LAUC-SC Counter-Offers Task Force Report
July 2009

Issue & Background
For several years, the University of California has acknowledged that the salaries of its faculty, academics (including librarians), and staff fall significantly below market rate in comparison to other Western Region employers. As UC librarians continue to lose financial ground due to salary stagnation and rising inflation, retention becomes an issue. Some are lured away by (or at least seriously consider) more lucrative institutions and more affordable environs; others leave to pursue advanced degrees to broaden career horizons; and there are those who exit the profession entirely. Although such occurrences are somewhat infrequent at UCSC, they are not unheard-of and indeed there are at least six instances fitting one or another of these criteria that have occurred since 2001.

While the experiences of other UC campuses vary widely over the past six years—some campuses have had no occasion for making counter-offers at all, while UCLA has made fourteen—administration across the UC system has made it clear, especially through recent collective-bargaining proposals, that they consider the ability to make counter-offers an issue of serious import. System-wide negotiations in early 2008 ultimately resulted in the remanding of this issue to the local campus level, to be taken up by LAUC and/or administration. Meanwhile, independently, the Santa Cruz division of LAUC produced a comprehensive report on recruitment and retention during the 2007-08 academic term, which called for the creation of ‘a process for counter-offers’.

The 2007-08 RRC [Recruitment and Retention Committee] recommends that LAUC-SC work, or charge a committee, to develop a process for counter-offers. The RRC has determined that the following steps are essential to developing an effective process:

• Label the process as a “counter-offer” to distinguish it from cycled or calendared reviews
• Develop and document a process for counter offers:
  o Set a time limit for counter-offer turnaround time; recommend between 2-3 weeks turnaround time
  o List the steps that librarian, supervisor, and administration need to take from start of process to completion
  o Create a list of documents librarian/supervisor/administrator need to submit to make the case (e.g. job offer in writing, written justification, review packet in small scale, etc.)
  o Identify who is involved in the process and at what step (e.g. peer-review committee)
  o Guidelines for range of steps that could be offered, minimum up to maximum.
  o There is no contract language restricting counter-offers; therefore the process must accommodate UC job offers.

LAUC-SC therefore charged such a task force in March 2009 to devise a procedure that addresses the possibility of a UCSC librarian receiving an offer of employment from a competing institution.
The Executive Council of LAUC-SC is hereby creating an ad hoc committee, under the General Committee Chair, to address the issue of counter-offers proffered by Library Administration for the purpose of retaining librarians who have received offers of employment from competing institutions. The committee is charged with the creation of a thorough, transparent policy addressing the need to expedite the review process if the UCSC Library is to remain competitive with often better-financed institutions.

The committee is to:

- survey other campuses and institutions for any comparable and relevant policies;
- reduce the timeline for the proposed process from that of a normal review;
- retain in its proposed policy, mindful of the reduced timeline, the concept of peer review;
- investigate any existing restrictions on compensation.

No such procedure has heretofore been codified in the local Procedures for Appointment, Promotion, and Advancement–Librarian Series (PAPA/LS).

Current Procedure

Although a number of librarians have left the employ of UCSC in the past ten years for reasons other than retirement, the proffering of counter-offers has been rare, with only two known examples in that period. Without a formal procedure in place, the librarians in question notified Library Administration of their offers of employment from a competing institution. UCSC Library Administration then responded in one case with a full out-of-calendar review resulting in a step increase, and in the other with conferral of managerial status (with stipend) and re-arrangement of schedule. In each instance, although they were not stated as such, the effective counter-offer was successful. These examples represent the two main approaches to counter-offers across the UC system: either by incorporation of the normal (although possibly expedited) review process, or by circumventing the review process entirely, leaving counter-offers to the discretion of administrators.

Alternative Procedures

A survey was conducted (see Appendix I) in an attempt to compile the experiences and practices of counter-offers at the other nine UC campuses. Results ranged from no established process and no counter-offers made to administration-initiated procedures that had seen extensive use. Three campuses (Davis, Merced, and San Francisco) had no policy in place, nor had they made a counter-offer in the past six years. Three campuses (Irvine, Riverside, and Santa Cruz) had made counter-offers, but within the framework of the existing review process (although Riverside has modified the normal review procedure to allow for an ‘expedited process with LAUC involvement’). The remaining four campuses however (Berkeley, Los Angeles, San Diego, and Santa Barbara) dispense in such instances with the review process entirely. Responsibility for making counter-offers falls to library management, usually in the form of a department head or AUL bringing a recommendation of a counter-offer to the attention of the UL or the library’s senior management group. In one case—Berkeley—campus Labor Relations is consulted, which in turn notifies the University Council–American Federation of Teachers (UC-AFT, the UC librarians’ collective-bargaining representative). None of the
latter four campuses require preparation of a review packet, and all save Santa Barbara have made counter-offers in the past six years (UCLA has in fact made fourteen—nearly double the number made by the rest of the campuses combined). Incentives offered to retain an employee range from ‘none’ to out-of-calendar step increases, additional professional-development funding, stipend adjustments for those receiving supervisory stipends, and additional scheduling flexibility.

This diversity of approaches points out the existing flexibility administration has in such circumstances, even short of a formal counter-offers procedure. The codification of policy however can be seen to provide candidates and administrators with an acknowledged and routine process, one that offers transparency and fairness, and leaves a record of actions taken and results achieved.

**Restrictions/ Limitations**

The task force also looked, for comparison’s sake, at the retention/counter-offers policy for faculty and other academics in the campus Academic Personnel Manual (CAPM). CAPM sets out an expedited process by which the candidate submits an ‘abridged’ review packet, comprising the offer of employment from the other institution, an updated bio-bibliography, a letter and vote from the candidate’s department (equivalent to a librarian’s CAPA letter), and a recommendation from the department dean (equivalent to that of a librarian’s review initiator), along with the Checklist to Assure Fairness. The packet is then submitted to the Executive Vice Chancellor (UL equivalent for librarians) for approval.

So although the faculty’s abridged retention process is not dissimilar to what such a procedure would look like for librarians, there is one crucial difference in effective incentives for the retention of faculty, for which UC librarians are at present ineligible: off-scale salary adjustments. The amount of pay increase offered a librarian is currently limited to a stipend (at UCSC, paid to those designated as section heads) or tied to the review process enumerated in the Memorandum of Understanding (MOU) and the Academic Personnel Manual (APM)...which only allow for an accelerated two-step pay increase. Because of off-scale salary adjustments, faculty can be offered additional pay without the necessity of qualifying for an advance in step at all. This offers the University a powerful tool for the retention of academics, one not at their disposal when it comes to librarians. On the other hand, the paying of off-scale salaries, if allowed to go unchecked, can result in the erosion and ultimate redundancy of the rank-and-step salary scale and the concept of equitable pay for similar levels of responsibility and achievement.

**Conclusion & Recommendation**

In order for any modified review process to effectively respond to offers of employment made by other institutions, the element of time must be seen as crucial. The complete review process—normally six months’ duration—is entirely untenable in regard to counter-offers, where an institution would likely give a candidate a few days to respond to an offer. Therefore—in the case of counter-offers alone—the review process must be accelerated to be completed as quickly as is practicable. Such acceleration necessitates refinement of the process where possible, whilst maintaining the integrity of peer review in cases involving the granting of merit increases. All parties to the review—candidate,
review initiator, peer-review committee, and Library Administration—will be obliged to assign it their highest priority in order to complete the process in the most time-efficient manner. Time limits have been excluded from the steps of the proposed process as, once Administration has determined that a counter-offer will be made, it has at that point been determined that the Library will be best served by attempting to retain the candidate—which delay will only impede. Although this may temporarily impinge on these parties’ other duties, the occasion to conduct a counter-offer review should remain relatively infrequent and not cause any longstanding impact on workload.

One of the most time-consuming elements of the review procedure is the necessity of soliciting letters assessing the candidate’s suitability for advancement at such career landmarks as promotion and conferral of career- or distinguished status. The involvement of third parties required to obtain open letters does not lend itself to an expeditious counter-offers process. Any proposed counter-offers procedure must therefore eliminate this step. Although it is understood that solicited letters are normally integral to the three milestone reviews mentioned, librarians at these thresholds who have received a competing offer of employment must not be placed at disadvantage by exclusion from counter-offer consideration. Nor should the UCSC Library be restricted from making counter-offers in the attempt to retain such librarians. However, as the gravity of promotion and career- or distinguished status cannot be discounted, Library Administration should in such cases be encouraged to make any counter-offer separate from the conferral of these three career advancements, which must be submitted to the unexpurgated review procedure.

The task force, therefore, recommends the following process:

**Candidate**

Once a legitimate outside offer of employment is secured, the Candidate must first determine whether the competing offer will simply be accepted, or if a counter-offer will be taken into consideration. On notifying the Review Initiator of the outside offer, the Candidate and the Review Initiator—the manager most knowledgeable of the Candidate’s work—should discuss and assess the Candidate’s value to the institution and the relative strength or weakness of any potential counter-offer packet. Should the Candidate and Review Initiator agree to pursue a counter-offer, the Review Initiator must consult the supervising Associate University Librarian and the Senior Management Team regarding the likelihood of a counter-offer.

Approval secured, the Candidate must then assemble and submit to the Review Initiator a review packet comprising

- Documentation of a valid offer from another institution
- An updated Biography Form
- An updated Biography Supplement (aka “bio-bibliography”) or, when a Candidate has been reviewed during the current review period, the most recent bio-bibliography, along with the résumé submitted to the competing institution
- The Review Initiator’s, CAPA’s, and the Deciding Officer’s letters from the most recent review
- A signed Checklist to Assure Fairness
Additionally, the Candidate may include a written self-evaluation of performance, unsolicited letters of commendation, and/or samples of creative work. It is of course in the candidate’s best interest to submit this packet as soon as is practicable after receipt of an outside offer of employment.

**Review Initiator**
On notification by the Candidate, the Review Initiator and Candidate should confer as to the content and strength of the packet. The Review Initiator should separately notify the supervising Associate University Librarian and the Senior Management Team of the Candidate’s outside offer of employment. With receipt of the review packet from the Candidate, the Review Initiator is to compose a letter of recommendation for inclusion in the packet. Open letters should not be solicited for counter-offer reviews. With the review packet completed, the Review Initiator is to pass it along to the Assistant University Librarian, Administrative Services (AUL/AS). The AUL to whom the Review Initiator reports should perform these functions in the case of the Review Initiator’s absence during this process.

**Assistant University Librarian, Administrative Services (AUL/AS)**
Having received the packet from the Review Initiator, the AUL/AS is to check the documentation for completeness and accuracy, ensuring that it is fair, comprehensive, and persuasive. If Library Administration’s offer is to include a merit increase, the packet is to then be forwarded to the Committee on Appointment, Promotion and Advancement (CAPA) for peer review. Following return of the packet from CAPA, the AUL/AS is to pass it on immediately to the University Librarian (UL) for final disposition. In cases in which the counter-offer does not include a merit increase, the AUL/AS is to pass the review packet on immediately to the UL.

**Committee on Appointment, Promotion and Advancement (CAPA)**
On receipt of the review packet from the AUL/AS, CAPA is to give counter-offer reviews its highest priority. If at least three members of the current CAPA are not available (i.e. they are away from work on leave), enough ad hoc members (of Associate Librarian or Librarian rank) are to be solicited to form a quorum for the purpose of processing the counter-offer review. CAPA is to then compose a letter of recommendation, adding it to the review packet. With the inclusion of CAPA’s letter, the packet is then to be returned to the AUL/AS.

**University Librarian (UL)/Deciding Officer**
Once the packet is received from the AUL/AS, the UL/Deciding Officer is to weigh the merits of retaining the Candidate at the UCSC Library, issuing a letter of decision to the Candidate, Review Initiator, and (in cases involving merit increases) CAPA.

An even more truncated counter-offers process—as mentioned above in the cases of UCB, UCLA, UCSB, and UCSD—which side-steps peer review entirely is almost certainly more time-efficient. LAUC-SC believes it important that the integrity and transparency of the review process be maintained even in the case of counter-offers. An impression of fairness and openness is conveyed with an acknowledged, codified procedure that
avoids the pitfalls of suspicion and divisiveness that can result from closed-door agreements. These are beneficial to both Administration’s image and employee morale.

Successful completion of the process is dependent on the availability on short notice of the relevant managers. While a substitute for an absent Review Initiator has been mentioned above, as the Deciding Officer it is not appropriate to name a stand-in for an absent UL. More so than identifying substitutes, electronic correspondence and transmission of documents are encouraged as solutions whenever crucial parties are physically unavailable.

Offers
Once the decision has been made to counter the Candidate’s outside offer, Library Administration has several retention inducements at its disposal, many of which were mentioned in the survey of such practices at the other UC campuses.

- Out-of-calendar step increases to the extent allowed by the APM and MOU
- In the case of librarians with supervisory duties, greater flexibility in the amount of awarded stipends (requires modification of PAPA/LS)
- More research & professional development funds
- More work-schedule flexibility and re-negotiation of workload

LAUC-SC encourages Administration to consider and make known the full complement of these and any other available incentives in the attempt to retain valued employees. It must be said however that arguably the University’s most effective retention tool—used so extensively in the case of other UC academics—remains off-scale salaries. If library administrators throughout the UC system are to be as successful as possible in their retention efforts, the issue of librarian ineligibility for off-scale compensation will have to be addressed by a bargained-for change to the system-wide APM.

Bibliography
3. Chair, General Committee, Santa Cruz Division, Librarians Association of the University of California. Charge: Task Force on Counter-Offers [electronic mail], 9 March 2009.