

ARTICLE 16

TRANSFER AND REASSIGNMENT

16.1 **VOLUNTARY TRANSFER:**

16.1.1 Any regular or contract unit member may request transfer from one department to another, within the same college, when his/her education, training, experience, and abilities coincide with the requirements for a vacant position.

16.1.1.1 Within a week of a Box 2A meeting in which positions are authorized, management will inform all full-time faculty of openings within the college. Regular and contract faculty will then have five (5) working days to request an internal transfer.

16.1.1.2 The receiving department may elect to accept the regular or contract employee by a vote taken in accordance with the department/sub-area/division bylaws. If the receiving department votes to accept the unit member, the transfer will be permitted with the stipulations outlined in Article 16.1.4.

16.1.1.3 If the receiving department elects not to accept the transfer, and to continue with the hiring process, the unit member requesting transfer will be treated in the same manner as a unit member requesting an intercollege transfer.

16.1.2 Any regular or contract unit member may request a transfer from one (1) college to another where his/her training, experience and abilities coincide with the requirements of a vacant position.

Any regular or contract unit member requesting a voluntary transfer to such vacant position shall participate in the full interviewing process, and he/she shall have his/her application forwarded to management from the interviewing team in addition to those applicants recommended through Section 6.4.3

16.1.3 District is under no obligation to select from among applicants on the basis of in-District seniority. All applicants, internal or external, are considered to be clearly in competition.

16.1.4 Any unit member accepted by another college or department will be permitted to make the transfer when a suitable replacement is found. Any such transfer shall be considered permanent.

16.2 **INVOLUNTARY TRANSFER:**

16.2.1 Where the District finds it necessary to transfer an employee from one (1) college to another, qualified volunteers will be sought. The volunteer with the greatest seniority shall be transferred. Where there are no qualified volunteers, the transferee shall be the qualified person, based on District needs, with the least seniority.

16.2.2 Transferees involuntarily transferred from one (1) college to another to meet District needs shall be returned to the original college, upon request, to fill a vacancy which occurs for which the transferee is deemed qualified.

16.2.3 Where an individual has been involuntarily transferred and within a one (1) year period such employee is to be involuntarily transferred a second time, the United Faculty

shall be notified, for consultation purposes, prior to the second involuntary transfer occurring.

Involuntary or voluntary transfers should occur only between the two campuses in which one campus is declared overstaffed and the other is declared understaffed.

- 16.2.4 An individual who has been involuntarily transferred shall retain seniority rights with respect to the original campus if there is in subsequent years a request for a voluntary transfer to the third institution.

16.3 **REASSIGNMENT:**

- 16.3.1 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 with less District-wide seniority, based on the District FSA policy and AB 1725.

- 16.3.2 Program review process will determine reassignment feasibility based upon established program need.

Where reassignment is possible, the affected faculty member (a regular or contract faculty member not subject to layoff, who because of program review must be reassigned) shall present his/her qualifications to the District FSA Committee.

- 16.3.3 Members being reassigned, in accordance with this article, into teaching areas from non-teaching areas, or, into non-teaching areas from teaching areas will follow the same procedure as specified in the District FSA policy and AB 1725.

16.3.4 **Reassignment Procedure**

- 16.3.4.1 Before reassignment is necessary, efforts must first be made at the campus level to provide a full load on that campus for all regular and contract faculty.

- 16.3.4.2 Under most circumstances, new assignments would be planned at least one (1) semester in advance. Such efforts would involve the appropriate dean, the affected faculty member, and appropriate instructional or service unit (department and/or division) in review of the various alternatives for change in assignment in order to obtain a full load.

- 16.3.4.3 Reassignment at this point will be the result of mutual agreement between the affected faculty member and the appropriate dean.

- 16.3.4.4 Reassignment matters not resolved at the campus level will be referred to the District FSA Committee.

16.4 **STRUCTURE FOR FACULTY SERVICE AREAS (FSAS):**

Generally, Faculty Service Areas will be those included in the Disciplines List as adopted by the Board of Governors, including subsequent revisions.

- 16.4.1 The following criteria establish competency in an FSA. The faculty member is competent if he or she meets minimum qualifications for the discipline(s) and:

- 16.4.1.1 has taught at least one semester/quarter credit course during two different semester/quarters at an accredited college/university in the discipline of the

FSA; or has performed the duties at least 20% of the hours per week indicated for a full load in assignments described in Article 7 of the District/United Faculty Agreement (for example: counseling - 6 hours/week, librarians/learning resource assignment - 7, school nurse - 7, tutoring coordinator - 6, learning specialist -7), at least two different semesters/quarters at an accredited college/university;

OR

- 16.4.1.2 has completed the equivalent of 15 semester units of upper division and/or graduate level course work in the discipline;

OR

- 16.4.1.3 possesses a valid Subject Matter Area Credential; i.e., is eligible to teach those subjects listed on the credential or in the "GUIDE TO SUBJECT MATTER AREAS FOR COMMUNITY COLLEGE CREDENTIALS", September 1974 (or subsequent revision), and any certificate or license required in the discipline;

OR

- 16.4.1.4 in vocational areas has the combination of degree and work experience as stipulated in the Disciplines List and submits evidence of occupational proficiency based upon at least two (2) years of recent work experience, calculated either consecutively or cumulatively, which is directly related to the occupation to be taught or upon evidence of equivalent proficiency. (California State Plan For Vocational Education.)

- 16.4.2 Retraining. A faculty member who is subject to a RIF may elect the retraining option described below. A faculty member is said to be subject to a RIF when not enough assignable FTE exists within the District to provide him or her with a full faculty assignment, and when the faculty member has received a March 15 layoff notice for all or part of a contract position. "Assignable FTE" is defined as scheduled duties which the faculty member is eligible to assume by virtue of one or more FSAs assigned to him or her prior to a RIF and which are either unassigned, assigned to "AC" or "C" contract staff, or are assigned to less senior "A" contract staff.

- 16.4.2.1 A faculty member who is subject to a RIF 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 comprised of the United Faculty President and Vice Presidents, Academic Senate Presidents, College Presidents, the Vice Chancellor for Human Resources 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. 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 "A" contract assignment by a RIFed and retrained faculty member. For the purposes of assigning a RIFed and retrained faculty member into duties governed by an additional FSA, "assignable FTE" is limited to duties which are either scheduled but unassigned or scheduled and assigned to "AC" or "C" contract staff. However, 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 assignments available in the retraining FSA to less than 1.5 FTE district wide.

A faculty member who is RIFed for less than a full assignment and who accepts the remaining portion of the assignment with the District shall be paid at the "A" contract rate for that part of a full assignment which he or she retains.

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 or her own expense during the retraining period.

16.4.2.2 A faculty member who may be subject to a future RIF as a result of a program declared to be "in trouble" through the District program review process and procedures and who has no other possible assignment in the District may elect to meet with the District FSA Committee to determine the most appropriate FSA for which to retrain.

16.4.2.3 A faculty member electing to retrain under A or B above will be deemed to have met the equivalent of the minimum qualifications in a discipline when he or she has completed the subject matter course work ordinarily required for a qualifying degree or otherwise met the requirements for occupational experience.

16.4.3 Anyone proposing the establishment of an FSA that cannot be determined by reference to the Disciplines List shall provide evidence of the need for the FSA to the College Review Team, consisting of one Faculty Senate and one United Faculty representative and up to two instructional managers, the College Instruction/Curriculum Committee and District FSA Committee along with recommendations for minimum qualifications.

When a College Review Team cannot determine an FSA reference to the Disciplines List adopted and amended by the Board of Governors, the Team shall request that the District FSA Committee be convened to determine the need for establishing a new FSA. The District FSA Committee shall recommend the addition of the new FSA to the Governing Board. When a new FSA is established, competency criteria described in 16.4.3.1 above shall apply.

16.4.4 Initial Assignment for Faculty

16.4.4.1 New-hire faculty shall be assigned to FSA(s) by College Review Teams at the time of selection for employment.

16.4.4.2 Approved FSA assignments shall be forwarded to the Chancellor and submitted to the Governing Board for approval.

16.4.5 Process for Adding FSA(s)

16.4.5.1 Faculty wishing to add FSA(s) shall apply to the Vice Chancellor of Human Resources by November 1. The form is in Appendix L.

- 16.4.5.2 Within five (5) working days the Vice Chancellor of Human Resources shall forward applications to the appropriate College Review Team.
- 16.4.5.3 College Review Teams shall forward their recommendations to the Vice Chancellor of Human Resources by February 1. See appeal process.
- 16.4.5.4 The Vice Chancellor of Human Resources shall notify faculty of College Review Team decisions by February 15.
- 16.4.5.5 Approved FSA assignment shall be forwarded to the Chancellor and submitted to the Governing Board for approval.

16.4.6 Appeal Process for Denied FSA Assignments

- 16.4.6.1 Faculty whose application for additional FSA(s) are denied by College Review Teams shall submit an appeal to the Vice Chancellor of Human Resources within five working (5) days after receiving notification of such denial.
- 16.4.6.2 The Vice Chancellor of Human Resources shall convene a meeting of the District FSA Committee to review appeals and to resolve disputes by no later than March 15.
- 16.4.6.3 The Vice Chancellor of Human Resources shall notify applicants regarding FSA Committee decision within five (5) working days.
- 16.4.6.4 Recommended FSA assignments shall be forwarded to the Chancellor and submitted to the Governing Board for approval.
- 16.4.6.5 Faculty who allege that they have been improperly denied an FSA may invoke the grievance procedure in Article 19 of the District/United Faculty Agreement.

16.4.7 Compensation

Faculty participating in the assignment of FSAs shall be compensated at the AB 1725 rate.

16.4.8 Permanent Record

A record of the Faculty Service Areas(s) for which each faculty has been approved by the Governing Board shall be maintained in the faculty member's personnel file.

16.5 **DISTRICT FSA COMMITTEE RESPONSIBILITIES AND GUIDELINES:** In all cases referred from the campus level, the district shall

- 16.5.1 make a recommendation for placement based on institutional needs and the faculty members' academic and/or professional experience.
- 16.5.2 follow the District FSA policy and AB 1725.
- 16.5.3 follow the developed appeal procedure.
- 16.5.4 verify all academic and professional experience.
- 16.5.5 verify retraining.

16.6 **ADDITIONAL FSA PROCEDURES:**

The purpose of this section is to clarify the FSA policy adopted by the Contra Costa Community College District Board of Trustees on December 19, 1990. It is not intended to alter the policy or to conflict with the United Faculty/CCCCD Agreement in any way.

- 16.6.1 Regarding procedures for assignment of FSAs: only college FSA Review Teams, or when necessary, the three College Review Teams plus the Vice Chancellor of Human Resources, or the District FSA Committee shall assign faculty and academic managers to FSAs.
- 16.6.2 Since there exists wide variation in the rights and limitations of teaching credentials granted over the years, College Review Teams are directed to read the terms of each credential carefully to identify specific authorization granted.
- 16.6.3 Faculty (includes full-time faculty and academic managers) must hold a valid credential which authorizes teaching in a minor at the community college level in order to be awarded an FSA in the minor field.
- 16.6.4 Faculty who possess minors for Community College instructor Credentials (24 units, 12 or which must be upper division or graduate level) or minors for other credentials, as allowed by the terms of the credential, shall be deemed to be minimally qualified and competent (using criteria in Faculty Service Area Assignment Documentation (FSAAD), box 3, "possesses a valid credential in the subject matter area; i.e., is eligible to teach those subjects listed on the credential...") [Appendix L] for assignment to an FSA. All minors for Community College Instructor Credentials must be Board authorized to be valid.
- 16.6.5 Faculty applying for an FSA in a minor field as authorized by a valid Community College Instructor Credential shall complete the Board approval form (See Appendix L) and submit it with an FSA Application if they have not previously received Board approval.
- 16.6.6 The competency in box 3 of the FSAAD form requirement may be satisfied by any credential which identifies specific teaching areas.
- 16.6.7 Faculty holding general secondary or life diplomas which do not list specific subject matter areas shall meet competency according to box 1 of the FSAAD, i.e., having taught in the FSA, or according to box 2 of the FSAAD, i.e., having completed the equivalent of 15 semester units of upper division and/or graduate level course work in the discipline.
- 16.6.8 The District shall establish an FSA in each foreign language taught in the District. Minimum qualifications shall be those listed in the most recent version of "Minimum Qualifications for Faculty and Administrators in California Community Colleges," published by the Chancellor's Office, California Community Colleges. Competency criteria as described in section 1 of the District FSA Policy shall apply.
- 16.6.9 FSAs may be granted in disciplines not currently used in the District, with the exception of "Interdisciplinary Studies," which shall not be used as an FSA. Faculty claiming minimum qualification in a discipline through an interdisciplinary preparation, e.g., Social Science, Humanities, Ethnic Studies, Women's Studies, Ecology, Geography, Gerontology shall be evaluated in one of two ways:

- 16.6.9.1 Those holding a credential which authorizes teaching at the community college level in a minor field:

If they have taught the course previously, they shall be awarded the FSA.

If they have not taught the course previously, the College Review Team shall compare their qualifications to those of others in the FSA and shall grant or deny the FSA assignment if consensus is reached. In the event that consensus is not reached, the combined college review teams and the Vice Chancellor of Human Resources shall review the applicant's qualifications and shall grant or deny the FSA assignment.

- 16.6.9.2 Those who do not hold a valid credential, but who qualify under the minimum qualification (adopted July 1, 1990):

Applications shall be reviewed by the combined College Review Teams and the Vice Chancellor of Human Resources.

- 16.6.10 College Review Teams shall notify faculty of the need for additional information to verify satisfaction of minimum qualifications or competency criteria and/or shall request verification of district teaching experience from the appropriate college or district office. Verification of teaching experience outside of the district must be provided by the applicant. Responses from faculty or the District shall be due to the College Review Teams no later than mid-January.
- 16.6.11 Limited-service credentials and non-renewable credentials shall not satisfy minimum qualifications for an FSA in a discipline.
- 16.6.12 The College Review Teams shall grant or deny FSA applications from faculty claiming equivalency of minimum qualifications if consensus is reached. In the event that consensus is not reached, the combined College Review Teams and the Vice Chancellor of Human Resources shall review the applicant's qualifications and shall grant or deny the FSA assignment.