



Bargaining Part-Time and Temporary Faculty Reemployment Rights

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

Overview

Education Code 87482.3

- Effective January 1, 2017
- Districts must negotiate terms of reemployment preference for part-time, temporary faculty members
- Condition of Student Success and Support Program (SSSP) funding

What Terms Must Be Negotiated?

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)

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

May Districts Bargain Additional Reemployment Standards?

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

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

Is Loss Of Reemployment Preference Negotiable?

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

Revocation Of Reemployment Preference v. Termination

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

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

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

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

When Must Terms Be Negotiated?

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

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

LCW Recommendation

- Continue negotiations
- Good faith
- To agreement or impasse

Thank You!

Eileen O'Hare-Anderson

Partner | LCW Fresno Office

559.256.7800 | eanderson@lcwlegal.com

www.lcwlegal.com/our-people/eileen-ohare-anderson

Diane Fiero

Vice President, Human Resources

College of the Canyons | Santa Clarita Community College
District

661.362.3424 | Diane.Fiero@canyons.edu