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4 **H. Part-time Faculty Rehire Preference Pool**
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6 The District and the PFT are committed to the principles and law of Equal
7 Employment Opportunity. In addition, it is recognized that the communities and students
8 served by the District are diverse in their cultures, ethnicities, language groups and
9 abilities, and the District and the PFT are therefore committed to fully representing that
10 diversity in its workforce. The District and the PFT value diversity and strive to assure
11 that a plurality of represented groups participates in the development and delivery of
12 its instructional and student services programs.
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14 The District and the PFT recognize that the success of its instructional and student
15 services programs is in large part dependent upon a valued and competent part-
16 time faculty that is committed to consistently delivering a high quality of instruction
17 and student services.
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- 19 **1. Preferred Hiring Pool:** Part-time faculty in the Preferred Hiring Pool will be given
20 preference in assignment over part-time faculty in the Non-Preferred Hiring Pool.
21 Within the Preferred Hiring Pool, seniority will be considered as specified in #3
22 below. This policy is in no way meant to modify or change existing PCCD
23 policies and practices in assignment of extra service classes to contract faculty (see
24 Article 18). The Preferred Hiring Pool shall consist of part-time faculty who
25 meet all the following criteria:
26 a. Employed as a part-time faculty member OR Long-Term Substitute
27 (LTS) in the College(s)/Discipline(s) for at least eight of the last twelve
28 semesters, or currently employed part-time faculty who have successfully
29 completed the Peralta Faculty Diversity Internship program.
30 b. Performance Evaluation.
31 1) The Performance Evaluation shall follow all guidelines outlined in Part
32 Two of the Faculty Evaluation Handbook with the rating provided on the
33 summary form. A "surpasses requirements" performance evaluation⁴ or
34 better shall be required for initial entry into the Preferred Hiring Pool for a
35 given discipline.
36 2) Faculty who teach in multiple disciplines must be evaluated in each
37 discipline for entry into the Preferred Hiring Pool for that discipline. In
38 cases where a single department chair oversees multiple disciplines, the
39 faculty member and department chair can agree to use a single evaluation

⁴ The Evaluation rating system for part-time Peralta evaluations shall be:

- 1) Is exemplary
2) Surpasses requirements
3) Meets all requirements
4) Does not consistently meet requirements
5) Does not meet requirements

1 for multiple disciplines using the approved form (Placement in Preferred
2 Hiring Pool for Multiple Disciplines). If the evaluation rating is
3 “surpasses requirements” or better and the form is signed, the faculty
4 member will be placed into the Preferred Hiring Pool for all approved
5 disciplines.

6 3) Once in the Preferred Hiring Pool, a "surpasses" performance evaluation
7 or better shall be required for an instructor to remain in the Preferred Hiring
8 Pool.

9 4) Once in the Preferred Hiring Pool, a faculty member who receives a "Meets
10 Standards" rating can request a second evaluation for the following
11 semester. The faculty member will stay in the Preferred Hiring Pool until
12 the second evaluation is completed.

13 (a) An improvement plan will be developed by the responsible Dean, in
14 collaboration with the department chair before the end of the semester
15 in which the first evaluation occurs. The terms of that improvement
16 plan will need to be met the following semester as part of the second
17 evaluation.

18 (b) "Improvement Plan" guidelines and timeline should use tenure track
19 language modified to fit part-time evaluation process and schedule.
20

21 **2. Non-Preferred Hiring Pool:** Consists of part-time faculty members currently
22 employed by the District but not in the Preferred Hiring Pool or applicants for part-
23 time teaching positions who meet state minimum qualifications.
24

25 a. If part-time faculty positions are open but there are no available qualified
26 individuals in the discipline from the Preferred Hiring Pool, the Division Dean
27 or designee shall consider faculty members currently employed in the
28 department discipline or at another college in the District who are not in the
29 Preferred Hiring Pool. The Dean or designee may also contact the Office of
30 Human Resources regarding selected outside discipline candidates who are
31 currently in the central District database, screen candidate materials for
32 desirable skills and attributes, and interview candidates prior to making a
33 recommendation for employment.

34 b. Faculty assignments shall comply with Article 18-A-12.
35

36 **3. Seniority:** Within the Preferred Hiring Pool, part-time faculty assignments shall
37 be made by seniority up to base load as follows:

38 a. When assignments are made, the part-time faculty members' availability and
39 preference will be considered. Such availability and preference is to be
40 provided to the VPI (or designee) by December 15 for the following fall
41 semester and by May 15 for the following spring semester using the agreed
42 upon preference form.

43 b. If all faculty in the Preferred Hiring Pool are assigned their base load,
44 additional classes may be assigned to either part-time faculty in the Preferred

1 Hiring Pool or to part-time faculty not in the Preferred Hiring Pool
2 irrespective of seniority.

- 3 c. If there are not enough scheduled classes available for an upcoming semester
4 (in a particular department in a college) to allow all part-time faculty in the
5 Preferred Hiring Pool to be assigned their base load, classes will be assigned
6 by seniority up to base load for each faculty on the list starting with the most
7 senior faculty member until all classes have been assigned.

8
9 Exceptions to this process shall only be by mutual agreement of the faculty
10 members affected and approval of the Vice President of Instruction (or
11 designee).

- 12
13 d. If seniority is not used to make an assignment, a letter of explanation shall be
14 provided along with the 60-day letter of assignment.

15
16 The explanation shall be based on the knowledge, skills, and abilities required
17 for the position and may consider such things as: possession of unique job-
18 related skills, possession of specific licensing requirements, and/or possession
19 of unique experience. The required letter of explanation to the faculty member
20 shall indicate the skills, licensing and/or experience upon which the selection
21 decision was made. Employment performance, evaluations, discipline history,
22 and/or complaint history shall not be considered in the decision.

23
24 The explanation shall cover only a specific class for one semester.

25
26 **4. Transition Plan to Implement for Fall 2018 Assignments:**

- 27 a. Faculty in the Preferred Hiring Pool with a "Meets Standards" rating for their
28 most recent evaluation can request a new evaluation in Fall 2017.
29 b. If, at the end of the Fall 2017 evaluation, a faculty member receives a "Meets
30 Standards" rating and requests a second evaluation, the person will remain in
31 the Preferred Hiring Pool until the second evaluation is completed in Spring
32 2018, for the purposes of Fall 2018 assignments.
33 c. The faculty member will be provided a base load assignment in Fall 2018,
34 pending their Spring 2018 evaluation results.
35 d. At the end of Spring 2018, the second evaluation will determine whether the
36 part-time faculty is in or out of the Preferred Hiring Pool.
37 e. If any evaluation is not completed in accordance with the evaluation process
38 (at no fault of the faculty), and the faculty meets the time requirements of
39 eight out twelve semesters, the faculty will remain, or be placed into, the
40 Preferred Hiring Pool.
41 f. Faculty who have taught four or five semesters by the end of Spring 2017
42 may request an out of schedule evaluation during 2017-2018. If this
43 evaluation rating is "Surpasses" or "Exemplary," they will be placed in the

1 Preferred Hiring Pool in Fall 2018, when the seniority system begins. If the
2 evaluation rating is lower, they will be allowed to request a second
3 evaluation, as per current policy.
4

5 **5. Removal of Part-time Faculty from the Preferred Hiring Pool:**

6 The following conditions constitute grounds for removal from the Preferred Hiring
7 Pool:

- 8 a. Permanent removal from the Preferred Hiring Pool shall result pursuant to
9 Educational Code 87665.
10 b. A sustained complaint concerning harassment or discrimination only, the
11 outcome of which did not rise to the level of suspension or dismissal
12 pursuant to the Education Code. A sustained complaint implies a thorough
13 investigation (refer to Investigation Article of CBA) was carried out and the
14 faculty member in question was accorded due process as per the Ed Code
15 and CBA, including any side letters.
16 *A sustained complaint is a complaint which, after a fact-based investigation,*
17 *is found to be supported by the preponderance of the evidence standard. The*
18 *District's investigation finding is not subject to the grievance process.*

19 1) Process for request for reinstatement from removal due to sustained
20 complaint concerning harassment or discrimination only:

21 A part-time faculty member who is removed from the Preferred Hiring Pool
22 due to a sustained complaint of harassment or discrimination may submit a
23 request to the College President to be reinstated to the Preferred Hiring
24 Pool after one academic year, if all of the following conditions are met:

- 25 a) The faculty member has not engaged in any of the conduct described
26 above during the one-year period, and
27 b) The faculty member is evaluated during the one-year period, and
28 receives at least a "surpasses requirements" rating and
29 c) The faculty shall be required to attend, and successfully complete
30 harassment or discrimination awareness training provided by the
31 District.
32

33 Reinstatement to the Preferred Hiring Pool is discretionary. A decision not
34 to reinstate is not subject to the grievance procedure. However, failure to
35 follow the process described in this article is subject to the grievance
36 procedure.

37 c. Failure to turn in census rosters, attendance rosters, or grade rosters by the
38 deadline provided by the district, given sufficient notification and at no fault
39 of the district offices/administration.

- 40 1) Sufficient notification shall be defined as at least one email to the faculty
41 member via PCCD email account within two days of the roster becoming
42 available on the Faculty Center.

- 1 2) Process for removal due to failure to turn in records in a timely manner:
2 a) After two consecutive semesters of failure to turn in rosters in a
3 timely manner, a faculty member in the part-time hiring pool may be
4 recommended for removal from the Preferred Hiring Pool.
5 b) A three-person committee shall be formed to consider the
6 recommendation to remove due to failure to turn in rosters.
7 c) The committee shall be made up of the Vice President of Instruction
8 (or designee), the Academic Senate President (or designee), and a
9 Department chair (or designee).
10 d) The committee shall review all faculty records to ensure that all
11 faculty who have not met the obligation are treated fairly.
12 e) The committee shall allow the faculty member and the Dean a
13 minimum of two weeks during the regular semester to provide
14 supporting documents for review, before a decision is made on the
15 case.
16 f) If the committee does not meet according to the established guidelines
17 (outlined below), then the faculty member shall remain in the
18 Preferred Hiring Pool.
19 g) Committee timelines are as follows:
20 (1) The Vice President of Instruction (or designee) shall send written
21 notification of the committee meeting within two weeks of the
22 start of the semester following the failure to turn appropriate
23 documentation in to the district.
24 (2) The notification will provide at least two weeks' notice to the
25 faculty member to prepare for the meeting.
26 (3) The committee meeting will occur by the 6th week of the semester.
27 (4) The decision of the committee shall be by majority vote and shall
28 be made by the 8th week of the semester.
29 h) Supporting documents presented to this committee may include:
30 (1) Notifications to the faculty regarding due dates for the submission
31 of census roster, attendance roster or grade roster, and regarding
32 the submission process.
33 (2) Notifications to the faculty that a document was not received by
34 the due date.
35 (3) Instructions to the faculty on how to turn in the documents after
36 missing the due date.
37 (4) Requests to the Dept. Chair to contact the faculty using the
38 faculty's home phone or non-Peralta email regarding turning in the
39 documents
40 (5) Evidence presented by the faculty member that they tried to turn
41 the documents in, but problems with the District's Information
42 Technology system (or Admissions and Records system)
43 prevented the District from receiving the documents.
44 (6) Extenuating circumstances which may have prevented the faculty
45 member from receiving emails, instructions, or notices; or which

1 may have prevented the faculty member from acting on notices
2 that were received.

3 (7) Evidence submitted by other faculty in the department regarding
4 the process of notification of these events.

5 (8) Evidence submitted by any Peralta faculty regarding problems
6 with Peralta's Information Technology system and Admissions
7 and Records system in regard to submitting census rosters,
8 attendance rosters and grade rosters.

9 (9) Supporting documents may be submitted to the committee in
10 person, in writing, or via email.

11 i) The decision of the committee is not grievable but violations of the
12 process described in this article are.
13

14 d. Process for reinstatement upon removal due to failure to turn in rosters:

15 1) A part-time faculty member who is removed from the Rehire Preference
16 Pool due to failure to turn in rosters may submit a request to be reinstated
17 to the Vice President of Instruction.

18 2) Requests must be made no later than the end of the third full week of the
19 fall/spring term following at least two consecutive semesters in which
20 roster submission timelines were met. The request will automatically be
21 approved upon validation of the roster submissions.
22

23 **6. Program Operational Components:**

24 a. Electronic List

25 The Office of Human Resources will create and maintain an updated electronic
26 list of all individuals currently in the Preferred Hiring Pool, and will provide
27 shared access to Division Deans, other designated College administrators, and
28 to the PFT President, PFT Grievance Officer, Faculty Senate Presidents and
29 College Department Chairs.
30

31 Human Resources will update the list as required. Designated individuals shall
32 have query access to view the list (view sorts by College or District-wide) by
33 discipline from his/her desktop. Part-time employees shall have computer access
34 to his/her individual information.
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36 The electronic list shall include contact information, each discipline for which
37 minimum qualifications have been met, confirmation of receipt of required
38 performance evaluation received in Human Resources, base load (see #c
39 below), confirmation of the most recent District semesters worked, and the
40 discipline of service. The data shall not include reference to gender, ethnicity,
41 age, ability, or other category as protected by Equal Employment Opportunity
42 law.
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44 The list shall be updated with current assignment information within four weeks
45 of the start of each semester.

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b. Assignment

Members of the Preferred Hiring Pool shall be offered assignments for his/her base load (see #c. below) if such assignments are available. Assignments beyond base load are not precluded by this agreement. The College retains the right of assignment of regular or contract faculty and to cancel part-time assignments based on the needs of the College and the District.

An assignment is defined as the load described in the Letter of Assignment or the load of the faculty member at the census date, whichever is greater. In the event of any error, the letter may be amended after the contractually mandated Letter of Assignment and prior to the first day of class.

c. Base Load

The base load of a part-time instructor shall be the average equated hours assigned to the part-time faculty member in each discipline at each college in the Spring and in the Fall semesters during the most recent three years, including the semester in which the list is made. Base load shall be calculated separately for the Spring and Fall semesters, up to a maximum of 67% of base contract load. Base load for former Diversity Interns shall be based on his/her internship assignment. The assignment preference is only at the college (s) where the part-time faculty member works. If a part-time faculty member is bumped from an assignment or has classes canceled, the base load calculation will include his/her base load as originally assigned. Exceptions to removal from the list will also be made in the event of approved family leave, documented medical circumstances, or a documented medical emergency.

For faculty in the Preferred Hiring pool in multiple disciplines per the form "Placement in Preferred Hiring Pool for Multiple Disciplines," the base load shall be the sum of all assignments within those disciplines. Colleges will be permitted to assign faculty to any discipline for which placement into the Preferred Hiring Pool has been established.

d. Emergency Hires

Emergency hires fill part-time faculty positions that become vacant due to the sudden unavailability of staff during an ongoing semester or during the four weeks immediately prior to a semester, summer session, or intersession, or when classes or services are added following the start of a semester, summer session, or intersession due to increased enrollment demands.

When an Emergency Hire position is identified, the Division Dean and Department Chair (if applicable, and/or other discipline faculty as designated by the Dean) shall make every effort to employ a part-time faculty member in the Preferred Hiring Pool.

1 If the Emergency Hire position cannot be filled with a part-time faculty member
2 in the Preferred Hiring Pool, the Division Dean and department chair (if
3 applicable, and/or other discipline faculty as designated by the Dean) shall
4 make a good faith effort to:

- 5 1) Review the database of discipline employees not in the Preferred Hiring
6 Pool
- 7 2) Coordinate with Human Resources for the review application materials of
8 outside candidates
- 9 3) Interview candidates who most closely meet the desirable skills and
10 experience of the position(s)
- 11 4) Select an individual to fill the unexpected vacancy.

12
13 Emergency hires from the non-Preferred Hiring Pool will not automatically
14 enter the Preferred Hiring Pool, unless they qualify as described above.

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16 e. Bumping Rights

17 Members of the Preferred Hiring Pool will not have the right to bump from an
18 assignment of another Part-time Faculty member.