees without adequate paid time off, the University would grant a grace period to cover the time until paid time off is accrued.
- Campuses would identify essential workers who would be exempt from the program – e.g., medical/clinical staff, or staff deemed essential for the health and safety of students and employees, such as staff needed for COVID deep-cleaning of facilities.
- Unless otherwise exempted, all staff and fiscal-year academic personnel would participate in the program.
- For academic-year faculty, the program would be implemented as an equivalent reduction in salary (based on the salary tiers established under the program) but would not result in additional paid or unpaid time off.
- The University would seek changes to the University of California Retirement Plan or other policies, as needed, to avoid negatively impacting employee retirement benefits.

Considerations:

- It will be challenging for some employees to take full advantage of the curtailment days due to the nature of their work obligations. This is particularly true for those faculty whose obligations

related to instruction, research, and public service do not conform to standard conventions of days “at work” or “off work.”

- Exempt employees will not be allowed to perform any work during the curtailment period in order to comply with provisions of the Fair Labor Standards Act (FLSA).
- Depending on the curtailment periods, changes to the academic calendar may be required.