DEPARTMENT OF ORTHOPAEDIC SURGERY
“GOOD-STANDING” CRITERIA

Purpose: Participants in the UCSD Health Sciences Compensation Plan should satisfy the following general good-standing criteria in order to be permitted to participate in the clinical compensation plan and to earn and/or retain income from outside professional activities, whether or not the income is retained directly or is returned to them via the University paycheck.

These guidelines will be reviewed annually by the finance committee and presented to faculty for approval.

Plan participants shall be deemed in Good Standing until they are otherwise found to be Not in Good Standing.

Plan participants should meet department guidelines regarding productivity in research, teaching, patient care, mentoring, and University service, as defined by their series, rank and step.

Plan participants are responsible for actively participating in activities that support the department’s objectives. Plan Participants are expected to demonstrate professional behaviors in all areas of work and share responsibility for the overall success and well-being, including financial well-being, of the department.

Good Standing Criteria:

(a) Faculty have an obligation to cover their \((X + X' + Y' + Y)\) salary components.

(b) Faculty have an obligation to meet teaching responsibilities to graduate students, medical students, residents, and fellows. They are expected to provide both didactic teaching in classroom or lecture settings, and more informal teaching in the laboratory and during clinics, periods of rounding, and in the operating room.

(c) Faculty have an obligation to participate in departmental activities, including faculty meetings, educational conferences, and department committees to which they are assigned.

(d) Faculty have an obligation to meet clinical responsibilities including operative care of patients, outpatient clinical care, and call. To meet clinical responsibilities faculty are expected to maintain a minimum of eight weekly sessions, with a session being a four hour block of time. OR time is considered a session with a full day in the OR counting as both the AM and PM session.

(e) Faculty have an obligation to fulfill research commitments inherent in contract and grant awards on which they serve as investigators.
(f) Faculty have an obligation to adhere to the faculty code of conduct as outlined in APM015.

(g) Faculty have an obligation to report outside activity annually, APM671, and complete other training/reports as required. Eg. – sexual harassment training, e-certifications.

Loss of Good Standing may occur in the following instances:

- Finding of Faculty misconduct
- Finding of Research misconduct
- Refusal or failure to participate in assigned duties
- Loss of clinical privileges (as required)
- Refusal or failure to complete required trainings
- Lack of compliance with University policy and/or reporting requirements
- Failure to meet expectations related to the generation of salary support and/or shared expenses
- Failure to complete training for compliance, professional standards and safety
- Failure to participate in required departmental activities such as faculty meetings, educational conferences and assigned committees

Faculty who do not meet the Good Standing criteria will be counseled by the Department Chair. Additionally, faculty who do not meet these criteria, and are therefore no longer deemed to be in Good-Standing, will be so notified in writing by the Chair. Such notification will include the reasons for that determination. Faculty who are Not in Good Standing shall be precluded from participation in the clinical compensation plan and engaging in any unassigned outside professional activities unless such activities are approved in writing and in advance by the Chair and the Dean.

Administrative Review Process:

In cases of disagreement related to the determination of Good Standing of a Plan Participant or to specific consequences, the Chair shall meet with the Plan Participant to discuss how to remedy the situation and review the specific consequences, as determined by the Plan including, but not limited to, initiating the formal process outlined below. The Chair and the Plan Participant should strive for informal resolution, as appropriate to the circumstances, but a specific timeline for resolving the conflict must be defined by the Chair. The Chair shall prepare a written document that summarizes the discussion; a copy of this document shall be given to the Plan Participant.

If informal resolution is unsuccessful, the Chair must provide the Plan Participant with a written statement that summarizes the reason(s) for requesting that a Plan Participant be deemed Not in Good Standing. The Chair’s statement should include specific recommendations on what action(s) the Plan Participant must take to return to Good Standing, if they are deemed to be Not in Good Standing. Relevant back-up documentation should be included.
The Plan Participant shall be given a copy of the Chair’s written statement and have the opportunity to provide a written response to the Chair within 14 days. If the Plan Participant and Chair resolve the issue within the 14 day response period, the Chair shall provide the Plan Participant with a written document that the issue has been resolved and the matter is closed.

If the issue is not resolved within the 14 day response period, the Chair’s written statement, any supporting documentation, and the Plan Participant’s response (if provided) shall be sent to the Dean.

If the Dean agrees with the Chair’s assessment, the Dean shall issue a written determination that the Plan Participant is Not in Good Standing. This written document will describe any corrective action(s) that must be taken in order for the Plan Participant to return to Good Standing. A copy of the Dean’s determination shall be provided to the Plan Participant, the Chair, and the Assistant Vice Chancellor for Faculty Affairs.

If the Dean does not agree with the Chair’s assessment, the Dean will issue a written determination that the Plan Participant remains in Good Standing. A copy of the Dean’s determination shall be provided to the Plan Participant, the Chair and the Assistant Vice Chancellor for Faculty Affairs.

**Appeal process:** If a determination is made that the Plan Participant is Not in Good Standing and the Plan Participant believes that the Good Standing Criteria were applied unfairly, the Plan Participant may appeal to the Advisory Committee. The Advisory Committee shall review the documents, may interview the Plan Participant and/or the Chair, and prepare a written assessment for the Dean. The final decision will be made by the Dean. Plan Participants who are Senate members may pursue their grievance rights before the Privilege and Tenure Committee under Senate Bylaw 35. Plan Participants who are Non-Senate faculty are entitled to a Step III hearing under APM-140.

**Consequences**

The following consequences may be imposed on Plan Participants who are determined to be Not in Good Standing:

- Prohibition from participating in and/or retaining income from outside professional activities;
- Decrease in negotiated compensation (Y; see APM–670–18–c (1)));
- Loss of, or reduction in, incentive compensation (Z; see APM–670–18- c (2))
- Requests for academic leave will not be approved and/or requests that were previously approved will be reconsidered.
- Additional consequences may result, as set forth by other policies.

**Return to Good Standing**

To return to Good Standing, the Plan Participant must submit a written request to his/her Chair that outlines how the issues were resolved or rectified. The Chair shall review the request, assess
the Plan Participant’s progress, and submit his/her written recommendation to the Dean, along with the Plan Participant’s request and other supporting documentation, if applicable. If the Chair’s written assessment states that no progress or insufficient progress was made, the Chair should specify in his/her written recommendation to the Dean what further action(s) should be considered.

If the Dean endorses the Chair’s assessment that no, or insufficient, progress was made, the Dean will notify the Plan Participant, in writing, that he/she is not returned to Good Standing and outline what further action(s) must be taken. A copy of the Dean’s determination shall be provided to the Plan Participant, the Chair, and the Assistant Vice Chancellor for Faculty Affairs.

If the Dean determines that all issues were resolved, the Dean shall provide a written assessment to the Chair. The Chair shall notify the Plan Participant, in writing, that s/he has returned to Good Standing. A copy of the Dean’s assessment shall be provided to the Plan Participant, the Chair, and the Assistant Vice Chancellor or Faculty Affairs.

If the Plan Participant does not submit a written request to the Chair, s/he shall remain Not in Good Standing.

If the Plan Participant remains Not in Good Standing for more than one calendar year, the Chair may wish to pursue further action(s), as set forth by other academic policies.

**Appeal Process:** If the Dean determines that the Plan Participant has not returned to Good Standing and the Plan Participant disagrees with this determination, based upon unfair assessment or application of criteria, the Plan Participant may appeal to the Advisory Committee. The Advisory Committee shall review all written documents, may interview the Plan Participant and/or Chair, and will prepare a written assessment for the Dean. The final decision will be made by the Dean. Plan Participants who are Senate members may pursue their grievance rights before the Privilege and Tenure Committee under Senate Bylaw 35. Plan Participants who are Non-Senate faculty are entitled to a Step III hearing under APM-140

The Good Standing Criteria and Salary Negotiation Process will be reviewed by faculty annually. This will be accomplished via presentation at a faculty meeting or email communication.
1. **General Process.** The Department of Orthopaedic Surgery begins planning faculty salaries each January. Individual faculty salaries, as modeled in the budget document, are implemented after approval by the Dean. This typically occurs in July of each fiscal year. Mid-year re-negotiations of salary are permitted only under unusual circumstances. For an exception to be granted, approval must be obtained by the Chairman and the Dean prior to implementation.

Each fiscal year, clinical faculty members meet with the Chairman and the Department Business Officer to discuss projected salary support based on the clinical faculty compensation model revised July 2018. Compensation is based on productivity as measured by wRVU and the Clinical and Reimbursable Event (CARE) payment available for salary support. Other sources of salary support like FTE and Medical Directorships, are always added “on top”. Call coverage, clinical service agreements, etc. may be included in the model but only as estimated amounts. Research faculty meet with the Chairman and Department Business Officer to discuss sources of salary support for the coming fiscal year. At this meeting academic and research productivity are discussed, as applicable, using available benchmarks, AAMC benchmarks for salary, UHC for productivity and MGMA for both. Any outstanding issues related to the Department’s Good Standing Criteria are also addressed at this time. Faculty effort will be reduced if the faculty member does not have sufficient resources to maintain the current level of appointment.

Upon approval of the Department’s Budget, the Chair sends a letter to each faculty member documenting salary sources (see sample letter attached).

2. **Membership in the Health Sciences Compensation Plan.** Eligible faculty are those with appointments of greater than fifty percent in the following professorial series: Professor, Professor-In-Residence, Professor of Clinical X, Adjunct Professor, Acting Professor, Clinical Professor, and Visiting Professor. Faculty members who are otherwise eligible for membership, but who have appointments of fifty percent or less of full-time, may participate in the plan upon the recommendation of the Department Chair and approval by the Dean and Vice Chancellor for Health Sciences.

3. **Salary Sources.** All sources of confirmed support for X, X’, Y’, and Y salary components are identified prospectively, including:

   a. State FTE allocation.
   b. Salary from grants awarded.
   c. Clinical income.
   d. ASCs (Medical Directorships, Residency Director)
   e. Service Agreements or other contracts
   f. Clinical Trials income. Faculty with substantial time (effort) involvement in clinical trials, outside normal treatment of patients, are expected to provide for at least 10% effort on those awards.
g. VA Eights.

h. Other sources, such as Consulting and Witness fees.

4. **Outside professional activities.** Outside income brought through the practice plan will be returned to the faculty member generating it. Faculty may retain up to $40,000 or 40% of base salary scale (X, scale 0), whichever is larger, for outside professional activities directly. For activities where compensation is retained directly, there is no assurance that faculty will be indemnified for those activities. When such income is brought through the practice plan, it is subject to a 6% Dean’s Tax and 4% Department Tax, 3.4% ASSA, and 1% UCOP (if taken as salary). The net income may then be paid to the faculty member or placed into a discretionary fund to be used for University endorsed expenditures.

5. **Academic Program Units.** The Department has multiple APUs under differing salary scales. Faculty are placed into the appropriate APU based on specific criteria. The Department can provide detail on the APUs upon request.

6. **FTE Salary Savings.** Effective July 2004 participation in the salary savings plan is voluntary; the Department policy was voted on by all FTE faculty. The first component is a contribution to the Department proportional to the state budget cut should such a cut occur. If, and when, the state budget cut is restored, the Department has the option to continue a tax on the FTE for a specific purpose, subject to the approval of the FTE faculty (voluntary participation rule). The second component is a Y Tax of 5%. Funds generated by the Y Tax will be set aside in a pool for research support use by the Department. In the event that a faculty member does not have sufficient funds, s/he is released from participation in the salary savings plan for that year. Insufficient salary funding is defined as that below 1.1X (Scale 1).

7. **Leave of Absence.** Faculty who wish to have a leave of absence, with or without compensation, will follow University guidelines and will present a written request for leave to the Department Chair in advance.

8. **Bonus Plan Participation.** Eligible faculty are clinical faculty with more than 51% clinical effort and basic science faculty (PhD level) with more than 51% research and teaching effort devoted to the Department of Orthopaedic Surgery. Faculty members not meeting the stated criteria may participate upon the approval of the Department Chair. *Currently there is no identified funding for a bonus model. Should future funding be found a plan will be developed and presented to faculty.*