

PERSONNEL IMPACT OF PROGRAM REVIEWS

1. Voluntary/Involuntary Transfer (United Faculty Article 16) following Program Reviews
 - a. Qualified volunteer sought first; greatest seniority given preference.
 - b. If "no" to "a" above, qualified transferee involuntarily transferred based on District need with the least seniority.
 - c. Transfer should occur only between the two colleges in which one is declared over staffed and the other understaffed.

2. Reassignment Due to District Program Reviews
 - a. Those faculty displaced by a program review process (District-wide process whereby management recommends future staffing needs) that culminates in an elimination or reduction of a given program may displace faculty who have less District-wide seniority based on the District FSA Policy and AB1725 according to a districtwide seniority list produced by District Human Resources. The process of program review will determine if reassignment is feasible based upon established program need.
 - b. If reassignment is possible, the affected faculty member shall present qualifications to the District Faculty Service Area Committee which will, in turn, make a recommendation on reassignment to the Chancellor. The Committee votes recommend whether retraining is necessary and, if so, what approach should be taken.
 - c. Faculty members being reassigned into teaching areas from non-teaching areas or into non-teaching areas from teaching areas will follow the same outlined procedures as specified in the District FSA policy and AB1725.

3. District Faculty Service Area Committee
 - a. The District FSA Committee will be comprised of the United Faculty President and Vice Presidents, Academic Senate Presidents, College Presidents, the Chief Human Resources Officer and one Instructional Dean appointed by each College President. In the event that a vote becomes necessary, a tie vote shall be deemed a majority vote. The committee will make its recommendations to the Chancellor.
 - b. Responsibilities of the committee are:
 - 1) make a recommendation for placement based on institutional needs and the faculty member's academic and/or professional experience;
 - 2) follow the District FSA policy and AB 1725;
 - 3) follow the developed appeal procedure;
 - 4) verify all academic and professional experience; and
 - 5) verify retraining.

4. Reassignment Procedure
 - a. Before reassignment is necessary, efforts must first be made at the college level to provide a full load at that college for all contract or regular faculty. Under most circumstances new assignments would be planned at least one semester in advance. These efforts would involve the appropriate dean exploring with the affected faculty member and the appropriate instructional or service unit the various alternatives for change in assignment in order to obtain a full load. Reassignment at this point will be the result of mutual agreement between the affected faculty member and the appropriate dean.
 - b. Reassignment matters not resolved at the college level will be referred to the District Faculty Service Area Committee. In these cases the Committee will make a recommendation for placement based on institutional needs and the faculty member's academic and/or professional experience.

- c. Decisions of the Chancellor may be appealed to the Governing Board by the affected faculty member.

5. Retraining

A faculty member who is subject to a reduction in force (RIF) may elect the retraining option.

- a. A faculty member shall be given up to 39 months to become eligible for an additional FSA. Retraining for the additional FSA shall occur in a discipline that is agreed to by the faculty member and the District FSA Committee.
- b. When the additional FSA is awarded, the faculty member shall be assigned to available duties within it, except that no full-time member of the faculty shall be replaced for all or any part of an AA@ contract assignment by a RIFed and retrained faculty member.
- c. During the time agreed to for retraining, the District will not fill an authorized position in the retraining FSA if the filling of that position will result in reducing the AC and C contract assignment available in the retraining FSA to less than 1.5 FTE districtwide.
- d. A faculty member who is RIFed for less than a full assignment and who accepts the remaining portion for the assignment with the District shall be paid at the AA@ contract rate for that part of a full assignment which is retained.
- e. A faculty member who is RIFed for less than a full assignment and who elects the retraining option shall retain full employee fringe benefits for the duration of the training period defined and agreed to with the committee. A faculty member who has no faculty assignment may elect to continue on the District benefit plans, with carrier approval, at his/her own expense during the retraining period.

6. Layoff

- a. Reduction of Particular Kind of Service
 - 1) Based upon seniority within an FSA.
 - 2) Employee may request hearing.
 - 3) District may not retain any contract or other academic employee with less FSA seniority to render service which respondent is certified and competent to render.
 - 4) Employee may bump into FSA area of competence, based upon seniority.
 - 5) Possible that union may demand to bargain effects of layoff, but not the decision. (San Mateo CC 3 PERC 10080)
- b. Reduction in Attendance
 - 1) ADA is all schools of District for first six months/corresponding periods during previous two years.
 - 2) Corresponding layoffs in proportion to lack of funds.
 - 3) Based upon seniority within an FSA.
 - 4) Employee may request hearing.
 - 5) District may not retain any contract or other academic employee with less FSA seniority to render service which respondent is qualified and competent to render.
 - 6) Employee may bump into area of competence, based upon FSA seniority.
 - 7) Possible that union may demand to bargain effects of layoff, but not the decision. (San Mateo CC 3 PERC 10080)
- c. In 3a or 3b, terminated employees have rights pursuant to Education Code Section 87744:
 - 1) For the period of 39 months from the date of such termination, any employee who in the meantime has not attained the age of 70 years shall have the preferred right to reappointment, in the order of original employment as determined by the board in accordance with the provisions of Section 87405 to 87424, inclusive, if the number of employees is increased or the discontinued service is reestablished, with no requirements that were not imposed upon other employees who continued in service. However, no contract or other employee with less FSA seniority shall be employed to render a service which the employee meets qualifications and competent to render.

- 2) The right to reappointment may be waived by the employee, without prejudice, for not more than one college year, unless the board extends this right, but such waiver shall not deprive the employee of his or her right to subsequent offers of reappointment.
 - 3) As to any such employee who is reappointed, the period of his or her absence shall be treated as a leave of absence and shall not be considered as a break in the continuity of his or her service, he or she shall retain the classification and order of employment he or she had when his or her services were terminated, credit for prior service under any state or district retirement system shall not be affected by such termination, but the period of his or her absence shall not count as a part of the service required for retirement.
 - 4) During the period of his or her preferred right to reappointment, any such employee shall, in the order of original employment, be offered prior opportunity for temporary service during the absence of any other employee who has been granted a leave of absence or who is temporarily absent from duty. However, his or her services may be terminated upon the return to duty of the other employee, the compensation he or she receives shall be not less than the amount he or she would have received if he or she were being reappointed, and that the temporary service shall not affect the retention of his or her previous classification and rights.
- d. Alternatives to Layoffs
- 1) Encourage early retirement
 - a) Waiver of benefit penalty
 - b) Severance benefits
 - 2) Sabbaticals for re-training
 - 3) Reduction in hours worked (negotiable)
 - 4) Work sharing
 - 5) Attrition
 - 6) Re-training
 - 7) Salary cuts (negotiable)
 - 8) Outplacement assistance
 - a) Assistance in mapping career course, based upon displaced employee's strength and job market;
 - b) Help in preparing resume;
 - c) Practice job interview;
 - d) Tips on how to adjust to new job.

Glossary of Terms

Affected Faculty Member: a faculty member not subject to layoff, who because of program review must be reassigned.

Faculty Service Area: established competency in a discipline. To be used to establish bumping rights in the event of full-time faculty layoffs.

Instructional or Service Unit: department and/or division

Program Review: process by which an instructional program is evaluated according to guidelines developed by mutual agreement between the Academic Senate and Management at each college. Program changes, future staffing needs and/or budget allocations may be recommended as a result of program review.

Reassignment: faculty displaced by a program review process that culminates in an elimination or reduction of a given program may displace faculty with less Districtwide seniority based on the District FSA policy and AB1725.

Education Code 87405 to 87424, 87743, 87744
United Faculty Agreement, Article 16