

1 Strikeout and Underline (SOUL)Version
2 ~~Strikeout~~: Eliminated current contract language
3 Underline: Proposed new language
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5

6 Article 16

7 Adjunct Rate Assignments, Retention and Seniority 8

9 Definitions 10

11 Adjunct seniority is a method of determining seniority order to receive an assignment paid at the
12 adjunct rate. Any qualified faculty member employed by the District may be given appropriate
13 assignments at the adjunct rate, including:

- 14 • Temporary, adjunct faculty employed pursuant to Education Code § 87482.5 for no more than
15 67% of the load of scheduled duties for a full-time regular faculty member having comparable
16 duties averaged over the semester;
- 17 • Contract and regular faculty, staff, or administrators who are also employed on an adjunct rate
18 basis for ~~an~~ additional assignments.

19
20 For the purposes of this article, such employees will be referred to as “adjunct rate faculty.”
21

22 A seniority assignment for classroom faculty is defined as one class of at least the same number of
23 standard hours of employment for up to the range of 60 to 67 percent of a full-time equivalent load for
24 at least the same number of standard hours for which an adjunct rate faculty member has gained
25 seniority. For non-classroom faculty, an assignment is defined as .2 of a full-time load for up to the range
26 of 60 to 67 percent of a full-time equivalent load. The assignment should be on the same day(s) of the
27 week and at the same time as the previous semester for classroom teaching assignments or the same
28 number of hours on the same day(s) of the week and at the same time as the previous semester for non-
29 classroom assignments, when practicable, as outlined in Section A of this article.
30

31 Adjunct assignments are based on student needs and contingent upon available adequate fiscal resources. Pursuant
32 to Education Code §87482.3 this contract establishes the terms of reemployment preference for part-time,
33 temporary faculty assignments based on the minimum standards up to the range of 60 to 67 percent of a
34 full-time equivalent (FTE) load.
35

36 Adjunct assignments rates of pay shall be based on the salary tables in Appendix A.

37 A discipline is defined as a Faculty Service Area (FSA) as listed in Appendix E.

38 A. Obtaining and Calculating Seniority

- 39 1. Classroom and non-classroom adjunct rate faculty ~~member~~ gains a semester towards placement on a
40 seniority list when ~~he/she~~ they accepts and complete an adjunct rate assignment. Classroom and non-
41 classroom adjunct rate A faculty ~~member~~ shall be placed on that list if they ~~he/she~~ completes an
42 adjunct rate assignment in the discipline for three semesters and begin service for a fourth semester,
43 all four semesters occurring within a period of eight consecutive semesters. ~~For a non-classroom~~
44 ~~assignment in a discipline, for a semester to count toward gaining seniority, an adjunct rate faculty~~
45 ~~member, must work at least sixteen (16) total adjunct hours in that discipline during that semester.~~

~~Non-classroom adjunct faculty shall gain a semester towards placement on a seniority list when they accept and complete an adjunct rate assignment. The eight semester rule listed above applies to faculty members gaining seniority for non-classroom assignments.~~

2. An adjunct rate faculty member's seniority date for assignment in a discipline is determined by the beginning date of the fourth semester that qualifies him/her for placement on the seniority list for that discipline (even for short term classes offered within a semester). There shall be no ties on the seniority list. If a tie in seniority dates exists, the tie shall be broken by lot by the appropriate vice president or designee and the AFT chapter president or designee prior to the deadline.
3. ~~(4)~~ Seniority is set at the highest number of standard hours assigned based on two or more of the four semesters. If the number of standard hours differs in each of the four semesters, then the number used will be the average of the four semesters, rounded to the nearest standard hour. Standard hours for seniority are determined at the time seniority is granted and will not be modified, even if assigned standard hours vary in subsequent semesters.
4. ~~(5)~~ In some circumstances, classroom and non-classroom adjunct rate faculty may be assigned a different number of standard work hours in a given semester than their seniority assignment. Nevertheless, in future semesters, their seniority rights would continue to be for ~~a class~~ an assignment with the same number of standard hours for which they originally attained seniority.

B. Offers of Assignment Seniority Lists

1. ~~(A.3)~~ Adjunct rate classroom and non-classroom faculty members on the seniority list shall be offered ~~a one-class assignment~~ an assignment that equals the standard hours for which they originally attained seniority. Whenever additional assignments are available through growth and attrition, they will be offered, following the process described in section B-2 C.2 of this article. Whenever practicable, the ~~class assignments~~ shall be on the same day/at the same time as the previous semester. If a program or schedule is changed, adjunct rate assignments shall be offered in the following order:
 - a. ~~A e~~Comparable assignments with the same number of standard hours for classroom teaching or the same number of hours for non-classroom assignments, or
 - b. ~~An a~~ Assignments that is are as close as possible to the number of standard hours for which the faculty member has attained seniority.

~~B.~~ C. Seniority Lists

Seniority lists indicate the order in which adjunct rate ~~classes~~ assignments ~~are assigned~~ offered in a discipline, based on the date a faculty member is placed on the list by having completed an assignment for three semesters and begun service for a fourth semester, as specified in A.1. In addition to the numbered ranking, seniority lists specify the number of standard hours for which the faculty member has attained seniority, the number of hours assigned each semester, and a code indicating whether the assignment was accepted, refused, withdrawn, not offered. See Appendix R for a seniority list template.

1. Seniority lists shall be updated each semester for each discipline, after any bumping or other changes, as per the contract, have ~~has~~ occurred, and whenever new names are added to the lists. No new names shall be added to the existing second class seniority list. ~~In addition, beginning Fall 2001, notwithstanding any other provision of this article, n~~ Nonregular or contract faculty member shall be entitled to have his or her name added to a seniority list if that addition would result in the faculty member acquiring seniority for more than one assignment at a college.
2. Prioritization of classroom ~~or~~ and non-classroom hourly rate assignments shall be made in the following order:
 - Step 1.** Use the first seniority list in order of rank.
 - Step 2.** Use the second class/assignment seniority list if one exists.

Step 3. Once the first and second class ~~assignment~~ seniority lists are exhausted, ~~consideration for an additional assignments should~~ shall first be given to temporary adjunct faculty who are on the first seniority list and who are not full-time LACCD employees. These additional assignments ~~should~~ shall be offered to those on the seniority list as a pool, not necessarily in seniority order.

CTE disciplines are exempt from step 3 and should proceed to step 4.

Step 4. Consideration for any remaining assignments shall should be offered to all faculty on the first seniority list as a pool.

A faculty member who does not want to take a second assignment will communicate this decision in writing to her/his chair and dean.

3. A faculty member not on a seniority list will be limited to one assignment. However, a department/division chair may request an exception, which must be approved by the vice president or designee in consultation with the AFT chapter president. Examples of exceptions may include the need for special expertise or innovation.
4. Colleges may create integrated seniority lists in disciplines that offer courses or specialized ~~counseling~~ areas that require additional training, coursework, demonstrated special expertise, or certification in order to teach the course. Faculty teaching hourly who are on a seniority list will continue to be assigned in seniority order as described in Article 16. Faculty who have completed the required training, coursework, or certification will have a designation on the seniority list. Only instructors with such designations shall be offered the corresponding course(s). If the faculty member so designated declines the assignment, that decline is counted as a refusal for the purposes of calculated seniority as described in Article 16. Should a faculty member no longer desire to teach the designated courses(s) or have an assignment in a specialized ~~counseling~~ area, he/she may request in writing that such designation be removed from the seniority list. The request to change one's designation will be effective the next term, and declining designated assignments in the next and subsequent terms will not be counted as a refusal. The designation can be reinstated by written request of the faculty member, effective the next term.
5. An existing discipline seniority list may be divided into more than one discipline list or a new discipline list may be created for the purpose of adjunct rate assignment and seniority by the mutual consent of the ~~parties~~ Guild President and Chancellor. If a college begins to offer adjunct rate assignments for which the college does not currently have a seniority list and/or for which a seniority list already exists at another college (or at multiple colleges), as shown in Appendix E, the college shall begin a seniority list for those faculty service areas and notify the parties so that Appendix E can be updated.
6. The department chair shall provide (in electronic format) the department's updated discipline seniority list or lists to the appropriate college vice president by each semester census date. The vice president shall review the list(s) for accuracy. ~~and provide approved electronic copies (or will upload them to the college website) of the list to the appropriate department chair, all adjunct rate faculty members in the discipline in which the assignments are made, the AFT chapter president, and the AFT grievance representative by the eighth week of the fall and spring semesters.~~ Seniority lists shall be posted by the appropriate college vice president on the college website, and faculty will be notified that lists are ready for viewing by the eighth week of the fall and spring semesters.

C D. Assignment Rights

1. The right to continue receiving adjunct rate assignments is extended to each adjunct rate faculty member in the appropriate discipline, in seniority order, for the hours he/she has achieved seniority and at the college or location the faculty member is assigned. Faculty in all credit, noncredit, contract education, and specially funded programs shall be assigned consistent with Article 13 D.6. Seniority applies within each discipline at a college and is not transferable to other colleges.
2. After all individuals on ~~a~~ the first seniority list have accepted or ~~have~~ refused an assignment and additional assignments are available, assignments shall be offered in

1 seniority order to individuals currently on the second class seniority list when a second
2 class list exists. Remaining assignments ~~may~~ shall be offered to any eligible faculty
3 member in the manner described in Section C. 2. of this Article.

- 4 3. Contract, regular, and temporary full-time faculty shall be eligible to be assigned up to .4 FTE
5 in adjunct rate assignments during the fall and spring semesters. An adjunct load up to .67 FTE
6 may be assigned upon the faculty member's written verification to his/her department chair that
7 he/she is meeting all full-time faculty obligations as listed in Appendix Q.
- 8 4. ~~Beginning Fall 2001, Regular and contract (faculty, staff, or administrators)~~ Employees with
9 regular or contract positions in the LACCD may have seniority in only one discipline at the same
10 college. Faculty who ~~had~~ have established seniority in multiple disciplines or on two seniority lists
11 in the same discipline prior to Fall 2001 shall retain their seniority rights.

12 Administrators may receive an adjunct rate assignment in the department which they supervise
13 with the approval of the college president.

- 14
- 15 5. Temporary, adjunct faculty employed pursuant to Education Code § 87482.5 may have the
16 right to more than one seniority assignment (i.e., be assigned at more than one college or in
17 more than one discipline or on more than one seniority list as long as the total is not more
18 than 67% of a full load in regular funds.)
- 19
- 20 6. A temporary adjunct rate faculty member at a given college (including any satellite or outreach
21 location assignment affiliated with that college) on a given discipline's seniority list shall be
22 continued in his/her assignment as long as the need for assignments in that discipline
23 continues as determined by the college president.
- 24
- 25 7. Faculty who have been teaching for at least four semesters in the PACE program, and whose
26 assignment ends due to reduction in course offerings or the elimination of the program, may
request and may be granted placement on the bottom of the first class seniority list in their

1 discipline, subject to the approval of the appropriate department chair, in consultation
2 with the appropriate vice president or designee.

- 3 8. Temporary adjunct faculty on a seniority list(s) may, upon retirement, indicate on their
4 resignation form that they wish to continue teaching on an adjunct rate basis and will
5 retain their position on the list(s).
- 6 9. As specified in Article 22.D, retired full-time faculty who are in good standing at the
7 time of retirement and are not already on a seniority list may request and shall be
8 granted placement at the bottom of the first class seniority list in their discipline at the
9 college from which they retired only if they have served as a regular employee for at
10 least 15 years before retirement and submit a written request to their department chair
11 and appropriate vice president within 30 calendar days after the effective date of
12 retirement.

13 The eligibility for assignment to an intersession immediately after retirement will be
14 postponed to the next subsequent corresponding intersession, subject to the availability of
15 the assignment and placement of the retiree on the intersession priority list (see also Article
16 22.D).

17 Their seniority date is the first day of the semester in which their retirement date falls,
18 or if not during a semester, the semester immediately preceding the retirement date.
19 Once granted seniority placement, the right to continue as adjunct rate faculty is
20 governed by the terms of this article.

21 ~~D. Offers of Assignment~~ E. Planning and Offers of Assignments

- 22 1. Department chairs shall plan adjunct rate assignments and notify faculty of their
23 initial proposed assignment and any subsequent changes in a timely manner. In an
24 effort to ensure accuracy and have sufficient time to correct errors, the appropriate
25 vice president shall make available for review by faculty, in electronic form, the
26 proposed schedule for the following semester before it is finalized for printing or
27 uploading.
- 28 2. Official offers of an adjunct rate assignment shall be made in accordance with this
29 article to individuals in seniority order based on the discipline seniority list.
30 Adjunct rate assignment offers shall be mailed via U.S. mail or sent via email to
31 their college email address with return receipt to individuals by the office of the
32 appropriate vice president by the end of the 10th week of the preceding fall or
33 spring semester, whenever possible. Written or emailed acceptance or refusal of the
34 offer shall be made within ten (10) working days of receipt of the offer. Failure to
35 respond by the deadline shall be considered a refusal of the offer.
- 36 3. Faculty not offered an assignment shall be informed in writing via mail or email with return
37 receipt by the appropriate vice president or designee at the earliest possible time in
38 the planning process .

39 E. E. Refusals/Withdrawals and Breaks in Service for Leaves and Temporary Assignments

- 40 1. An adjunct rate faculty member shall lose all seniority rights and his/her name shall be removed from
41 the seniority list(s) if he/she has refused to accept an assignment for three consecutive semesters or for
42 four semesters out of five consecutive semesters. When an adjunct rate faculty member is unable to
43 accept an offer of an assignment that is on a different day or at a different time than the previous
44 semester, this will not be counted as a refusal, but as a withdrawal with respect to calculation of
45 seniority, for a limit of one semester. If an adjunct rate faculty member is ineligible for assignments
46 totaling more than 67% of a full load in regular funds, and the instructor has received assignments
47 which together with the offered adjunct rate assignment would exceed the 67% limit in regular funds

48 the inability to accept will be counted as a withdrawal and not as a refusal, with respect to the
49 calculation of seniority.

50 Adjunct rate faculty members with a break in service whose names are removed from the list(s) due to
51 a break in service shall not recapture their past seniority date if rehired.

- 52
- 53 2. **Paid Leaves.** An adjunct rate faculty member on a paid leave of absence shall remain on the seniority
54 list(s) during the semester that the paid leave is taken and the non-acceptance of an assignment shall
55 be counted as a withdrawal (W).
- 56
- 57 3. **Maternity/Parental Leave.** An adjunct rate faculty member on a maternity/parental leave of
58 absence shall receive a withdrawal on the seniority list(s) for up to two semesters. A leave extending
59 into subsequent semesters will be counted as a refusal.
- 60
- 61
- 62 4. **Temporary Assignment.** When, during a given semester, an adjunct rate faculty member who holds
63 seniority is assigned as a PACE Instructor, Consulting Instructor, or Instructor Special Assignment (ISA)
64 at the same college where he/she holds seniority and therefore is unable to accept an adjunct assignment
65 due to schedule conflicts or the 67% limitation, a refusal to accept the adjunct rate assignment shall be
66 considered a withdrawal and not be considered as a refusal for purposes of seniority standing within a
67 department at that college.
- 68
- 69 5. Notwithstanding anything in this article to the contrary, any semester during which an adjunct rate
70 faculty member has received released time pursuant to Article 8.I for service as an AFT officer,
71 chapter president, grievance representative or member of the AFT negotiating team shall be
72 disregarded in determining the existence of a break in service even though the employee declined or
73 was not offered an assignment at the college during that semester.
- 74 6. Time of chairs or vice chairs compensated under Article 17. C and 17. F.6 shall be credited toward
75 one discipline, one class seniority. In addition, released time under Article 8.I granted to a faculty
76 member for service as an AFT officer, chapter president, grievance representative or member of the
77 AFT negotiating team shall be credited toward one discipline, one class seniority.
- 78 7. Disputes relating to the seniority list(s) shall be resolved by the appropriate vice president or designee
79 and AFT chapter president or designee.

80 **G. F. Bumping**

- 81
- 82 1. Bumping shall be limited to the first two weeks of the semester. Notification and
83 changes due to bumping must be completed before the class meets during the
84 third week. There is no bumping during intersessions.
- 85 2. Any monthly rate employee may bump a temporary, adjunct rate faculty member
86 if the monthly rate employee must teach an adjunct rate class in order to obtain a
87 full load. The monthly rate faculty member should bump in the following order:
- 88 a.(formerly b) Faculty who are not on a seniority list and have been given one or more
89 assignments at the discretion of the department chair
- 90 b. (formerly a) Faculty with more than two adjunct rate assignments, starting with those
91 having the most assignments above their seniority assignment(s)
- 92 c. Faculty on the second class seniority list, starting at the bottom of that list, when one exists
- 93 d. Faculty on the first class seniority list, starting at the bottom of that list

94
95
96 A change in assigned workblocks should not be an impediment to determining how to
97 best fulfill the full-time faculty member’s assignment obligation. Should the bumping
98 result in a load that exceeds 5 workblocks, the additional workblock pay increment may
99 be waived (See also Article 13.D.4.d.). The adjunct rate faculty member bumped shall
00 be entitled to bumping rights.

- 01 3. Before a monthly rate employee exercises his or her right to bump, he/she should
02 discuss the following options with his or her department chair, in an effort to
03 eliminate the need to bump:
 - 04 a. teaching a class during a summer or winter intersession as part of the
05 annual load obligation; or
 - 06 b. accepting an underload with the understanding that an overload will be
07 required to balance the annual load obligation within the next semester.
- 08 4. If an adjunct rate faculty member on a seniority list loses his/her
09 assignment, he/she shall have a right to bump another adjunct rate faculty
10 member in the order specified in this Article F-2. An adjunct rate faculty
11 member who loses his/her assignment due to bumping shall remain on the
12 seniority list and shall be paid for service rendered prior to the bumping.
- 13 5. The appropriate vice president shall maintain records of all bumps on the
14 seniority lists(s) and those records may be viewed by the AFT.
15

G. H. Termination: Reduction in Force, Program Discontinuance, Cuts in Assignments, and Dismissal

1. Whenever a college must reduce the number of adjunct rate assignments in a discipline between semesters or years or within a given semester, the adjunct rate faculty member's seniority position shall determine which employee(s) shall continue to be offered adjunct rate assignments, with the most senior employees receiving assignments first. In addition, all employees with two classes shall be reduced to one class before the college fails to offer the least senior person on the seniority list an adjunct rate assignment.
2. An adjunct rate faculty member shall be notified in writing by the appropriate vice president of the reasons for termination due to reduction in force or cancellation of a program.
3. An adjunct rate faculty member already on a seniority list and not offered an assignment due to reduction in assignments shall remain on the seniority list and shall retain the right to be continued on the list for six semesters.
4. If an adjunct rate faculty member is removed from the seniority list and is subsequently rehired, he/she shall not recover his/her past seniority position and must re-qualify for placement on the list according to the rules in section A.
5. An adjunct rate faculty member may be removed from a seniority list if the college president concludes that the adjunct rate faculty member does not meet the standards of performance required of academic employees at the college. The conclusion of the college president shall be based upon two evaluations under Article 19 indicating an overall evaluation of "needs to improve" or "unsatisfactory," with the most recent evaluation indicating an overall evaluation of "unsatisfactory." An action removing an adjunct rate faculty member from a seniority list under this section shall be final and shall not be subject to review pursuant to the grievance procedure contained in Article 28 except on the grounds that the procedure specified in this section was not followed or that the conclusion of the college president was arbitrary or capricious.
6. An adjunct rate faculty member may be dismissed from employment and removed from a seniority list for one or more of the causes listed in Education Code Section 87732. Before an employee is dismissed pursuant to this section, the college president or designee shall give the employee:
 - a. written notice of the cause for dismissal, including a statement of the events upon which the cause is based;
 - b. an opportunity to inspect the documents or other materials that are relevant to the matter, if any;
 - c. an opportunity to meet with the college president or designee to discuss the matter and present any reasons why the dismissal should not occur; and
 - d. if the adjunct rate faculty member being dismissed pursuant to this section has seniority, the action of the college president shall be subject to review pursuant to the grievance procedure contained in Article 28. If the adjunct rate faculty member does not have seniority, the action of the college president shall be final and shall not be subject to review pursuant to the grievance procedure contained in Article 28.

7. Notwithstanding any other provision of this Article, the District shall have the authority to make and terminate assignments in a manner that will ensure that the workload of each temporary adjunct rate faculty member does not exceed 67% of the load of scheduled duties for a full-time regular faculty member having comparable duties averaged over the semester. However, if there are a sufficient number of available assignments, temporary, adjunct rate faculty members may be offered more than one assignment during a semester, provided they do not exceed 67% of a full-time load of scheduled duties averaged over the semester.

8. Under rare circumstances, and only when the appropriate vice president, AFT chapter president, department chair, and AFT Faculty Guild President all agree and sign the official waiver, a temporary, adjunct rate faculty member may exceed the 67% maximum load. Adjuncts who are approved for this exemption to the load limitation may not exceed the 67% workload for more than two semesters in three consecutive academic years as per Education Code § 87482 (b) ~~(except for clinical nursing faculty for up to four semesters within any period of three consecutive academic years between July 1, 2007 and June 30, 2014, inclusive as per Education Code § 87482 (c)(1))~~. In the event that the adjunct rate assignment of over 67% load is not approved the chairperson shall adjust the temporary adjunct faculty member's schedule accordingly.

I. H. In filling contract monthly rate vacancies in the Faculty Unit, in which there is a selection process, at least two (2), temporary adjunct rate faculty members who apply, are on a seniority list in that discipline in the LACCD, and who also meets any local additional requirements adopted for the position and other criteria established by the committee, must be invited to the selection interview.