H. Part-time Faculty Rehire Preference Pool

The District and the PFT are committed to the principles and law of Equal Employment Opportunity. In addition, it is recognized that the communities and students served by the District are diverse in their cultures, ethnicities, language groups and abilities, and the District and the PFT are therefore committed to fully representing that diversity in its workforce. The District and the PFT value diversity and strive to assure that a plurality of represented groups participates in the development and delivery of its instructional and student services programs.

The District and the PFT recognize that the success of its instructional and student services programs is in large part dependent upon a valued and competent part-time faculty that is committed to consistently delivering a high quality of instruction and student services.

1. Preferred Hiring Pool: Part-time faculty in the Preferred Hiring Pool will be given preference in assignment over part-time faculty in the Non-Preferred Hiring Pool. Within the Preferred Hiring Pool, seniority will be considered as specified in #3 below. This policy is in no way meant to modify or change existing PCCD policies and practices in assignment of extra service classes to contract faculty (see Article 18). The Preferred Hiring Pool shall consist of part-time faculty who meet all the following criteria:

a. Employed as a part-time faculty member OR Long-Term Substitute (LTS) in the College(s)/Discipline(s) for at least eight of the last twelve semesters, or currently employed part-time faculty who have successfully completed the Peralta Faculty Diversity Internship program.


1) The Performance Evaluation shall follow all guidelines outlined in Part Two of the Faculty Evaluation Handbook with the rating provided on the summary form. A "surpasses requirements" performance evaluation\(^4\) or better shall be required for initial entry into the Preferred Hiring Pool for a given discipline.

2) Faculty who teach in multiple disciplines must be evaluated in each discipline for entry into the Preferred Hiring Pool for that discipline. In cases where a single department chair oversees multiple disciplines, the 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
for multiple disciplines using the approved form (Placement in Preferred Hiring Pool for Multiple Disciplines). If the evaluation rating is “surpasses requirements” or better and the form is signed, the faculty member will be placed into the Preferred Hiring Pool for all approved disciplines.

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

4) Once in the Preferred Hiring Pool, a faculty member who receives a "Meets Standards" rating can request a second evaluation for the following semester. The faculty member will stay in the Preferred Hiring Pool until the second evaluation is completed.
   (a) An improvement plan will be developed by the responsible Dean, in collaboration with the department chair before the end of the semester in which the first evaluation occurs. The terms of that improvement plan will need to be met the following semester as part of the second evaluation.
   (b) "Improvement Plan" guidelines and timeline should use tenure track language modified to fit part-time evaluation process and schedule.

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

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

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

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

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

b. If all faculty in the Preferred Hiring Pool are assigned their base load, additional classes may be assigned to either part-time faculty in the Preferred
Hiring Pool or to part-time faculty not in the Preferred Hiring Pool irrespective of seniority.

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

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

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

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

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

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

a. Faculty in the Preferred Hiring Pool with a "Meets Standards" rating for their most recent evaluation can request a new evaluation in Fall 2017.

b. If, at the end of the Fall 2017 evaluation, a faculty member receives a "Meets Standards" rating and requests a second evaluation, the person will remain in the Preferred Hiring Pool until the second evaluation is completed in Spring 2018, for the purposes of Fall 2018 assignments.

c. The faculty member will be provided a base load assignment in Fall 2018, pending their Spring 2018 evaluation results.

d. At the end of Spring 2018, the second evaluation will determine whether the part-time faculty is in or out of thePreferred Hiring Pool.

e. If any evaluation is not completed in accordance with the evaluation process (at no fault of the faculty), and the faculty meets the time requirements of eight out twelve semesters, the faculty will remain, or be placed into, the Preferred Hiring Pool.

f. Faculty who have taught four or five semesters by the end of Spring 2017 may request an out of schedule evaluation during 2017-2018. If this evaluation rating is "Surpasses" or "Exemplary," they will be placed in the
Preferred Hiring Pool in Fall 2018, when the seniority system begins. If the
evaluation rating is lower, they will be allowed to request a second
evaluation, as per current policy.

5. Removal of Part-time Faculty from the Preferred Hiring Pool:
The following conditions constitute grounds for removal from the Preferred Hiring Pool:

a. **Permanent removal** from the Preferred Hiring Pool shall result pursuant to
   Educational Code 87665.

b. A **sustained complaint** concerning harassment or discrimination only, the
   outcome of which did not rise to the level of suspension or dismissal
   pursuant to the Education Code. A sustained complaint implies a thorough
   investigation (refer to Investigation Article of CBA) was carried out and the
   faculty member in question was accorded due process as per the Ed Code
   and CBA, including any side letters.

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

1) Process for request for reinstatement from removal due to sustained
   complaint concerning harassment or discrimination only:
   A part-time faculty member who is removed from the Preferred Hiring Pool
   due to a sustained complaint of harassment or discrimination may submit a
   request to the College President to be reinstated to the Preferred Hiring Pool after one academic year, if all of the following conditions are met:

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

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

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

      1) Sufficient notification shall be defined as at least one email to the faculty
         member via PCCD email account within two days of the roster becoming
         available on the Faculty Center.
2) Process for removal due to failure to turn in records in a timely manner:
   a) After two consecutive semesters of failure to turn in rosters in a timely manner, a faculty member in the part-time hiring pool may be recommended for removal from the Preferred Hiring Pool.
   b) A three-person committee shall be formed to consider the recommendation to remove due to failure to turn in rosters.
   c) The committee shall be made up of the Vice President of Instruction (or designee), the Academic Senate President (or designee), and a Department chair (or designee).
   d) The committee shall review all faculty records to ensure that all faculty who have not met the obligation are treated fairly.
   e) The committee shall allow the faculty member and the Dean a minimum of two weeks during the regular semester to provide supporting documents for review, before a decision is made on the case.
   f) If the committee does not meet according to the established guidelines (outlined below), then the faculty member shall remain in the Preferred Hiring Pool.
   g) Committee timelines are as follows:
      (1) The Vice President of Instruction (or designee) shall send written notification of the committee meeting within two weeks of the start of the semester following the failure to turn appropriate documentation in to the district.
      (2) The notification will provide at least two weeks' notice to the faculty member to prepare for the meeting.
      (3) The committee meeting will occur by the 6th week of the semester.
      (4) The decision of the committee shall be by majority vote and shall be made by the 8th week of the semester.
   h) Supporting documents presented to this committee may include:
      (1) Notifications to the faculty regarding due dates for the submission of census roster, attendance roster or grade roster, and regarding the submission process.
      (2) Notifications to the faculty that a document was not received by the due date.
      (3) Instructions to the faculty on how to turn in the documents after missing the due date.
      (4) Requests to the Dept. Chair to contact the faculty using the faculty's home phone or non-Peralta email regarding turning in the documents
      (5) Evidence presented by the faculty member that they tried to turn the documents in, but problems with the District's Information Technology system (or Admissions and Records system) prevented the District from receiving the documents.
      (6) Extenuating circumstances which may have prevented the faculty member from receiving emails, instructions, or notices; or which
may have prevented the faculty member from acting on notices that were received.

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

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

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

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

d. Process for reinstatement upon removal due to failure to turn in rosters:
   1) A part-time faculty member who is removed from the Rehire Preference Pool due to failure to turn in rosters may submit a request to be reinstated to the Vice President of Instruction.
   2) Requests must be made no later than the end of the third full week of the fall/spring term following at least two consecutive semesters in which roster submission timelines were met. The request will automatically be approved upon validation of the roster submissions.

6. Program Operational Components:
a. Electronic List
   The Office of Human Resources will create and maintain an updated electronic list of all individuals currently in the Preferred Hiring Pool, and will provide shared access to Division Deans, other designated College administrators, and to the PFT President, PFT Grievance Officer, Faculty Senate Presidents and College Department Chairs.

   Human Resources will update the list as required. Designated individuals shall have query access to view the list (view sorts by College or District-wide) by discipline from his/her desktop. Part-time employees shall have computer access to his/her individual information.

   The electronic list shall include contact information, each discipline for which minimum qualifications have been met, confirmation of receipt of required performance evaluation received in Human Resources, base load (see #c below), confirmation of the most recent District semesters worked, and the discipline of service. The data shall not include reference to gender, ethnicity, age, ability, or other category as protected by Equal Employment Opportunity law.

   The list shall be updated with current assignment information within four weeks of the start of each semester.
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.
If the Emergency Hire position cannot be filled with a part-time faculty member in the Preferred Hiring Pool, the Division Dean and department chair (if applicable, and/or other discipline faculty as designated by the Dean) shall make a good faith effort to:

1) Review the database of discipline employees not in the Preferred Hiring Pool

2) Coordinate with Human Resources for the review application materials of outside candidates

3) Interview candidates who most closely meet the desirable skills and experience of the position(s)

4) Select an individual to fill the unexpected vacancy.

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

e. **Bumping Rights**

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