ARTICLE 9 FILING FORM

Date Filed: July 2, 2020

An Accelerated Schedule is Requested

___X__Category 1
_____Category 2
_____Categories 1 and 2

Mediation Requested  _____Yes  ___X__No
Step One Meeting Requested  ___Yes  ___X__No

This grievance is filed by:

_____Individual Bargaining Unit Member(s)

___X__The AAUP-AFT

______Jointly by the AAUP-AFT and the Unit Member(s)

Address for Mail  c/o AAUP-AFT

Staff Member Assigned: BJ Walker, Sr. Staff Rep.
TO: Paula J. Hak, Assistant Vice President for Academic Labor Relations

FROM: Todd Wolfson, President, Rutgers AAUP-AFT

DATE: July 2, 2020

RE: Article 9, Category One Grievance of the Rutgers AAUP-AFT

We hereby file this Article 9, Category One Grievance of the University and AAUP-AFT Collective Agreement alleging that the University violated Article 8, “Salary Provisions, Faculty Compensation Program (herein “FCP”) and Health Insurance Benefits”, “Part Two: Faculty Compensation Program” when it failed to process to completion faculty applications for merit award increases.

Background and Facts:

1. Article 8 sets forth the salary provisions negotiated between the University and the AAUP-AFT. For Fiscal Year 2020-21, the University agreed to the following in Part One, Section III:

   All persons who are members of the faculty on June 30, 2020 and whose employment as faculty members continues beyond that date and who meet the eligibility criteria set forth in the Faculty Compensation Program (“FCP”) in PART TWO below shall, effective July 1, 2020, be eligible to participate in the FCP, which program shall provide for merit salary increases to base salary from a pool of funds (“salary pool”), which salary pool shall be in the amount of 3.0% of the total unrestricted faculty salary base as of the second payroll in October 2019. These increases to base salary shall be awarded pursuant to the terms of the FCP as provided for in PART TWO below.

2. Part Two of Article 8 sets forth the process and procedures for determining whether faculty members will be awarded a merit increase under the FCP and the amount of the award. The process provides for several levels of review: departmental-level Peer Evaluation Committee (PEC); department chairperson (Chair); Dean; Chancellor; and, President.

3. On December 17, 2019, the University’s Sr. Vice President for Academic Affairs, Barbara Lee, sent a letter to Chancellors, Deans and Directors identifying provisions of the FCP. [Appendix A]

4. The University’s Office of Academic Labor Relations held workshops in January of 2020 to provide an overview and guidance related to the FCP process. This included setting forth timelines for each stage of implementation:

   January:
   Formulation of department statement of criteria, and announcements by chairs

   February:
   Forwarding of allocations; upload of faculty docs; PEC formation and meetings; and upload of PEC recommendations

   March to April:
   Recommendations of chairs, deans, chancellors, and President uploaded (until 5/8/2020)

   May:
   University review of recommendations, and chancellors and deans conduct review of final recommendations

   June:
Final University review, payroll preparation, and access provided to users to pull reports.

July:
Access provided to faculty to review recommendations

5. Throughout January, February and early March, faculty members, university-wide, followed the requirements of the program, implementing a new web-based FCP software program never before used [see Appendices B - E]. They participated in the development of criteria appropriate for their departments; uploaded their own applications for review and served on PECs to evaluate applications and upload recommendations. This was followed by evaluations conducted by Chairs who then uploaded reviews for consideration by deans and later levels of review.

6. Accordingly, by early March Sections VI.1-7 of Article 8, Part Two, were complete. The PECs had been constituted, evaluated the members of their respective departments, and provided their evaluations to department chairs. Chairs, in turn, completed their reviews and forwarded their recommendations, along with the recommendations of the PECs, to their respective deans.

7. Pursuant to Section VI.7 deans were contractually required to review the recommendations of the PECs and the Chairs, and forward to the chancellors their recommendations.

8. Pursuant to Section VI.8, chancellors were then required to make final determinations with respect to merit salary increases.

9. In an email dated February 28, 2020, Paula Hak, Assistant Vice President for Academic Labor Relations (ALR), informed chancellors, deans, directors and department chairs of the following:

"To ensure all departments have sufficient time to finalize and upload PEC recommendations, please be advised that the March 2nd deadline for uploading the recommendations of the PEC has been extended for all departments to Monday, March 9, 2020, and departments no longer need to contact ALR for extended access beyond March 2nd. Given this change in dates, please be further advised that the time for upload of the recommendations of the Chair and Dean have also changed. Chairs now have from March 10, 2020 to March 16, 2020 to enter their recommendations (previously March 3, 2020 to March 9, 2020), and deans have from March 17, 2020 to March 31, 2020 to enter their recommendations (previously March 10, 2020 to March 31, 2020). “ [see Appendix F for full text]

10. On March 25, 2020, Paula Hak wrote to chancellors, deans and directors: “At this time, deans and directors should be conducting their review of award recommendations made by the PEC and/or department chairs and entering their recommendations in the FCP system. Please note that the period of review for deans and directors will be extended through 11:59 pm on April 10, 2020. The chancellor level of review has also changed and will run from April 11 through 11:59pm on May 1, 2020.” [see Appendix G for full text]

11. Two days later, on March 27, the same group received the following message: “We are in the process of re-evaluating the timelines for the Faculty Compensation Program within the context of the current pandemic. It is likely that we will have to update the current schedule for the program. Therefore, please be advised that all current deadlines are on hold until further notice. You do not need to meet the current deadlines for the program. We will update you as soon as more information is received and a decision has been made with respect to the program’s timelines. Your patience is appreciated.” [Appendix H]

12. On April 1, Todd Wolfson, President of the Rutgers AAUP-AFT wrote to Barbara Lee and Paula Hak noting, in part:

“As I understand it, faculty and department chairs have completed reviews and those reviews have been forwarded to deans and directors. What I do not understand is why the process is now being delayed when reviews can be done without compromising social distancing and other guidelines/Restrictions related to the pandemic.
The University and Union negotiated that merit increases will be awarded effective July 1, 2020. The assessments required for determination of final awards must conclude in time for increases to be included in paychecks on or about July 1, 2020. Decisions with regard to timelines must adhere to this contractual provision.” [Appendix I]

13. From May 6 to June 23, the Union made repeated requests for information and confirmation that the evaluation process was continuing and that faculty would have access to their completed Recommendation Forms in order to know the outcome of their merit review. [Appendix J]

14. On June 8, 2020, the Union was informed, in relevant part, that,

“As a result of the determination by the University that there exists a fiscal emergency and that, as a result, the University is invoking the “subject to” language in the prefatory paragraph of Article 8 of the Collective Negotiations Agreement, the University is withholding the following increases set forth in Article 8 of the parties’ collective negotiations agreement, which are set to take effect on July 1, 2020:

1. Fiscal Year 2020-2021 salary increase program set forth in Article 8, Part One (III)”

[email Michael Gower, Executive Vice President for Finance and Administration University Treasurer to Patrick Nowlan, Executive Director, AAUP-AFT]

15. On June 24, the University informed the Union of the following:

“...The letter notice received by AFT indicates that the University is withholding salary increases effective 7/1/20, meaning it does not intend to pay those increases. Given the University's position, we see no reason to continue the FCP process and finalize merit increases that the University does not intend to pay at this time.” [Appendix K]

Discussion:

The University has a contractual obligation to complete the processing of reviews under the FCP even in light of declaration of a fiscal emergency under Part 6 of Article 8.

The faculty, including chairs, met its obligations under the contractual provisions of the FCP. (Section VI of Article 8, Part Two). The University had a contractual obligation to adhere to the provisions of the FCP that required deans to review the recommendations of the PECs and the Chairs and that required chancellors to make final determinations as to faculty merit salary increases. The University was also obligated to ensure that the President carried out his responsibilities under the FCP.

Leaving aside whether the University violated its contractual obligations under Part Two of Article 8 when it unilaterally extended established timeframes within which deans and chancellors were required to fulfill their responsibilities under the FCP, the University’s unilateral decision to halt the FCP entirely and direct deans and chancellors not to carry out their contractual obligations under Sections VI.7 and 8, constitutes a repudiation of Part Two of Article 8.

While the pandemic may have justified an extension of timeframes, it cannot be used to justify the University’s unilateral decision to cease the completion of the FCP process.

It should be noted here that faculty members, also suffering under the impact of the pandemic, successfully shifted their courses to be taught remotely during this same time.

Deans had available, in a remotely accessible way, reviews uploaded by PECs and Department Chairs beginning in early March and the deadline for their reviews was extended to April 10. They could and should have conducted these reviews in a timely way to allow for completion of the FCP process. The University’s suspension of the Dean’s requirement to upload reviews (see March 27 email, Appendix G) predated the University’s notice of a fiscal emergency under Article 8 by nearly 13 weeks.
Further, the declaration of a fiscal emergency and the decision to withhold July 1 FCP increases did not give the University the contractual right to cease the processing of merit increase recommendations as required under Article 8, Part Two.

Faculty are entitled to know what their increases would have been on July 1, 2020 had the University not declared a fiscal emergency and withheld their salary increases. Those increases will eventually have to be paid.

**Remedy Requested:**

The processing of the FCP shall immediately recommence and faculty shall be provided access to all related reviews and decisions concerning the salary amounts determined to be awarded under the Program.
Appendix A

Barbara A. Lee
Senior Vice President for Academic Affairs

December 17, 2019

To: Chancellor Nancy Cantor
Chancellor Christopher Molloy
Chancellor Phoebe Haddon
Chancellor Brian Strom
Senior Vice President, Office of Research and Economic Development S. David Kimball
Vice President for Information Services and University Librarian Krisellen Maloney
Deans and Directors

From: Barbara A. Lee
Senior Vice President for Academic Affairs

Subject: Academic Year 2020-2021 Faculty Compensation Program for Faculty in the AAUP-AFT Bargaining Unit

As you know, the current Agreement between the University and the AAUP-AFT includes a merit process component for academic year 2020-2021, with awards to base salary effective July 1, 2020. While this merit process, the Faculty Compensation Program (FCP), is set forth in detail in Article 8, PART TWO, of the current Agreement between the University and the AAUP-AFT (copy attached), the following are some of the program’s important provisions:

Pool of Money Available
For the 2020-2021 fiscal year, the FCP will consist of a pool of dollars equal to 3% of the state-funded faculty salary base for AAUP-AFT members as of the second payroll in October 2019.

Allocation of Funds
- Funds for merit salary increases are allocated to Camden, Newark, New Brunswick and Rutgers Biomedical Health Sciences (RBHS), and are based upon the proportion of the total faculty salary pool for members of the AAUP-AFT faculty negotiations unit in each area.
- Pool funds allocated will be divided into a tenured and tenure-track (TT) pool and a non-tenure track (NTT) pool, based on the proportion of TT and NTT faculty salary to the total faculty salary base for each of the four areas, except 5% of the total funds available for this year will be allocated to the President’s reserve for distribution as specified in the contract.
- Use of allocated pool funds should adhere to the following:
  o 80% of the TT pool must be used for awards to tenured and TT faculty.
  o 80% of the NTT pool must be used for awards to NTT track faculty.
  o Up to 20% of either the TT or NTT pool may be used for faculty in the other pool.
Size of Salary Increase
A faculty member may receive a merit salary increase equal to at least 1% of the faculty member’s salary as of June 30, 2020 or $500, whichever is less, and up to 10% of his or her salary as of June 30, 2020.

Eligibility for the FCP
- Eligible faculty members include those members that are AAUP-AFT negotiations unit members, and that:
  - Serve in a full-time AAUP-AFT negotiations unit position as of the second payroll in October 2019 (October 18, 2019), and continue to serve in such position until the date of payment; or
  - Serve three consecutive years in an AAUP-AFT negotiations unit part-time position (50% or more of full time) as of July 1, 2020, and continue to serve in such position until the date of payment.

- Ineligible faculty members are those members:
  - Participating in the Faculty Transition to Retirement Program (FTTRP);
  - Serving in his or her terminal year at Rutgers;
  - Electing not to be considered for the FCP or a merit increase; or
  - Not submitting materials for the FCP.

Criteria for FCP Awards
- Merit salary increases are awarded to faculty members who:
  - Demonstrate recent and continuing excellence based on one or more of the criteria of teaching, scholarship and service; or
  - Have a current compensation that warrants special consideration on the basis of academic or professional contributions in comparison with compensation of colleagues of similar achievement in the department or discipline at large.

- Prior to the commencement of the process for consideration for merit, departments must formulate and promulgate a statement for each pool (TT and NTT) of their own specific criteria for a merit salary increase and application of such criteria, which is within the framework of the above general criteria.

Peer Evaluation Committee (PEC) Formation
- The formation of the PEC depends on the department’s number of tenured members and is formed as follows:
  - Departments with four or more tenured faculty members should elect a PEC of at least three members, composed of tenured members and at least one NTT member of the department.
  - Departments with fewer than four tenured members, all the tenured members shall constitute the PEC.
  - Departments without tenured members, there shall be no PEC.
- Nominations to the PEC may be made by any department faculty member.
Elections to the PEC are made by secret ballot by all full-time members of the department holding the rank of Assistant Professor or equivalent, and above who are not in their terminal year. Ballots are submitted to the department chairperson.

**Functions**
- Department chairpersons announce twenty days in advance that the PEC will be considering eligible faculty members for merit salary increases from each pool and invite them to submit relevant material for consideration.
- The PEC meets to evaluate all members of the department who are not members of the PEC and eligible for consideration for a merit salary increase.
- The PEC prepares a summary statement of its evaluation for each member of the department it recommends for a merit salary increase, which includes one or more of the applicable criteria as the basis for its recommendation.
- At its option, the PEC may make recommendations to the chairperson concerning the size of the merit increase for those individuals it has recommended for an increase. The PEC may also recommend that up to twenty percent of the dollars in either pool be used for merit awards to faculty members in the other pool.
- The PEC completes data entry in the FCP system.

**Review Process**
- As part of the FCP review process, the department chairperson:
  - Endorses the PEC’s recommendations, or prepares an independent list of faculty members who should receive a merit increase and makes recommendations as to the size of the merit salary increase for individuals on his or her list;
  - Provides his or her recommendations and those of the PEC to the dean with justification and appropriate documentation by submitting such information in the FCP system; and
  - Completes data entry in the FCP system.

- Upon receiving the nominees from the department chairperson, the dean:
  - Formulates a list of nominees from among those proposed by the departments, including department chairpersons and other faculty members not proposed by the departments who in the judgment of the dean are qualified for a merit salary increase;
  - Provides a recommendation as to the size of the increase for each individual on the list;
  - Provides his or her recommendations with justification, and the recommendations of the PEC and department chairs, to the appropriate Chancellor by submitting such information in the FCP system; and
  - Completes data entry in the FCP system.

- Upon receiving the recommendations of the deans, directors, department chairs and PECs, the chancellor:
  - Reviews the recommendations and makes a final decision as to which faculty members on the campus receive an increase and the size of the increase, with supporting criteria; and
  - Provides the recommendations to the Senior Vice President for Academic Affairs by submitting such information in the FCP system.
Please take note of the following general timelines. Specific dates for the FCP workshop and submission of information by chairpersons, deans and chancellors in the FCP system referred to below are forthcoming.

| January       | Departments announce a statement of their own specific criteria for a merit salary increase for each pool (prior to the commencement of the process for consideration). |
|              | Department chairpersons announce twenty days in advance that the PEC will be considering eligible faculty members for merit salary increases from each pool and invite them to submit relevant material for consideration. |
|              | Allocations for the FCP forwarded to the Chancellors. |
|              | FCP online application goes live. |
|              | Workshop held for Chancellors, deans, directors, chairs and any administrative staff involved in the distribution, completion and processing of materials necessary for the FCP to be managed successfully. |

| February     | PEC meetings take place. |
|             | PEC completes data entry in the FCP system. |

| March        | Department chairpersons provide recommendations and those of the PEC to the dean with justification and appropriate documentation in the FCP system. |
|             | Chairpersons complete data entry in the FCP system. |
|             | Deans provide recommendations to the appropriate Chancellor with justification and appropriate documentation in the FCP system. |
|             | Deans complete data entry in the FCP system. |

| April        | Chancellor’s recommendations are due to the Senior Vice President for Academic Affairs. |

More detailed information on dates, including due dates for review and submission, are forthcoming. In the meantime, please ensure that units/departments are preparing for the merit program by formulating specific criteria statements for both pools and commencing formation of the PEC. Faculty members should be updating their CVs and other relevant material for consideration.

If you have any questions concerning the merit program, please contact Paula Mercado Hak, Assistant Vice President for Academic Labor Relations (paula.hak@rutgers.edu or 848-932-7174).

Thank you for giving this important program your full and careful attention.

Attachment

cc: Vivian Fernández
    Paula Mercado Hak
    Edmund Scheer
Dear Faculty Members,

As you are aware, the current Agreement between the University and the AAUP-AFT includes a merit process component for academic year 2020-2021, the Faculty Compensation Program (FCP), with awards to base salary effective July 1, 2020. Generally, the FCP provides for awards of merit salary increases to eligible faculty members that are AAUP-AFT negotiations unit members meeting the specified eligibility requirements and criteria set forth in the Agreement. Please be sure to review the University’s Agreement with AFT to determine if you meet the FCP’s eligibility requirements.

Please be advised that the FCP currently underway for academic year 2020-2021 will be implemented for all involved via a new web-based software program recently developed by OIT. As a result, this time around, there will be no merit recommendation forms disseminated in hard copy as the new software program will permit faculty members to access their own profile online and upload their documents. More specifically, by no later than January 31, 2020, an email will be sent to faculty members from the software program with instructions to upload documents for their own profile or opt out of consideration for a salary award. Beginning on January 31st, faculty members will be provided with access to the online system for purposes of uploading documents or opting out. Access for faculty members will continue through February 7, 2020.

The new web-based software program, which is almost complete, will be user friendly. Notwithstanding this, instructions on using the software program, including screenshots, will be accessible to all users as each phase of the system goes live. Additionally, the software program will generate email reminders on key dates to all users, as well as post reminders on the program itself for users to view when they log on. Users will be able to access the new software program through the use of their University net IDs and passwords.

Until the first phase of the new software program goes live on January 31st, the University will continue to work on uploading faculty members’ data and information into the program. Please utilize the time from now until January 31st to compile your documents for upload into the web-based software program provided you meet the FCP’s eligibility requirements. Also, please be sure to regularly review your emails for time sensitive notices relating to the FCP.

Thank you,
Office of Academic Labor Relations
Dear Faculty Members,

The new web-based software program for the administration of the Faculty Compensation Program for AAUP-AFT faculty is now available to you through February 7, 2020. Please visit https://fcp.rutgers.edu and use your net id and password to log in. Since this program is behind the University's firewall, you will need to establish a VPN (Virtual Private Network) if you wish to access it off campus.

Once logged in, you will come onto your home page.

Please click on the link, "My Profile," which will display your salary information as of October 18, 2019.

If you wish to opt out of consideration for a merit based increase, please click the "Opt-Out" button.

If you wish to be considered for merit, please upload the documents for consideration (i.e. your CV and/or any other documents as indicated by your department/unit) by using the "Browse..." button to locate your files. The files may be in any format (Word, pdf, Excel, text, etc.), however, please do not upload videos or zipped files. Once you have uploaded your file(s), please click the "Update" button.

Once you have either opted out or uploaded your files, you may log off my clicking on the arrow next to your name at the right hand corner of your screen and selecting "Logout" in the drop down menu.

If you are not able to access the Faculty Compensation Program or need assistance with uploading documents, please contact your departmental administrator.

Thank you,
Office of Academic Labor Relations
REVISED ANNOUNCEMENT

Please be advised that the University is working diligently to fix the errors faculty members are encountering with respect to the new web-based software program. Due to this and because some faculty members did not receive Friday’s email with instructions for uploading materials, please be advised that the time for faculty members to upload materials has been extended to Tuesday, February 18, 2020.

Dear Faculty Members,

The new web-based software program for the administration of the Faculty Compensation Program for AAUP-AFT faculty is now available to you through February 18, 2020. Please be advised that from February 8, 2020 to February 18, 2020, chairs and administrators will be able to upload materials for faculty members. Please visit https://fcp.rutgers.edu and use your net id and password to log in. Since this program is behind the University’s firewall, you will need to establish a VPN (Virtual Private Network) if you wish to access it off campus.

Once logged in, you will come onto your home page.

Please click on the link, “My Profile,” which will display your salary information as of October 18, 2019.

If you wish to opt out of consideration for a merit based increase, please click the “Opt-Out” button.

If you wish to be considered for merit, please upload the documents for consideration (i.e. your CV and/or any other documents as indicated by your department/unit) by using the “Browse…” button to locate your files. The files may be in any format (Word, pdf, Excel, text, etc.), however, please do not upload videos or zipped files. Once you have uploaded your file(s), please click the “Update” button.

Once you have either opted out or uploaded your files, you may log off my clicking on the arrow next to your name at the right hand corner of your screen and selecting “Logout” in the drop down menu.

If you are not able to access the Faculty Compensation Program or need assistance with uploading documents, please contact your departmental administrator.

Thank you,
Office of Academic Labor Relations
From: Office of Academic Labor Relations <oalr@oq.rutgers.edu>
Sent: Monday, February 3, 2020 3:43 PM
To: [chancellors, deans, directors]
Subject: Faculty Compensation Program for AAUP-AFT Faculty

Good afternoon,

Due to recent developments, please be advised of the following with respect to the implementation of the 2020/2021 Faculty Compensation Program.

The faculty upload/opt-out period has been extended to February 18, 2020. Due to unforeseen technical issues, a number of faculty members did not receive Friday’s email from ALR conveying the instructions for uploading materials to the online FCP program. Additionally, when the system went live for faculty members on Friday, some technical errors resulted which have now been corrected by OIT. As a result, the time for faculty members to upload materials or opt-out has been extended from February 7, 2020 to February 18, 2020. Please be advised that the attached email was sent this afternoon to all AAUP-AFT faculty members who were on payroll on October 18, 2019 to advise them of the extended deadline, as well as provide them with instructions for accessing the online software program and uploading materials or opting out.

Chairs and administrators will still be able to upload materials on behalf of faculty members from February 8, 2020 to February 18, 2020. Such time will run simultaneously with the time faculty members have to upload materials. If for any reason any department needs additional time beyond February 18, 2020 to upload materials for faculty members, then please contact ALR so that ALR can extend the time for upload access for the requesting department.

ALR will be presenting additional FCP presentations at the end of this week and early next week. Due to technical issues that occurred with respect to Friday’s FCP Presentation via WebEx, ALR will be providing additional FCP presentations at the end of this week and early next week. Please be advised that FCP presentations will be held this Friday in Newark and Camden, in-person attendance only, and a WebEx session will be held on February 11, 2020, remote attendance via WebEx only. During the WebEx presentation, questions may be submitted via chat/text which will be answered during the presentation via a responding chat/text and by incorporating the responses to some questions during the presentation itself. The dates, times and locations for the FCP presentations are set forth below. Additionally, please be advised that the information provided on the new FCP software program will be limited to the first phase of the FCP which is the phase for faculty upload of materials.

Please RSVP no later than 12:00 p.m. this Thursday, February 6, 2020, to Kathleen Dempsey by email at kdempsey@oq.rutgers.edu or by calling (848) 932-7174. For those attending the WebEx session, a WebEx link will be emailed from ALR upon receiving the RSVP.

FACULTY COMPENSATION PROGRAM PRESENTATIONS

Camden Campus
Friday, February 7, 2020
9:30 a.m. – 11:00 a.m.
Camden Campus Center, South BC Conference Room
326 Penn St, Camden, NJ 08102
*In-person Attendance Only

Newark Campus
Friday, February 7, 2020
2:00 p.m. – 3:30 p.m.
Dana Library, Special Collections Room
185 University Avenue, Newark, NJ 07102
*In-person Attendance Only

WebEx
Tuesday, February 11, 2020
2:00 p.m. to 3:30 p.m.
*Remote Attendance via WebEx only

Thank you,
Office of Academic Labor Relations
From: Kathleen Dempsey <kdempsey@oq.rutgers.edu> on behalf of Paula Hak <paula.hak@rutgers.edu>
Sent: Friday, February 28, 2020 1:45 PM
To: [chancellors, deans, directors]
Subject: Faculty Compensation Program - Extension of Time for PEC Upload

Good afternoon,

ALR was recently notified that a number of departments may not have PEC recommendations ready for upload by March 2, 2020. To ensure all departments have sufficient time to finalize and upload PEC recommendations, please be advised that the March 2\textsuperscript{nd} deadline for uploading the recommendations of the PEC has been extended for all departments to \textbf{Monday, March 9, 2020}, and departments no longer need to contact ALR for extended access beyond March 2\textsuperscript{nd}. Given this change in dates, please be further advised that the time for upload of the recommendations of the Chair and Dean have also changed. Chairs now have from \textbf{March 10, 2020 to March 16, 2020} to enter their recommendations (previously March 3, 2020 to March 9, 2020), and deans have from \textbf{March 17, 2020 to March 31, 2020} to enter their recommendations (previously March 10, 2020 to March 31, 2020). If any school or independent institute or center would like their access adjusted in accordance with the original dates for upload of PEC, Chair and Dean recommendations, please contact ALR to request this modification.

Additionally, please ensure that the allocations previously provided on February 14, 2020 are disseminated to all deans and directors as soon as possible if the allocations have not previously been distributed.

Further, please be reminded that departments should have completed the determination of eligibility for faculty in the FCP online system to enable entering recommendations in the system. Recommendations can only be entered for faculty who have been marked “A-Eligible.” Attached is a PDF with screenshots showing the navigation to complete the determination of eligibility in the FCP System.

If you have any questions or concerns, please feel free to contact ALR.

Thank you,
Paula Mercado Hak

\textit{Paula Mercado Hak}
\textit{Assistant Vice President for Academic Labor Relations}
Office of Academic Labor Relations
Rutgers, The State University of New Jersey
178 Ryders Lane, Suite 308
New Brunswick, NJ 08901
848.932.7174, fax 732.932.8326
paula.hak@rutgers.edu
Good afternoon,

At this time, deans and directors should be conducting their review of award recommendations made by the PEC and/or department chairs and entering their recommendations in the FCP system. Please note that the period of review for deans and directors will be extended through 11:59 pm on April 10, 2020. The chancellor level of review has also changed and will run from April 11 through 11:59pm on May 1, 2020.

We are also pleased to announce that the “Faculty Salary Distribution” and the “Award Recommendation” reports will be available for download beginning Friday, March 27, 2020. Information on how to access these reports will be posted on the message dashboard in the FCP system when the reports become available this Friday.

Please keep the following in mind when reviewing materials uploaded by faculty, PEC and department chairs:

1. **Eligibility**: Only faculty who have submitted materials and have been marked “A-Eligible” should be reviewed for an award recommendation. Please review the eligibility entries for accuracy, making special note of ineligible faculty to verify the reason for their ineligibility.

2. **Departmental Criteria**: Please be sure that the departmental criteria used for the review of tenured and tenure-track faculty and of non-tenure track faculty have been uploaded to each department’s page. If departmental criteria is missing, the dean’s office should upload the departmental criteria by following this navigation: Home > Assigned Department > Select the department from the list of departments that appear under “Hierarchy” > Use browse/update in “Department Documents” form that appears on the right hand side of the Department page.

3. **Commentary and Uploaded Recommendation Documents**: Commentary entered in the memo box or uploaded into the “Recommendation Documents” should be specific to the faculty member. At the end of the FCP process, faculty members will be able to access their own summary page which will include commentary and recommendations made at every level.

Deans and directors should also keep the following in mind when entering recommendations:

1. If recommending an award, the award amount should be at least 1% of the salary, or $500, whichever is less, and up to 10% of the salary.

2. Deans and directors should discuss with chairs or the PEC when deciding to make awards to individuals who were not recommended or when desiring to increase or decrease by more than 1% the increase recommended by the chair or PEC.

3. Deans and directors may make a request for an additional sum from the President’s reserve by entering it into the dedicated line for the “Presidential Recommendation.” The total award cannot exceed 10% of the individual’s salary.

4. The corresponding percentage amount of the final award will be applied on the June 30, 2020 salary and will be effective July 1, 2020.

To view your permissions in the FCP system (https://fcp.rutgers.edu/), please click on “Account” in the drop down menu next to your name once you have logged on using your net id and password. If you have questions about access or wish to adjust the permissions which have been granted to users in your unit, please contact our office via email (oalr@oq.rutgers.edu).

As always, please do not hesitate to contact the Office of Academic Labor Relations with any questions.

Thank you.

Paula Mercado Hak  
Assistant Vice President for Academic Labor Relations  
Office of Academic Labor Relations  
Rutgers, The State University of New Jersey  
178 Ryders Lane, Suite 308  
New Brunswick, NJ 08901  
848.932.7174, fax 732.932.8326
Good afternoon,

We are in the process of re-evaluating the timelines for the Faculty Compensation Program within the context of the current pandemic. It is likely that we will have to update the current schedule for the program. Therefore, please be advised that all current deadlines are on hold until further notice. You do not need to meet the current deadlines for the program. We will update you as soon as more information is received and a decision has been made with respect to the program’s timelines. Your patience is appreciated.

Thank you,
Paula Mercado Hak

Paula Mercado Hak  
Assistant Vice President for Academic Labor Relations  
Office of Academic Labor Relations  
Rutgers, The State University of New Jersey  
178 Ryders Lane, Suite 308  
New Brunswick, NJ 08901  
848.932.7174, fax 732.932.8326  
paula.hak@rutgers.edu
Dear Barbara and Paula,

I'm writing with regard to the message below concerning the processing of the Faculty Compensation Program under Article 8. As I understand it, faculty and department chairs have completed reviews and those reviews have been forwarded to deans and directors. What I do not understand is why the process is now being delayed when reviews can be done without compromising social distancing and other guidelines/restrictions related to the pandemic.

The University and Union negotiated that merit increases will be awarded effective July 1, 2020. The assessments required for determination of final awards must conclude in time for increases to be included in paychecks on or about July 1, 2020. Decisions with regard to timelines must adhere to this contractual provision.

Please copy the Union on future communications with regard to this matter.

best,

Todd
From: BJ Walker <bjwalker@rutgersaaup.org>
Date: Wed, May 6, 2020 at 8:40 AM
Subject: FCP Increases Effective 7/1/20
To: Paula Hak <paula.hak@rutgers.edu>

Dear Paula,

I'm writing to ask if the administration has sent further instructions for the uploading of materials related to FCP considerations. On March 25, an email was sent to deans and chancellors noting that "the period of review for deans and directors will be extended through 11:59 pm on April 10, 2020. The chancellor level of review has also changed and will run from April 11 through 11:59pm on May 1, 2020."

This was followed by an email to the same group of deans, etc., on March 27 noting, "We are in the process of re-evaluating the timelines for the Faculty Compensation Program within the context of the current pandemic. It is likely that we will have to update the current schedule for the program. Therefore, please be advised that all current deadlines are on hold until further notice. You do not need to meet the current deadlines for the program. We will update you as soon as more information is received and a decision has been made with respect to the program’s timelines."

On April 1, Todd Wolfson wrote to you and Barbara Lee: "As I understand it, faculty and department chairs have completed reviews and those reviews have been forwarded to deans and directors. What I do not understand is why the process is now being delayed when reviews can be done without compromising social distancing and other guidelines/restrictions related to the pandemic. ... The University and Union negotiated that merit increases will be awarded effective July 1, 2020. The assessments required for determination of final awards must conclude in time for increases to be included in paychecks on or about July 1, 2020. Decisions with regard to timelines must adhere to this contractual provision."

It is now May 6 and we’ve heard nothing further with regard to implementation of this process. We’re hearing from many members, including department chairs, that there is a great deal of misinformation and confusion surrounding this process and we’re hopeful that you can move forward and provide clarity for all involved. We ask that immediate action be taken to ensure that all reviews are completed in a manner that allows for timely payment of the July 1 contractual increases. If deans are required to upload their reviews no later than May 15, this would allow for later levels to complete reviews by mid June and payments to be processed by the end of June. Again, however it’s done, we expect the reviews, as required under the contract, to be completed in a manner that allows for timely payment of the increase.

Thank you for your attention to this matter.

Best,
BJ
BJ Walker, Sr. Staff Representative
Rutgers Council of AAUP Chapters, AFT
11 Stone Street
New Brunswick, NJ 08901
732-964-1000 ext. 12
www.rutgersaaup.org

From: BJ Walker <bjwalker@rutgersaaup.org>
Date: May 8, 2020, 4:46 PM
Subject: FCP Increases Effective 7/1/20
To: Paula Hak <paula.hak@rutgers.edu>

Hi Paula. Checking in again to ask for whatever information you can provide on where things stand. We continue to receive inquiries from our members who want assurances that the program is on track. We want to know that the work completed by PECs and Chairs has moved...
forward, together with deans’ recommendations, to allow for all evaluations to be completed and uploaded in time for July 1 increases. Thanks and best, BJ

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From: BJ Walker <bjwalker@rutgersaaup.org>
Sent: Monday, June 15, 2020 2:03 PM
To: Paula Hak <paula.hak@rutgers.edu>
Subject: Requirements of FCP

Dear Paula,

All FCP data is contractually required to be entered into the system by July 1. I've written several times with regard to this matter and, though the University may intend not to pay the FCP raises due July 1, the language requiring process leading up to determination of what those raises will be is still in effect.

To this end, we ask that instructions on how faculty members can access and view their FCP materials (e.g., completed recommendation forms) be sent to the faculty on or before July 1.

Thank you for your attention to this matter.

BJ
BJ Walker, Sr. Staff Representative
Rutgers Council of AAUP Chapters, AFT
11 Stone Street
New Brunswick, NJ 08901
732-964-1000 ext. 12
www.rutgersaaup.org

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On Mon, Jun 15, 2020 at 2:19 PM Paula Hak <paula.hak@rutgers.edu> wrote:

Hi BJ,

I will look into this and get back to you.

Thanks,
Paula

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From: BJ Walker <bjwalker@rutgersaaup.org>
Sent: Tuesday, June 23, 2020 1:00 PM
To: Paula Hak <paula.hak@rutgers.edu>
Subject: Re: Requirements of FCP

Hi Paula. I’m writing to reiterate, again, that the Union expects our members to know, on July 1, the amount of merit increases due to be awarded as a result of the processing of the program. We ask that instructions be provided to faculty on how to access recommendations forms contractually due to be completed and made available. Can you please confirm that this will happen? BJ
Hi BJ,

I was holding off on getting back to you as I was waiting to see how negotiations between the University, AFT and the Coalition progressed as those negotiations potentially impact this issue. I hope you can understand that. I really do appreciate your patience in the interim. As you are aware, the Coalition, which includes AFT, previously rejected the University’s request to extend the contract and defer salary increases, including FCP merit increases. Thereafter, the University declared a fiscal emergency and invoked the “subject to” provision of AFT’s contract. The letter notice received by AFT indicates that the University is withholding salary increases effective 7/1/20, meaning it does not intend to pay those increases. Given the University’s position, we see no reason to continue the FCP process and finalize merit increases that the University does not intend to pay at this time. If this changes or if there is some agreement reached in negotiations between AFT and the University providing for payment of these merit increases, we can engage in discussions to resume and complete the FCP process.

Please feel free to call me if you would like to discuss this further.

Thanks,
Paula