

## District Counter Proposal 2

### April 25, 2025

#### ARTICLE 19: PART-TIME EMPLOYMENT

**19.1 SENIORITY LISTS:** Each Division or similar unit that employs part-time employees will establish a seniority list based on the first semester of paid part-time employment at the specific college. If a tie in seniority exists at the end of each Fall and Spring semester, the order of seniority for all new part-time employees at each division shall be determined by lot by the college president or designee and the AFT president or designee.

**19.1.1** ~~Full-time~~Regular faculty who are assigned an overload will be included in the divisional-based part-time seniority list.

**19.1.2** Seniority lists shall be updated with new names and start dates that are added to the lists. ~~Copies of the seniority lists of all departments shall be published on the District Human Resources website two weeks after the start of every Fall and Spring semester.~~ made available to faculty who make such a request. In addition, ~~by the date of the fall and spring first census, a copy of the seniority lists shall be made available in the Division Office and forwarded to Human Resources and the AFT President.~~ by the date of the fall and spring first census and copies shall be made available in the Division Office. ~~By the date of the fall and spring first census, Human Resources will forward copies of the updated seniority lists to the AFT President after receiving copies from the Division offices.~~ If there are new hires added to the seniority list throughout the semester, the District shall forward an updated list to the AFT President prior to the end of the respective semester.

**19.1.3** Removal of Part-Time Faculty from the Seniority List. The following conditions constitute grounds for removal from the Seniority List:

**19.1.3.1** If a break in service exceeds three (3) semesters, then the person's name is to be removed from the seniority list. If a part time faculty member requests, but is not given, an assignment, it will not constitute a break in service; however, if the faculty member is not given an assignment after requesting it for a period of six consecutive semesters, the person's name will be removed from the seniority list.

~~19.2.2 A sustained complaint concerning harassment or discrimination concerning under the District's policies or procedures.~~

~~19.2.3 A sustained complaint of conduct covered under Education Code 87732.~~

~~19.2.4 A sustained complaint is a complaint, which, after a fact based investigation, is found to be supported by the preponderance of the evidence. The District's finding on the complaint is not subject to the grievance process.~~

~~19.2.5 Failure to turn in timely and accurate reports of attendance, grades and~~

~~other matters as required by the District.~~

**19.1.3.2** Declining assignments for two consecutive semesters except when on a protected leave such as FMLA.

**19.1.3.3** Post-Retirement. A faculty member who retires from CalSTRS and has a six-month separation will be moved to the bottom of the seniority list.

**19.2** **ASSIGNMENT AND RETENTION:** Among the factors considered in determining retention and all assignments, including additional assignments that become available, are seniority, as described in 19.1, relative experience/qualifications and program need.

**19.2.1** Factors included when giving due consideration to relative experience/qualifications ~~for a particular assignment~~ include, but are not limited to:

- General teaching experience including other institutions, not just within the District;
- Related professional experience other than teaching;
- Skills and experience in specialized areas;
- Level of education/academic preparation; and
- Previous performance record (satisfactory or better) and adherence to District Rules and Regulations.

**19.2.2** ~~12~~ Program need includes, but is not limited to:

- Employee qualifications to carry out the assignment;
- Expertise and/or demonstrated practical experience in the specific requirements of the assignment;
- Employee ability to use and expose students to current information, technology and skills required in the assignment;
- Employee availability at needed time;
- Maintenance of an inclusive academic staff.

**19.2.3** It is the responsibility of the part-time faculty member to provide information to management to be considered when determining retention and assignment.

**19.2.4** When ~~assignments are available-feasible~~, each College Division will make reasonable efforts to provide part-time faculty with ~~an assignment equivalent to the highest same or similar faculty-load offered as the highest load ever assigned to each part-time faculty member, provided that~~ in the previous ~~three terms to that faculty member~~ if the part-time faculty member has received two (2) consecutive satisfactory evaluations or has been given an assignment for six (6) semesters with no negative evaluations, and the part-time faculty member does not have a sustained complaint against them concerning harassment or discrimination concerning under the District's policies or procedures, or concerning conduct covered under Education Code 87732. A sustained complaint is a complaint, which, after a fact-based investigation, is found to be supported by the preponderance of the evidence. The District's finding on the complaint is not subject to the grievance process.

In any instance in which seniority is not followed pursuant to Section 19.2.6, the documented reason shall be provided to the faculty member, and AFT, at least fifteen (15) working days prior to the first day of assignment, if the faculty member requests such documentation within ten (10) working days of receipt of the assignment.

- 19.2.5** If a reduction in assignment is required, the appropriate administrator will discuss the reasons for the reduction with the part-time faculty member ~~and if requested by the affected part-time faculty member, the appropriate administrator will~~ provide written confirmation of such reduction including the specific reason(s) for the reduction to the part-time faculty member.
- 19.2.6** If, during any semester, there are more part-time faculty members than there are available assignments, and if all of the criteria for determining assignments that are defined in 19.2.1 and 19.2.2 above have been met to the satisfaction of the appropriate administrator, then the remaining available assignments shall be offered to those part-time faculty members who are most senior according to the Seniority Lists as described in 19.1, with the most senior part-timers being offered ~~an assignment equivalent to the highest the highest load each part-timer ever had at least the same or similar~~ faculty load ~~offered as in the previous three terms to that faculty member~~ before a part-time faculty member with less seniority is offered an assignment.
- 19.2.7** The appropriate administrator will provide all part-time faculty a document to request assignments, ~~modality, off-campus classes, schedule preferences,~~ and loads for each subsequent semester prior to finalization of the class schedule. When feasible, part time faculty members will be notified of their proposed assignments at least ~~35~~fifteen (15) working days prior to the ~~publication of the class schedule~~ beginning of that assignment. If the assignment and load request is denied, the faculty member may submit a written request to ~~the~~ appropriate administrator who shall provide in writing the reasons for the denial.
- 19.2.8** A part-time teaching faculty member whose assignment is reduced (e.g. class canceled due to financial exigency or low enrollment) within three weeks (fifteen working days) prior to the beginning of that assignment may not claim seniority as a reason to be reassigned in place of a less senior part-time faculty member provided that the less senior part-time faculty member had already been given an assignment prior to the three week period. However, seniority remains a factor to be considered whenever new or un-staffed assignments become available. A part-time faculty member whose assignment is reduced under this section will not lose their seniority or accumulated sick leave.
- 19.2.9** As provided in 19.2, 19.2.4, 19.2.6 and 19.2.8, if additional classes are or become available at any time, after all the criteria for determining assignments that are defined in 19.2.1 and 19.2.2 have been met, ~~After assignments have been determined as provided in all preceding sections of this article, if there are any remaining classes to be assigned, or if additional classes become available at any time,~~ classes will be offered to the most senior part-time faculty members until their faculty load request is met (not to exceed 67% of full time or as prescribed by law.)

~~19.3 **BUYING INTO ANY DISTRICT HEALTH PLAN:** Part time faculty who meet the basic eligibility requirements, and who are not otherwise already covered by the District's health benefit plan, shall have the right to buy into any of the District's Health Plans.~~

**19.4 BUMPING BY FULL-TIME EMPLOYEE:** Bumping of a part-time instructor by a full-time instructor shall have no effect on seniority or accumulated sick leave.

**19.5 EVALUATIONS CAN BE SUBMITTED FOR FULL-TIME OPENING:** Results of evaluations of part-time faculty may be submitted by applicants as part of an application for a full-time position.

**19.6 OFFICE HOURS:** Part-time faculty will be compensated for office hours. Payment for office hours during Fall and Spring semesters shall be based on one (1) office hour for every three (3) FLCs taught times 17.5 weeks for all classes that are 17.5 weeks or less and times the actual class weeks for classes in excess of 17.5 weeks. The formula used by Payroll for the monthly pay will be the hours worked for this course this month divided by the total number of contact hours for this course times the FLC for this course divided by three (3) times (the number of weeks the course meets or seventeen and one half (17.5%), whichever is greater).

Monthly office hours = Hrs worked/(total contact hrs) \* (FLC/3) \* (total weeks for the course).

For part time faculty who have been assigned office space, the syllabi should reflect actual office hour availability to meet with students. For part-timers without assigned office space, the syllabi should indicate how and when students can reach them for assistance by providing e-mail and phone contact information.