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# ASSOCIATION OF COLLEGE HUMAN RESOURCE OFFICERS (ACHRO) 2018 FALL INSTITUTE

## Bargaining Part-Time and Temporary Faculty Reemployment Rights

10/10/2018

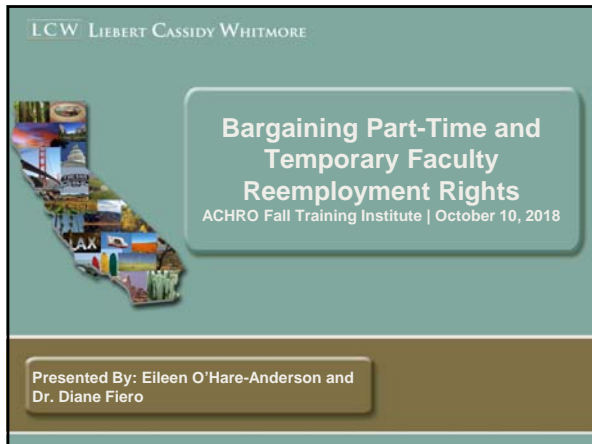
*PRESENTED BY:*

Eileen O'Hare-Anderson & Dr. Diane  
Fiero

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ACHRO Fall Training Institute | October 10, 2018

Presented by: Eileen O'Hare-Anderson and Dr. Diane Fiero



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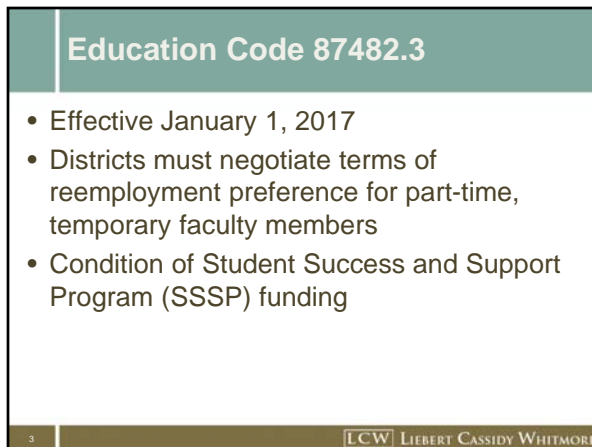
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## What Terms Must Be Negotiated?

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### What Subjects Must Districts Bargain?

- Terms of reemployment preference for part-time, temporary faculty assignments
  - “Based on the minimum standards up to the range of 60 to 67 percent of a full-time equivalent load”
- Policies for termination
- A regular evaluation process (consistent with Ed. Code § 87663)

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### Must The Parties Negotiate Minimum Standards For Reemployment?

- Yes. Parties must negotiate terms of reemployment which must include:
  - Length of service;
  - Number of courses taught;
  - Results of evaluations;
  - Faculty availability, willingness, and expertise

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**May Districts Bargain Additional Reemployment Standards?**

- Yes
- Must reflect procedure for:
  - Assigning to teach courses or perform non-classroom assignments; and
  - Evaluating faculty

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**Does The 87482.3 Require A Specific Reemployment Preference System?**

- No
- Districts decide how to incorporate factors into reemployment system
- No requirement to provide preference regarding a particular assignment
  - So no "Eileen's English 1A" courses

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**Is Loss Of Reemployment Preference Negotiable?**

- Yes
- Examples:
  - Misconduct;
  - Failure to accept assignments

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**Revocation Of Reemployment Preference v. Termination**

- Revocation of preference
  - Elimination of preference for reemployment from semester to semester
- Termination
  - Separation from employment

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**Does 87482.3 Alter The Temporary Nature Of Part-time Faculty Positions?**

- No
- Part-time faculty assignments remain temporary
- Contingent on
  - Funding
  - Program change
- No reasonable assurance

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**Does 87482.3 Alter At Will Status Of Part-time Faculty Positions?**

- Arguably, yes
- Adjuncts with rehire preference
  - Unclear if District's right to terminate at end of day or week still applies
    - Ed. Code 87665
- Adjuncts without preference
  - At will
  - Ed. Code 87665, terms of CBA apply

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**Is The Part-time Faculty Minimum Load Subject To Negotiation?**

- Yes
- Parties must negotiate "... based on the minimum standards up to the *range of 60 to 67 percent of a full-time equivalent load*"
- 87482.3 arguably sets floor of 60% of a full-time assignment

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**When Must Terms Be Negotiated?**

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**87482.3 Timing Requirements**

- District deemed in compliance if:
  - CBA "in effect as of July 1, 2017"
  - CBA satisfies requirements for the terms of reemployment preference set forth in 87482.3

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**87482.3 Clarification Still Needed**

- Without agreement "in effect"
  - Expired agreement, status quo?
- "Usual and customary negotiations"
- Compliance after July 1, 2017
  - Agreements "in effect" that don't satisfy Ed Code?
- Unrepresented part-time temporary faculty

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**LCW Recommendation**

- Continue negotiations
- Good faith
- To agreement or impasse

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**Thank You!**

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