

SIDE LETTER

- A. Solely for the purpose of determining continuing membership in the 1976 Tier of the UCRP versus prospective membership in the 2013 Tier following a period off pay status for four or more consecutive months, an NSF in the IX bargaining unit with Continuing Appointment status will remain in the 1976 Tier of the UCRP upon return to pay status provided he or she satisfies all of the conditions set forth below. The definition of an NSF, for purposes of this Side Letter, is consistent with the definition contained in Article 1 – Recognition, which provides that the term “NSF” applies to instructional faculty and non-faculty employees in the IX bargaining unit.
- 1) The NSF achieves Continuing Appointment status effective no later than October 31, 2013;
 - 2) During Fiscal Year 2012-2013, the NSF accrued UCRP service credit as an active member in the 1976 Tier, or was a UCRP member on an approved leave without pay;
 - 3) On or after July 1, 2013, the NSF is off pay status for four months or more due to the nature of his or her appointment, but (i) returns to pay status in a UCRP-eligible position in his or her Continuing Appointment, within one year and one day following his or her last day on pay status in his or her prior Continuing Appointment or approved leave without pay (and resumes his or her Continuing Appointment as scheduled), or (ii) returns to pay status in his/her Continuing Appointment, and accumulates 750 hours of service in a rolling 12-month period within one year and one day following his or her last day on pay status in his or her prior Continuing Appointment or approved leave without pay (and resumes his or her Continuing Appointment as scheduled), thereby remaining UCRP-eligible; and
 - 4) Within the one year and one day grace period prior to returning to pay status, the NSF has not failed to resume his or her assignment in his or her Continuing Appointment that, if accepted, would have resulted in the receipt of pay during the grace period. This provision, however, will not apply to an NSF who refuses an augmentation to his or her base appointment.

Failure to meet each of the requirements set forth above will result in the NSF becoming a multi-tier member.

- B. Following a break-in-service of four months or more, it is incumbent upon the NSF who believes that he or she is covered by the terms of this Side Letter to self-identify by contacting the Labor Relations office at his or her campus. NSF will be responsible for reimbursing the UCRP where inadequate contributions were made to the plan, which may also include interest payments.

- C. The University shall provide the UC-AFT with a list of NSFs with Continuing Appointments with multi-tier coverage in both the 1976 and 2013 tier in June of each calendar year.

- D. The University and the UC-AFT shall issue a joint communication to employees who may be potentially impacted by the terms of this Side Letter by February 2014.