

DRAFT TENTATIVE AGREEMENT

General Salary Program

1. Salary Pool:
 - Year 1: 2.25%, Effective 7/1/2019
 - Year 2: 0%, Effective 7/1/2020
 - Year 3: 2.25%, Effective 7/1/2021
 - Year 4: 2.25%, Effective 7/1/2022
2. Pools shall apply to all classifications of employees except Research Professors who are fully funded with outside funds. For Research Professors who receive NJIT funding they will receive the pool average increase times the percentage of NJIT funding - e.g., for any year in which the pool is 2.25% if 10% NJIT funded they would receive .225% ATB, if 50% NJIT funded they would receive 1.125% ATB, if 100% NJIT funded they would receive 2.25% ATB.
3. The value of each pool shall be calculated based on those on payroll, or otherwise eligible to have their salaries counted towards the pool, on July 1st of the year on which payments will be made.
4. Any employee on payroll at the time of ratification and otherwise eligible for a salary increase in accordance with Article XVII.C of the Agreement, will receive the negotiated increases retroactive to the effective date of the increase stipulated in this Agreement. Those on NJIT payroll who were eligible for the increases, but are no longer in the PSA unit but still are employed with the university, shall receive a lump sum payment equivalent to the increase.
5. The Merit Program for Professional Staff members shall remain in place for all years in which there is an increase (Years 1, 3 and 4). Based on the numbers contained in the last contract those in the exceptional category would receive 3.22% in Years 1, 3 and 4, and the balance of the 2.25% merit pool would be distributed to those that meet expectations.
6. For all unit members other than Professional Staff members, and Research Professors, the Salary Pool for Years 1 and 3 shall be divided as follows: 75% ATB, 25% discretionary.
7. Professors of Practice (POPs) shall also receive 75% ATB for Years 1, 3 and 4, with the remaining 25% reserved for discretionary distributions. All of the discretionary portion must be distributed to POPs.
8. Salary Caps:
 - The salary caps for Professional Staff members and Lecturers shall increase by 6.75% effective July 1, 2019. Increases are applied before salary increases for Year 1 are calculated.

- Where salary increases awarded would result in salary in excess of any salary cap, the amount in excess of the cap will be awarded as a cash bonus.
- There shall continue to be no salary caps for Faculty members.

9. Salary Minima:

- Increase for Lecturers to \$53,000 and for Senior Lecturers to \$58,000, effective 7/1/19. Increase is applied before salary increases are calculated.
- Increase for Professional Staff to \$50,000 by end of contract term. Eliminate range 15.

10. Academic Administrators:

- Apply pre-existing program.

11. Faculty Merit Program:

- a. Each department shall have until 9/15/21 at the latest to adopt a department-specific merit rubric for Year 4, using the process set forth below, and in compliance with the parameters set forth below.
- b. Departmental plans must designate 30-40% to Teaching, 50-60% to Research/Scholarship, and 10-20% to Service, and designate objective criteria/metrics for measuring scores. The total allocated to all categories must equal 100%. For rubrics other than the default, data sources of criteria/metrics need to be provided to the office designated by the administration and the PSA, and preferably added to Digital Measures.
- c. All tenured and tenure-track Faculty are entitled to vote on the plan. If 50% + 1 vote for plan, and Dean approves, it is adopted. Dean can give feedback and/or request reconsideration in writing before deciding whether to agree.
- d. If 2/3 vote for a plan it can be adopted over specific objections from the Dean. The Dean can nonetheless request reconsideration in writing.
- e. For any plan supported by a majority and endorsed by the Dean, 80% shall be distributed according to the plan and 20% shall be reserved for discretionary distribution. If the department adopts a plan by 2/3 vote over specific objections from the Dean which cannot be resolved to the satisfaction of a majority, 70% shall be distributed according to the plan and 30% shall be reserved for discretionary distribution. In the alternative the department can opt, by majority vote, to adopt the default rubric.
- f. If the department cannot agree on a plan by the 9/15/21 deadline the default rubric shall apply. The department can also elect to adopt the default rubric. Under the

- default rubric 80% shall be distributed according to the plan and 20% shall be reserved for discretionary distribution. The Faculty default rubric is attached as Exhibit A.
- g. The Faculty default rubric (Exhibit A) is divided as follows: 35% Teaching, 50% Research/Scholarship, and 15% Service.
 - h. All tenured and tenure-track ("T and TT") Faculty will receive a merit increase based on their metrics/criteria normalized score. The highest scoring tenure and tenure track professor will have a normalized score of 100%. All other T & TT will have their normalized scores evaluated as a percentage of the highest scoring T & TT score.
 - i. Each Department will be allocated a dollar amount based on the contractual dollar pool value derived from salaries from within that Department, except as otherwise provided for in this T.A. This dollar pool value will be divided into a merit and a discretionary portion amount. The Department dollar merit allocation and the normalized score percentages will be used to calculate the maximum salary percentage increase for the highest scoring T & TT person.
 - j. All Faculty in a department (or School when there are no departments) who have a normalized score of 0.70 (70%) and above – each of these Faculty will receive that percentage salary increase of the maximum salary percentage increase person in that department.
 - k. 80% of the Faculty of each department will receive increases no less than 70% of the maximum salary percentage increase person in that department. There is to be a minimum 20% of the maximum salary percentage increase for each person in that department, with no more than 20% of the Faculty in any department receiving the minimum. The maximum salary percentage increase per person in the department should not exceed 1.75 of the percentage used to calculate the pool value (e.g., $1.75 \times 2.25\% = 3.94\%$).
 - l. A sample example of the application of the Instructional Merit Program, applicable to Tenured and Tenured Track Faculty, and Lecturers, is attached as Exhibit B.
 - m. Based on formally assigned service, at the discretion of the administration, a number of Faculty not to exceed 15% of the total number of Faculty in any given Department may receive a merit award of no less than 70% of the calculated merit percentage of the highest ranked Faculty member in their department. These Faculty members must have been formally assigned to significant Department/College/School/University service during the year under consideration and are to summarize for their Chair performance objectives for the applicable assignments and as part of the performance evaluation a summary of accomplishment in their Faculty Report. If these Faculty members, based on the applicable evaluation rubric would have received a merit award percentage greater than 70% of the calculated merit percentage of the highest ranked Faculty member in their

department, they get the higher award. For this consideration and based on the Chairs' nominations, each Dean will be able to nominate to the Provost a number proportional to the total number of Faculty in their college. To the extent possible, the nominations of the deans will be from all their departments and in proportion to the size of the departments relative to that of the college (*i.e.*, for departments where 15% of the eligible Faculty members would be less than one (1), one (1) Faculty member may nonetheless be designated). The Provost makes the final decision on the Chairs' and Deans' nominations; the Provost also has the ability to augment the list by his/her own nominations. The Provost decision is not subject to any appeal.

- n. Newly hired Assistant Professors, in their first 3 years of employment at NJIT, shall, subject to the Dean's approval in consultation with the Department Chair, receive a merit award of no less than 70% of the calculated merit percentage of the highest ranked Faculty in their department. If the new Faculty member, using the normal merit process, would have otherwise received a merit award greater than 70% of the calculated merit percentage of the highest ranked Faculty in their department, they would get the higher award.
- o. A Faculty member on sabbatical leave for the entire year for which merit pay is being calculated shall receive a merit award by applying the merit process, including the rubric, using the scholarly activity from that year while the values for teaching and service will be the average of those values in the rubrics for the prior 3 years. If rubric evaluations do not exist for the prior three years, the average value for the prior two years will be used. In cases where a rubric evaluation exists only for the year prior to the one under consideration, the teaching and service values from that rubric will be used.
 - i. A Faculty member on a sabbatical leave for one semester of the year for which merit pay is being calculated shall receive a merit award by applying the merit process, including the rubric, using the scholarly activity from that year while the values for teaching and service will be calculated as the average of the actual scores obtained from the semester the Faculty member was not on sabbatical and a score based on the three year prior to the one under consideration; this score will be the average in the categories of teaching and service the Faculty member had on those rubrics. If rubric evaluations do not exist for the prior three years, the average values of the prior two years will be used. In cases where a rubric evaluation exists only for the year prior to the one under consideration, the teaching and service values from that rubric will be used.
 - ii. If merit rubric evaluations are not available at all (as may be the case for those on sabbatical during Fall 2021 and/or Spring 2022 and who will be receiving merit pay increases in year four of this contract) the Faculty member will receive a merit increase equal to 70% of the calculated merit percentage of the highest ranked Faculty member in their department.

- p. A Faculty member who is on an approved medical leave (*e.g.*, FMLA leave, sick leave) for one semester or longer during a year for which merit pay is being calculated shall receive a merit award based on the merit process, including the rubric.
- q. A Faculty Member on modified duties pursuant to Article VIII.D of the Agreement shall receive a merit award by applying the merit process, the rubric, with the inclusion of the scholarly activity from that year, while values for teaching and service will be those as determined for those on sabbatical for a single semester. If based on the normal merit process the Faculty member would have received less than 70% of the calculated merit percentage of the highest ranked Faculty for that department, then the Faculty member gets the higher 70% award.
- r. A Faculty member on any approved discretionary unpaid leave for any part of the fiscal year shall be eligible for merit based on the use of the merit process, including the rubric.
- s. Faculty members on sabbatical leave, approved medical leave, or modified duties, pursuant to the provisions above, shall have their salary counted as part of the Salary Pool.

12. Lecturers Merit Program (University Lecturer / Senior University Lecturer):

- a. Each department/program shall have until 9/15/21 to adopt a merit program for Year 4, using the process set forth below, and in compliance with the parameters set forth below.
- b. Departmental plans must designate 75-100% to Teaching and 0-25% to Research/Scholarship/Service and designate objective criteria/metrics for measuring scores. The total allocated to all categories must equal 100%. For rubrics other than the default, data sources of criteria/metrics need to be provided to the office designated by the administration and the PSA, and preferably added to Digital Measures.
- c. All Lecturers and Senior Lecturers (“Lecturers”) are entitled to vote on the plan. The Chair shall serve as an ex-officio member of the group empowered to develop the plan. If 50% + 1 vote for plan, and Dean approves, it is adopted. Dean can give feedback and/or request reconsideration in writing before deciding whether to agree.
- d. If 2/3 vote for a plan it can be adopted over the objection of the Dean. The Dean can nonetheless request reconsideration in writing.
- e. For any plan supported by a majority and endorsed by the Dean, 80% shall be distributed according to the plan and 20% shall be reserved for discretionary distribution. If the department adopts a plan by 2/3 vote over objections from the Dean, 70% shall be distributed according to the plan and 30% shall be reserved for

- discretionary distribution. In the alternative the department can opt, by majority vote, to adopt the default rubric.
- f. If the department cannot agree on a plan by the 9/15/21 deadline the default rubric shall apply. The department can also elect to adopt the default rubric. The lecturers default rubric is attached as Exhibit C.
 - g. The Lecturer default rubric (Exhibit C) is based entirely (100%) on Teaching. 80% shall be distributed according to the plan and 20% shall be reserved for discretionary distribution.
 - h. All Lecturers will receive a merit increase based on their metrics/criteria normalized score. The highest scoring Lecturer will have a normalized score of 100%. All other Lecturers will have their normalized scores evaluated as a percentage of the highest scoring Lecturer score.
 - i. Each Department will be allocated a dollar amount based on the contractual dollar pool value derived from salaries from within that Department, except as otherwise provided in this T.A. This dollar pool value will be divided into a merit and a discretionary portion amount. The Department dollar merit allocation and the normalized score percentages will be used to calculate the maximum salary percentage increase for the highest scoring Lecturer.
 - j. All Lecturers in a department who have a normalized score of 0.70 (70%) and above – each of these Lecturers will receive that percentage salary increase of the maximum salary percentage increase received by a Lecturer in that department.
 - k. 80% of the Lecturers of each department will receive increases no less than 70% of the maximum salary percentage increase person in that department. There is to be a minimum 20% of the maximum salary percentage increase for each Lecturer in that department, with no more than 20% of the Lecturers in any department receiving the minimum. The maximum salary percentage increase per person in the department should not exceed 1.75 of the percentage used to calculate the pool value (e.g., $1.75 \times 2.25\% = 3.94\%$).
 - l. Refer to Exhibit B for a sample example of the application of the Instructional Merit Program, applicable to Tenured and Tenured Track Faculty, and Lecturers.
 - m. Based on formally assigned service, at the discretion of the administration, a number of Lecturers not to exceed 15% of the total number of Lecturers in any given Department may receive a merit award of no less than 70% of the calculated merit percentage of the highest ranked Lecturer in their department. These Lecturers must have been formally assigned to significant Department/College/School/University service during the year under consideration and are to summarize for their Chair performance objectives for the applicable assignments and as part of the performance evaluation a summary of accomplishment in their Lecturer Report. If these Lecturers, based on the applicable evaluation rubric, would have received a merit award

percentage greater than 70% of the calculated merit percentage of the highest ranked Lecturer in their department, they get the higher award. For this consideration and based on the Chairs' nominations, each Dean will be able to nominate to the Provost a number proportional to the total number of Lecturers in their college. To the extent possible, the nominations of the deans will be from all their departments and in proportion to the size of the departments relative to that of the college (*i.e.*, for departments where 15% of the eligible Lecturers would be less than one (1), one (1) Lecturer may nonetheless be designated). The Provost makes the final decision on the Chairs' and Deans' nominations; the Provost also has the ability to augment the list by his/her own nominations. The Provost decision is not subject to any appeal.

- n. A Lecturer who is on an approved medical leave (*e.g.*, FMLA leave, sick leave) for one semester or longer during a year for which merit pay is being calculated shall receive a merit award based on the merit process, including the rubric. Any Lecturer covered by this provision shall have their salary counted as part of the Salary Pool
- o. A Lecturer on any approved discretionary unpaid leave for any part of the fiscal year shall be eligible for merit based on the use of the merit process, including the rubric.
- p. Lecturers on approved medical leave or discretionary unpaid leave shall have their salary counted as part of the Salary Pool.

13. Additional provisions applicable to all instructional staff members covered by merit provisions.

- a. Each instructional staff member who is part of a merit program (other than Academic Administrators) shall be entitled to all data used to calculate their merit increase, including data, for other instructional staff members (either tenured and tenure-track Faculty or Lecturers), in their unit, broken down by major category, *i.e.*, teaching, research/scholarship and service (without the breakdown of scores within each sub-category, and without personal identifying information).
- b. The discretionary portions of the Pools shall be used by the administration to address anomalies, inequities and to reward performance not sufficiently recognized. A list of the individuals receiving monies from each pool, the amounts received, and the basis for such distributions shall be provided to the PSA prior to implementation and distribution. Such awards are not subject to the appeals process.
- c. 100% of each pool will be distributed as determined by the above guidelines.
- d. The Merit Appeals Process is attached as Exhibit D.
- e. T and TT Faculty, and Lecturers, in a given unit may make modifications to their existing merit programs, within the established parameters and using the above-specified processes, if such changes are made/approved no later than 9/1 of any subsequent year

f. For the provisions outlined above: in units in which there are no departments, school will substitute for department, and Dean will substitute for Chair.

14. All unit members on payroll on the date of ratification who took furloughs in Year 2 will receive a one-time payment of 2% of salary, payable upon ratification. Those who are still employed at NJIT at the time of ratification, but are no longer in the PSA unit, shall also receive this payment, provided that they did not otherwise receive a similar payment in their new position, specifically identified to them as a one-time payment related to their prior participation in the mandatory furlough program.

15. Load Credit Multiplier modified as follows:

| <u>Old</u> | <u>New</u> | <u>Credit Adjustment</u> |
|------------|------------|--------------------------|
| 1-39 | 1-43 | No Adjustment |
| 40-49 | 44-55 | 1.25 |
| 50-74 | 56-80 | 1.5 |
| 75-99 | 81-104 | 1.75 |
| 100+ | 105+ | 2 |

16. Bumping: Categories A and B eliminated.

17. Incorporation of PSA-represented Adjuncts into Agreement. The me-too agreement providing for any increases provided to UCAN-represented Adjuncts to PSA-represented Adjuncts shall continue.

18. The parties agree to continue negotiating in good faith over the following issues. This list is not intended to act as a waiver of the PSA's right to demand negotiations over other changes in policy and/or other issues that involve mandatory subjects of negotiation under NJ law.

- a. Policies governing the creation of content for and teaching of courses using distance learning.
- b. Proposed changes in patent policy.
- c. Proposal to modify layoff/bumping provisions.
- d. Improvements to Professional Staff Evaluation Process.
- e. Eyeglass benefit.
- f. Methodology of application of contractual salary increases in cases involving a Professional Staff member's movement to a new position.