



San José State
UNIVERSITY

**GUIDELINES FOR ASSIGNING OR
OFFERING WORK**

TO TEMPORARY FACULTY

AT

SAN JOSÉ STATE UNIVERSITY

Under the Terms of the

**May 15, 2007 - June 30, 2010
COLLECTIVE BARGAINING AGREEMENT
BETWEEN THE CSU AND THE CFA**

Prepared by the

Office of Faculty Affairs

July 2007



Introduction

The May 15, 2007 - June 30, 2010 CFA-CSU Agreement introduced a number of new provisions for assigning work to temporary faculty, especially with regard to courses to be offered to temporary faculty members with 3-year entitlements to appointments. New Agreement provisions include the maintenance of department reemployment lists for 3-year entitlement temporary faculty for whom no work is available, and the new category of Visiting Faculty. These "Guidelines" define the various terms and provide information about how to make assignments among the different groups of faculty; assignment of Teaching Associates is also included. In this context, this document will also review the application of some terms that have not changed, such as careful consideration, qualified and best qualified.

A brief note about the origins of the "Guidelines for Assigning or Offering Work to Temporary Faculty" at SJSU - In 2002, Dr. Andy Winnick, then AVP/Faculty Affairs at CSULA, provided the SJSU Office of Faculty Affairs with an early version of these "Guidelines." As arbitrations were finalized and Agreements were negotiated, the "Guidelines" have been updated. We want to thank Dr. Winnick for his original work that created the template for the current document.

It is our hope that these "Guidelines" will assist us with the most recent Agreement. It is primarily designed as a guide and reference for Chairs, Directors, Associate Deans, and Deans who are responsible for the implementation of these procedures. It is also a public document, and should be made available to any interested faculty member.

These guidelines will not be able to answer all questions or deal with all possible situations. In fact, this document may well raise new questions. So, please feel free to contact us directly with questions or comments at x. 42450.

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Table of Contents

I. The 1-Year Appointment	4
II. The 3-Year Appointment	5
III. Full-Time Temporary Faculty	6
IV. Part-Time Temporary Faculty	7
V. Entitlement to “Careful Consideration”	10
VI. The Assignment of Work Within a Department	12
Assignment of Work in Fall and AY	12
Assignment of Work in During the AY	13
VII. Definition of “New or Additional Work”	17
VIII. Successor 3-Year Appointments	19
IX. Retirement and Status Change	20

**GUIDELINES FOR ASSIGNING OR OFFERING WORK
TO TEMPORARY FACULTY
AT SAN JOSÉ STATE UNIVERSITY**

I. The 1-Year Appointment

A. Establishing Entitlement to a 1-Year Appointment

Following two semesters of consecutive, general fund employment within an academic year (Fall/Spring or Spring/Summer), a part-time temporary employee offered appointment to a similar assignment in the same department shall receive a 1-year appointment. Fall is the first semester of the year.

AY #1 Work Assignment

AY #2 1-Year Entitlement

Fall	Spring	Summer	1-year Entitlement	Count towards 6 yrs?
9	6	0	1 year for 15 WTUs	yes
9	6	3	1 year for 15 WTUs	yes
0	6	3	1 year for 9 WTUs	yes
9	0	0	No 1-year entitlement	yes
0	6	0	No 1-year entitlement	yes
0	0	3	No 1-year entitlement	yes
6	0	3	No 1-year entitlement	yes

If during the term of the appointment, a part-time temporary faculty member is assigned additional work up to and including full-time, the entitlement for that appointment is not increased and continues to be “conditional” during that appointment. If the faculty member receives full-time work in the subsequent appointment, that new 1.0 appointment is considered “unconditional.”

B. Conditional and Unconditional Appointments

Conditional appointments are subject to enrollment and budgetary limitations, and thus may be partially or completely reduced. Any conditions should be established at the time of appointment.

Unconditional appointments are those appointments to 1.0 full time temporary faculty that cannot be changed during the term of the appointment, except by a University initiated layoff. Individual departments or colleges may not institute the contractually mandated layoff procedure.

II. The 3-Year Appointment

A. Establishing Entitlement to a 3-Year Appointment

An entitlement to a 3-year appointment occurs after a full or part-time faculty member meets the following conditions:

- (1) teaches at the University at least one semester (compensated by general funds, not extension funds) for 6 consecutive academic years,
- (2) that teaching occurs in the same academic department, **and**
- (3) no documented unsatisfactory performance or serious conduct problems exist.

B. Eligibility versus Entitlement

Meeting the above conditions establishes entitlement not mere eligibility. The Office of Faculty Affairs will forward lists of those temporary faculty eligible for 3- year appointments to each department. The department is required to post those lists by June 30th of each year. For additional information, please see Article 12.12 of the Agreement.

C. Evaluation Prior to the 3-Year Appointment

Temporary faculty should be evaluated regularly, and consistent with University policy F 99-6, during the 6-year period preceding the 3-year appointment. However, there cannot be any additional, special, or separate evaluation prior to, or as a condition of, receiving a 3-year appointment to which the temporary faculty member is entitled. For additional information, please see Articles 12.12e, 15.23-15.27, and University policy F 99-6.

D, Establishing the WTU Entitlement

3-year entitlements are determined solely by the time base held during the final year of the 6-year period. The time base held in any of the previous 5 years is not relevant for purposes of establishing the time base in the first year of a 3-year appointment. **Units taught during extension for credit programs shall not be included as part of the temporary faculty members' entitlement base.** The AY time base entitlement for the 3-year appointment is limited to the first two consecutive terms of employment in the prior academic year.

Examples of Appointments in 6th Consecutive Year with Resulting Appointment to a 3-Year Entitlement

Appointment in 6 th Year			Resulting 3-Year Entitlement
Fall	Spring	Summer	3- Year Entitlement
9	6	0	15 WTU's per AY
9	6	3	15 WTU's per AY
0	6	3	9 WTU's per AY
9	0	0	9 WTU's per AY
0	6	0	6 WTU's per AY
0	0	3	3 WTU's per AY
6	0	3	6 WTU's per AY

III. Full-Time Temporary Faculty

There are four ways in which a temporary faculty member may be appointed at 1.0:

- (1) those temporary faculty members who are appointed at 1.0 after the 6th continuous year of employment in a single department and are entitled to an unconditional 1.0, 3-year appointment;
- (2) those who are conditionally appointed at 1.0 due to the assignment of "new or additional" work;
- (3) those who are appointed at 1.0 after a national search; and
- (4) those who are appointed to the classification of "Visiting Professor" (See Article 12.34)

A. Unconditional Appointments

A 3-year appointment for a full-time temporary faculty member is unconditional and must remain at the 1.0 entitled time base for 3 years. This means that any temporary faculty member who met the six-year criterion and who was hired full-time in 2006-2007, in an unconditional appointment, will be given a full-time assignment for the next 3 years (2007-2008, 2008-2009, and 2009-2010). The only way to reduce an unconditional assignment, during the three years in which it is in effect, is through layoff. It is only at the conclusion of the 3-year entitlement that changes in the appointment may be made.

B. Additional Work

- An appointment for a less than full-time temporary employee may be on a conditional basis. If during the term of an appointment, a less than full-time temporary employee is assigned additional work up to and including full-time, the employee's entitlement for that appointment shall not be increased and shall continue to be on a conditional basis for the duration of the appointment. As such, a faculty member who worked part-time for the first five years and was an AY full-time temporary faculty member (1.0) with an unconditional appointment in the sixth year must be given a 3-year unconditional appointment at 1.0 as a full-time temporary faculty member, unless the appointment was a result of additional work (See following Table).

Academic Year	Fall Timebase	Spring Timebase	Department
2001-2002	0.40	0	ABC
2002-2003	0.20	0	ABC
2003-2004	0	0.60	ABC
2004-2005	0	0.20	ABC
2005-2006	0.20	0.20	ABC
2006-2007	1.00 (unconditional)	1.00 (unconditional)	ABC

Above entitlement for AY 2007-2008 is 1.0

C. National Searches

- When a temporary faculty member is appointed at 1.0 for an academic year due to a national search, the appointment is unconditional and may not be changed during the academic year of the appointment. The appointment **may be** partially or completely reduced, in the second or third year of employment, provided that the faculty member has been given “careful consideration.” (See page 10).
- Conducting a national search for a full time temporary faculty member will only be considered if there are specific requirements for staffing that cannot be filled with existing temporary faculty, or if accreditation or program planning requirements include the need for additional full-time temporary faculty to staff department/school direct and indirect instructional activities.

D. Visiting Faculty

- A Visiting Faculty appointment is full-time for up to one academic year. This is a one-time only appointment, during the current Agreement (2007-2010).

IV. Part-Time Temporary Faculty

A. Four Categories

- There are four categories of part-time temporary faculty at our University under the terms of the current Agreement:
 1. Those who hold a three-year, part-time appointment under the terms of Articles 12.12 and 12.13 up to their time base entitlement;
 2. Those who are on the department reemployment list under Article 38.48 who had 3-year entitlements for whom no work was available

for the subsequent 3-year appointment, subject to the conditions outlined in 38.48ff;

3. Those who are part-time who are entitled to "similar assignment" having worked for two consecutive semesters in the department in AY 2006-2007; and
4. Those who are part-time who worked for the department in AY 2006-2007 in Fall 2006 only, in Spring 2007 only, in Summer 2007 only, or in Fall 2006 and Summer 2007. Part-time faculty in this category may be appointed to any time base for any academic term.

B. The Baseline Appointment

- For part-time temporary faculty who are newly eligible for 3-year appointments at the beginning of AY 2007-2008, appointments must be issued at the 2006-2007 established time base. The appointment may be modified upward or downward on a semester basis during the 3-year appointment, but the entitlement remains constant and at the original time base of 2006-2007, the current benchmark year for achieving an entitlement to an appointment.
- For example, a full-time (1.0) temporary faculty member for the first five qualifying years, who worked at 0.40 each semester in the sixth year with a conditional appointment, based on budget, enrollment and the availability of courses the temporary faculty member is qualified to teach, would be entitled to a 3-year conditional appointment for 0.40 for each semester. The letter of appointment must specify that the appointment is conditioned on budget, enrollment and the availability of courses the temporary faculty member is qualified to teach.

Example 1:

If a part-time temporary faculty member taught 0.20 for five years and 0.80 in 2006-2007, the appointment must be at the 0.80 level.

Academic Year	Fall Timebase	Spring Timebase	Department
2001-2002	0.20	0.20	ABC
2002-2003	0.20	0.20	ABC
2003-2004	0.20	0.20	ABC
2004-2005	0.20	0.20	ABC
2005-2006	0.20	0.20	ABC
2006-2007	0.80	0.80	ABC

Above Entitlement equals 0.80 for AY 2007-2008

Example 2:

If a part-time temporary faculty member taught 0.80 for five years and 0.20 in 2006-2007, the appointment must be at the 0.20 level.

Academic Year	Fall Timebase	Spring Timebase	Department
2001-2002	0.80	0.80	ABC
2002-2003	0.80	0.80	ABC
2003-2004	0.80	0.80	ABC
2004-2005	0.80	0.80	ABC
2005-2006	0.80	0.80	ABC
2006-2007	0.20	0.20	ABC

Above entitlement equals 0.20 for AY 2007-2008

Example 3:

If the part-time temporary faculty member worked 0.40 in the Fall and 0.60 in the Spring for AY 2006-2007, the appointment would be at 0.50 annually for the next 3 years.

Academic Year	Fall Timebase	Spring Timebase	Department
2001-2002	0.80	0.80	ABC
2002-2003	0.80	0.80	ABC
2003-2004	0.80	0.80	ABC
2004-2005	0.80	0.80	ABC
2005-2006	0.80	0.80	ABC
2006-2007	0.40	0.60	ABC

Above entitlement equals 0.50 (the average of both semesters on sixth year, $.40 + 0.60 = 1.00 / 2 = 0.50$) for AY 2007-2008

The pattern by which units are offered to the part-time temporary faculty member during the 3-year appointment may or may not be the same as in the 6th qualifying year, depending on budget, enrollment and the availability of courses the temporary faculty member is qualified to teach.

If a part-time temporary faculty member is entitled to a 0.60 appointment, indicate that entitlement amount in the "Entitlement Field" section of the PeopleSoft contract data. If it is necessary in the Fall semester to invoke one of the conditions in the conditional appointment (budget, enrollment, availability of courses the temporary faculty member is qualified to teach), immediately submit a contract revision form for the Fall semester only (e.g., changing the appointment to 0.20).

If there is increased departmental need for the Spring semester, submit a PeopleSoft revision form for that semester only, increasing the appointment level. At the end of each semester covered by the 3-year appointment, the appointment offer reverts to the benchmarked established timebase.

B. FERP's, TA's, GA's and Volunteers

- If during any portion of the 6-year qualifying period, the person worked as a tenure-track (probationary or tenured) faculty member, a FERP, a TA or GA, or a volunteer, such work does **not** count toward establishing the entitlement. Only work as a temporary, Unit 3 faculty member qualifies.

C. Coaches

- Coaching appointments remain conditional. Coaches are not eligible for three year entitlements under the terms of the contract. These articles do apply to all other Unit 3 Employees, including instructional faculty, librarians, and counselors.

V. The Entitlement to "Careful Consideration"

"Each department or equivalent unit shall maintain a list of temporary employees who have been evaluated by the department or equivalent unit. If such an employee applies for a position in that department or equivalent unit or applicant pool for that department or equivalent unit, the faculty unit employee's previous periodic evaluations and his/her application shall receive careful consideration" (Article 12.7 of the CFA-CSU Agreement).

A. The Principle of "Careful Consideration"

- The principle of "careful consideration" requires substantive review of the official university file (including peer evaluations, SOTEs, greensheets, grading tests, annual summaries of achievements, and annual evaluations) **and** the application of a current part-time faculty member with the goal of identifying the best qualified person, among a defined group of temporary faculty, to teach a given course or to do other work for the department.
- Work in another department, on the same or a different CSU campus does not qualify one for "careful consideration."

B. Gauging Interest in Available Courses

- Each department must provide some mechanism for the part-time faculty in its pool to indicate the courses for which they want to be considered, and in the process to submit whatever evidence they wish as to their qualifications. This may be done yearly or on a semester basis. For example, a Chair could send a list of the courses that are likely to need part-time instructors for a future specific semester or year, to all the faculty in their pool. Respondents could be asked to simply check off the courses for which they would like to be carefully considered in the event a decision

is made to offer the course, and to have it taught by a part-time temporary faculty member (putting a course on such a list does not guarantee that the course will actually be offered, nor if offered that it will be assigned to a temporary faculty member). At the same time, temporary faculty should be reminded to update their application materials to demonstrate their qualifications to teach these courses.

C. Deciding Who is Qualified and Who is the Best Qualified:

- If a faculty member has taught a course in the past, and there is no evidence in the departmental file to the contrary, it must be assumed that the work was satisfactory and that the person is qualified to teach that particular course again.
- However, it is the responsibility of the department and the College to determine if a course previously taught at SJSU was completed satisfactorily by a review of the faculty member's Personnel Action File (PAF).
- Teaching experience is but one element to be used in determining who is the best qualified to teach a specific course. Other factors such as evidence from student surveys of teaching performance, peer observations, review of instructional materials used, and evidence of currency in the discipline are also to be used in making this determination.

D. Equivalent Coursework

- It is also the responsibility of the departments and colleges to determine whether a given course taught at some time in the past at SJSU is or is not equivalent to a course to be currently taught.
- If a temporary faculty member presents evidence that s/he satisfactorily taught a course at another CSU campus, the department and college still must determine if that course is equivalent to the course proposed at SJSU. The department must be assured that the work was satisfactory and that the course taught in the past is equivalent to the course to be taught currently.
- This is all to be done as part of the process of granting “careful consideration” to those entitled to that, and, in general, to the determination of who is qualified to teach a given course and then, among a group of qualified individuals, who is the best qualified. Thus, having taught a course in the past does not mean that a faculty member in any group “owns” any particular course, nor that we assign a course to someone who is not fully qualified.

E. Maintaining a List of Courses Previously Taught

- The department is required to maintain, along with the list of names of faculty in its unit to whom “careful consideration” is due, the list of courses that faculty members have taught in that department. This list will assist in the determination of who is qualified to teach a course, including those that are qualified to teach courses that are designated as "new or additional."

VI. Assignment of Work Within a Department

A. Assignments of Work in the Fall and Academic Year

For Fall or AY appointments, the Chair and Dean must assign courses after determining which tenured, tenure-track, FERP faculty, Administrators, TAs and Volunteers are the best qualified to teach. Assignments must be made in the following order:

- A. Tenured and Probationary Faculty;
- B. Faculty in the Faculty Early Retirement Program (FERP); and
- C. Administrators, Teaching Associates (TAs), Volunteers.

After fulfilling the obligation to Tenured, Probationary and FERP faculty, Administrators, Teaching Associates (TAs), and Volunteers, assignments must then be made to **qualified** temporary faculty, who have performed in a **satisfactory** manner, **in the following order**:

1. 3-year full-time appointees under the conditions of 12.12 & 12.13;
2. 3-year part-time appointees under the conditions of 12.12 & 12.13 up to their time base entitlement;
3. Temporary faculty on the reemployment list;
4. Visiting Faculty;
5. In accordance with Article 12.7, give careful consideration to all part-time and full-time temporary faculty with no multi-year appointments who were employed as temporary faculty in AY 2006-2007, including state-supported Summer 2007. For part-time faculty with no multi-year appointments who were employed in the previous year with 12.3 appointment rights, if assigned work, do so up to their time base entitlement ("similar assignment"). Full-time and part-time temporary faculty without 12.3 appointment rights can be appointed to any time base

and any academic term(s). Those temporary faculty without 12.3 rights, but in this category, worked in the department during AY 2006-2007 in Fall 2006 only, or Spring 2007 only, or Summer 2007 only, or both Fall 2006 and Summer 2007.

6. Assign any remaining work as "new or additional" in the following order:
 - a. Offer work to 3-year part-time temporary faculty up to and including 1.0;
 - b. Offer work to temporary faculty on the department reemployment list;
 - c. Offer work to any other qualified candidate.

B. Assignments of Work During the Academic Year (Spring)

During the academic year, the order of assignment is similar to the Fall semester or AY, with **two exceptions**. Temporary faculty members with 1-year continuing appointments have priority over Visiting Faculty and over "part-time and full-time temporary faculty with no one-year appointments who were employed during the current or immediate past academic year." Therefore, if work is available after all of the tenured and tenure-track, FERP, Administrators, TAs and Volunteers have been assigned work, the remaining work must be offered in the following order:

1. 3-year full-time appointees under the conditions of 12.12 and 12.13;
2. 3-year part-time appointees up to their time base entitlement under the conditions of 12.12 and 12.13;
3. Temporary faculty on the reemployment list (up to the time base entitlement of their most recent 3-year appointment);
4. Part-time faculty in a continuing 1-year appointment up to their time base entitlement;
5. Visiting Faculty;
6. In accordance with Article 12.7, give careful consideration to part-time and full-time temporary faculty with no 1-year appointments who were employed during the current or immediate past academic year. Temporary faculty in this group may be appointed at any time base and for any academic term;

7. Now, assign any remaining work as "new or additional" in the following order:
 - a. Offer work to 3-year part-time appointees up to and including 1.0 time base;
 - b. Offer work to all other part-time temporary faculty (in categories 3 & 4 above) up to full-time; and
 - c. Last, offer work to any other qualified candidate.

C. Assigning Work to Teaching Associates:

- Realistically, the department may know from the beginning that, for programmatic reasons having to do with the nature and size of its graduate level programs and the courses to be taught and the other work to be done that semester, there is a certain body of work that it wishes to set aside to assign to TAs. This may be done, so long as the contractual obligations to the faculty in groups A. (tenured and tenure-track faculty) and B. (FERP faculty) have been met.
- There must be **a consistent programmatic basis** for which courses are given to TAs. So long as that is the case, courses/sections assigned to TAs are simply not available to temporary faculty.
- If new students enter the graduate program and/or the graduate program in a department expands, these students may immediately qualify as TAs for the purpose of assigning departmental work.
- A department may not set aside work for its TAs to avoid assigning it to temporary faculty.

D. Assignments to Full-Time Temporary Faculty with 3-Year Entitlements

In theory, if all the above assignments to groups A., B., and C. absorbed all available courses, then the obligations to the full-time temporary faculty might not be met. But assuming there is still departmental work to be done after work is assigned to the tenured, tenure-track, FERP, Administrators, TAs and Volunteers, then these full-time temporary faculty must be given priority.

For full-time temporary faculty (i.e., temporary faculty with full-year, full-time 1.0 unconditional appointments due to their entitlement to a 3-year appointment – not part-time temporary faculty who might have 1.00 conditional appointments for a given semester or academic year), the department must provide “careful consideration”, using the guidelines already

established, to pick the one best qualified for each course and attempt to keep him/her at a full 1.0 workload. If in the case of a 3-year entitlement full-time temporary faculty, there are not sufficient courses for which that person is qualified, and if the department cannot find any other appropriate work for him/her to do that term, the University would face a formal layoff process. Short of layoffs, full-time temporary faculty with 3-year entitlements have to be paid for full-time work.

Course “Ownership”

- The Agreement established a group that is entitled to 3-year unconditional appointments. Given this situation, “careful consideration” is to be granted to all of the full-time temporary faculty equally within a given department in order to assign the best qualified person to teach each course (or to do other work), until the commitment to all of them is fulfilled. No full-time temporary faculty “owns” a course or has priority in “claiming” a course over other full-time temporary faculty in the department who are also qualified to teach it. However, Article 12.29 does grant priority to those with 3-year entitlements when assigning “new or additional” work.

Impact of Newly Hired Tenured/Probationary Faculty

- If new tenured or probationary faculty have been hired to begin during a current year, or if new people have entered the FERP, or new TAs have been hired, these people immediately move into their priority groups in the department and are entitled to the priority assignment departmental work as well as any “new or additional” work.

E. Assigning work to Part-Time Temporary Faculty with 3-year Entitlements for Fall or AY

Using “careful consideration” within each group, the department must then meet its obligations by assigning courses to those holding part-time 3-year conditional appointments up to their time base.

F. Assigning work to Temporary Faculty on the Department Reemployment List

- Group #3 is made up of temporary faculty on the department reemployment list. These are faculty members for whom no work exists in the department at the time of the subsequent 3-year appointment **or** if the temporary faculty member had an appointment of zero (0) during the 3rd year of a 3-year appointment. When such a temporary faculty member is officially notified that no work exists to support the subsequent appointment, the official notification shall also inform the temporary faculty

member of the right to be placed on the department reemployment list for a period not to exceed three (3) years.

- No later than July 1st of each year during the period that the temporary faculty member is on the department reemployment list, the temporary faculty member must inform his/her department chair, in writing, of his/her interest in and availability for employment. Included in this written notice the temporary faculty member must include current, accurate contact information. Failure to notify the chair shall result in removal from this list. The temporary faculty member may request, in writing, that he/she be assigned to "inactive status" for one (1) year. During the time of that status, the temporary faculty member will not be considered for a work assignment.
- If reappointed, the temporary faculty member on the department reemployment list, may be assigned to a 3-year appointment at a time base of the work that is available and for which he/she is qualified.
- Any offer made to a temporary faculty member on the department reemployment list shall be made in writing by registered mail, return receipt requested, to the last address notified to the department chair. The offer must be accepted in writing within five (5) days of receipt.
- If two or more temporary faculty members on the department reemployment list are found to be eligible for reemployment, the temporary faculty members shall be recalled in the order that they were denied reappointment. The temporary faculty member with the longest duration (during the 3-year period, with notification by the temporary faculty member each year) on the reemployment list, who is qualified to perform the available work, will receive the first offer. If a temporary faculty member on the reemployment list declines two (2) offers of employment, s/he will be considered to have waived any further employment rights.

G. Assigning Work to Visiting Faculty

- A Visiting Faculty appointment is full-time for up to one academic year. This is a one-time only appointment, per person, during the time of the current Agreement (2007-2010). A departmental faculty committee must be involved in the recruitment and hiring of a person in this newly bargained classification. No displacement or time base reduction of a temporary faculty with a 3-year entitlement should occur due to an appointment of a Visiting Faculty member.

H. Assigning Work to Part-time and Full-time Temporary Faculty Without Multi-Year Appointments

- Part-time and full-time temporary faculty with no multi-year appointments who were employed in the previous year (AY 2006-2007 in Fall/Spring or Spring/Summer), for 2 consecutive semesters with "similar assignment" rights, **are to be considered along with** full-time and part-time faculty with no rights to "similar assignment" (these temporary faculty who do not have "similar assignment" rights also worked for the University in the previous AY, however, they worked in only one semester, or they worked in non-consecutive semesters, e.g. Fall 2006 only, or Spring 2007 only, or Summer 2007 only, or in Fall 2006 and in Summer 2007). **These two groups are to be considered together in the Fall semester**, and if a part-time 1-year, "similar assignment" conditional appointee is given an appointment, that temporary faculty member should have an appointment at the level of his/her appointment from 2006-2007. Those without "similar assignment" rights may have an appointment at any level.
- **Within each of the 5 groups (in the Fall semester) or 6 groups (during the academic year and in the Spring semester), assignments are made to those best qualified to teach each course.** No courses may be offered to faculty in a lower priority group if appropriately qualified faculty in the higher priority group have not been offered appointment up to their time base as specified by the 3-year entitlement, or as determined by a "similar assignment," or if the temporary faculty member taught in the previous year but without "similar assignment" rights.
- Once the appointment obligations to temporary faculty with 3-year entitlements and to others in the priority order for assigning work in both the beginning of the academic year and during the academic year have been met (or have been met to the extent possible given the match between their qualifications and the available courses), if the department still has courses remaining – the department shall now give consideration to "new or additional" work in order to make additional appointments.

The department may not yet review the part-time temporary faculty who may have worked for the department more than one year ago or to new people not hired previously. These people, taken as a group, may not be considered until the department has assured itself that there is no one in the contractually mandated groups that is qualified to teach a given available course for which they have "applied." Once that requirement is met, the department must now look at the priorities in the "new or additional" work section to assign such remaining work.

VII. Definition of Temporary “New or Additional” Work

Arbitrator Thomas Angelo, in an arbitration regarding new and additional work ruled on April 29, 2004 that “the language in Section 12.29 regarding “new or additional work” is defined to mean work a department determines is available to temporary employees.” The arbitrator stated,

“new or additional work” does include classes previously taught by employees on leaves of absence, those participating in FERP (Faculty Early Retirement Program) and PRTB (Pre-Retirement Reduction in Timebase Program), and those whose employment has terminated and also classes taught by tenured or probationary faculty, volunteers, administrators or graduate teaching associates when the person(s) are no longer available to teach the class and the department determines the course will continue to be offered through a part-time faculty member. “New or additional work” also includes classes funded by grants or other temporary funding sources, as well as any “new” class regardless of whether it creates a net increase in WTUs.

The arbitrator also ruled that “this involves work left behind by faculty leaving CSU’s employ on a permanent or temporary basis, or work created by new courses or sections that will be taught by temporary employees.”

A. Impact of the Assignment of “New or Additional” Work on 12.3 Entitlements

In the most current Agreement, it is important to note that additional work may be assigned during a faculty member's appointment up to and including 1.0, however, the new work does not change the entitlement, and the appointment remains conditional. If, however, the temporary faculty member is assigned 1.0 work in a subsequent appointment, the new appointment is 1.0 and unconditional. Article 12.5 states, "If during the term of an appointment, a less than full-time temporary employee is assigned additional work up to and including full-time, the employee's entitlement for that appointment shall not be increased and shall continue to be on a conditional basis for the duration of that appointment. A subsequent full-time appointment will be unconditional pursuant to 12.6."

B. Assigning “new or additional” work to Tenured, Probationary, FERP, Administrators, TAs and Volunteers

- These faculty members, newly hired tenured, probationary faculty, new entrants to the FERP, Administrators, TAs, and Volunteers have first priority with regard to the assignment of “new or additional” work.

C. Preference for Available Temporary Work

Article 12.29 establishes the obligation of the University to assign “new or additional” work to qualified temporary faculty after tenured, probationary, and FERP faculty, Administrators, Volunteers and TAs have been assigned work.

- The work must be “new or additional” as described earlier.
- The work must be available to be assigned to part-time temporary faculty with less than a full-time assignment. That is, if it is assigned to faculty or TAs with a higher priority, it simply is not available to the part-time temporary faculty.
- The temporary faculty with less than a full-time assignment must be qualified to teach the course or perform the "new or additional" work.

D. Assigning “New or Additional” Work to Part-time Temporary Faculty:

- It is when making the assignment of “new or additional” work to part-time temporary faculty that the effect of Article 12.29 will be felt most strongly. Under Article 12.29, the University has an obligation to offer “new or additional” work in a particular order to temporary part-time faculty members.
- If there is “available temporary” (to the part-time temporary faculty) “new or additional” work, then “careful consideration” must first be granted among those part-time temporary faculty who hold a 3-year (Article 12.12) appointment and who do not have full-time assignments that semester, to determine the best qualified person for that work. As always, if someone is not qualified, they may not be assigned the work. The goal is always to find the best qualified among the group being considered.
- Only after qualified part-time faculty with 3-year appointments are offered “new or additional” work, or no one is found who is qualified for a particular assignment within that group, may the department then turn to conduct “careful consideration” among those temporary faculty who are on the department reemployment list.
- Only after all 3-year part-time entitlement faculty and all of the department reemployment list temporary faculty have been offered the “new or additional” work, or no one is found who is qualified for a particular assignment among those two groups, may the department turn to review "any other qualified candidate."
- The last group is made up of other current temporary faculty as well as new applicants for temporary faculty positions. Both current temporary

faculty and new applicants may be considered for “new or additional” work; they, of course, must be qualified in order to be assigned to the work.

VIII. Successor 3-Year Appointments (Article 12.13)

A. Expectation of Successor Appointment

- If work is available for which the faculty member is qualified, and the faculty member does not have serious conduct problems or documented unsatisfactory performance the faculty member has “the expectation of” the same level successor appointment as the original.
- Article 12.12.c. states, in part, "Subsequent 3-year entitlements are determined by the time base held during the third year of the prior appointment."

B. Insufficient Work

- In addition, the Agreement states, “These temporary faculty will be reappointed after a three-year appointment unless there is insufficient work for which the faculty member is qualified. In the event there is insufficient work to support the reappointment at the previous time base, the time base of his/her successor three-year appointment may be reduced to reflect available work for which the temporary faculty member is qualified.”

C. No Work

- If at the end of a 3-year appointment, no work exists in the department to support the subsequent appointment of the temporary faculty or if the time base of the temporary faculty member was zero during the third year of her/his appointment, the faculty member shall be placed on a departmental list as explained on pages 15-16.

IX. Retirement and Status Change

A. Retired Annuitant Status

- A temporary faculty member who retires with PERS benefits changes her/his status with the University; at the point of retirement the temporary faculty member may be rehired but does not carry over entitlement from one status to the next (temporary faculty/PERS retired annuitant). At the point of retirement into the PERS system, the retired annuitant does not have an entitlement to either a 3-year or a 1-year appointment, nor does the retired annuitant have a right to “careful

consideration.” The newly retired annuitant may apply to teach but has no entitlement to courses or department work and may be considered along with all other applicants who have no prior work history with the department.

- The retired annuitant does have a right in his/her new status as a PERS annuitant to build entitlement by continuous employment in a department. If a retired annuitant has completed 6 years of continuous teaching service as a PERS annuitant, that annuitant is entitled to a 3-year appointment, if he/she is hired again in the following academic year.

B. Time Base Limitations

- A retired annuitant is limited to 50% of her/his time base, based on the final year prior to retirement, and no more than a total of 0.50 per semester with the University.

C. The “Un-Retired”

- If a retired annuitant rescinds her/his retirement, he/she does not carry over entitlement from retired to “un-retired.” The person who has changed her/his status with the University and the PERS system may be considered along with all other applicants who have no prior work history with the department.