

## **ARTICLE 34. REDUCTION IN FORCE**

### **34A. Notification**

The District shall notify the Faculty Association before implementing any reduction in force. "Reduction in force" means termination or reduction of the employment of any Contract or Regular unit member because of a reduction or discontinuation of a particular kind of service or a decline in Average Daily Attendance pursuant to Education Code Sections 87743, 87744, 87745, and 87746.

### **34B. Notice to Faculty Association**

On or before February 1, the District shall provide the Faculty Association with the economic data, which includes enrollment related cost-revenue analysis supporting why the District believes a reduction in force is necessary.

1. In addition, on or before February 1, the District shall provide the Faculty Association with a list of potentially affected programs based on then-available information. This provision shall not be grievable nor shall it invalidate the reduction in force.

### **34C. Reassignment Provisions**

Before the initiation of any reduction in force proceedings, the District shall assign unit members who would otherwise be subject to layoff to any of the following if, in the judgment of the District, any of them are available:

1. Reassignment under provisions of [Article 22](#);
2. Transfer under provisions of [Article 13](#);
3. Multi-campus assignments;
4. Saturday assignments as part of the regular work week;
5. Day/evening assignments;
6. Evening assignments; or
7. Other duties beneficial to the District as determined by the District.

In addition, to avoid layoffs the District may, in consultation with the Faculty Association, offer reductions in contracts to any unit members who are willing to agree to such reductions.

### **34D. Notice to Affected Faculty**

Unit members subject to layoff in the event of a reduction in force shall be notified of such pursuant to the Education Code, and will be terminated in the inverse order in which they were employed as determined by the District according to applicable law.

### **34E. Faculty Reassignment**

#### **1. Procedures**

In the event of reduction in force proceedings, the District shall reassign Regular unit members in such a manner that they shall be retained to render service in any Faculty Service Area in which the unit member is both qualified and competent based on records maintained by the District pursuant to Education Code section 87743.4. In order to be retained to render service in a Faculty Service Area during a reduction in force, the unit member shall both:

- a. meet state minimum qualifications or possess a valid credential in the appropriate discipline; and
- b. ~~be competent in the applicable Faculty Service Area~~ meet District competency standards as defined in Article 22A.2.

#### **2. Competency**

- a. For the purposes of establishing ‘competence’ in a Faculty Service Area, ‘‘competent’’ shall have the meaning defined by the Education Code, Title V, and the California Community Colleges Chancellor’s Office and shall meet the definition as described in Section 34E.2c below.
- b. Furthermore, no Regular unit member shall be terminated while any Contract unit member or any other unit member with less seniority is retained to render a service for which that Regular unit member is both qualified in the appropriate discipline and competent in the applicable Faculty Service Area.
- c. A unit member shall be considered to be competent to serve in a Faculty Service Area if he or she meets the competency standards stated in Article 22A.2 of this Agreement.

### **34F. Notice of Termination**

The District shall furnish to the Faculty Association copies of all notifications of termination because of a reduction in force.

### **34G. Grievance or Hearing**

A unit member who has been notified that his or her employment may be reduced or terminated because of a reduction in force may either:

1. Initiate the grievance procedure under provisions of Article 7 if the unit member believes that the District has violated, misapplied, or misinterpreted the specific provisions of this Article (in which case the grievance shall be the exclusive means of reviewing the reduction or termination of employment); or
2. Request a hearing under Education Code Section 87740 (in which case the hearing shall be the exclusive means of reviewing the reduction or termination of employment).

If the unit member elects to file a grievance, the decision that results from that grievance shall be final and the unit member may not request a hearing under Education Code

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Section 87740. If the unit member elects instead to request a hearing under Education Code Section 87740, the decision that results from that hearing shall be final (unless appealed to the Superior Court), and the unit member may not allege a violation, misapplication, or misinterpretation of this Article by filing a grievance under Article 7 of this Agreement.

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