

California State University Northridge



Advanced Order of Assignment (Article 12.29 and 38.48 of the CBA)

Thursday, November 2, 2023

CBA Article 12, Appointment

Topics to be Covered:

- Refreshers of fundamentals
- Preference for Available Temporary Work/ Order of Assignment
- Substitutes
- Careful Consideration
- Pools
- Y3 Reviews
- 38.48 Provision (Department Re-employment List)

CBA Article 12, Appointment

Conditional vs. Unconditional

- All full-time employees shall not be appointed on a conditional basis (12.6).
- Less than full-time appointments are conditional. Typical conditions related to budget and enrollment (12.5).

Lecturer Entitlements



One-year Appointment (Y1)

If a Lecturer teaches two consecutive semesters (beginning with Fall) the faculty member is eligible for a one-year appointment. The unit entitlement is based on the prior academic year.

(Semester example: Fall and Spring or Spring* and State-Side Summer)

What factors into receiving a One-Year Appointment?

- ✓ Receives a satisfactory review and
- ✓ Is offered units the next fall term

Now the Lecturer becomes a one-year (Y1) appointee with a “similar assignment”, though there is no obligation to hire in that third semester.

Semester Campus Rule

Semester Campus Rule:

Must work 2 consecutive terms in prior academic year and only first 2 consecutive terms count in establishing entitlement. Fall is first term of the year.

Semester Campus Example:

Academic Year #1 Work Assignment				Academic year #2 1-year entitlement if appointed in Fall?		Does AY #1 Service Count Toward 6 Years required under 12.12?	
	Fall	Spring	State Side Summer				
1	9	6		1	1 year for 15 WTU's	1	Yes
2	9	6	3	2	1 year for 15 WTU's	2	Yes
3		6	3	3	1 year for 9 WTU's	3	Yes
4	9			4	no 1-year entitlement	4	Yes
5		6		5	no 1-year entitlement	5	Yes
6			3	6	no 1-year entitlement	6	No



Three-year Appointment Y3

New:

- The first three-year appointment and entitlement is determined by the WTUs assigned during the 6th year of consecutive employment (eligibility year).
- Cumulative Review of the six academic years (rated Satisfactory)

Renewed:

- A subsequent three-year appointment and entitlement is determined by the WTUs assigned during the last year of the prior three-year appointment (eligibility year).
- Cumulative Review of three academic years (rated Satisfactory)

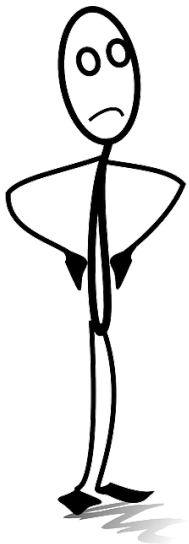
Noteworthy

- ✓ Entitlements apply to a single department on a single CSU campus
- ✓ Entitlement ≠ Guaranteed Units (Subject to budget and enrollment for part-time lecturers)
- ✓ Department's obligation is to offer units
- ✓ Declining of all offered units. Inquire on whether this is a resignation

What does declining units mean?

- SI
- Y1
- Y3
- 38.48 list

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Other Lecturer Appointments

Substitutes

- ✓ Less than 20 calendar days; Lecturers must be paid for class/contact hours taught.
- ✓ Tenure-Track Faculty cannot be paid for substitute work.
- ✓ CalPERS Restriction on workload-Rehired Annuitants (Lecturers)
 - ✓ Follow order of assignment- recent Arbitration

Emergency Hires

- ✓ After all faculty assignments have been made (including Teaching Associates) and there are no qualified and available lecturers in the pool
- ✓ Also check all lecturers in the department before offering to new lecturer. Order of assignment needs to be followed.



CBA Article 12, Appointment

Written Notification

“No one shall be deemed appointed in the absence of an official written notification from the President.” (12.1)

- Appointment Letter within 14 days
(Y3 from FA; Y1/S1 from Dept.)
- Beginning and ending date of appointment
- Classification
- Time base
- Salary
- Rank, when appropriate
- Employee status
- Assigned department
- Other conditions of employment

Preference for Available Temporary Work

Preference for Available Temporary Work

12.29 In the event that the department determines that a need exists to assign new or additional work to temporary faculty unit employees after the assignment needs of tenured and probationary faculty (including FERP, and PRTB faculty) have been satisfied, and after any work to be taught by administrators, teaching associates and other student employees, or volunteer faculty have been assigned, the work shall first be offered to qualified temporary faculty in the department who have performed satisfactorily, in the following order.

Preference for Available Temporary Work

Assignment Order at the Beginning of the Academic Year

1. First, offer work to three-year (Y3) full-time appointees.
2. Next, offer work to three-year (Y3), part-time appointees, up to their entitlement.
3. Next, offer work to individuals whose names appear on the department's 38.48 list (Internal department re-employment list).
4. Next, offer work to Visiting Faculty.
5. Next, give careful consideration to all part-time and full-time temporary faculty with no multi-year appointments (Y1 and S1) who were employed in the academic year prior to the year for which they are being considered (any order, any time base).

Preference for Available Temporary Work

6. If a decision is made not to reappoint temporary faculty in category 5, the work previously performed by these faculty shall be considered "new or additional" and should be assigned as follows.
- i. First, offer work to part-time temporary faculty unit employees holding a three-year appointment (Y3) up to and including a 1.0 time base.
 - ii. Next, offer work to part-time temporary faculty unit employees holding a one-year appointment (Y1) up to and including a 1.0 time base.
 - iii. Last, offer work to any other qualified candidate.

Preference for Available Temporary Work

Assignment Order During the Academic Year

(after the Fall term begins)

1. Offer work to Y3 full-time appointees.
2. Next, offer work to Y3 part-time appointees.
3. Next, offer work to faculty on the 38.48 list.
- 4. Next, offer work to continuing Y1 full-time appointees.**
- 5. Next, offer work to cont. Y1 part-time appointees up to entitlement.**
5. Next, offer work to Visiting Faculty.
6. Next, give careful consideration to all part-time and full-time temporary faculty with no appointments who were employed during the current or immediate past academic year (any order, any time base).

Preference for Available Temporary Work

7. If a decision is made not to reappoint temporary faculty in category 6, the work previously performed by these faculty shall be considered “new or additional” and should be assigned as follows.
- i. First, offer work to part-time temporary faculty unit employees holding three-year appointments (Y3) up to and including a 1.0 time base.
 - ii. Next, offer work to part-time temporary faculty unit employees holding one-year appointments (Y1) up to and including a 1.0 time base.
 - iii. Last, offer work to any other qualified candidate.

Order of Assignment

Article 12: Appointment (12.29a/12.29b)

1. Tenure-line Faculty (including FERP)

2. Administrators then Teaching Associates

3. Volunteer Faculty

4. Qualified Temporary Faculty (in pools)

First assign courses to: Tenured and Probationary Faculty (including FERPs), Administrators, Teaching Associates and other Academic Student Employees, and Volunteer Faculty then assign;	
Beginning of the Academic Year	During the Academic Year
3-year full-time appointees	3-year full-time appointees
3-year part-time appointees, up to "entitlement" Eligible for 3-year, on "recall" list	3-year part-time appointees Eligible for 3-year, on "recall" list
	Continuing 1-year full-time
	Continuing 1 year, part time
Visiting faculty	Visiting faculty
"Careful consideration" (note requirement for prior year faculty) part-time and full-time appointed in prior academic year	"Careful consideration"
New or additional work: 3-year part-time appointees, up to full-time (or 1-year part-time appointees who are demonstrably better qualified)	New or additional work: 3-year part-time appointees, up to full-time (or 1-year part-time appointees who are demonstrably better qualified)
New or additional work: One-year part-time appointees, up to full-time	New or additional work: One-year part-time appointees, up to full-time
New or additional work: All other qualified candidates	New or additional work: All other qualified candidates

Preference for Available Temporary Work

Order of Assignment

- What do you do if you are forced to cancel a class for a Y3, and this cancellation brings the Y3 below their entitlement?

Scenario 1: A Y1 or an S1 is scheduled to teach a section of the cancelled class at the same time.

Scenario 2: The cancellation occurs prior to the third class meeting.

Scenario 3: The cancellation occurs after the third class meeting.

- Can you make up the Y3's entitlement the next semester?
- Implications of state-supported summer

Preference for Available Temporary Work

- Question:

What do you do if you have not fulfilled the entitlements for all your Y3's and Y1's?

- Can you offer work to a new hire?
- Can you offer work to a 2nd semester S1?

Order of
Assignment
Careful
Consideration
& Evaluation
(Article 12.7
of CBA)

What is meant by “careful consideration?”

All applicants start on an equal basis based on Order of Assignment where seniority is not a criteria.

- 🕒 Looking at Previous Pool Log Rating
- 🕒 Review of Personnel Action File (PAF)
(Evaluation - Student and or Peer)

REMEMBER TO SIGN THE (PAF) LOG!

Which items are included in careful consideration? Yes or No?

- 1) Seniority**
- 2) Benefit eligibility**
- 3) Curriculum Vitae**
- 4) Rank (Lecturer A, B, etc.)**
- 5) Place of residence**
- 6) Class/time preference**
- 7) SEFs**
- 8) Items in the PAF file**

Preference for Available Temporary Work

Order of Assignment - Pools

Best Practices:

- Use pools to assign courses
 - Basis for determining what temporary faculty are qualified to teach for new appointment or subsequent appointment
 - Indicate temporary faculty status on the official pool log (e.g.: Y3, Y1, or S1)
- Notify Y1 candidates of the need to apply every year for consideration for next semester's or Academic year pools; Y3 candidates apply every 3 years.
- What if someone doesn't apply to the pool?

Preference for Available Temporary Work

Same or Similar Assignment

- If Bob has taught on Saturday mornings for 10 semesters, can you offer Bob courses on Friday mornings instead?
- Janet has consistently taught the introductory course every Fall for a long time. Can you change Janet's upcoming Fall assignment and not offer Janet the introductory course?
- Sally is employed elsewhere, which makes Sally unavailable to teach at CSUN before 6 pm. She has taught evenings at CSUN for years.
 - Can you offer Sally classes on weekdays before 6 pm?
 - Can you offer Sally classes on weekends?

Article 38.48

- Re-employment rights if:
 - At the end of a 3-year appointment, no work exists in the department
 - At the end of six years of 1-year appointments, no work exists in the department
 - If the time base of a Y3 is zero in year three
- 38.48 Decision made after Spring classes are assigned; send letter in Spring
- Notification by July 1 to the department

Article 38.48.g

- If an individual on the reemployment list declines two (2) offers of employment s/he will be considered to have waived any further employment rights under the terms of these provisions.

CBA Provision 38.48



CALIFORNIA
STATE UNIVERSITY
NORTHRIDGE

February, 2023

Professor Jane Doe
18111 Nordhoff Street
Northridge, CA 91330
Email: jane.doe@csun.edu

Dear Professor Doe,

According to Article 38.48 of the California Faculty Association Collective Bargaining Agreement, if at the end of a three-year appointment, no work exists in the department to support the subsequent appointment of the temporary faculty unit member (a.i.), or if the time base of a temporary employee is zero in the third year of the appointment (a.iii.), the employee is placed on a departmental list for the purpose of establishing reemployment rights. Since you did not teach during the last academic year (2022-2023) [OR since no work exists to support a subsequent appointment], you have been placed on the Accounting department list.

Please note that **no later than July 1** of each year during the period of time that you are on the list, you must inform the department chair in writing of your interest in and availability for employment. **Failure to notify the chair will result in the removal of your name from the list.** For more information on provision 38.48 of the contract, please see the Collective Bargaining Agreement which can be found online at a link on the Faculty Affairs webpage: <https://www.csun.edu/faculty-affairs/policies>. The direct link is: <https://www2.calstate.edu/csu-system/faculty-staff/labor-and-employee-relations/Documents/unit3-cfa/article38.pdf>.

We appreciate the service that you have provided for our students during the time that you have taught in our department.

Sincerely,

Chair, Accounting Department

Questions?

