



FOOTHILL-DE ANZA
Community College District
Office of Human Resources and Equal Opportunity

DATE: May 27, 2011

TO: Full-Time Faculty
Academic Administrators

FROM: Dorene Novotny, Vice Chancellor of Human Resources
Anne Paye, Chief Negotiator, Faculty Association

COPY: Presidents, Vice Presidents

RE: Full-time Faculty Layoffs/ Article 15 - Reduction in Force ("RIF")

By means of this Joint Memo, the District and FA wish to dispel rumors, correct any misinformation that may be circulating on the campuses, and clarify the purpose and application of *Article 15 - Reduction in Force*. These issues were discussed at a recent meeting attended by the negotiating teams, the Academic Senate leadership, the Vice Presidents of Instruction from both colleges, and others familiar with the history and interpretation of Faculty Service Areas (FSAs).

Following is a brief summary of understandings reached thus far. For complete information, please refer to Article 15 of the *Agreement* which is the relevant FA/District contractual document governing a "reduction in force" ("RIF").

Budget Reductions, Enrollment Decline, Program Alteration

1. The anticipated reduction in State funding will result in an enrollment decline, District-wide, and the reduction or discontinuation of some college programs. The colleges are currently working to meet budget reduction targets, but regardless of the final decisions, no full-time (tenured or probationary) faculty will be affected by RIF during the 2011-2012 college year.
2. Under current District planning, discussions with full-time faculty affected by any program reorganization/consolidation/reduction/discontinuance will begin no later than Fall quarter, 2011 and follow Article 15 procedures (described below). Because the Article provides a number of faculty protections, any current predictions of full-time faculty job loss are premature, speculative, and unreliable.

Contractual Provisions for Reduction in Force ("RIF")

3. Under the provisions of *Article 15 – Reduction in Force*:

- a) No part-time faculty can be employed while any permanent or probationary employees in that area (at the same or the other college) are assigned less than their full annual load. All part-time faculty employees in an FSA area must be laid off (i.e. no longer offered assignments) before any regular faculty employee is laid off.
- b) Faculty have tenure in the District, not simply at the college where they are employed, and tenure is not exclusive to the discipline for which they were hired, i.e., their initial FSA (see #4 below).
- c) Prior to any formal "reduction in force" (RIF) procedure, an appropriate administrator will meet with each affected faculty employee to discuss alternatives to layoff. The faculty employee has the right to be accompanied by an FA representative. The District will assign the faculty employee to one or more of the following if, in the judgment of the District, any of them are available:
 1. Transfer to the other campus;
 2. Reassignment to another discipline (if the faculty member meets the appropriate minimum qualifications);
 3. Multi-campus assignments; and/or
 4. Saturday assignments, evening assignments.

As explained above, this process is expected to occur in Fall, 2011 and continue into Winter, 2012.

In addition, and while not specified in Article 15, faculty affected by program closure in the past have been given up to one year to train or retrain in order to become qualified for continued service in the District.

- d) Faculty Service Areas (FSAs) come into play *only* under a formal RIF. The Board will notify FA by February 1, 2012 of the reasons it believes a RIF is necessary and the potentially affected programs. A formal RIF begins in the thirty-day period immediately preceding March 15.
- e) In the event of a RIF, faculty employees in an FSA are subject to layoff in reverse order of their seniority. Seniority is determined by the first date of paid employment as a probationary faculty employee of the District. This seniority date applies to all FSA(s) a faculty member holds (even though the additional FSA(s) may have been attained subsequent to the date of initial hire).

The **Faculty FSA List** pertains District-wide and is available on the College websites.

Foothill: <http://www.foothill.edu/staff/irs>;

De Anza: <http://www.deanza.edu/instruction>.

- f) A faculty employee in an FSA is entitled to "bump" a less senior faculty employee in that FSA. If two or more faculty within an FSA have the same seniority date, seniority is determined by lot. That is, the order of

layoff is determined by a random selection process agreed to by the District and FA.

Application for Additional FSA(s)

4. Faculty are encouraged to apply for any (additional) FSA(s) for which they are "qualified" and "competent." "Qualified" means meeting state minimum qualifications or possessing a valid credential in the appropriate discipline. "Competent" means having had District employment in the FSA for three quarters or two quarters and a summer session; or, having been employed full-time for at least one academic year in a post-secondary institution in the same area as the FSA during the previous five years).
5. In applying for a new FSA, the faculty employee has the *full responsibility* for (a) furnishing any necessary valid credential(s) and/or documentation necessary to verify compliance with minimum qualifications in the appropriate discipline; (b) fulfilling the competency requirement in accordance with the terms of Subsection 15.6.1 and its subsections; and, (c) providing all necessary information to the Vice Chancellor of Human Resources by February 15.

The campus Personnel Office verifies minimum qualifications. A committee composed of the Academic Senate President, the Vice President of Instruction, and at least one faculty member with discipline expertise determines equivalency (to minimum qualifications). The Dean of the requested FSA area verifies and documents fulfillment of the competency criterion.

6. To be deemed valid, the granting of an equivalency or an FSA must follow (or have followed) the prescribed procedures respective to each.

Timelines

7. *Application for Additional FSA:* For the purposes of a RIF that would affect employment in 2012-2013, faculty are encouraged to complete all steps in the process as soon as possible and submit his/her request and completed documentation to the District Office of Human Resources by *February 15, 2012*.

Faculty should allow themselves generous time to complete their FSA application process by the February 15 deadline, including additional time if they are also applying for equivalency (to minimum qualifications) as part of their FSA application.

8. *Course FSA Reports:* Beginning in June, 2011, the Senates, FA, and the Vice Presidents of Instruction will work as a task force to review and update the Course FSA Lists, reconcile discrepancies, and identify any errors that need correction. Each College has its **Course FSA List** available online.
Foothill: <http://www.foothill.edu/senate/index.php>.
De Anza: http://www.deanza.edu/gov/academicsenate/courses_disci_fsa.html.

If you have questions, please call the FA office at 650 949-7544 or Human Resources at 650.949.6211. We understand the apprehension engendered by any potential job loss, and we ask your patience and understanding as we work through solutions to these difficult fiscal straits.